ISSN 0856-034X

Supplement No. 5 *29th January, 2010*

SUBSIDIARY LEGISLATION

to the Gazette of the United Republic of Tanzania No. 5 Vol. 91 dated 29th January, 2009

Printed by the Government Printer Dar es Salaam by order of Government

GOVERNMENT NOTICE No. 25 published on 29/01/2010

THE ENGINEERS REGISTRATION BY-LAWS 2010
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THE ENGINEERS REGISTRATION ACT

CAP 63

BY-LAWS

Made under section 34

THE ENGINEERS REGISTRATION BY-LAWS 2010

PART I
PRELIMINARY PROVISIONS

Citation

1. These By-laws may be cited as the Engineers Registration By-laws, 2010.

Interpretation

2. In these By-laws, unless the context otherwise requires-

"academic award" means any certificate, diploma, degree in engineering and others which is recognised by the Board for registration;

"bridging course" means a course which complements the basic qualification in the form of post-graduate course in engineering to the extent deemed sufficient to that of an engineering degree or its equivalent.

"continuing professional development" means systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties throughout one's working life;

"examination" means professional training report, professional interview or Professional Examination or a combination thereof;

"professional award" means any certificate issued by engineering professional body which is recognised by the Board as furnishing sufficient guarantee of professional experience in engineering;

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"Professional Development Unit" means a unit of measure for effort invested in continuing professional development;

"Structured Continuing Professional Development Activity" means a course or activity that has a specific objective and measurable outcome and has been accredited as such by the Board;

"structured training" means a mentored activity with a defined content, method and duration accredited by the Board that involves systematic improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties;

"Unstructured Continuing Professional Development Activity" means an activity that involves self-directed learning, reading, discussion, participation in a learning activity that is approved by the Board;

"unstructured training" means a mentored activity without a defined content, method and duration approved by the Board that involves improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties;

Objects and functions of the Board

3. For the purpose of these By-laws, the objects and functions of the Board shall be-

(a) awarding professional training and awards;
(b) administering professional examinations;
(c) prescribing fees; and
(d) reconciliation and arbitration.

PART II

PROFESSIONAL TRAINING AND AWARDS

Engineering training

4. For the purpose of training, the Board shall-

(a) set and review the minimum content of engineering training;
(b) set the mechanism to audit the content delivery of engineering training;
(c) certify the academic awards;
(d) develop special engineering training programmes;
(e) accredit continuing professional development training programmes; and
(f) carry out any other related training activity.

Academic engineering training

5.-(1) Pursuant to the provisions of section 10 of the Act, the Board shall recognise the following academic qualifications as sufficing the requirements for registration -

(a) academic engineering training deemed fit to lead to registration as engineering technician, graduate incorporated engineer or graduate engineer; that fulfil the following minimum exit level outcomes-

(i) problem solving;

(ii) application of scientific, research and engineering knowledge;

(iii) engineering design;

(iv) investigations, experiments; data analysis and report writing;

(v) engineering methods, skills and tools, including information technology and entrepreneurship;

(vi) professional and technical communication;

(vii) impact of engineering activities on the social, industrial and physical environment;

(viii) individual, team and multidisciplinary working;

(ix) independent learning ability; and

(x) engineering Professionalism.

(b) academic programmes which are engineering related or deemed to have engineering content but not adequate for registration, which have bridging courses.

(2) Subject to sub-paragraph (1) (b), the Board shall give guidelines on the contents and duration of engineering programmes necessary to meet the requirements for registration.

Professional Engineering Training

6. The Board shall recognise the following professional engineering training modes as detailed in the respective manuals-

(a) structured training-

(i) apprenticeship programme;

(ii) field attachments;

(iii) professional training approved by the Board.

(b) unstructured training-

(i) activities under continuing professional development

programmes;

(ii) field work;

(iii) professional training recognised by the Board.

Professional Accreditation Standards

7.-(1) The Board shall collaborate with Tanzania Commission for Universities and other relevant institutions on standards and professional accreditation criteria to be used for accrediting engineering programmes offered by institutions.

(2) Subject to sub-paragraph (1) and as provided in the training manual, accreditation criteria shall include, but not limited to-

(a) academic and professional qualifications of teaching staff;

(b) training facilities and infrastructure;

(c) adequacy of professional contents and requirements in curricula; and

(d) training duration.

(3) Subject to sub-paragraph (1), all relevant programmes offered by Engineering Training Institutions shall be accredited and reviewed by the Board once every five years.

(4) The Board shall determine the accreditation category of each academic engineering programme.

(5) The Board may at any time, audit and review accreditation status of the programmes offered by engineering training institutions.

(6) The Board may withdraw the professional accreditation status of the programmes offered by engineering training institutions which have failed to maintain the standards set by the Board.

Evaluation of awards and submission

8.-(1) The Board shall evaluate the following awards from professional engineering applicants:

(a) certificates from institutions and programmes accredited by relevant academic accreditation boards;

(b) foreign awards recognised by academic accreditation bodies in country of origin;

(c) certificates from institutions offering engineering training programmes to compliment the engineering training type under paragraph 4 (1) (b);

(2) An applicant shall for the purpose of evaluation of awards submit -

(a) original certificates and academic transcripts;

(b) evidence in terms of programme handbook or courses' outlines or curriculum; and

(c) proof of payment of evaluation fee.

Methods and tools of evaluation

9.-(1) Evaluation of the awards shall be undertaken by the Board using methods and tools of evaluation set by the Board.

(2) The outcome of the evaluation as provided by the Board shall determine requirements of the academic engineering training achieved by the applicant as provided under paragraph 4.

(3) The results of evaluation shall be communicated to the applicant within ninety days from the date of application.

Review of the decision

10.-(1) The Board may review the decision of the evaluation made under paragraph 7 upon request by the applicant.

(2) The decision of the Board in respect to evaluation of the awards shall be final.

Specialized content in engineering field

11.-(1) An engineering professional short course shall have a specialised content in one of the engineering fields as recognized by the Board.

(2) Any engineering professional short course of specialized content in one of the engineering fields which is recognised as contributing to continuing professional development shall be as provided in the continuing professional development manual.

(3) The Board shall register and accredit all professional engineering short courses and allocate professional development units.

Objectives of the CPD Programmes

12. The objectives of the continuing professional development programmes shall be to-

(a) reinforce the need for life-long learning among engineers

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through continuing professional development;

(b) provide a framework through which practicing engineers can systematically maintain and enhance their professional competence;

(c) assist practicing engineers to increase capacity for learning so as to be more capable, confident and adaptable when faced with change; and

(d) encourage practicing engineers to broaden knowledge, skills and experience in order to improve work performance and enhance career prospects.

Key subject areas

13. The key subject areas or topics of continuing professional development shall include, but not limited to, the following-

(a) engineering knowledge in relevant disciplines;
(b) emerging and new technologies;
(c) technical skills;
(d) creativity, adaptation and innovation;
(e) communication skills;
(f) management;
(g) marketing and business development; and
(h) relevant knowledge in associated professional areas.

Management of continuing professional development

14.-(1) The Board shall conduct continuing professional development programmes for all practising engineers as a key strategy for enhancing professional competence and competitiveness of both engineers and engineering firms.

(2) The continuing professional development programme shall also apply to engineering technicians as specified in program implementation document established by the Board.

Enhancement of professional competence

15.-(1) Every engineer shall commit himself to the process of lifelong learning in order to maintain update and enhance professional competence on a continuous basis by participating in structured and non-structured continuing professional development programmes.

(2) Every practicing engineer shall obtain a minimum of thirty professional development units in every calendar year which shall comprise a minimum of twenty professional development units in

structured activities and the remainder may be obtained from either structured or unstructured activities as shall be determined by the Board annually.

(3) Where an Engineer exceeds the annual requirement of thirty professional development units in the year under review, a maximum of fifteen excess professional development units obtained from structured activities may be carried forward into the following year.

(4) An engineer who has not obtained sufficient professional development units in the year under review shall allowed to carry over the shortfall into the following year, provided that he has accumulated a minimum of seventy professional development units in the past three consecutive years.

Lapse of registration

16.-(1) Where an engineer fails to meet the prescribed professional development units requirements or has not submitted his returns for three consecutive years, the board shall lapse his registration.

(2) An engineer whose registration has lapsed under this paragraph shall be required to obtain sixty professional development units within one year before he can be reinstated.

(3) These sixty professional development units shall comprise at least forty professional development units obtained from structured activities.

Exemption from continuing professional development requirements

17. An engineer may be exempted from continuing professional development requirements if he experiences disabilities, prolonged illness or other extenuating circumstances which prevent him from practicing.

Log book for engineer

18.-(1) There shall be a continuing professional development logbook for every engineer to enter the continuing professional development activities and their durations.

(2) All Engineers shall submit to the board continuing professional development logbooks annually, not later than three months following the end of the calendar year under review for assessment.

Random audit of engineers

19. The Board shall conduct random audit of engineers at any time of the year to verify their continuing professional development participation during particular periods.

Documentary evidence

20.-(1) An engineer may be required to submit documentary evidence at any time within two years from the date of submission of the Personal development record.

(2) Without prejudice to sub-paragraph (1), the engineer shall be required to retain the documentary evidence for at least two years from the date of submitting the returns.

(3) The Board may conduct random checks during annual audits, and identify engineers who shall be required to submit documentary evidence of their continuing professional development participation.

(4) The documentary evidence may consist of any of the following but not limited to-

(a) diary records or logbook showing the activities claimed;
(b) course enrolment records;
(c) receipts of course fees;
(d) certificate of attendance;
(e) attendance list from course organizer;
(f) employer's report or certification; or
(g) statutory declaration.

Self-assessment

21. Every practicing engineer shall plan and assess own participation in continuing professional development activities on a self-regulatory basis and maintain a development action plan in the format described in continuing professional development personal development form as prescribed by the Board.

Submission of personal development records

22.-(1) Every engineer shall submit personal development record annually to the Board, not later than three months following the end of

the calendar year under review.

(2) Subject to sub-paragraph (1) annual record shall be prepared in a manner that clearly demonstrates how the engineer fulfilled the prescribed requirements of the Board's continuing professional development programme.

Review

23.-(1) The Board shall review the engineer's participation in continuing professional development activities once every three years.

(2) Subject to sub-paragraph (1), such review shall assess compliance with submission of annual returns and attainment of the prescribed minimum professional development units of the board's continuing professional development programme.

De-registration and reinstatement of deregistered engineers

24.-(1) Where an engineer fails to meet the prescribed Professional Development Unit requirements for three consecutive years, his registration shall be lapsed.

(2) The provision of sub-paragraph (1) shall apply to an engineer who, for whatever reasons, has not submitted his continuing professional development returns for a period of three consecutive years,

(3) An engineer whose registration has lapsed under this paragraph shall be required to obtain sixty professional development Units within one year, before being reinstated

Recommended continuing professional development activities

25.-(1) The Board shall recognize the following structured activities as contributing to the professional development of practicing engineers as prescribed by the Board from time to time-

(a) relevant postgraduate degree, diploma or certificate courses;

(b) dectures, short courses, conferences, symposia, workshops and seminars on technical, management or professional development matters relevant to engineers;

(c) in-house courses on technical, management and professional development matters relevant to engineers;

(d) conducting accredited courses, lectures, seminars, conferences, symposia and workshops;

(e) writing or editing technical articles or papers published in reputable journals, conference proceedings or books; and

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(f) registering an engineering patent.

(2) The Board shall recognize unstructured activities as contributing to the professional development of practicing engineers as prescribed by the Board and may include but not limited to the following-

(a) membership of professional societies, boards, and technical committees;

(b) reading relevant technical or management literature;

(c) viewing training videos, CD ROMs and television programmes, listening to training tapes, or taking distance and open learning courses;

(d) attending informal in-house training and presentations;

(e) conducting informal in-house training and presentations;

(f) attending organized technical site visits and exhibitions;

attending professional and technical courses which are not accredited.

Administration of structured engineers apprenticeship programme

26.-(1) The Board shall administer a structured engineers apprenticeship programme to graduate incorporated engineers and graduate engineers.

(2) The Structured engineers apprenticeship program shall be administered in accordance to rules and regulations and other provisions as provided for in the structured engineers apprenticeship programme implementation document.

Objectives of structured engineers apprenticeship program

27. The objective of structured engineers apprenticeship program is to enable graduate incorporated engineers and graduate engineers acquire sufficient professional competence to be able to register as incorporated engineers or professional engineers after a period of three years as stipulated in the act.

Rules and regulations

28. The structured engineers apprenticeship program shall be administered in accordance to rules and regulations and other provisions as provided for in the structured engineers apprenticeship programme implementation document.

PART III
PROFESSIONAL EXAMINATIONS

Examinations

29.-(1) The Board shall administer-

(a) Level I examinations for the professional competence for graduate incorporated engineers for registration as incorporated engineers;

(b) Level II examinations for professional competence leading to registration as Professional Engineers to-

(i) graduate engineers;

(ii) incorporated engineers who have undergone a bridging course.

(2) The Board shall administer examinations in different disciplines of engineering and in accordance with the requirements as prescribed in the examinations guidelines.

(3) For Professional Training Report, the candidate shall be evaluated based on criteria as provided in the Registration Manual.

Mode of examinations

30.-(1) The mode of examinations shall be in the form of-

(a) written examination for level I or

(b) detailed professional training report as may be determined by the Board or

(c) professional interview.

(2) The Board may refer any applicant to do additional practical training.

Eligibility for examinations

31.-(1) An applicant wishing to sit for Level I Examinations shall satisfy the following conditions-

(a) hold national technical award Level VII or equivalent considered by the Board as not equivalent to the first engineering degree of a University or Institution recognised by the Board or;

(b) hold a degree in engineering related fields affiliated fields with inadequate engineering content and;

(c) have been engaged in engineering works for not less than three

G. N. No. 25 (contd.)

years;

(d) have paid necessary examination fees set by the Board;

(e) be a registered graduate incorporated engineer.

(2) An applicant wishing to undergo Level II Examination which shall be in the form of written report, an interview or both, shall satisfy the following conditions-

(a) be a graduate engineer who has a minimum of three years post registration experience or;

(b) be an incorporated engineer who has a minimum of two years post registration experience and has undergone and passed a bridging course whose award is recognised by the Board.

Application fee

32.-(1) A candidate wishing to sit for the examinations shall apply to the Board by completing the application form as specified in the Training Manual to these By-laws upon payment of application and registration fees prescribed by the Board.

(2) Except for reasons approved by the Board, the application and the fees paid to sit for the examinations shall be valid only for the scheduled examinations applied for.

(3) Subject to sub-paragraph (2), a candidate who does not appear for the examinations applied for, shall be required to make a fresh application.

Examination procedures and general information

33.-(1) Every report forming part of examinations shall be written in English.

(2) Professional interviews shall be conducted in English.

(3) During professional interviews, all original certificates, design drawings, design calculations and any other relevant documentation shall be presented.

Examination fees

34.-(1) Every eligible candidate shall pay a non refundable examination fee to be determined by the Board.

(2) The Board shall prescribe fees for application, registration, and any other fees related to professional examinations.

Information for examination

35.-(1) Information on the date, time and venue of the examinations shall be given to the candidates not later than four weeks before the examinations.

(2) The Board shall inform the candidates on the results within ninety days after the examination.

Cheating in examination

36. A candidate found to be cheating shall be disqualified and disciplinary action taken against him as may be determined by the Board.

Decision of the Board

37.-(1) The Board shall make a decision on examination results.

(2) The Board may review its decision on examination results upon appeal by the applicant.

(3) The Board's decision after the appeal shall be final and binding-

PART IV
GENERAL PROVISIONS

Fees to be Charged

38.-(1) Subject to Engineers Registration Regulations the fees to be charged by Board shall be prescribed in the First Schedule to these By-Laws.

(2) The following fees shall be charged by the Board-

(i) professional fees;
(ii) fees for admission to any course offered by the Board;
(iii) fees payable by the candidate for any professional interview or examination held or conducted by the Board;
(iv) fees payable by applicant on application;
(v) fees payable by applicant on registration;
(vi) fees payable by applicant on issuance of renewal certificate of registration;
(vii) fees payable by applicant for rubber stamp;
(viii) fees payable by engineers, engineering consulting firms and engineering technicians annually;
(ix) fees payable by engineering consulting firms for stickers;

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and site instructions books;

(x) fees payable on extract, copies and lists of entries from register;

(xi) fees for meetings /conferences/seminars organised by the Board;

(xii) fees payable for any other services rendered by the Board.

Engineers or engineering consulting firms to charge fees

39. The engineers or engineering consulting firms shall charge fees for engineering services rendered as specified in the Second Schedule to these By-Laws.

Reconciliation and arbitration

40.-(1) The Board shall reconcile parties in dispute and conduct arbitration for parties under dispute whose contracts or agreements stipulate that the Board shall arbitrate their cases.

(2) The Board shall prepare alternative dispute resolution rules.

Revocation of GN. 363 of 2009

41. The Engineers Registration By-Laws, 2009 are hereby revoked.

FIRST SCHEDULE

(Made under paragraph 38)

BOARD FEES

A REGISTRATION FEES (TSHS) -- ENGINEERS AND ENGINEERING CONSULTING FIRMS – LOCAL

CATEGORY OF REGISTRATION	APPLICATION FEE	REGISTRATION FEE	RUBBER STAMP FEE	ANNUAL SUBSCRIPTION FEE
Engineering Technician	5,000.00	10,000.00		10,000.00
Graduate Incorporated Engineer	5,000.00	10,000.00		10,000.00
Graduate Engineer	5,000.00	10,000.00		10,000.00
Incorporated Engineer	20,000.00	20,000.00		30,000.00
Professional Engineer	20,000.00	40,000.00	30,000.00	40,000.00
Consulting Engineer	50,000.00	100,000.00	50,000.00	150,000.00

Independent Consultant	60,000.00	120,000 00	100,000.00	175,000.00
Consulting Firm	150,000.00	300,000.00	120,000.00	400,000.00

B. REGISTRATION FEES (USD) - ENGINEERS AND ENGINEERING CONSULTING FIRMS - FOREIGN

CATEGORY OF REGISTRATION	APPLICATION FEE	REGISTRATION FEE	RUBBER STAMP FEE	ANNUAL SUBSCRIPTION FEE
Temporary Professional Engineer	200 00	425.00	100.00	300.00
Temporary Consulting Engineer	200.00	550.00	100 00	500.00
Engineering Consulting Firm	1,500.00	10,000.00	100 00	5,000.00

NB. Fees for renewal of certificate of registration for Temporary Professional Engineers and Temporary Consulting Engineers shall be USD 50 0

C: REGISTRATION FEES (USD) FOREIGN ENGINEER/FIRM -

CATEGORY OF REGISTRATION	APPLICATION FEE
Temporary Professional Engineer	200.00
Temporary Consulting Engineer	200.00
Engineering Consulting Firm	1,500.00

D: OTHER FEES

S/N	TYPE OF CHARGED FEE	%tage
1	Examination form Application fee	
2	Examination Registration fee	
3	Examination fee	
4	Search fee for 1-5 Engineers	
5	Search fee between 5 and 100 Engineers	

SPECIFIC PROJECT (Period less than 1 year)

REGISTRATION FEE	RUBBER STAMP FEE	ANNUAL SUBSCRIPTION FEE
350	50	300.00
500.00	50	400.00
5,000 00	100	4,000.00

AMOUNT CHARGEABLE
TSHS
25.000
100.000
10.000
20,000

	6	Search fee for more than 100 Engineers
	7	Design and supervision fees (Building Projects)
	a)	Contract Value less than 1m up to 5m
	b)	Contract value more than 5m up to 10m
	c)	Contract value more than 10m
	8	Design and supervision fees (Engineering projects)
	a)	Contract Value Less than 10m.
	b)	Contract value between 10m-50m
	c)	Contract value between 50m-100m
	d)	Contract value above 100m

G. N. No. 25 (contd.)

	50,000
	100,000
	150,000
	500,000
	100,000
	500,000
	750,000
	1,000,000

SECOND SCHEDULE

(Made under paragraph 39)

SCALE OF FEES AND CONDITIONS OF ENGAGEMENT

A: FORM OF AGREEMENT BETWEEN CLIENT AND CONSULTING ENGINEER FOR PROFESSIONAL ENGINEERING SERVICES

CONTRACT OF AGREEMENT made this ..... day of ..... 200 .....

BETWEEN .....

of .....

.....

(hereinafter called "The Client") of the one part.

AND..... of .....

.....

(hereinafter called "The Consulting Engineer") of the other part.

WHEREAS the Client has considered and approved the appointment of the Consulting Engineer to provide professional services in connection with

.....

.....

.....

(referred to in this Agreement as the Project or Works)

NOW IT IS HEREBY AGREED as follows.

1. The Client agrees to engage the Consulting Engineer to provide the professional services as described in this Agreement and the Consulting Engineer agrees to provide such Services.

2. This Agreement comprises this Form of Agreement together with the following

G. N. No. 25 (contd.)

documents which shall be deemed to form and be read and construed as part of this Agreement.

(1) Conditions of Engagement for Professional Engineering Services

(2) Appendix A: Services of the Consulting Engineer

(3) Appemdix B . Remuneratopm amd Payment of the Consulting Engineer

3. In consideration of the payment to be made by the Client to the Consulting Engineer as hereinafter mentioned the Consulting Engineer hereby agrees to perform the Services in conformity with the provisions of this Agreement.

4. The Client hereby agrees to pay the Consulting Engineer in consideration of the performance of the Services such amounts as may become payable under the provisions of this Agreement at the times and in the manner prescribed by the Agreement.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed the day, month and year first before written in accordance with the laws of the United Republic of Tanzania.

FOR AND ON BEHALF OF THE CLIENT

Signature _____

Name _____

Designation _____

In the presence of

Name _____

Designation _____

Signature _____

Address _____

_____

FOR AND ON BEHALF OF THE CONSULTING ENGINEER

Signature _____

Name _____

Designation _____

In the presence of

Name _____

Designation _____

Signature _____

Address _____

G. N. No. 25 (contd.)

B: SCALE OF FEES

Table 1 – Rates of Payment on Time-Basis

POSITION	RATES IN (US $)		
	HOURLY	DAILY	MONTHLY
Level A - (Specialist)	120-150	600-750	12,000-15,000
Level B – (Principal)	90-120	450-600	9,000-12,000
Level C – (Senior Engineer)	75-90	375-450	7,500–9,000
Level D – (Engineer)	60-75	300-375	6,000–7,500
Level E – (Graduate Engineer)	45-60	225-300	4,500–6,000
Level F – (Senior Technician)	30-45	150-225	3,000–4,500
Level G – (Technician)	20-30	100-150	2,000–3,000
Level H – (Technical Assistant)	15-20	75-100	1,500–2,000

Table 2: Percentage charges on the basis of cost of works for Civil, Electrical, Mechanical, Engineering Systems and ICT

Cost of Works in USD	Fee as % of Cost of Works	
	Minimum	Maximum
250,000 and below	10.00	10.00
500,000	9.10	9.75
1,000,000	7.60	8.75
2,000,000	6.70	7.75
3,000,00	6.10	7.10
4,000,000	5.70	6.60
5,000,000	5.40	6.20
6,000,000	5.15	5.90
8,000,000	4.75	5.50
10,000,000	4.60	5.20
15,000,000	4.55	5.10
20,000,000	4.50	5.05
25,000,000 and above	4.45	5.00

G. N. No. 25 (contd.)

Table 3: Percentage Charges on the Basis of Cost of Project for Engineering Fields in Buildings

SERVICE	% CHARGE ON COST OF PROJECT
CIVIL	0.5% to 1.0%
STRUCTURAL	3.0% to 4.5%
ELECTRICAL	1.5% to 2.0%
MECHANICAL	1.5% to 2.0%
ENGINEERING SYSTEMS	0.5% to 1.0%

Table 4: Stages of Payment of Fees

Item	Stage of Work	Fee Payable
1	Design Stage I (Preliminary & Sketch Design)	30%
2	Design Stage II (Detailed Design)	40%
3	Tender Stage	5%
4	Construction Stage/Installation	25%

Reimbursable Expenses

Apart from the fees shown in the above tables, the consulting engineer is entitled to the reimbursable expenses properly incurred in connection with:

a) Printing reproduction and purchase of all documents, drawings, maps records and photographs
b) Communication (fax, telephone calls, e-mails, etc)
c) Postage and similar delivery charges
d) Traveling, hotel expenses and other similar disbursements
e) Advertising for tenders and site staff

NB: Details are available in the Scale of Fees and Conditions of Engagement Document

Dar es Salaam,
....., 2009

NINATUBU MBORA LEMA,
Chairman

GOVERNMENT NOTICE No. 26 published on 29/01/2010

THE EXCISE (MANAGEMENT AND TARIFF) ACT,
(CAP. 147)

ORDER

(Made under section 146)

THE EXCISE (MANAGEMENT AND TARIFF) (REMISSION) (MBEYA URBAN WATER SUPPLY AND SANITATION PROJECT-PHASE II) (SOGEA-SATOM LIMITED) ORDER, 2009

Citation

1. This Order may be cited as the Excise (management and Tariff) (Remission) (Sogea-Satom Limited) (Mbeya Urban Water Supply and Sanitation Project-Phase II) Order, 2009 and shall be deemed to have come into operation on the 15th day of September, 2009.

Remission

2. Subject to the conditions specified in paragraph 3 of this Order, the whole of the excise duty payable fuel specified in the Schedule to this Order imported or purchased prior to clearance through customs by or on behalf of Sogea-Satom Limited to be used solely in Mbeya Urban Water Supply and Sanitation Project-Phase II is hereby remitted.

Conditions

3. The remission granted under this Order shall cease to have effect and the excise duty shall become due and be payable as if this Order had not been made if the said fuel is used for other purposes or sold or disposed of in any way to another person not entitled to enjoy similar privileges as are conferred under this Order.

Expiry

4. This Order shall expire on the 31st day of December, 2009.

SCHEDULE

S/N	*Description*	*Unit*	*Quantity*
1.	Diesel	Litre	881,700

Dar es Salaam,
31st December, 2009

HON. MUSTAFA H. MKULO (MP.),
Minister for Finance and Economic Affairs

GOVERNMENT NOTICE No. 27 published on 29/01/2010

THE ROAD AND FUEL TOLLS ACT,
(CAP. 220)

ORDER

(Made under section 8)

THE ROAD AND FUEL TOLLS (EXEMPTION) (MBEYA URBAN WATER SUPPLY AND SANITATION PROJECT-PHASE II) (SOGEA-SATOM LIMITED) ORDER, 2009

Citation

1. This Order may be cited as the Road and Fuel Tolls (Exemption) (Sogea-Satom Limited) (Mbeya Urban Water Supply and Sanitation Project-Phase II) Order, 2009 and shall be deemed to have come into operation on the 15th day of September, 2009.

Exemption

2. Subject to the conditions specified in paragraph 3 of this Order, the whole of the road and fuel tolls on the diesel specified in the Schedule to this Order imported or purchased prior to clearance through customs by or on behalf of Sogea-Satom Limited to be used solely in Mbeya Urban Water Supply and Sanitation Project-Phase II is hereby exempted.

Conditions

3. The exemption granted under this Order shall cease to have effect and the road fuel tolls shall become due and be payable as if this Order had not been made if the said fuel is used for other purposes or sold or disposed of in any way to another person not entitled to enjoy similar privileges as are conferred under this Order.

Expiry

4. This Order shall expire on the 31st day of December, 2009.

SCHEDULE

S/N	*Description*	*Unit*	*Quantity*
1.	Diesel	Litre	881,700

Dar es Salaam,
31st December, 2009

HON. MUSTAFA H. MKULO (MP.),
Minister for Finance and Economic Affairs

GOVERNMENT NOTICE No. 28 published on 29/01/2010

THE INCOME TAX ACT
(CAP. 332)

ORDER

Made under section 125

THE WITHHOLDING TAX (REMISSION) (SCHEDULED PERSONS) ORDER, 2009

Citation

1. This Order may be cited as the Withholding Tax (Remission) (Scheduled Persons) Order, 2009 and shall be deemed to have come into operation on the 15th day of August, 2007.

Remission

2. The withholding tax amounting to shillings one hundred ninety one million eighty hundred twelve thousand and three hundred fifty two and two cents only (191,812,352.02) liable for payment by scheduled persons specified in the schedule to this Order accruing during implementation of the Local Government Reform Programme is hereby remitted.

Expiry

3. This Order shall expire immediately after the Tanzania Revenue Authority has refunded the Scheduled Persons the amount of Tanzania Shillings remitted by this Order.

SCHEDULE

SCHEDULED PERSONS

1. UPIMAC Consultancy Services	TShs. 157,128,587.96
2. Duke University	TShs. 34,683,764.06

Dar es Salaam,
31st December, 2009

HON. MUSTAFA H. MKULO (MP.),
Minister for Finance and Economic Affairs

GOVERNMENT NOTICE No. 29 published on 29/01/2010

THE ROAD AND FUEL TOLLS ACT
(CAP. 220)

ORDER

(Made under section 8)

THE ROAD AND FUEL TOLLS (EXEMPTION) (M/S KONOIKE CONSTRUCTION COMPANY LIMITED) ORDER, 2009

Citation

1. This Order may be cited as the Road and Fuel Tolls (Exemption) (M/S Konoike Construction Company Limited) Order, 2009 and shall be deemed to have come into operation on 1st day of April, 2009.

Exemption

2. Subject to the conditions specified in paragraph 3 of this Order, the whole of the road and fuel tolls payable on the fuel and lubricants specified in the Schedule to this Order imported or purchased prior to clearance through customs by or on behalf of M/S Konoike Construction Company Limited to be used solely for the execution of the project for Water Supply development around the Dar es Salaam and Coast Region Areas-Phase II is hereby exempted.

Condition

3. The exemption granted under this Order shall cease to have effect and the road fuel tolls shall become due and be payable as if this Order had not been made if the said fuel and lubricants are used for other purposes or sold or disposed of in any way to another person not entitled to enjoy similar privileges as are conferred under this Order.

Expiry

4. This Order shall expire on the 15th March, 2010.

SCHEDULE

S/N	*Description*	*Unit*	*Quantity*
1.	Diesel	Litre	350,000
2.	Petroleum	Litre	50,000

Dar es Salaam,
31st December, 2009

HON. MUSTAFA H. MKULO (MP.),
Minister for Finance and Economic Affairs

GOVERNMENT NOTICE No. 30 published on 29/01/2010

THE EXCISE (MANAGEMENT AND TARIFF) ACT
(CAP. 147)

ORDER

(Made under section 146)

THE EXCISE (MANAGEMENT AND TARIFF) (REMISSION) (M/S KONOIKE CONSTRUCTION COMPANY LIMITED) ORDER, 2009

Citation

1. This Order may be cited as the Excise (Management and Tariff) (Remission) (M/S Konoike Construction Company Limited) Order, 2009 and shall be deemed to have come into operation on 1st day of April, 2009.

Remission

2. Subject to the conditions specified in paragraph 3 of this Order, the whole of the excise duty payable on the fuel and lubricants specified in the Schedule to this Order imported or purchased prior to clearance through customs by or on behalf of M/S Konoike Construction Company Limited to be used solely for the execution of the project for Water Supply Development around the Dar es Salaam and Coast Region Areas-Phase II is hereby remitted.

Condition

3. The remission granted under this Order shall cease to have effect and the excise duty shall become due and be payable as if this Order had not been made if the said fuel and lubricants are used for other purposes or sold or disposed of in any way to another person not entitled to enjoy similar privileges as are conferred under this Order.

Expiry

4. This Order shall expire on the 15th March, 2010.

SCHEDULE

S/N	*Description*	*Unit*	*Quantity*
1.	Diesel	Litre	350,000
2.	Petroleum	Litre	50,000

Dar es Salaam,
31st December, 2009

HON. MUSTAFA H. MKULO (MP.),
Minister for Finance and Economic Affairs

GOVERNMENT NOTICE No. 31 published on 29/1/2010

THE ROAD AND FUEL TOLLS ACT

(CAP 220)

ORDER

(Made under section 8)

THE ROAD AND FUEL TOLLS (EXEMPTION) (CONSULTING SERVICES FOR PROGRAMME COORDINATION AND TECHNICAL ASSISTANCE TO DAWASA, DAWASCO AND MORUWASA) (UWP CONSULTING LIMITED) ORDER, 2010

Citation

1. This Order may be cited as the Road and Fuel Tolls (Exemption) (Consulting Services for Programme Coordination and Technical Assistance to DAWASA, DAWASCO, and MORUWASA) (UWP Consulting Limited) Order, 2010 and shall be deemed to have come in to operation on the 22nd day of June, 2009.

Exemption

2. Subject to the conditions specified in paragraph 3 of this Order, the whole of the road and fuel tolls payable on the fuel and lubricants specified in the Schedule to this Order imported or purchased prior to clearance through customs by or on behalf of UWP Consulting Limited to be used solely in the Consulting Services for Programme Coordination and Technical Assistance to DAWASA, DAWASCO and MORUWASA, and for Construction Supervision Services for the Non-Revenue Water Activity is here by exempted.

Conditions

3. The exemption granted under this Order shall cease to have effect and the road and fuel tolls shall become due and be payable as if this Order had not been made if the said fuel and lubricants are used for other purposes or sold or disposed of in any way to another person not entitled to enjoy similar privileges as are conferred under this Order.

Expiry

4. This Order shall expire on the 6th day of November, 2010.

SCHEDULE

S/N	*Description*	*Unit*	*Quantity*
1.	Diesel/Petrol	Litre	113,000
2.	Lubricants	Litre	200
3.	Engine Oil	Litre	1000

Dar es Salaam.
21st January, 2010.

HON. MUSTAFA H. MKULO (MP.)
Minister for Finance and Economic Affairs

GOVERNMENT NOTICE No. 32 published on 29/1/2010

THE EXCISE (MANAGEMENT AND TARIFF) ACT,

(CAP 147)

ORDER

(Made under section 146)

THE EXCISE (MANAGEMENT AND TARRIF) (REMISSION) CONSULTING SERVICES FOR PROGRAMME COORDINATION AND TECHNICAL ASSISTANCE TO DAWASA, DAWASCO AND MORUWASA) (UWP CONSULTING LIMITED) ORDER, 2010

Citation

1. This Order may be cited as Excise (Management and Tariff) (Remission) (Consulting services for Programme Coordination and Technical Assistance to DAWASA, DAWASCO, and MORUWASA) (UWP Consulting Limited) Order, 2010 and shall be deemed to have come into operation on the 22nd day of June, 2009.

Remission

2. Subject to the conditions specified in paragraph 3 of this Order, the whole of the excise duty payable on the fuel and lubricants specified in the Schedule to this Order imported or purchased prior to clearance through customs by or on behalf of UWP Consulting Limited to be used

G.N. No.32 (contd.)

solely in the Consulting Services for Programme Coordination and Technical Assistance to DAWASA, DAWASCO and MORUWASA, and for Construction Supervision Services for the Non-Revenue Water Activity is here by remitted.

Conditions

3. The exemption granted under this Order shall cease to have effect and the excise duty shall become due and be payable as if this Order had not been made if the said fuel and lubricants are used for other purposes or sold or disposed of in any way to another person not entitled to enjoy similar privileges as are conferred under this Order.

Expiry

4. This Order shall expire on the 6th day of November, 2010.

SCHEDULE

S/N	*Description*	*Unit*	*Quantity*
1.	Diesel/Petrol	Litre	113,000
2.	Lubricants	Litre	200
3.	Engine Oil	Litre	1000

Dar es Salaam,
21st January, 2010.

HON. MUSTAFA H. MKULO (MP.)
Minister for Finance and Economic Affairs

GOVERNMENT NOTICE No. 33 published on 29/01/2010

THE EXCISE (MANAGEMENT AND TARIFF) ACT
(CAP. 147)

ORDER

(Made under section 146)

THE EXCISE (MANAGEMENT AND TARIFF) (REMISSION) (EXPANSION OF THE LOWER RUVU WATER TREATMENT PLANT AND REHABILITATION OF THE MOROGORO WATER SUPPLY SYSTEM) (SMEC INTERNATIONAL LIMITED) ORDER, 2010

Citation

1. This Order may be cited as the Excise (Management and Tariff) (Remission) (Expansion of the Lower Ruvu Water Treatment Plant and Rehabilitation of the Morogoro Water Supply System) (SMEC International Limited) Order, 2010 and shall be deemed to have come into operation on the 25th day of June, 2009.

Remission

2. Subject to the conditions specified in paragraph 3 of this Order, the whole of the excise duty payable on the fuel and lubricants specified in the Schedule to this Order imported or purchased prior to clearance through customs by or on behalf of SMEC International Limted to be used solely in the Consulting Services for the preparation of Feasibility and Environmental Reports on the Expansion of the Lower Ruvu Water Treatment Plant and Rehabilitation of the Morogoro Water Supply System is hereby remitted.

Condition

3. The remission granted under this Order shall cease to have effect and the excise duty shall become due and be payable as if this Order had not been made if the said fuel and lubricants are used for other purposes or sold or disposed of in any way to another person not entitled to enjoy similar privileges as are conferred under this Order.

Expiry

4. This Order shall expire on the 25th day of February, 2010.

SCHEDULE

S/N	*Description*	*Unit*	*Quantity*
1.	Diesel	Litre	9000
2.	Engine Oil	Litre	300
3.	Petrol	Litre	8000

Dar es Salaam,
21st January, 2010

HON. MUSTAFA H. MKULO (MP.)
Minister for Finance and Economic Affairs

GOVERNMENT NOTICE No. 34 published on 29/01/2010

THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA, 1977
(CAP. 2)

INSTRUMENT

Made under Article 45 (1) (d))

Cap. 2 Whereas Article 45(1) (d) of the Constitution of the United Republic of Tanzania, 1977, empowers the President of the United Republic of Tanzania to remit the whole or any part of any punishment imposed on any person for any offence.

AND WHEREAS the President of the United Republic of Tanzania is minded to grant remission for certain categories of prisoners.

AND WHEREAS I, JAKAYA MRISHO KIKWETE, the President of the United Republic of Tanzania, being satisfied that there are sifficient reasons to warrant the exercise of powers vested in me under Article 45(1) (d) of the Constitution in respect of prisoners held for various offences and now serving the sentence of imprisonment in different prisons.

NOW THEREFORE, in exercise of the said powers conferred on the President by Article 45 (1) (d) of the Constitution of the United Republic of Tanzania, I do hereby order as follows:-

Citation 1. This Instrument may be cited as the Constitution (Grant of Remission) Order, 2009 and shall come into operation on the 9th day of December, 2009 hereinafter referred to as the effective date.

Remission of sentence 2. Subject to paragraph 3 of this Instruments, the remainder of the sentence of:-

(i) any prisoner serving a term of imprisonment which does not exceed five years, and who has, immediately before the effective date, already served one quarter or more of his term of imprisonment;

(ii) any prisoner who has been certified by the appropriate Regional or District Medical Officer as suffering from terminal diseases such as AIDS, TB or Cancer;

(iii) any prisoner who has been certified by the appropriate Regional or District Medical Officer as being of or above the age of seventy years;

(iv) any woman prisoner who is pregnant or is breast feeding;

(v) any prisoner who has been certified by the appropriate Regional or District Medical Officer as being physically or mentally permanently incapacitated;

is hereby remitted.

Restrictions on the remission

3. The remission granted under paragraph 2 of this Instrument shall not apply to any prisoner who, before the effective date:–

(i) was convicted and sentenced to death;

(ii) was convicted and sentenced to life imprisonment;

(iii) was convicted and sentenced for the offence of trafficking in dangerous drugs such as cocaine, heroine, bhangi etc.;

(iv) was convicted and sentenced for corruption (soliciting and accepting bribery);

(v) was convicted and sentenced for armed robbery or robbery with violence;

(vi) was convicted and sentenced for being in unlawful possession of firearms or ammunition;

(vii) was convicted and sentenced for defilement, rape and unnatural offences;

(viii) was convicted and sentenced for car theft by using firearms;

(ix) was convicted and sentenced for the offence of impregnating a primary school girl and who committed the offence at the age of eighteen years or above.

(x) was convicted and sentenced for the offence of tempering with infrastructure or installations used for purposes of transportation, communication or telecommunication services or any kind of offence relating to disruption of electrical distribution system such as stealling of electrical fittings, accessories and transformer coolants;

(xi) is serving the sentence of imprisonment for the second time or more;

(xii) was granted remission by the President and is still in prison serving the remaining term of imprisonment;

(xiii) is serving the sentence on Parole or under Community Service Programme;

(xiv) escaped or attempted to escape from prison or any lawful custody who is currently serving the sentence.

The State House,
Dar es Salaam,
07th December, 2009

HON. JAKAYA MRISHO KIKWETE,
President

GOVERNMENT NOTICE No. 35 published on 29/1/2010

THE ENGINEERS REGISTRATION REGULATIONS, 2010

ARRANGEMENT OF REGULATIONS

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SCHEDULE

GN. No. 35 (contd.)

THE ENGINEERS REGISTRATION ACT

(CAP. 63)

REGULATIONS

Made under section 33

THE ENGINEERS REGISTRATION REGULATIONS, 2010

PART I

PRELIMINARY PROVISIONS

Citation

1. These regulations may be cited as the Engineers Registration Regulations, 2010 and shall come into operation on the date of publication.

Interpretation

Cap.63

2. In these Regulations unless the context requires otherwise–
"Act" means the Engineers Registration Act.
"foreign engineer" means a person who is an engineer but is not a citizen of Tanzania.

PART II

GENERAL PROVISIONS

Application for registration

3.–(1) An application for registration shall-

(a) be made in English and all translation of certificates and certifications shall be done by competent authorities;

(b) state the qualifications upon which the application is based and accompanied by certified copies of such certificates or other documents as are necessary to support those qualifications;

(c) be accompanied by the appropriate non-refundable fee as may be prescribed by the Board.

(2) The Board may at its discretion require original certificates or documents for authentication.

(3) An application for registration made under the Act shall be in the forms as prescribed by the Board and shall be accompanied by the fees prescribed under the Engineers Registration (Fees) By-laws.

Registration process

4. The process of registration shall be provided by the Board and defined in the registration manual for each registration category.

Determination of application for registration

5.-(1) An application for registration received by the Board shall be processed in accordance with the rules set by the Board.

(2) Applications which have not fulfilled the prerequisites of the Board shall be come null and void after one year from the date lodged.

(3) Subject to sub regulation (2) any applicant intending to be reconsidered shall submit fresh application.

(4) All applications for registration which fulfil the prerequisites shall be decided upon by the Board within four months from the date of meeting the prerequisites.

(5) The Board may require an applicant for registration to furnish such further information or evidence of eligibility for registration as it may think fit, and may require the applicant to attend in person before the Board or sub-committee.

(6) The Board may reject the application of any person who fails to comply with a requirement made under these Regulations.

(7) The decision of the Board in relation to an application for registration shall be final and shall be communicated to the applicant by the Registrar using the address on the application form within fourteen working days from the date of the Board's decision.

Documents to accompany application for registration

6. For the purpose of registration, the applicant shall submit documents as prescribed by the Board.

Application for renewal of temporary registration

7.–(1) Where a registration of a temporary registered engineer expires, the engineer shall be eligible for renewal of his registration upon submission to the Board an employment contract and filling a renewal application Form as prescribed by the Board and payment of the required fees.

(2) Where the temporary registered engineer leaves the country for more than three consecutive years shall be required to make fresh application in a prescribed Form and payment of the required fees upon his return.

(3) Subject to sub regulation (1) and (2), the applicant shall be re-registered if it is proved by the Board that he has maintained a good standing as an engineer and payment of the required fees upon his return.

(4) The evaluation of the application for renewal, shall be done as provided for in the registration manual.

Recognition of engineering training Institutions

8. The Board shall recognise professional institutions of engineers and engineering training institutions assessed to be furnishing sufficient guarantee of academic knowledge and practical competence in engineering.

Payment of annual fees

9.–(1) Every engineer registered under the Act and these Regulations shall be required to pay annual fee to the Board of such amount as the Board may prescribe and such fee shall be due on 1st January of each Calendar year.

(2) A person or firm whose application for registration has been approved after September 30th of a calendar year, shall pay an annual fee calculated as appropriate for that year of registration.

(3) Where, by the end of April of each calendar year any person who fails to pay annual fee for the current year, a penalty of 5% shall be imposed to the outstanding amount for every calendar month remains unpaid.

(4) Failure to pay the annual fee in arrears for more than two years shall cause the Board to delete the name from the Register.

GN. No. 35 (contd.)

Notice for payment of annual fee

10. The Board shall issue a notice for payment of annual fees to engineers in all categories, firms and technicians for the following year, three months before the end of calendar year.

Registration Fee and failure to pay

11.–(1) A person whose registration has been approved by the Board and communication has been made using the indicated address on the application form shall have to pay the registration fees and other related fees as per the communication from the Board.

(2) A person who fails to pay the registration fees and related fees within the period of two months from the date of notification shall be treated as if he has withdrawn the application.

(3) Subject to sub regulation (2), no subsequent application shall be considered before the expiry of six months from the date of which the previous application was approved unless, that person pays the fee and a fine of fifty percent of the current registration fee.

(4) Notwithstanding the provisions of sub regulation (3) the Board may consider an application before the expiry of the period of six months if it is satisfied that failure to pay the registration fee in respect of the approval was for sufficient cause or reasons.

Exemption from payment of annual fees

12. Upon application to the Board an Engineer or Technician aged above sixty years or who is in ill-health may be exempted from paying annual fees.

Publication of names of registered and deleted Engineers and revoked practicing certificates

13.–(1) The Board shall as soon as practicable after the first day of January in each year publish in the Gazette and other Newspapers with wide circulation the names of all registered or deleted engineers in the previous year.

(2) The Board shall as soon as practicable publish the names of all registered and deleted engineers and revoked practicing certificates after each approval of the Board.

Engineer's official rubber stamp its use and fees

14.–(1) The Board shall, issue an official rubber stamp to every Professional and Consulting Engineer registered under the Act and these Regulations, for use when approving or certifying engineering documents

such as design calculations, drawings, technical reports and for other similar documents.

(2) A certification given by a Professional Engineer shall, in addition to his signature and date, have the engineer's rubber stamp affixed.

(3) An approval given by a Consulting Engineer shall, in addition to his signature and date, have the engineer's rubber stamp affixed.

(4) A Professional or Consulting Engineer to whom an official rubber stamp is to be issued shall be required to pay a fee of such amount as the Board may prescribe.

(5) Subject to sub regulations (2) and (3) failure to use rubber stamps issued by the Board constitutes an offence and on conviction shall be liable to a fine as may be determined by the Board.

(6) An official rubber stamp issued to a person with temporary registration shall be valid for the period of registration and such validity shall be inscribed on the stamp.

Application for re-registration

15. Every person wishing to be re-registered as an engineer or technician under the Act and these Regulations shall make an application to the Board in appropriate application form upon fulfilment of conditions set by the Board.

Registration in a lower category

16.–(1) Every person applying for registration in a particular category and not registered for not meeting the requirements for the category applied for, may, after notification by the Board and if so qualifies, be registered in a lower category.

(2) Subject to sub regulation (1) if a person agrees to apply for registration in a lower category, he shall be required to fill the relevant application form.

Registration Identity or Certificate

17.–(1) Any person registered under the Act and these Regulations shall be issued with an identity or certificate as prescribed by the Board.

(2) The registration certificates shall be duly signed and sealed with the common seal of the Board.

(3) A registration certificate for an individual shall have the photograph of the bearer.

Failure to comply with Regulations

18. The Board shall not consider the application of any person who fails to comply with any requirement made under these Regulations.

Registration of foreign engineers and engineering firms

19. All foreign engineers or firms shall register with the Board before starting engineering operations in Tanzania.

Engineering job positions

20. All engineering job positions shall be occupied by registered engineers in relevant categories.

Practicing certificates

21.–(1) The Professional Engineer, Consulting Engineer and Consulting Firm shall be required to possess Practising Certificates issued by the Board in addition to the registration certificates.

(2) Every practising engineer shall carry the practising certificate identity card and submit to relevant authorities when required.

Validation and renewal of practicing certificate

22.–(1) The practising Certificates shall be valid for three years duration and shall expire on 31st December.

(2) The Professional Engineer or Consulting Engineer shall apply for renewal of a Practising Certificate in a prescribed form.

(3) Renewals of Practising Certificate shall be made in the month of January of the relevant Calendar Year.

Deletion, suspension, revocation or rejection

23.–(1) The Professional or Consulting Engineers whose names have been deleted from the register shall have their practicing certificates revoked forthwith.

(2) The Board may suspend, revoke or reject application for renewal of a practicing certificate for any of the following reasons:

(a) is in breach of the Code of Conduct and Ethics for Engineers as provided in these Regulations;
(b) has been suspended from practice;
(c) has not fulfilled Continuing Professional Development requirements for a continuous period of three years;
(d) is in default of fees;
(e) is insolvent;
(f) has been convicted for criminal offence for the past one year from the date of conviction;
(g) is of unsound mind.

(3) The Board shall not suspend a practising certificate of any engineer unless an opportunity of being heard has been given to the concerned engineer.

(4) The holder of practising certificate which has been revoked under sub-regulation (1) shall return the practising certificate within one month from the date of revocation.

(5) Subject to sub-regulation (4) failure to return the revoked certificate within period specified constitute an offence and on conviction shall be liable to a fine as may be determined by the Board.

Loss of Certificate or License

24.-(1) Where a certificate of registration or a practising certificate has been lost, destroyed, defaced or becomes obliterated, the holder shall notify the registrar immediately.

(2) Where a registration certificate or practicing certificate has been defaced or become obliterated, no duplicate shall be issued unless the original is returned to the Registrar.

(3) A duplicate of an extract of a practicing certificate may be issued upon applicant's -
(a) submission of a police loss report;
(b) publication in the public media; and
(c) payment of the prescribed fees.

Certificate to remain property of the Board

25. A Registration certificate and practising certificate shall remain the property of the Board and shall be returned to the Board when the holder is deleted from the register

Change of Address

Change of Address

26. A Registered engineer or firm shall, within one month of any change of postal and physical address as entered in the Register, notify the Registrar of such change.

Engineers Employment Liaison Facility

27.–(1) The Board shall establish an engineering employment liaison facility to facilitate and link engineers and Engineering Consulting Firms with prospective employers.

(2) The operational mode of the facility shall be determined by the Board.

PART III
REGISTRATION

Registration of engineering Technicians

28. A person wishing to be registered as an engineering technician shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of such amount as the Board may prescribe.

Registration of Graduate Incorporated Engineer

29. A person wishing to be registered as a Graduate Incorporated Engineer shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of such amount as the Board may prescribe.

Registration of Graduate Engineer

30. A person wishing to be registered as a Graduate Engineer shall make an application to the Board in the form as described by the Board and shall be accompanied by a fee of such amount as the Board may prescribe.

Registration of Incorporated Engineer

31.–(1) A person wishing to be registered as an Incorporated Engineer shall make an application to the Board in the form as prescribed by the Board and shall be accompanied by a fee of such amount as the Board may prescribe.

(2) A Graduate Incorporated Engineer applying for registration as Incorporated Engineer shall submit with application forms, proof in writing of his practical experience which shall include details of duration and the description of the practical experience obtained with an endorsement by the supervising Incorporated, Professional and Consulting Engineer that the applicant has satisfactorily acquired the practical experience.

(3) Subject to sub-regulation (3) the required practical experience shall be in the form of a Practical Training Report written in accordance with the Engineers Registration Board Guidelines.

(4) A graduate incorporated engineer who has successfully completed Structured Engineers Apprenticeship Programme shall be considered for registration as a incorporated engineer upon submission of-

(a) dully filled relevant application form;
(b) Engineers Registration Board Final Professional Training Report;
(c) Engineers Registration Board Training Logbook; and
(d) Structured Engineers Apprenticeship Programme Completion Form.

Registration of Professional Engineer

32.-(1) A graduate engineer applying for registration as a professional engineer shall make an application to the Board in the form as prescribed by the Board and accompanied by a fee of such amount as the Board may prescribe.

(2) Subject to the provisions of sub-regulation (1), the applicant shall provide proof in writing of the practical experience which shall include details of duration and description of the practical experience obtained with an endorsement by the supervising professional or consulting engineer in the case of experience obtained in Tanzania or by an engineer acceptable to the Board in the case of experience obtained outside Tanzania which certifies that the graduate engineer has satisfactorily acquired his practical experience.

(3) The practical experience that a graduate engineer is required to have acquired in order to be entitled to apply for registration as a professional engineer shall be carried out in a manner satisfactory to the Board and shall in any case be for a minimum period of three years for graduate engineers with bachelors degrees in engineering, two years for holders of masters degree in engineering and one year for holders of Ph.D. in engineering.

(4) Subject to sub-regulation (3) the required practical experience shall be in the form of a Practical Training Report written in accordance with the Engineers Registration Board guidelines and shall include-

(a) planning and design, engineering management and field experience, or

(b) a combination of engineering research or teaching in a course leading to a degree or diploma approved by the Board.

(5) An incorporated engineer shall, on application to the Board, be considered for registration as a Professional Engineer if he has had a minimum of one year post registration experience as an incorporated engineer and either;

(a) attempted and passed the engineers registration Board Part II Professional Examinations conducted by the Board;

(b) undergone and passed an examinable and additive post graduate course of at least one year duration;

(c) obtained a Masters Degree in the relevant discipline; or

(d) has other qualifications in other fields as may be determined by the Board as being commensurate with the field under which the candidate has applied for registration.

(6) A graduate engineer who has successfully completed Structured Engineers Apprenticeship Programme shall be considered for registration as a Professional engineer upon submission of-

(a) dully filled relevant application form:

(b) Engineers Registration Board Final Professional Training Report;

(c) Engineers Registration Board Training Logbook; and

(d) Structured Engineers Apprenticeship Programme Completion Form.

Registration of Temporary Professional Engineer

33. A foreign engineer desirous of being temporarily registered as a professional engineer shall make an application to the Board in the form to be prescribed by the Board and accompanied by a fee of such amount as the Board may prescribe, and if he;

(a) holds a Professional Membership that may enable him to practise as Professional Engineer in his home or any other country; or

(b) he is registered as a Chartered Engineer; or

(c) submits an acceptable performance record of not less than five years before coming to Tanzania; in accordance with the Board guidelines;

(d) submits evidence of personal involvement in at least three

engineering projects in the last five years;

(e) submits a contract of employment in Tanzania.

(f) is less than seventy years old;

(g) the applicant may be required to appear for Professional interview;

(h) submit certified copies of engineering degree certificate; and

(i) submit certified relevant pages of passport.

(2) All copies of documents submitted for the purpose of registration shall be, certified by the Board or a person approved by the Board.

Registration of graduate incorporated marine engineer

34. Subject to the provisions of these Regulations, a person shall be entitled, on making an application to the Board in the prescribed manner and upon payment to the Board of the prescribed fee, to be registered as a graduate Incorporated Marine Engineer if he is a -

(a) holder of an advanced diploma in engineering and has attained a minimum period of twenty one months of sea service; or

(b) person who has passed a cadet course in marine engineering for at least eighteen months after 1994 and has attained a minimum period of twenty one months of sea service.

Registration of graduate marine engineer

35. Subject to the provisions of these Regulations, a person shall be entitled, on making an application to the Board in the prescribed manner and upon payment to the Board of the prescribed fee, to be registered as a graduate marine engineer if he is a holder of a degree in engineering and a class three certificate of competency in marine engineering and has attained a minimum period of twenty one months of sea service.

Registration of Incorporated Marine Engineer

36. Subject to the provisions of these Regulations, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered as a Incorporated Marine Engineer if-

(a) he is a holder of a Class Two Certificate of Competency in marine engineering and has passed written examination of Class One Certificate of Competency in marine engineering; or

(b) he is a person who graduated from the Dar es Salaam Maritime Institute before July, 1993 with Class Two Certificate of Competency in marine engineering but has not passed

written examinations for Class One Certificate of Competency in marine engineering and has attained a minimum period of thirty six months of sea service.

Registration of Professional Marine Engineer

37. A person shall be entitled, on making an application to the Board in the prescribed manner and upon payment to the Board of the prescribed fee, to be registered as a Professional Marine Engineer if he is-

(a) a member of an institution of engineers, the membership of which is recognized by the Board as furnishing a sufficient guarantee of academic knowledge of and practical experience in engineering; or

(b) a holder of a Class One Certificate of Competency in Marine engineering; or

(c) a holder of a degree in engineering and a Class Two Certificate of competency in marine engineering and has attained sea service of at least thirty six months.

Registration of Consulting Engineer

38. (1) A person wishing to be registered as a consulting engineer shall make an application to the Board in the form as prescribed by the Board and shall be accompanied by a fee of an amount as the Board may prescribe, provided that the applicant has a practical experience of not less than three years as a registered professional engineer and has satisfied the Board as to his professional competency.

(2) A professional Engineer applying for registration as a Consulting Engineer shall-

(a) have a minimum of three years post-registration proven experience in planning and design, management and field exposure in the field of specialization;

(b) submit evidence of employment or engagement in an engineering consulting firm; and

(c) attend a professional interview which will be conducted by the Board.

Registration of Temporary Consulting Engineer

39. Every temporary professional engineer desirous of being temporarily registered as a consulting engineer shall:

(a) make an application to the Board in the form as prescribed by the Board and shall be accompanied by a fee of an amount as the Board may prescribe;

(b) submit a proof of registration and performance record in his country of origin or domicile prior to coming to Tanzania;
(c) submit valid employment contract in Tanzania;
(d) submit certified copies of engineering degree certificate;
(e) submit certified relevant pages of passport; and
(f) attend engineering professional interview conducted by the Board.

Registration of Independent Consulting Engineer

40.-(1) A person wishing to be registered as an independent consulting engineer shall make an application to the Board in the form as prescribed by the Board and shall be accompanied by a fee of an amount as the Board may prescribe, and shall fulfil the following-

(a) have a minimum of five years post registration as consulting engineer in the field of specialization applied for; or
(b) have a minimum of fifteen years post-registration experience as a Professional Engineer out of which five consecutive years are in the field of specialization applied for; and
(c) a clean record of professional conduct and ethics as may be determined by the Board; and
(d) satisfied the Board of his professional competency.

(2) Notwithstanding other requirements as provided for under regulation 36 the applicant shall;

(a) submit documentary evidence of permanent postal and physical address; and
(b) submit three guarantors to be approved by the Board;
(c) be a Tanzanian citizen;
(d) practice as provided under the rules made by the Board.

Registration of Local Engineering Consulting Firm

41.-(1) A person or body of persons wishing to be registered as local engineering consulting firm shall make an application to the Board in a prescribed form and the application form shall be accompanied by a fee as the Board may prescribe, and shall submit:

(a) copy of certificate of incorporation or compliance or registration of business name (sole proprietorship or partnership) extract from register of Registrar of Companies or act of establishment (parastatal or agencies); and
(b) copy of current business license (if obtained);
(c) copy of office ownership or lease agreement, and

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(d) copy of documentary evidence on ownership of equipment and facilities;
(e) listing of owned reference books, code of practice, design manuals, engineering design software;
(f) curriculum vitae of key personnel sustaining the registration of the firm;
(g) name of a consulting engineer in each of the fields of specialization applied for registration.

(2) In every engineering discipline in which an engineering consulting firm is desirous of practising there shall be at least one registered consulting engineer working in that specialised discipline.

(3) The Board shall inspect' office premises of the applying firms from time to time to verify engineering capacity within the firm.

(4) Every engineering consulting firm shall have at least fifty one percent of shares held by consulting engineers who are Tanzanian citizens.

(5) A firm whose application for registration as engineering consulting firm has been approved shall within two months from the date of notification of such approval, pay to the Board a registration fee of such amount as the Board may prescribe.

(6) Subject to sub-regulation (5), after the expiry of the two months the firm shall pay the fee and a fine of fifty percent.

(7) The Board may require a local engineering consulting firm to submit evidence of paid up shares.

Registration of Foreign Engineering Consulting firms

42.–(1) A person or body of persons wishing to be registered as Foreign Engineering Consulting Firm shall make an application to the Board in the form as prescribed by the Board and shall be accompanied by a fee as the Board may prescribe, and shall submit-

(a) copy of certificate of incorporation or compliance or registration of business name (sole proprietorship or partnership) extract from register of Registrar of Companies or act of establishment (parastatal or agencies);

(b) company profile of previous consulting works;
(c) copy of current annual returns filed with the Registrar of Companies (for new companies Article and Memorandum of Association);
(d) copy of current business license or evidence of offer/contract of engagement or business in Tanzania;
(e) copy of office ownership or lease agreement;
(f) copy of documentary evidence on ownership of equipment and facilities;
(g) listing of owned reference books, code of practice, design manuals, engineering design software;
(h) curriculum vitae of key personnel sustaining the registration of the firm;
(i) name of a consulting engineer in each of the fields of specialization applied for registration;
(j) extract from the contract in case of a firm engaged in Government projects showing equipment and facilities for the project availed to the consulting firm; and
(k) curriculum vitae of other engineering personnel engaged in the project.

(2) In every engineering discipline in which an engineering consulting firm is desirous of practising there shall be at least one registered consulting engineer working in that specialised discipline.

(3) Every engineering consulting firm may have at least fifty one percent of shares held by consulting engineers who are non-Tanzanian citizens.

(4) The Board may require a foreign engineering consulting firm to submit evidence of paid up shares.

(5) An Engineering Consulting firm whose application for registration as Registered Engineering Consulting firm has been approved shall within two months from the date of notification of such approval, pay to the Board a registration fee of such amount as the Board may prescribe or pay registration fee and a fine of fifty percent of registration fee after expiry of the two months.

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(6) A firm whose application for registration as engineering consulting firm has been approved shall within two months from the date of notification of such approval, pay to the Board a registration fee of such amount as the Board may prescribe.

(7) Subject to sub-regulation (5), after the expiry of the two months the firm shall pay the fee and a fine of fifty percent.

Joint venture

43. Joint venture concept and other procurement arrangements shall be governed by the requirements of the relevant written laws of the land and rules prescribed by the Board.

Categories of Engineering Consulting Firm

44.–(1) An engineering consulting firm with more than fifty percent of its shares belonging to non-citizens shall be considered for registration as foreign engineering consulting firm.

(2) Every engineering consulting firm with at least fifty one percent of shares held by Tanzania citizens shall be considered for registration as local Engineering consulting firm.

Conflict of interest

45.–(1) The practice of registered engineers shall be in such a manner that it avoids conflict of interest as detailed in the Engineers Registration Board Code of Conduct and Ethics for Engineering Practice.

(2) Where a parastatal organisation or a government agency has capacity to offer Engineering Consultancy, the same shall establish a consulting unit and register the unit with the Board.

(3) In the organisation or agency where a registered unit offers Consultancy for a given project, the registered unit shall not provide goods, works or services related to the same project.

(4) In the organisation or agency where an internal registered unit offers goods, works or services for a project, the unit shall not provide consulting services for the same project.

(5) A registered engineering consulting firm shall not offer services as a contracting firm.

Procedure for shifting from one consulting firm to another

46.–(1) A consulting engineer intending to shift from one engineering consulting firm to another shall report to the Board.

(2) Subject to subregulation (1), where the consulting engineer shifting from the Firm is the only one in that discipline, the firm shall cease to offer engineering consulting services in that discipline.

(3) A consulting firm receiving the shifting Consulting Engineer shall fulfil the conditions for registration of an Engineering Consulting Firm.

Practice by independent consultant

47.–(1) Independent Consultant shall be allowed to offer engineering consultancy services to public and private sector as stipulated in other written laws or as may be prescribed by the Board.

(2) The type of work to be undertaken by the independent consulting engineer shall be determined by the Board as provided for in the rules.

PART IV

THE RESPONSIBILITIES OF ENGINEERS

Competence Descriptors

48. The roles and responsibilities of engineers shall be governed by baseline competence descriptors as provided for in the competence descriptors manual prepared by the Board.

Code of conduct and ethics for engineers and engineering technician

49. All engineers and engineering technicians shall observe the Code of Conduct and Ethics as provided in First Schedule to these Regulations

Mental incapacitation and ill-health

50.–(1) Any engineer or technician who is proved to be mentally incapacitated or in ill-health shall not practice engineering until such a time proved otherwise by a competent authority.

(2) Subject to sub regulation (1), such an engineer or technician shall be required to submit to the Board a medical report from a recognized medical practitioner.

PART V

MONITORING OF ENGINEERING ACTIVITIES

Powers to enter and inspect Engineering Sites and Premises

51.–(1) The Board or any other person appointed by the Board shall at any time enter into a site or premise, for a purpose of inspecting and auditing the engineering works or services without prior notification.

(2) Any person who denies entry by the Board or its agent to an engineering site or premises, run away from or obstructs any staff of the Board or its agent from performing his duty in any way commits an offence.

(3) Any person without sufficient cause refuses to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him or omits to produce any documents in his possession or under his control commits an offence.

Procedures for monitoring

52.–(1) Monitoring of engineering activities and projects shall be carried out as provided for in the monitoring manual issued by the Board.

(2) In the absence of a responsible officer or representative at the engineering premises observations made by the Board or its agent shall be recorded.

(3) The responsible officer or representative shall within 48 hours report to the Registrar to countersign the observations.

(4) For all engineering premises where the inspection team has no access for reasons of closure, obstruction or any other reasons, a special notice as provided in the monitoring manual shall be posted at the entrance of the engineering premises.

(5) During monitoring of engineering activities the inspection team shall be entitled to get any information regarding the works, which may include access to production standards, working drawings, taking

photographs, videos, checking various permits, registration status of engineers and any other information deemed necessary.

(6) The owner or his representative shall be obliged to contact the Board through prescribed means, addressing the requirements of the notice and to make sure that the Board is contacted within seven days.

(7) All members of the inspection team shall register their names and sign in the visitors' book at engineering premises and in case of absence of a visitors' book, relevant prescribed Forms as provided in the monitoring manual shall be considered as a record of the visit.

Engagement of engineering professionals

53.-(1) Every professional engineering work or service as stipulated under Section 13(2) of the Act shall be undertaken by Professional Engineers.

(2) All engineering works or services that require consultancy services shall be undertaken by consulting engineers or engineering consulting firms.

(3) Monitoring of engineering activities the inspections shall include both on-going and completed works.

(4) Any completed works found not in conformity with the professional standards and requirements, not environmentally friendly, a safety threat or posing danger to life and property shall constitute a professional misconduct under these Regulations.

(5) Responsible officer found at engineering premises shall countersign the respective monitoring checklist.

Obligation of the owner

54.-(1) It shall be the responsibility of the client, financier, promoter, and developer, of any engineering work or service to provide evidence of having engaged the services of a professional engineer or engineering consulting firm.

(2) The Board may issue a show cause notice to the owner or his representative.

(3) The owner or his representative shall be obliged to contact the Board through prescribed means, addressing the requirements of the show cause notice and to make sure that the Board is contacted within seven days.

Engagement of engineering consultancy

55. The engagement of engineering consultancy services shall be in accordance with other written laws of the land and as provided for by these Regulations.

Engineers scale of fees and conditions of engagement

56.–(1) For the purpose of maintaining professional ethics and standards, the Board shall provide guiding scale of fees and conditions of engagement for engineering services.

(2) Subject to sub-regulation (1), the fees for engineering services shall be construed as the minimum.

Applications for sticker and site instruction book

57.–(1) Engineering consulting firms intending to supervise construction projects shall apply for Board's sticker and Site Instruction Book by filling relevant prescribed forms for building projects and engineering projects.

(2) Successful applicants shall be issued stickers and Site Instruction Books upon payment of fees as prescribed by the Board.

Use of Stickers

58.–(1) Stickers shall be serially numbered and issued for specific projects and shall not be transferable.

(2) Engineering Consulting Firms shall paste Board's stickers on signboards of respective projects in each discipline they supervise.

(3) In the event of loss or damage and where the Registrar is satisfied with the circumstances of the loss or damage, a new sticker shall be issued after payment of prescribed amount.

Use of site instruction books

59.–(1) All site instructions shall be issued in the Engineer's Site Instructions Book issued by the Board.

(2) All site instructions shall be issued by a resident engineer or a project engineer and received by a site Agent or a site engineer.

(3) Every stage of construction that requires approval by the Supervising Engineer at site shall necessitate issuance of site instructions.

(4) Each site instruction book shall be used for only one project and one field of specialization or engineering discipline.

Monitoring documents

60. The Board or its appointee shall use practicing certificate for individual engineer and annual return forms for engineering consulting firms prescribed by the Board and but not limited to the following monitoring documents as provided in the monitoring manual:

(a) sticker;
(b) special notice;
(c) site Instructions book;
(d) checklist for monitoring engineering activities;
(e) notification of offence;
(f) penalty notice;
(g) show cause notice; and
(h) stop order.

Issuing of stop order

61. Stop Order shall be issued to on-going engineering works if the Board is satisfied that such works endanger or threaten life, property, environment or other public interests, or as may be determined by the Board.

Lifting of stop order

62. Lifting of a Stop Order shall be carried out only upon Board's satisfaction that corrective measures to address the conditions that necessitated the issuance of the Stop Order have been implemented.

Engineering design calculations and drawings

63.-(1) All Engineering design calculations shall be prepared on standard calculation sheets, checked, initialled and stamped by a professional engineer or consulting engineer.

(2) Every Engineering design drawing shall bear a standard title block indicating the persons, who designed, checked and approved by initialling and stamping.

(3) Subject to sub-regulation (2) the approval shall be done by a Consulting Engineer.

(4) Every Engineering design drawings approved as per the requirements under sub-regulation (2), shall be approved by relevant authorities before use at respective sites.

(5) A copies of the approved drawings shall be kept at the sites throughout the construction period of the project and should be made available to the Board when required.

(6) Every engineering designs shall be respected by all parties to the contracts or projects.

(7) In every design and build, turnkey and other forms of contracts or projects, the consulting engineer shall take the leading role in engineering design.

(8) Every Engineering designs shall state categorically considerations made in the design with regard to the requirements of health, safety and environment.

(9) Every alterations, revisions or updates made to the original designs shall be compiled throughout the execution of the contracts or projects and a set of as-built drawings prepared and made available for use during the maintenance period of the project and other follow-up activities.

Supervision of engineering works

64.-(1) Every engineering works shall have an incorporated engineer or professional engineer in the relevant field who shall be present at the site when works are in progress, depending on the nature, size, and complexity.

Signboards

65.-(1) Every engineering works shall have standard Signboards placed at conspicuous locations for easy visibility and readability to the public.

(2) The standard signboards posted with Engineers Registration Board Stickers at specified locations shall be erected and remain in position for the whole period of the project including defects liability period.

(3) The standard signboards shall be as provided for in the monitoring manual.

Engineering products and materials

66.-(1) All engineering materials, products and processes shall have their specifications and standards ascertained by relevant authorities.

(2) The Board may at any time take samples of an engineering products and materials and test them in an accredited laboratory.

(3) Subject to sub-regulation (2), where the engineering product/ material fails test, the manufacturer, or supplier as the case may be shall be subjected to an inquiry by the Board.

(4) The Board may perform its functions under this regulation in collaboration with any relevant institution.

Administration of penalties

67.-(1) Any person or body of persons, contravening these regulations, commits an offence and shall be liable to penalty.

(2) The administration of penalties shall be done as provided for under Second Schedule to these Regulations.

(3) There shall be a Default and Misconduct Register for recording the frequency of defaults and professional misconducts by the Engineers or Engineering Consulting Firms.

Default score points

68.-(1) Every Engineers and engineering consulting firm shall have their defaults and professional misconduct registered in a Default Score Points register.

(2) Depending on the frequency of defaults and professional misconducts, the Board may take any action including suspension or deletion of the Engineer or the Engineering consulting firm from the Register.

(3) Threshold values and respective penalties shall be determined by the Board and as presented in the monitoring manual.

Projects Register

69.-(1) There shall be a Projects Register for recording all engineering projects.

(2) It shall be the responsibility of the engineer to report to the Board

on all the engineering projects he is involved in prior to commencement.

(3) The reporting of the engineering project for registration, shall be made in the format as may be provided by the Board from time to time.

(4) The Projects Register shall be used for Monitoring and as may be determined by the Board from time to time.

PART VI
COMMITTEES OF THE BOARD

Establishment of the Committees

70.–(1) There shall be five committees of the Board as follows:
(a) the Executive Committee:
(b) the Professional Conduct and Ethics Committee;
(c) the Registration and Technical Affairs Committee;
(d) the Professional Development Affairs Committee;
(e) the Finance and Administration Committee.

(2) The Board may form any other committees as may be deemed necessary.

(3) The Board may establish rules for the conduct, composition, and procedures of the committees.

Co-option of the members

71. The Board shall appoint co-opted members who shall be registered professional engineers to serve in the committees.

PART VII
INQUIRIES AND APPEALS

Inquiries by the Board, procedure to administer evidence, etc.

72.–(1) The Board may hold an inquiry into the professional conduct of a person or firm engaged in professional engineering works or services.

(2) A person or firm that violates the provisions of the Act and these Regulations shall be issued with a notice by the Board to show cause within fourteen days from the date of issue of such notice as to why the Board should not take legal action against that person or firm.

(3) A person or the owner of a firm being inquired into shall be allowed

to submit any document which shall constitute evidence to be relied upon.

(4) Where a person has been summoned by the Board for an inquiry and does not appear without reasons acceptable to the Board, that person shall be deemed to have committed the offence against these Regulations.

(5) Subject to sub-regulation (4), the Board inquiry shall proceed and its decision shall be final.

(6) Upon proof by the Board, that such a person or firm has committed an offence against these Regulations, the Board may administer penalty or institute proceedings in the court of law against that person or firm.

Appeals against a decision of the Board, direction of the Board and appeals to the High Court

73.-(1) A person who is aggrieved by a decision of the Board, may appeal to the Appeals Authority against the decision of the Board within 30 days from the date of decision.

(2) In case of an appeal the provisions under section 20 of the Act shall apply.

PART VII

MISCELLANEOUS PROVISIONS

Offences and Penalty

74.-(1) Any person or body of persons, contravening these regulations, commits an offence and shall be liable to penalty.

(2) The penalties for offences shall be as provided for under the Second Schedules to these Regulations.

(3) All acts done before the coming into effect of these Regulations shall be treated as lawfully done and the registration shall continue to be valid until they are cancelled or otherwise rendered invalid under these Regulations.

Inspection fees

75. The inspection of the register or any other documents shall be done upon payment of an appropriate fee as may be determined by the Board.

Revocation G.N.No. 65 and 66 of 2009

76. The Engineers Registration Board Regulations 1999 and the Engineers Registration (Professional Examinations) By-laws, 1999 are hereby revoked.

GN. No. 35 (contd.)

FIRST SCHEDULE

(Made under regulation 49)

CODE OF CONDUCT AND ETHICS FOR ENGINEERS

Citation

1. This Code may be cited as the Engineers Registration (Conduct and Ethics) Code.

Application

2. This code of Conduct and Ethics shall apply to all engineers and engineering technicians

The fundamental principles

3. An Engineer shall endeavor to uphold and advance the integrity, honor and dignity of the engineering profession by:-

(a) being honest and impartial, and shall serve with fidelity the public, his employers and clients;

(b) striving to enhance the competence and prestige of the engineering profession; and

(c) supporting the professional and technical societies of his disciplines.

The fundamental canons or rules

4. An engineer shall:-

(a) uphold paramount the safety, health and welfare of the public and the protection of the environment in the performance of his professional duties;

(b) perform engineering works and services only in the areas of his competence;

(c) issue public statements only in an objective and truthful manner;

(d) act in a professional manner for each employer or client as faithful agents or trustees, and shall endeavor to avoid conflicts of interest;

(e) build his professional reputation on the merit of the services and shall not compete unfairly with others;

(f)c ontinue his professional development throughout his career and shall assist and provide opportunities for the professional advancement of an engineer or engineers under his supervision.

Obligations to society

5.-(1) Every engineer shall, at all times,

(a) recognize that his primary obligation is to protect the safety, health, property and welfare of the public and in the event that his professional judgment is overruled under circumstances where the safety, health property or welfare of the public are endangered, he shall immediately notify, in writing, his employer or client, the Board and such other authorities as may be appropriate and shall elaborate all engineering solutions which have been used but have failed to overcome the problem;

(b) approve engineering documents which are in conformity with appropriate standards;

(c) objective and truthful in making or presenting professional reports, statements or testimonies;

(d) express his professional opinion on technical subjects only when that opinion is founded upon competence in the subject matter;

(e) take all reasonable steps to avoid waste of natural resources, damage to the environment and wasteful damage or destruction of the products of human skill.

(2) Subject to subparagraph (1), engineer shall permit the use of his name or firm name nor his associate in business venture with any person or firm which he has reason to believe that he is involved in fraudulent or dishonest business or professional practices.

Obligations to employer or Client

6.–(1) Every engineer shall -

(a) disclose all known or potential conflicts of interest to his employer or client which may influence or appear to influence his judgment or the quality of his services;

(b) not accept compensation, financial or otherwise from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to and agreed for, by all interested parties;

(c) Not solicit or accept financial or other valuable consideration, directly or indirectly from contractors, his agents or other parties in connection with work for employers or clients for which he is responsible;

(d) not reveal facts, data or information obtained in his professional capacity without the prior consent of the client or employer except if authorized or required by laws;

(e) avoid improper solicitation of professional employment and shall, in the circumstances:

(i) not falsify or permit misrepresentation of himself, his associates, academic or professional qualifications, or exaggerate his degree of responsibility and capability;

(ii) not offer, give, solicit or receive, either directly or indirectly, any financial or material consideration of any amount intended to influence the award of a contract.

(2) Notwithstanding the provision of subparagraph (1), an engineer in public service as a member, advisor or employee of a governmental body or department shall not participate in decisions with respect to professional services if he is an interested party.

(3) A practicing engineer shall endeavor to understand and take all reasonable steps to inform his clients and employers of societal and environmental consequences of actions or projects in which he is involved and to interpret issues to the public in an objective and truthful manner.

Integrity of an engineer

7.–(1) An engineer shall be guided in all his professional undertakings by the highest standards of integrity and shall:

(a) admit and accept his own errors when proven wrong and refrain from distorting or altering the facts in an attempt to justify his decisions;

(b) not accept secondary employment to the detriment of his regular work or interest.

(2) An engineer shall at all times strive to serve the interest of the public and shall in the process:-

(a) seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health and well being of the public;

(b) endeavor to extend public knowledge and its achievements and to protect the engineering profession from misrepresentation and misunderstanding.

Every engineer shall avoid actions or practices which are likely to discredit the engineering profession or deceive the public.

Disclosure of classified information

8. No engineer shall disclose classified information concerning the business affairs or technical processes of any present or former client or employer without his consent.

Conflicting interests

9. No engineer shall be influenced in his professional duties by his political lenience, involvement or conflicting interests and shall not accept -

financial or other considerations, including free engineering designs from material or equipment suppliers for specifying their product;

commissions or allowances, directly or indirectly from contractors or other parties dealing with clients or employers of the engineer.in connection with the work for which the engineer is responsible.

commissions or allowances, directly or indirectly from contractors or other parties dealing with clients or employers of the engineer in connection with the work for which the engineer is responsible.

Composition improper

10. An engineer shall uphold the principle of appropriate and adequate compensation for those engaged in engineering work.

Unfair means

11 No engineer shall compete unfairly with another engineer by attempting to obtain employment or professional engagements by taking advantage of a position, or by criticizing another engineer or by other improper or unfair means.

12. No engineer shall request, propose, or accept a professional commission under circumstances in which his professional judgment may be compromised.

Engineering Practice

13. No engineer shall maliciously or falsely attempt to injure directly or indirectly, the professional reputation, prospects, practice or employment of another engineer, nor indiscriminately criticize other engineer's work and in the event that an engineer believes that another engineer is guilty of unethical or illegal practice, shall present such information to the proper authority for action.

14.-(1) An engineer-

(a) in private practice shall not review the work of another engineer for the same client, except with the knowledge of such other engineer, or unless the

connection of such engineer with the work has been terminated;

(b) in government, industrial, public or educational employment is entitled to review and evaluate the work of other engineers when so required by his employment duties;

(c) in sales or industrial employment is entitled to make engineering comparisons of represented products with products of other suppliers;

(d) shall not copy or steal other engineers' documents or work for his personal gain;

(2) Every engineer shall accept personal responsibility for every professional activity under his charge and shall -

(a) conform with state registration laws in the practice of engineering;

(b) not associate with a non-engineer, a corporation, or partnership, as a "cloak" for unethical acts, and if he does, he will take personal responsibility for his professional actions.

Recognition of the proprietary interests

15.-(1) Every engineer shall give credit for engineering work of those to whom credit is due, and recognize the proprietary interests of others.

(2) Every engineer using designs supplied by a client shall recognize that the designs remain the property of the client which shall not be duplicated by the engineer for others without express permission of the client.

Cooperation, development and advancement of engineers

16.-(1) Every engineer shall cooperate in extending the effectiveness of the profession by interchanging information and experience with other engineers and students, and shall endeavor to provide opportunity for the professional development and advancement of engineers under his supervision and in that case he shall:-

(a) encourage engineering employees' efforts to improve their educations;

(b) encourage engineering employees to attend and make presentations at professional and technical society meetings;

(c) encourage engineering employees to become registered at the earliest possible date.

(d) take part or responsibility in training or supervising young engineers.

(2) Every engineer shall take all reasonable steps to maintain and develop his professional competence by acquainting himself to new developments in science and engineering relevant to his field of activities and shall provide opportunities for the professional development of his subordinates.

Overruling of professional advice

17. An engineer whose professional advice is not accepted shall take all reasonable steps to ensure that persons overruling or neglecting his advice are aware of the dangers the engineer believes may result from such overruling or neglect.

Advertise or writing of articles for publication

18. No engineer shall in self-laudatory language or in any manner derogatory to the dignity of the engineering profession, advertise or write articles for publication.

G.N. No. 35 (contd.)

Breach of Code of Conduct

19. No Engineer shall assist, induce or be involved in the breach of this Code of conduct and ethics but shall do all necessary endeavors to support those who seek to uphold it and report immediately any unethical engineering decisions or practices by engineers and others to the Board.

Penalties

20. An engineer failing to observe any provisions in this Code shall commit an offence under the Act and shall be liable to penalties as may prescribed by the Board.

SECOND SCHEDULE

OFFENCES AND PENALTIES

S/N	Offence	Reference	Penalty		
			First Offence	Second Offence	Third Offence
1	Failure to employ professional engineer(s) For each unregistered engineer (for each count)	section 14	TAS 2,000,000/= Stop employing	TAS 4,000,000/=	Board of Inquiry
2	(i) Practicing as a Professional Engineer without Registration	section 13	1,000,000/= Stop practicing	1,000,000/=	Board of Inquiry
	(ii) Practicing as a Consulting Engineer without Registration		2,000,000/= Stop practicing	4,000,000/=	Board of Inquiry
	(iii) Practicing outside one's areas of professional competence		2,000,000/= Stop practicing	4,000,000/=	Board of Inquiry
3	(i) Failure to use the services of Professional Engineers. In case of a construction project: failure to use a Consulting Firm	section 14	2,000,000/=	3,000,000	5,000,000
	(ii) Using the services of unregistered Consulting Engineers For each unregistered engineer		2,000,000/= Stop employing	4,000,000/=	Board of Inquiry

S/N	Offence	Reference	Penalty		
			First Offence	Second Offence	Third Offence
4	Offering engineering consulting services without registered Consulting Engineers				
	(i) Local firm	section 13	2,000,000/=	3,000,000/=	Deletion
	(ii) Foreign firm		USD 5,000.0	USD 10,000.0	Deletion
5	Employing the services of unregistered Engineering Consulting Firms				
	(1) Client/Employer	section 14	3,000,000/=	5,000,000/=	Court action
	(2) Local Firms		2,000,000/=	3,000,000/=	Court action
	(3) Foreign Firm		USD 5,000 Plus payment of prescribed fee from date of practice in the country and apply for registration	USD 10,000.0	Court action
6	(i) Failure to maintain a site instruction book	section 4 (Amendment)	500,000/=	1,000,000/=	Board of Inquiry
	(ii) Failure to paste Engineers Registration Board Sticker on signboard		500,000/=	1,000,000/=	Board of Inquiry

S/N	Offence	Reference	Penalty		
			First Offence	Second Offence	Third Offence
7	Failure by the consultant to issue approved and stamped drawings to the construction site	Regulation 62 and 66	500,000/=	1,000,000/=	2,000,000/= or court action
8	Non-positioning of signboard	Regulation 64 and 66	500,000/=	1,000,000/=	2,000,000/=
9	Failure to abide to specifications and standards set for engineering products, materials and processes-				
	(a) Factory/Industry	Regulation 65 and 66	3,000,000/=	5,000,000/=	Stop order and court action
	(b) Firm/company		3,000,000/=	5,000,000/=	Stop order and court action
10	(i) Denying access to the Board's staff or legal representative from executing official duties-	Section 4 and Regulation 50	500,000/=	1,000,000/=	court action
	(ii) Disobedience of summons and refusal to give evidence-	Section 19	500,000/=	1,000,000/=	Deletion

S/N	Offence	Reference	Penalty		
			First Offence	Second Offence	Third Offence
	(iii) Failure to notify the Board of any change of address-	Regulation 24 and 66	100,000/=	200,000/=	Deletion
11	Practicing without a valid practicing certificate				
	(a) Professional engineer	Section 12	500,000/=	1,000,000/=	Deletion
	(b) Consulting engineer		700,000/=	1,500,000/=	Deletion
	(c) Individual Consulting Engineer		1,000,000/=	2,000,000/=	Deletion
	(d) Temporary Professional Engineer		USD 2,000	USD 4,000	Deletion
	(e) Temporary Consulting Engineer		USD 3,000	USD 6,000	Deletion
12	Using services of engineers who do not possess valid practicing certificate-				
	(a) Local Firm	Section 12	5,000,000/=	10,000,000/=	Deletion
	(b) Foreign firm		USD 7,000	USD 10,000	Deletion
13	Cheating on contract value for consultancy services	Regulation 54	Actual value plus 50%		

Table 3: Percentage Charges on the Basis of Cost of Project for Engineering Fields in Buildifngs

SERVICE	% CHARGE ON COST OF PROJECT
CIVIL	0.5% to 1.0%
STRUCTURAL	3.0% to 4.5%
ELECTRICAL	1.5% to 2.0
MECHANICAL	1.5% to 2.0%
ENGINEERING SYSTEMS	0.5% to 1.0%

Table 4 Stages of Payment of Fees

Item	*Stage of Work*	*Fee Payable*
1.	Design Stege I (Preliminary & Sketch Design	30%
2.	Design Stege II (Detailed Design)	40%
3.	Tender Stage	5%
4.	Construction Stage/Installation	25%

Reimbursable Expenses

Apart from the fees shown in the above tables, the consulting engineer is entitled to the reimbursable expenses properly incurred in connection with:

(a) Printing reproduction and purchase of all documents, drawings, maps records and photographs;
(b) Communication (fax, telephone calls, e-mails, etc);
(c) Postage and similar delivery charges;
(d) Traveling, hotel expenses and other similar desbursements;
(e) Advertising for tenders and site staff.

NB: Details are available in the Scale of Fees and Conditions of Engagement Document

Dar es Salaam,
16th October, 2009

NINATUBU MBORA LEMA,
Chairman

Note:
1. All prescribed payments for the various penalties shall be made within thirty (30) days from the date of the invoice. Failure to pay penalties within this period shall amount to legal action.
2. Schedule of offences and their penalties shall be as shown above
3. Second offence means repeating first offence
4. Third offence means repeating second offence
5. United States Dollar (USD) or its equivalency

Dar es Salaam,
16th October, 2009

HON. SHUKURU JUMANNE KAWAMBWA (MP.),
Minister for Infrastructure Development

GOVERNMENT NOTICE No. 36 published on 29/01/2010

THE TANZANIA COURT OF APPEAL RULES, 2009

NOTICE

(Made under Rule 1(2))

THE TANZANIA COURT OF APPEAL RULES (DATE OF COMMENCEMENT) NOTICE, 2010

Citation

1. This Notice may be cited as the Court of Appeal Rules (Date of Commencement) Notice, 2010.

Date of Commencement

2. The 1st day of February, 2010 is hereby appointed to be the date on which the Tanzania Court of Appeal Rules, 2009 shall come into operation.

Dar es Salaam,
25th January, 2010

AUGUSTINO S.L. RAMADHANI,
Chief Justice