



BELIZE

**PROFESSIONAL ENGINEERS (REGISTRATION) ACT
CHAPTER 326:03**

**REVISED EDITION 2011
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CHAPTER 326:03

PROFESSIONAL ENGINEERS (REGISTRATION)

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

Establishment of the Association

3. Establishment of the Association.
4. Body corporate.
5. Council of the Association.
6. Functions of the Council.
7. By-laws.
8. Staff of the Council.
9. Funds of the Association.
10. Accounts and audit.

PART III

Registration of Professional Engineers

11. Register.
12. Registration of existing professional engineers.

13. Registration of new professional engineers.
14. Certificate of registration.

PART IV

Miscellaneous

15. Prohibition on practice without a licence.
16. Association may institute legal proceedings.
17. Use of titles.
18. Removal of name from Register for failure to notify present address.
19. Offences and penalties.
20. General penalty provision.
21. Recovery of penalties.
22. Time limit for proceedings.
23. Association to be governed by its Constitution.
24. Regulations.
25. CARICOM Nationals.

Schedule — Constitution of the Association of
Professional Engineers of Belize.

CHAPTER 326:03

PROFESSIONAL ENGINEERS (REGISTRATION)

16 of 2001.
22 of 2004.
S.I. 75 of 2003.

[16th June, 2001]

PART I

Preliminary

- 1. This Act may be cited as the Professional Engineers (Registration) Act. Short title.
- 2. In this Act, unless the context otherwise requires, Interpretation.
 - “Association” means the Association of Professional Engineers of Belize;
 - “CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy; 22 of 2004.
 - “certificate of registration” means a certificate issued pursuant to section 14 of this Act;
 - “Constitution” means the Constitution of the Association;
 - “Council” means the Council established under section 5 of this Act;
 - “Council of Human and Social Development” means the body of the Caribbean Community empowered by Article 35 of the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy to establish standards and measures for accreditation or mutual recognition of diplomas, certificates and other evidence of qualification of nationals of CARICOM Member States; 22 of 2004.
 - “Engineer” means a person who holds a certificate of registration for the practice of engineering under section 14;

“Minister” means the Minister for the time being responsible for Works;

“Register” means the Register required to be kept by the Registrar under section 11 of this Act;

“Registrar” means the Registrar General.

PART II

Establishment of the Association

Establishment of the Association.

3. There is hereby established a body to be called “the Association of Professional Engineers of Belize”.

Body corporate.

4.-(1) The Association shall be a body corporate having perpetual succession and a common seal and, subject to the provisions of this Act, shall have power to acquire hold and dispose of movable and immovable property of whatever kind and to enter into contracts and do all things necessary for the fulfilment of its objectives.

(2) The Association may sue and be sued in its corporate name and shall for all purposes be described by that name.

(3) The seal of the Association shall be authenticated in the manner prescribed by the Association, and any document purporting to be sealed with the authenticated seal shall be receivable as evidence of the particulars stated in that document.

Council of the Association.

5. There is hereby established a Council of the Association, which shall be the governing body and board of directors of the Association and shall manage and administer its affairs.

6. The functions of the Council shall include,

Functions of the Council.

- (a) regulating the ethics, discipline, professional conduct and standards of professional engineering;
- (b) promoting the continuous educational development of professional engineers so as to increase their knowledge, skill and proficiency;
- (c) promoting and protecting the welfare and interests of the Association, professional engineers and of the profession of engineering;
- (d) forming committees of the Association and prescribing the powers and functions of such committees;
- (e) making provision for the training, education and examination of persons engaging or intending to engage in the practice of professional engineering;
- (f) advising and assisting, upon request and on such terms and conditions as may be mutually agreed upon, the Government of Belize, public statutory bodies, educational and charitable institutions, trade unions and businesses and other professional organizations on any question related to the practice of professional engineering;
- (g) promoting and fostering relations with other professional organisations in or out of Belize with similar objectives to those of the Association, and joining and subscribing to regional and international associations of professional engineers;
- (h) doing all other things necessary for the better administration of this Act.

- By laws.
- 7.** The Council may, with the approval of the members of the Association, from time to time, make By-laws governing,
- (a) the holding of annual or general and other special meetings of the Association;
 - (b) the quorum needed at meetings of the Association or the Council;
 - (c) the election of the officers of the Council including the President, Vice-President, Secretary and Treasurer, and the method of voting at that election;
 - (d) the constitution of committees of the Association and the procedures to be adopted by the committees;
 - (e) the manner in which members of the Council may resign;
 - (f) the use of the facilities of the Association by members of the Association, students and the public;
 - (g) the rights and privileges of members of the Association;
 - (h) the fees which may be charged by the Council in respect of any matter governed by this Act.

Staff of the Council

8. The Council may from time to time appoint such staff as shall be necessary for the purposes of this Act and may assign to such staff such duties as the Council may consider desirable for the purposes of this Act, and every person so appointed shall be removable at the pleasure of the Council, and shall be paid by the Council such salary, emoluments and benefits as the Council may think fit.

Funds of the Association.

9.-(1) The funds of the Association shall consist of,

- (a) fees imposed under any By-law made under this Act;

- (b) subventions, donations, benefactions, endowments or bequests given to the Association by any source, including regional and international organizations; and
- (c) all other sums which may in any manner become payable to the Association in respect of any matter incidental to its functions.

(2) The Association may receive gifts, donations or bequests of any property whatsoever, and may either retain the property for the use of the Association or dispose of the property and use the proceeds for the purpose of carrying out the provisions of this Act.

10.-(1) The Council shall establish policies to ensure that proper accounts are kept of all the Association’s financial transactions, assets, liabilities and a complete record of all other matters relating to finances.

Accounts and audit.

(2) The accounts of the Association shall be audited annually by an auditor appointed by the Council and approved by the membership of the Association.

PART III

Registration of Professional Engineers

11.-(1) The Registrar shall keep a Register of Professional Engineers (hereinafter referred to as “the Register”) in which he shall cause to be entered the name of every person required by section 12 or entitled under section 13(4) of this Act to be registered as a professional engineer together with the following particulars in relation to each such person,

Register.

- (a) his full address;
- (b) the date of his registration; and

(c) the description of his qualifications.

(2) The Register shall, at all reasonable times, be open to inspection at the Registrar's office without payment of a fee.

(3) A person whose name is included in the Register shall as and when any change occurs in his qualifications or address, inform the Council of such change.

(4) The Council, if satisfied about the change in qualifications, shall send the information so received to the Registrar for making necessary changes in the Register.

(5) A copy of the Register duly certified by the Registrar to be a correct copy shall be *prima facie* evidence that any person named in the Register is registered as a professional engineer in accordance with the provisions of this Act.

12. The Registrar shall, within three months after the commencement of this Act, cause to be entered in the Register, the particulars specified in section 11(1)(a), (b) and (c) of this Act, of all those persons who immediately before such commencement were practicing as professional engineers in Belize, without payment of a fee, and pending such entry, such persons shall be deemed to be professional engineers within the meaning of this Act.

13.—(1) For the purposes of this Act, there shall be appointed annually by the Council,

(a) a Board of Professional Engineering Education (hereinafter referred to as “the Board”) constituted in accordance with Regulations which may be made by the Council for this purpose; and

(b) a Committee (hereinafter referred to as “the Admission Committee”) constituted in accordance with Regulations which may be made by the Council for this purpose.

Registration of existing professional engineers.

Registration of new professional engineers.

- (2) It shall be the duty of the Board to recommend to the Council,
- (a) the recognition of any examinations in professional engineering the passing of which ought, in the opinion of the Board, to qualify persons for registration under this Act;
 - (b) the holding of any examination in professional engineering which ought, in the opinion of the Board, to be passed by applicants for registration under this Act,

and to hold examinations in professional engineering in accordance with this Act and any Regulations made under this Act.

(3) It shall be the duty of the Admission Committee to consider every application for registration under this Act and to report to the Council whether or not the applicant is, in the opinion of the Committee, fit and qualified for registration as a professional engineer.

(4) Any person who, after the commencement of this Act, applies to the Admission Committee in the prescribed manner to be registered as a professional engineer and who satisfies that Committee that he is,

- (a) qualified to be so registered;
- (b) of good character; and
- (c) physically and mentally fit to practice professional engineering in Belize,

shall be entitled, on payment of the prescribed fee, to be registered as a professional engineer and to be elected to the membership of the Association.

(5) A person is qualified to be registered as a professional engineer under subsection (4)(a) of this section if he holds a diploma, degree, fellowship, membership licence, certificate, or other status or form of

recognition or registration granted by a University, College or Board empowered to confer authority to practice professional engineering by the law of the country or place where such diploma, degree, fellowship, membership, licence, certificate or other status is granted and which in the opinion of the Board is evidence of satisfactory professional engineering training.

- (6) An applicant for registration shall furnish to the Committee,
- (a) evidence of his professional qualifications and experience;
 - (b) proof of his identity;
 - (c) proof of current registration, if applicable; and
 - (d) such other information as the Committee may require.

(7) The Council shall cause a written notice of its decision on any application for registration under this section to be served on the applicant within the prescribed period after the date of the decision.

(8) Where the Board recommends to the Council the recognition of any diploma, degree, fellowship, membership, licence, certificate or other status under subsection (5) of this section, the Council shall recognise that qualification for the purposes of section 13(4)(a) or subsection (4)(a) of this section.

14.—(1) If the Admission Committee recommends to the Council that an applicant is fit and qualified to be registered as a professional engineer, the Council shall, after receiving the prescribed registration fee from the applicant, authorise the Registrar in writing to enter the name of the applicant in the Register, and the Registrar shall as soon as possible enter the name of the applicant in the Register and furnish the applicant with a certificate of registration in the prescribed form for professional engineering.

Certificate of registration.

(2) Every person registered as a professional engineer under this Act shall be entitled to practice professional engineering in Belize and to demand and recover reasonable charge for services rendered by him as a professional engineer.

(3) A certificate of registration shall expire on the 31st of December in each year.

PART IV

Miscellaneous

15.-(1) No person shall engage in the practice of professional engineering or hold himself out as a professional engineer unless that person is registered under this Act.

Prohibition on practice without a licence.

(2) For the purpose of this section, proof of the performance of one act in the practice of professional engineering on one occasion is sufficient to establish that the person was engaging in the practice of professional engineering.

16. The Association may in its own name, by any officer of the Council or any other person duly authorised in that behalf under the hand of its President, institute, carry on, prosecute and defend any actions, complaint, information or proceedings whatever, and every court shall take judicial notice of the signature of the President of the Council to any such authorisation.

Association may institute legal proceedings

17. Any registered person shall be entitled to take and use the name or title of "Registered Professional Engineer" but no person shall practice under any name, title or style containing the words "Registered Professional Engineer" unless he is registered under this Act, and any unregistered person who so practices or wilfully pretends to be a registered professional engineer, or takes or uses the name or title of a registered professional engineer or any name, title, style or description implying that he is a registered person, shall on summary conviction be liable to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding one year.

Use of titles.

Removal of name from Register for failure to notify present address

18. For the purpose of maintaining the Register, the Council may at any time by notice in writing addressed to the last known address of any professional engineer as reflected in the Register, inquire if such professional engineer has changed his regular business address, and if no answer shall be received within six months from the sending of such notice, the Council shall again send to the professional engineer a further notice by post as a registered letter, and if no answer shall be received within three months from the sending of the further notice, it shall be lawful for the Council to recommend to the Registrar that he removes the name of the professional engineer from the Register.

Offences and penalties.

19.—(1) Any person who procures or attempts to procure registration as a professional engineer for himself or any other person by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years.

(2) Any person who, during a period when his registration as a professional engineer under this Act is suspended, or who, not being registered as a professional engineer, practices professional engineering or any branch of professional engineering, or acts as a partner to any professional engineer commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years.

General penalty provision

20. Every person who contravenes any provision of this Act for which no other penalty is provided shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years.

Recovery of penalties.

21. All penalties and fees imposed by or pursuant to this Act may be recovered in a summary way by complaint.

Time limit for proceedings

22. Any proceedings under this Act may be instituted within twelve month after the offence is committed, or within twelve months after the discovery of the offence, whichever is the later period.

23. The Association shall be governed by its Constitution set out in the Schedule to this Act which Schedule shall be read and construed as an integral part of this Act.

Association to be governed by its Constitution.

24.-(1) The Council may, after consultation with the members of the Association and with the approval of the Minister, make Regulations generally for giving effect to the purposes and provisions of this Act and in particular, but without prejudice to the generality of the foregoing, may make Regulations,

Regulations.

- (a) prescribing any other requirements or criteria which shall be prerequisites for registration;
- (b) prescribing the form of the Register and any notice or document required to be given or made under this Act;
- (c) prescribing the level of fees payable under this Act;
- (d) requiring the making of returns of information by members of the Association in respect of names, addresses, telephone numbers, professional partners, employees and areas of professional activity;
- (e) requiring professional engineers to keep books and records of business transactions;
- (f) prescribing a code of ethics for professional engineers;
- (g) prescribing the type of buildings which shall only be constructed after having been supervised by a professional engineer registered under this Act;

- (h) prescribing any other matter or thing which may be, or is required by this Act to be prescribed.

(2) Regulations made under this section may provide that any person who contravenes the Regulations shall be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding two years, or to both such fine and period of imprisonment.

CARICOM Na-
tionals.
22 of 2004.

25.—(1) The Board shall, in making a recommendation to the Council under section 13(2)(a) of this Act, recognise any qualification recognised and approve by the Council for Human and Social Development, and the other holder of such qualification shall not submit to the examination referred to in section 13(2)(b) of this Act,

(2) A person who is a national of a CARICOM Member State is qualify to be registered as a professional engineer under section 13(4)(a) of this Act if,

- (a) the person possesses the qualifications set out in section 13(5) of this Act; or
- (b) the person possesses qualifications recognised and approved by the Council for Human and Social Development.

SCHEDULE

PROFESSIONAL ENGINEERS
(REGISTRATION) ACT
Constitution of the Association of
Professional Engineers of Belize
(Section 23)

ARTICLE I

Name of Association

The name of the association shall be the Association of Professional Engineers of Belize.

ARTICLE II

Objectives of the Association

The objects and purposes for which the Association of Professional Engineers of Belize (hereinafter called “the Association”) is hereby constituted are,

- (i) to promote and encourage the general advancement of the professions of Professional Engineers and Allied Professions (hereinafter called “the professions”);
- (ii) to facilitate the exchange of information and ideas among the members of the Association;
- (iii) to provide a means of evaluating the development of professional skills among members of the professions and to provide professional status to those members of

the professions who have exemplified themselves as worthy of such status in accordance with the terms and conditions laid down by this Constitution and its By-laws;

- (iv) to regulate the conduct of members of the Association such as to encourage the application of the highest standards of excellence in the performance of services and in the ethics of the professions;
- (v) to implement standards in the practice of the professions and instill a conscious recognition of the professions' obligation to society;
- (vi) to seek, for the protection and benefit of society, legislation for mandatory registration of engineers to practice in Belize.

ARTICLE III

Membership

Subject to the provisions of the Act, membership in the Association shall be open to qualified professional engineers. The membership of the Association shall consist of,

- (a) Honorary Members;
- (b) Corporate Members;
- (c) Associate Members;

(d) Affiliate Members; and

(e) Student Members.

(a) **Honorary Members.** Honorary Members shall comprise every person who has been elected into the class of Honorary Member so long as his name is on the Register as such. They shall be either distinguished persons who from their position have been or are able to render assistance in the execution of public works or persons eminent in science and experienced in pursuits connected with the professions but who are not engaged in the practice of the professions.

(b) **Corporate Members.** Every candidate for election or transfer to the class of Corporate Member shall be a person, who in the opinion of the Council, has by his achievements acquired an established reputation and whose admission as a Corporate Member will be in the interest of the Association.

In addition he shall either,

(a) (i) hold a degree, diploma or an equivalent award in Professional Engineering or an allied Profession, from a University or place of learning at which the syllabus for the particular field is approved by the Board; and

(ii) have at least four years practical experience after graduation of a nature acceptable to the Council, under the guidance and supervision of a Corporate Member, or a Corporate Member of a like society of international repute, who is prepared to vouch for the experience gained; or

(b) be a Corporate Member of a Society similarly constituted which is approved by the Council and has had practical experience in Belize for a period of not less than two years.

(c) **Associate Members.** Every candidate for election to the class of Associate Member shall be a person whose admission will, in the opinion of the Council, be in the interest of the Association. In addition, he shall hold a degree, diploma or equivalent award in Professional Engineering or an allied Profession from a University or place of learning at which the syllabus for the particular field is approved by the Board.

(d) **Affiliate Members.** Every candidate for election to the class of Affiliate Member shall be a person whose admission will, in the opinion of the Council, be in the interest of the Association and who has attained a position in his special pursuit qualifying him to cooperate with other members in the advancement of professional knowledge and practice.

In addition, he shall either,

(a) hold a degree, diploma, or equivalent award in Professional Engineering, or allied Professions, and shall have a desire to be actively associated with the Association; or

(b) if he does not possess the academic qualification, he shall be more than thirty years of age, and shall have held a position of responsibility related to the profession represented for a period of not less than ten years.

(e) **Student Members.** Every candidate for the election to the class of Student Member shall be a person who, at the time of his application, shall be actively pursuing a course of studies leading to an academic qualification acceptable to the Board. No person shall remain in this grade for more than 10 years.

ARTICLE IV

Admission, Expulsion and Retirement

1. Candidates shall be admitted to membership in the Association only by the Council. A candidate elected shall be admitted as a Corporate Member, Associate Member, Affiliate Member or Student Member, as the case may be, on payment of such entrance fee or installment and annual subscription as the By-laws may prescribe. Should payment of such dues not be made within the period of three calendar months after the date of notification to the candidate of his election, such election may be declared null and void by the Council and the candidate shall be notified accordingly.
2. The Council in accordance with the By-laws may expel any member who shall have willfully acted in contravention of the By-laws and/or Code of Professional Conduct of the Association, or who, in the opinion of the Council, shall have been guilty of such conduct as shall render him unfit to continue to belong to the Association, and he shall thereupon cease to be an Honorary Member, Corporate Member, Associate Member, Affiliate Member or Student Member (as the case may be) of the Association.
3. Any member of any class may retire from the Association by sending his resignation in writing to the Secretary, after payment of all subscriptions due from him, including for that current year.

ARTICLE V

Fees and Dues

An entrance fee in an amount determined by the Council for the class of membership to which the candidate is elected shall be due and payable as of the date of election to that class. The schedules of entrance fees and annual dues shall be established, and when established may be modified by a two-thirds favourable vote of the Council. The schedule of fees and dues shall be set forth in the By-laws.

ARTICLE VI

Nomination and Election of Officers

1. The officers of the Association shall be a President, Vice-President, Secretary and Treasurer.
2. The Council shall consist of the President, Vice-President, Secretary, Treasurer and two other members. All members of the Council shall be Corporate Members.
3. The term of office of all elected officers shall be two years and the conditions of eligibility for re-election to the same office or any other office shall be as specified in the By-laws. A term of office shall begin at the close of the Annual General Meeting at which the Officer's election is announced and shall continue until a successor is elected.
4. Vacancies in the offices of President, Vice-President, Secretary, Treasurer and Members of Council shall, subject to the provisions of the By-laws, be filled annually by a ballot of members of the Association.
5. In the case of disability of any other officer of the Association, or neglect in performance of his duties, the Council shall have power to declare the office vacant.

ARTICLE VII

Management

1. The Council shall direct and manage the property and affairs of the Association in accordance with the Regulations and the By-laws of the Association and may exercise all such powers of the Association except those required to be exercised by the Association in General Meeting.
2. The detailed management of the affairs of the Association shall be exercised by the Secretary acting as general manager under authority of the Council.

ARTICLE VIII

Meetings

1. General Meetings of the Association shall be held at such places and at such times as the Council may appoint.
2. The meetings of the Association shall be as follows,
 - (a) Ordinary Meetings for the reading and discussion of papers, for lectures and discussions, and for visits to works of interest;
 - (b) the Annual General Meetings;
 - (c) Special General Meetings.
3. All members shall be entitled to vote at the meetings specified in paragraph 2 of this Article, and each voting member shall have one vote.
4. In addition to the Ordinary Meetings specified by paragraph 2 (a), the Council may at their discretion arrange for other meetings to be held for the dissemination of knowledge by means of lectures or cinematograph, slide show or other pictorial representations, or for the discussion of papers; and the Council shall determine the conditions of admission to such meetings, and the manner in which they shall be conducted.
5. The Ordinary Meetings of the Association shall be conducted as prescribed by the Council from time to time and the Council shall determine the conditions of admission to such meetings.
6. At the Ordinary Meetings no question shall be discussed or motion made, relating to the direction and management of the Association.
7. Every member of any class shall have the privilege of introducing one or more visitors at each Ordinary Meeting of the Association, by writing his or their names in the book provided for that purpose.

8. The Annual General Meeting shall be held in the month of June or at such earlier time as the Council may determine. The business of the Annual General Meeting shall be to receive and consider the Report of the Council and the Accounts of the Association for the past year; to elect officers, and (with the approval of the Council) to transact any other business of which notice in writing shall have been given to the Secretary at least seven days before such meeting.

9. A Special General Meeting may be called at any time by the Council for any specific purpose relating to the direction and management of the affairs of the Association for amending the Constitution or any Bylaws of the Association and the Council shall at all times call such meeting on a requisition of five members specifying the nature of the business to be transacted.

ARTICLE IX

Organization

1. In pursuance of the objects of the Association, the Council may at their discretion set up one or more committees of the Association as they may specify, for the holding of meetings, the reading of papers and for the discussion of subjects or for other activities falling within the purview of the Association, and the Council may dissolve any such committee at any time.

2. The Council may form such Branches and/or Divisions as may seem to them necessary in order to meet the needs of groups of members. The continuance of such Branches and/or Divisions and the terms of their relationship with the Council, and the rules under which they operate, shall be as the Council may determine under the By-laws.

ARTICLE X

Amendments

1. A proposed amendment to the Constitution shall be submitted to the Secretary in written petitions signed by not less than five members of the Association. Counterparts of petitions may be signed and presented with the same effect as if the signature were on one petition.

2. Petitions for a proposed amendment shall be presented to the Secretary not less than twenty-eight days in advance of the date of the Annual General Meeting or Special General Meeting. A proposed amendment in accordance with the intent of the petitions shall be drafted by the Secretary and sent by letter to the members of the Association at least fourteen days in advance of the Annual General Meeting or Special General Meeting. The proposed amendment shall be presented for discussion at the Annual General Meeting or Special General Meeting and may be amended in any manner pertinent to the petitions by two-thirds vote,

Provided that, if the meeting shall so decide by majority vote, it may refer the proposed amendment to a committee for further consideration and a report at the next Annual General Meeting or Special General Meeting.

3. In a similar manner amendments to the By-laws of the Association may be proposed but only at the Special General Meeting convened for that purpose. Such amendments shall only be regarded as approved by the Association, if two-thirds or more of the members present in person or by proxy at such Special General Meeting vote in favour of such amendment.

ARTICLE XI

Incorporation of Kindred Societies

The Council may, upon receipt of a request to the effect, from any Society with objects kindred to those of the Association, arrange for the union, alliance or incorporation of such Society with the Association and may also remit or reduce the entrance fees of the members of such Society at the time of their union, alliance or incorporation,

Provided that no such union, alliance or incorporation shall be effective unless it is sanctioned by a Special General Meeting.