

SYLLABUS (PART A) – COMMON PAPER FOR NON-CONSTRUCTION (MINING, CHEMICAL, ENVIRONMENTAL AND TRANSPORTATION ENG.)

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 on the following items:
 - o The procedural and legal aspects of the Letter of Release in case of termination of professional services,
 - o Professional conduct and
 - o 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 :
 - o Common laws as practised in Malaysia
 - o Awareness of legal issues such as the various categories of law, classification of law, sources of Malaysian Law etc.
 - o Understanding the hierarchy of the Malaysian courts and their different jurisdictions
 - o "Civil law" and basic concepts of 'Torts' other than mere negligence for misrepresentation, defamation, nuisance etc.
 - o Awareness of the professional design liability for his work with the following factors :
 - 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 the duty of care and due diligence to the Client under contractual and tortuous relationships.

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 :
 - o Supplanting and taking over
 - o 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.

4. Knowledge of laws having relevance

A basic knowledge of laws having relevance to the practice of Chemical, Environmental Mining and Transportation 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 Professional Engineer's practice.

- Environmental Quality Act and regulations
- Solid Waste and Public Cleansing Management Act 2007 and Regulations
- Occupational Safety and Health Act (OSHA) and regulations

5. Knowledge of Contract Laws in Malaysia with respect to the Chemical, Environmental, Mining and Transportation scopes

- 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
- 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

6. Management of Engineering Consultancy Practice

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