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OFFICIAL
MINISTRY OF EDUCATION
CULTURE, YOUTH AND SPORT



GOVERNMENT GAZETTE

OF THE

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 151

1991

PROMULGATION OF ACT OF THE NATIONAL ASSEMBLY

The following Act which has been passed by the National Assembly and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 25 of 1991: Engineering Profession Amendment Act, 1991.

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AMENDMENT ACT, 1991**

EXPLANATORY NOTE:

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- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.
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ACT

To amend the Engineering Profession Act, 1986, in order to adjust its provisions in view of the independence of Namibia; and to provide for incidental matters.

(Signed by the President on 11 December 1991)

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

Amendment of section 1
of Act 18 of 1986.

1. Section 1 of the Engineering Profession Act, 1986 (hereinafter referred to as the principal Act), is hereby amended -

- (a) by the substitution for the definition of "council" of the following definition:

" 'council' means the [South West African] Engineering Council of Namibia [established by] referred to in section 2;";

- (b) by the insertion after the definition of "improper conduct" of the following definitions:

" 'incorporated engineer' means an incorporated engineer registered under section 12(2);

'Minister' means the Minister of Works, Transport and Communication;";

- (c) by the substitution for the definition "registered as a technician engineer" of the following definition:

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“ ‘registered as [a **technician engineer**] an incorporated engineer’ means registered as [a **technician engineer**] an incorporated engineer under section 12(2);”;

- (d) by the substitution for the definition “registered as a technician engineer in training” of the following definition:

“ ‘registered as [a **technician engineer**] an incorporated engineer in training’ means registered as [a **technician engineer**] an incorporated engineer in training under section 12(3)(a);”;

- (e) by the deletion of the definition of “technician engineer”; and
- (f) by the deletion of the definition of “territory”.

Substitution of section 2 of Act 18 of 1986.

2. (1) The following section is hereby substituted for section 2 of the principal Act:

“The Engineering Council of Namibia.

“2. The juristic person known as the South West African Engineering Council which in terms of this Act existed immediately before the commencement of the Engineering Profession Amendment Act, 1991, shall, as from the said commencement continue to exist as a juristic person under the name Engineering Council of Namibia.”

(2) Any reference in any law, register, title deed or any other document to the South West African Engineering Council shall be deemed to be a reference to the Engineering Council of Namibia.

Amendment of section 3 of Act 18 of 1986.

3. Section 3 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) seven persons, of whom -

- (i) two shall be nominated by the [**South West African**] Association of Consulting Engineers of Namibia;

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- (ii) three shall be nominated by the Engineering Professions Association of [**South West Africa/Namibia**] Namibia;
- (iii) two shall be nominated by the [**Institute of Technology of South West Africa/Namibia**] Namibian Institute of Technology”.

Amendment of section
11 of Act 18 of 1986.

4. Section 11 of the principal Act is hereby amended by the substitution for subsection (13) of the following subsection:

“(13) Any person who immediately prior to the commencement of this Act was registered as a professional engineer in terms of the Professional Engineers’ Act, 1968 (Act 81 of 1968), [**of the Republic of South Africa,**] shall be deemed to comply with the requirements for registration mentioned in subsection (2), and the council shall, upon application to it, but subject to the provisions of subsection (7), and provided that the applicant is ordinarily resident in [**the territory**] Namibia, register the applicant as a professional engineer and issue to him or her a certificate of registration to that effect.”.

Amendment of section
12 of Act 18 of 1986.

5. Section 12 of the principal Act is hereby amended by the substitution in subsection (8) for paragraph (b) of the following paragraph:

“(b) to indicate his or her profession or make it known by using for all purposes the title [**“T. Eng.”**] “Inc. Eng.” after his or her name.”.

Amendment of section
16 of Act 18 of 1986.

6. Section 16 of the principal Act is hereby amended by the substitution in subsection (4) for paragraph (a) of the following paragraph:

“(a) the [**Cabinet or the Executive Committee of a Representative Authority**] Minister from appointing or authorizing or approving the appointment of any person not registered in terms of this Act as a professional engineer to practise any of the engineering professions referred to in Part A of Schedule II or to perform any kind of work reserved for professional engineers under section 7(3)(b) where, in the opinion of the [**Cabinet or an Executive Committee, as the case may be**] Minister a person so registered is not readily available or where by reason of the

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nature or extent of the work involved, or any other circumstance the appointment of a person so registered is not warranted; or”.

Substitution of section 26 of Act 18 of 1986.

7. The following section is hereby substituted for section 26 of the principal Act:

“Restriction of liability.

26. Neither the council, nor any member or official thereof, shall be liable in respect of anything done in good faith in the exercise or performance of a power or duty conferred or imposed by or under this Act.”.

Substitution of certain words and expressions in Act 18 of 1986.

8. The principal Act is hereby amended -

- (a) by the substitution for the word “Administrator-General”, wherever it occurs, of the word “President”;
- (b) by the substitution for the word “Cabinet”, wherever it occurs, of the word “Minister”;
- (c) by the substitution for the expressions “*Official Gazette*”, wherever it occurs, of the word “*Gazette*”; and
- (d) by the substitution for the expression “technician engineer”, wherever it occurs, of the expression “incorporated engineer”;
- (e) by the substitution for the words “the territory”, wherever it occurs, of the word “Namibia”.

Substitution of long title of Act 18 of 1986.

9. The following long title is hereby substituted for the long title of the principal Act:

“To provide for the establishment of a council for the engineering profession in Namibia; for the registration of professional engineers and engineers in training, incorporated engineers and incorporated engineers in training, engineering technicians and engineering technicians in training; and to provide for incidental matters.”.

Short title.

10. This Act shall be called the Engineering Profession Amendment Act, 1991.