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PROFESSIONAL ENGINEERS ACT 1991
(SECTION 61)

PROFESSIONAL ENGINEERS BOARD RULES 1991

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Rule

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[30 August 1991]

PART 1
PRELIMINARY

Citation

1. These Rules are the Professional Engineers Board Rules 1991.

Definitions

2. In these Rules —

“chairperson” means the person presiding at any meeting of the Board;

“elected member”, in relation to the Board, means a member of the Board mentioned in section 4(2)(c) of the Act;

“financial year” means the financial year of the Board which is —

(a) the period starting on 1 January 2021 and ending on 31 March 2022; or

(b) from 1 April 2022, any period of 12 months ending on 31 March in any year;

“licensed professional engineer” means a registered professional engineer who has in force a valid practising certificate;

“member” means a member of the Board and includes the president of the Board.

PART 2

MEETINGS OF BOARD

Meetings

3.—(1) Meetings of the Board may be held at such time and place and as often as may be necessary, except that not less than 10 meetings must be held in a financial year.

(2) The Registrar must, whenever requested to do so by the president or by not less than 4 members in writing under their hands, convene a meeting of the Board within 14 days of such request.

Notice of meetings

4.—(1) The Registrar must give at least 5 days’ notice in writing specifying the place, date and time of a meeting of the Board and the business to be conducted at the meeting.

(2) The accidental omission to give notice of a meeting under this rule to one or more members or failure to receive any such notice by any member does not affect the validity of or prejudice anything done or agreed to at such meeting.

Minutes

5.—(1) The Registrar is to act as secretary of the Board.

(2) Minutes of every meeting of the Board must be taken and kept by the Registrar and must be duly entered in a book provided for the purpose.

(3) A draft of the minutes of a meeting of the Board must be circulated to the members together with the notice of the meeting at which the draft is to be submitted for confirmation.

(4) Minutes of the proceedings of any meeting, if purporting to be signed by the chairperson of the meeting at which the minutes were confirmed, are to be evidence of the facts stated therein; and the

meeting to which any such minutes relate is, unless the contrary is proved, deemed to have been regularly convened and constituted.

Order of business

6. Unless the chairperson otherwise directs, the following order of business must be observed at each meeting of the Board:

- (a) confirmation of minutes of the previous meeting of the Board;
- (b) matters arising;
- (c) statement of accounts;
- (d) applications for registration, practising certificates and licences;
- (e) business of which due notice has been given;
- (f) any other matters that the Board may think fit to consider.

Voting

7. Every question arising at every meeting of the Board must be decided by voting on a show of hands by a majority of the members present and voting, except that any member may call for a division, in which case the names of the members for and against and those who abstained from voting must be recorded in writing in the minutes.

8. [*Deleted by S 633/2005*]

Bank account and cheques, etc.

9.—(1) All payments made by or on behalf of the Board (other than sums not exceeding \$500 or such lesser amounts as the Board may from time to time determine) must be made by cheque drawn on the bank account of the Board, or by an electronic funds transfer.

(2) All cheques drawn on the bank account of the Board must be signed by —

- (a) the president and the Registrar;
- (b) the president and any member of the Board approved through a resolution of the Board for this purpose; or

- (c) the Registrar and any member of the Board approved through a resolution of the Board for this purpose.

Presentation of accounts

10. At every meeting of the Board, the Registrar must present to the Board a statement of accounts showing —

- (a) the receipts and expenditure by the Board for the current financial year as on the day immediately before the meeting; and
- (b) the balance (if any) standing to the credit of the Board.

Expenses of Board

11. The Registrar and any other officers and employees appointed by the Board are to be paid such fees or remuneration as the Board may determine from time to time.

PART 3

ELECTION OF BOARD MEMBERS

Returning officer

12.—(1) The Registrar, or any other person whom the Board may from time to time appoint, is the returning officer for the purpose of section 4(2)(c)(i) of the Act.

(2) The returning officer may appoint assistant returning officers who are to act under the direction of the returning officer.

Notice of nomination

13.—(1) For the purpose of section 4(2)(c)(i) of the Act, the returning officer must determine —

- (a) the date, time, place, manner and procedure for submitting nomination papers;
- (b) the date for balloting which must be not more than 60 days after the close of nominations; and

(c) the time and place at which, and the manner by which, the ballot is to be conducted.

(2) The returning officer must cause a notice to be sent to every licensed professional engineer informing him or her of the matters mentioned in paragraph (1), together with a nomination paper which must be in the form determined by the Board.

Nominations

14.—(1) Every licensed professional engineer who desires to nominate a candidate for election as a member of the Board must —

- (a) enter his or her own name as proposer and sign on the nomination paper mentioned in rule 13(2);
- (b) enter on the nomination paper the name of the candidate and have the consent of the candidate endorsed thereon;
- (c) enter on the nomination paper the name of a seconder for the candidate and have the signature of the seconder endorsed thereon; and
- (d) submit the nomination paper in the manner fixed by the returning officer under rule 13(1)(a) together with any information concerning the candidate that the returning officer may require.

(2) No person other than a licensed professional engineer may propose or second the nomination of any candidate.

(3) A proposer must not nominate more candidates in any election than the number to be filled in that election.

Vacancies filled by number of nominations

15. Where there is only one valid nomination of a licensed professional engineer in either the branch of civil engineering, electrical engineering or mechanical engineering in any election, the returning officer must declare the candidate from that branch of engineering nominated to be elected.

Vacancy to be set aside

16. Where there is no valid nomination of a licensed professional engineer in either the branch of civil engineering, electrical engineering or mechanical engineering in any election, the returning officer must set aside one vacancy for a licensed professional engineer in that branch of engineering to be appointed by the Minister under section 4(4) of the Act.

Remaining vacancies

17. Where, after taking into account the number of candidates declared elected under rule 15 and the number of vacancies to be set aside under rule 16, there are no more valid nominations than the remaining number of vacancies to be filled, the returning officer must declare the candidates in those nominations to be elected.

Vacancies exceeded by number of nominations

18. Where, after taking into account the number of candidates declared elected under rule 15 and the number of vacancies to be set aside under rule 16, there are more valid nominations than the remaining number of vacancies to be filled, the returning officer must cause a notice to be sent to every licensed professional engineer containing instructions relating to —

- (a) the date, time and place fixed for balloting;
- (b) the manner and procedure for balloting; and
- (c) the names of the candidates and any other relevant information that the returning officer may determine.

No soliciting or canvassing for votes

19.—(1) A person must not do any of the following except in the manner permitted by the returning officer:

- (a) canvass for votes;
- (b) solicit the vote of any person;
- (c) cause any other person to do any act mentioned in sub-paragraphs (a) and (b).

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Form and manner of voting

20.—(1) Voting must be by secret ballot.

(2) Balloting must be conducted in such form and manner, whether manually or by mechanical or electronic means, as the returning officer may determine.

Proof of identity

21. Every licensed professional engineer who votes must produce such proof of identity as the returning officer may require.

Penalty for failure to vote

22. The penalty under section 5(2)(b) of the Act for failure to vote is \$300.

Counting of votes

23.—(1) Subject to rules 15 and 16, the returning officer must —

(a) cause the votes given to each candidate to be counted, whether manually or by mechanical or electronic means; and

(b) declare the following candidates to be elected:

(i) firstly, the 3 candidates from the branches of civil engineering, electrical engineering and mechanical engineering who each has the highest number of votes among the candidates in his or her respective branch of engineering;

(ii) thereafter, the remaining candidates with the highest numbers of votes among all the candidates in the election, to fill the remaining vacancies.

(2) If there is an equality of votes, the successful candidate or candidates must be determined by drawing lots.

(3) The returning officer must cause a notice to be sent to every registered professional engineer informing him or her of the results of the election.

Storage of records

24. Subject to any direction that the president may give, the records of the vote must be retained securely by the Board for 3 months.

Complaints to Board

25.—(1) Subject to paragraph (2), any question arising out of the election as to whether —

- (a) a person is a licensed professional engineer;
- (b) a candidate has been validly nominated; or
- (c) a vote may be counted,

must be decided by the returning officer.

(2) Any person aggrieved by any act or decision of the returning officer may, not later than 7 days after the results of an election have been declared, complain to the Board, which may investigate the complaint and take such action (including declaring the election void in whole or in part) as the Board may think fit.

(3) Any complaint that a candidate or any person on a candidate's behalf has used corrupt methods or undue influence in order to secure the election or rejection of a candidate, or has contravened rule 19(1), must be made to the Board which may investigate the complaint and take such action (including declaring the election void in whole or in part) as the Board may think fit.

(4) Any failure to comply with these Rules does not invalidate an election if it appears that the election was conducted in accordance with the principles laid down in these Rules, and that the failure did not affect the results of the election.