

SYLLABUS (PART A) – COMMON PAPER

1. Laws and regulations governing the engineering profession in Malaysia

- i. The Registration of Engineers Act 1967 (Revised 2015)
- ii. The Registration of Engineers Regulations 1990 (Revised 2015) particularly on the following items:
 - The procedural and legal aspects of the Letter of Release in case of termination of professional services,
 - Professional conduct and
 - Methods of dispute resolution between the Professional and his client e.g. by arbitration, mediation/conciliation, adjudication etc.

2. Engineer's responsibility to society and to the public

- i. An introductory knowledge on the following areas :
 - Common laws as practised in Malaysia
 - Awareness of legal issues such as the various categories of law, classification of law, sources of Malaysian Law etc.
 - Understanding the hierarchy of the Malaysian courts and their different jurisdictions
 - "Civil law" and basic concepts of "Torts" other than mere negligence for misrepresentation, defamation, nuisance etc.
 - Where the professional owes a duty of care, standard level of expertise and due diligence expected under tort laws for requirements of UBBL, local authorities and Certificate of Completion and Compliance (CCC) / Certificate of Fitness of Occupation (CFO) / Occupation Certificate (OC) / Occupation Permit (OP) to the public.
 - Awareness of the professional design liability for his work relating to the following :
 - Risks and factors of safety and codes of practice
 - Limitation Act
 - Difference of liability based on "reasonable skill and care" and "fit for purpose."
- ii. A reasonable understanding of professional responsibility pertaining to duty of care and due diligence to the Client under contractual and tortious relationship.

3. Professionalism

- i. Professionalism with respect to basic concepts of (1) public interest (2) fiduciary interest to the client and public (3) professional conduct and (4) expert knowledge.
- ii. Code of professional conduct (The Registration of Engineers Regulations 1990)
- iii. Common professional practice issues :
 - Statutory responsibilities of a Submitting Engineer under the UBBL Street & Drainage Act / Sarawak/Sabah Building Ordinance (SBO)
 - Supplanting and taking over
 - Certificate of Completion and Compliance (CCC) / Certificate of Fitness of Occupation (CFO) / Occupation Certificate (OC) / Occupation Permit (OP) submission and the responsibilities thereof.
 - Personal performance by a consulting engineer (no “subcontracting” of his assignment)
 - The duties and responsibilities arising from endorsing a design or a document as a Professional Engineer with Practising Certificate (PEPC).

4. Knowledge of laws having relevance

A basic knowledge of laws having relevance to the practice of civil and structural, mechanical and electrical engineering, as applicable to the discipline of the practice. Basic knowledge should only cover the function and aim of the particular law that has relevance to a PEPC's practice.

- Local Council Act
- Town Planning Act
- Street, Drainage & Building Act and the Uniform Building By Law (for candidates in Sabah or Sarawak the appropriate Building Acts shall be referred to)
- Fire Services Act – Guide to Fire Protection in Malaysia
- Environmental Quality Act
- The Electricity Supply Act
- The Gas Supply Act
- The CIDB Act
- The Construction Industry Payment and Adjudication Act (CIPAA)
- The Energy Commission Act
- OSH Act – MS1722 Occupational Safety and Health Management System\

- Factory and Machinery Act
- Water Services Industry Act 2006

5. Knowledge of Contract Laws in Malaysia with respect to the construction industry

i. Basic concept of common law as practiced in Malaysia.

- Introduction to Contract Law;
- Offer and Acceptance
- Considerations
- Intention to create a legal relationship
- Legal capacity
- Formalities
- Conditions when contract is void and voidable.
- Conditions when contract is unenforceable
- Privity of Contract

ii. Various types of construction contracts:

- Direct contract
- Nominated sub contract
- Direct sub contract
- Turnkey contract for design and build
- PAM Main Contract Form
- JKR 203 Main Contract Form
- JKR Design and Build Contract
- FIDIC Contract Form

iii. Issues relating to construction contracts

- Functions of Memorandum of Understanding, Letter of Intent, Letter of Acceptance etc.
- Remedies for breach of contract
- Dispute resolution and arbitration

iv. Understanding the duties and responsibilities of the different roles of a professional engineer as:

- Consultant
- Site Agent
- Superintending Officer
- Adjudicator

v. The consultancy agreement with the client

6. An in-depth knowledge of the functions of the consulting engineer during the various stage of project implementation in accordance with BEM Model Form of Agreement.

- i. Feasibility and preliminary stage
- ii. Design stage I
- iii. Design stage II
- iv. Tender stage
- v. Construction stage
- vi. Post construction stage

7. Management of Engineering Consultancy Practice

- Good governance practice in accordance with the Companies Act and Regulations.
- Awareness of the implications of the penalties involved for violation of the intellectual property.
- Methods of charging professional fees and reimbursable items to the client for services rendered in accordance with the BEM Scale of Fees.
- Basic knowledge of local labour laws.