

ENGINEERS REGISTRATION (AMENDMENT) ACT, 2013

No. 23



of 2013

ARRANGEMENT OF SECTIONS

SECTION

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An Act to amend the Engineers Registration Act.

Date of Assent: 04.10.2013.

Date of Commencement: ON NOTICE.

ENACTED by the Parliament of Botswana.

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| <p>1. This Act may be cited as the Engineers Registration (Amendment) Act, 2013, and shall come into operation on such date as the Minister may, by Order published in the <i>Gazette</i>, appoint.</p> | Short title and commencement |
| <p>2. The Engineers Registration Act (in this Act referred to as “the Act”), is amended by substituting for the definition of “registered engineer”, the following new definition —
““engineer” means a person registered under section 5 of the Act”;</p> | Amendment of section 2 of Cap. 61:06 |
| <p>3. Section 3 of the Act is amended in subsection (1), by substituting for the words “registered engineers”, the word “engineers”.</p> | Amendment of section 3 of the Act |
| <p>4. Section 4A is amended in subsection (2) (<i>d</i>), by substituting for the words “registered engineer”, the word “engineer”.</p> | Amendment of section 4A of the Act |
| <p>5. Section 5 of the Act is amended in subsection (2), by substituting for the word “person”, the word “engineer”.</p> | Amendment of section 5 of the Act |

Amendment
of section 8
of the Act

6. Section 8 of the Act is amended in subsection (1), by substituting for the words “registered engineer”, the word “engineer”.

Amendment
of section 10
of the Act

7. Section 10 of the Act is amended by substituting for the word “person” wherever it appears, the word “engineer”.

Amendment
of section 11
of the Act

8. Section 11 of the Act is amended by substituting for the word “person” wherever it appears, the word “engineer”.

Amendment
of section 12
of the Act

9. Section 12 of the Act is amended by substituting for the words “registered engineer” wherever they appear, the word “engineer”.

Amendment
of section 13
of the Act

10. Section 13 of the Act is amended in subsection (1), by substituting for the word “person”, the word “engineer”.

Amendment
of section 15
of the Act

11. Section 15 of the Act is amended —
(a) by substituting for subsection (1), the following new subsection —
“(1) An appeal to the High Court against a decision of the Board may —
(a) be brought by any person aggrieved by the decision of the Board to refuse to register his name; or
(b) be brought by an engineer aggrieved by the decision of the Board to suspend the registration of his name or to refuse to restore his name to the register.”; and
(b) in subsection (2), by substituting for the words “registered engineer”, the word “engineer”.

Amendment
of section 16
of the Act

12. Section 16 of the Act is amended by substituting for the words “person” and “registered engineer”, respectively, the word “engineer”.

Amendment
of section 17
of the Act

13. Section 17 of the Act is amended —
(a) in subsection (1), by substituting for the words “registered engineer”, the word “engineer”; and
(b) in subsection (2), by substituting for the word “person”, the word “engineer”.

Amendment
of section 19
of the Act

14. Section 19 of the Act is amended —
(a) by substituting for subsection (1), the following new subsection —
“(1) No person shall practice as an engineer in any year unless he is in possession of a practicing certificate for that year issued by the Board in such form as may be prescribed entitling him to practice in the capacity or capacities specified in the form.”;
(b) by inserting, immediately after subsection (1), the following new subsection —
“(1A) Notwithstanding the provisions of subsection (1), the Minister may, by Order published in the *Gazette*, exempt any person from holding a practising certificate, to the extent and during the period specified in the Order, if in the opinion of the Minister it is desirable in the interest of the public that such exemption be granted.”;

(c) by substituting for subsection (4), the following new subsection —
“(4) Every practising certificate issued shall expire at the end of 12 months from the date of issue:

Provided that where the name of any engineer is removed from the register, the practising certificate of that engineer shall expire forthwith.”; and

(d) in subsection (7), by substituting for the word “person”, the word “engineer”.

15. The Act is amended by substituting for section 20, the following new section —

“Regulations 20. (1) The Minister may, after consultation with the Board, make regulations generally for the better carrying out of the provisions of this Act and, without prejudice to the generality of the foregoing, any such regulations may provide for —

- (a) the conduct of the business of the Board and the procedure to be followed by the Board in any inquiry under this Act;
- (b) the duties of the Registrar;
- (c) the issue of certificates of registration;
- (d) the fees to be paid for anything which is to be, or may be, done under this Act;
- (e) the forms to be used under this Act;
- (f) the exemption of any persons or class of persons from all or any of the provisions of this Act, provided they comply with such conditions as may be prescribed; and
- (g) prescribing anything which under this Act is to be, or may be prescribed.

(2) Notwithstanding the provisions of subsection (1) (f), an exemption under this section shall not apply to the provisions relating to the registration of engineers.”.

16. The Schedule to the Act is amended in paragraph 13 —

- (a) by substituting for the word “person” appearing in subparagraph (2), the word “engineer”;
- (b) by substituting for subparagraph (3), the following new subparagraph —

“(3) Where a certificate of registration is delivered up under subparagraph (2) the Registrar shall —

- (a) in the case of suspension of registration, hold the certificate until the expiration of the period of suspension, and thereafter return it to the engineer concerned;
- (b) in the case of removal of a name from the register otherwise than on the death of the engineer concerned, cancel the certificate; or

Substitution
of section 20
of the Act

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of the
Schedule to
the Act

- (c) in the case of a deceased person, endorse the certificate with a note of the death, and thereafter return it to the person by whom it was delivered up.”; and
- (c) by substituting for the word “person” appearing in subparagraph (4), the word “engineer”.

PASSED by the National Assembly this 5th day of August, 2013.

BARBARA N. DITHAPO,
Clerk of the National Assembly.