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PROFESSIONAL ENGINEERS ACT 1991
(SECTION 61)

PROFESSIONAL ENGINEERS
(CODE OF PROFESSIONAL CONDUCT AND ETHICS)
RULES 1991

ARRANGEMENT OF RULES

Rule

1. Citation
 2. Code of Professional Conduct and Ethics
The Schedule
-

[30 August 1991]

Citation

1. These Rules are the Professional Engineers (Code of Professional Conduct and Ethics) Rules 1991.

Code of Professional Conduct and Ethics

2.—(1) Every registered professional engineer must observe and be guided by Parts 1 and 2 of the Code of Professional Conduct and Ethics set out in the Schedule.

(2) Every licensed professional engineering practice must, when supplying professional engineering services in Singapore, observe and be guided by Part 1 of the Code of Professional Conduct and Ethics set out in the Schedule.

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THE SCHEDULE

Rule 2

CODE OF PROFESSIONAL CONDUCT AND ETHICS

PART 1

1. In this Part —

“housing developer” has the meaning given by the Housing Developers (Control and Licensing) Act 1965;

“professional engineer” and any associated pronoun means a registered professional engineer and includes a licensed professional engineering practice;

“publicity” means any form of advertisement and includes any advertisement —

(a) printed in any medium for the communication of information;

(b) appearing in, communicated through or retrievable from, any mass medium, electronic or otherwise including but not limited to the internet,

and its derivatives, and “publicise”, “publicised” and “publicising” are to be construed accordingly.

2.—(1) A professional engineer must uphold the dignity, standing and reputation of the profession.

(2) A professional engineer may, subject to these Rules, publicise his or her practice or allow his or her employees or agents to do so.

(3) A professional engineer must not publicise his or her practice in a manner which —

(a) is likely to diminish public confidence in the engineering profession or to otherwise bring the profession into disrepute;

(b) may reasonably be regarded as being misleading, deceptive, inaccurate, false or unbecoming the dignity of the profession; or

(c) the Board may determine to be an undesirable manner of publicising his or her practice.

(4) For the purposes of these Rules, publicity is considered to be misleading, deceptive, inaccurate or false if it —

(a) contains a material misrepresentation;

(b) omits to state a material fact;

(c) contains any information which cannot be verified; or

THE SCHEDULE — *continued*

- (d) is likely to create an unjustified expectation about the results that can be achieved by the professional engineer.
- (5) In publicising his or her practice, a professional engineer must ensure that —
- (a) any claim to expertise or specialisation can be justified;
 - (b) the publicity does not make any direct or indirect mention of past projects in which, or clients for whom, the professional engineer or his or her firm or company had acted where the provision of such information will involve a breach of confidentiality owed to any client or former client; and
 - (c) the publicity does not make any comparison or criticism in relation to the quality of the services provided by any other professional engineer or allied professional.
- (6) For the purpose of sub-paragraph (5)(a), the following factors must be taken into account in justifying any claim to expertise or specialisation:
- (a) academic qualifications;
 - (b) experience;
 - (c) facilities;
 - (d) personnel;
 - (e) capacity to render service.
- (7) A professional engineer must refrain from expressing publicly an opinion on an engineering project unless the professional engineer is informed of the facts relating to that engineering project.
- (8) A professional engineer must —
- (a) exercise due restraint in criticising the work of another professional engineer; and
 - (b) not maliciously or recklessly injure or attempt to injure, directly or indirectly, the professional reputation, prospects or business of another professional engineer.
- (9) Sub-paragraph (7) does not affect any moral obligation to expose unethical conduct before the proper authorities or preclude a frank but private appraisal of employees or of professional engineers being considered for employment.
- (10) A professional engineer must not endorse engineering products or processes in any commercial advertisement.
- 3.—(1) A professional engineer must discharge his or her duties to his or her employer or client with complete fidelity.

THE SCHEDULE — *continued*

(2) A professional engineer must not accept remuneration for professional engineering services rendered from any person other than his or her employer or client except with the knowledge and approval of his or her employer or client.

(3) A professional engineer must not, without disclosing the fact to his or her employer in writing, be a director of or have a substantial financial interest in, or be an agent for, any company, firm or person carrying on any business which is or may be involved in the work to which his or her employment relates.

(4) A professional engineer must not accept any trade commission, discount, allowance or indirect payment or other consideration in connection with any professional engineering work in which he or she is engaged.

(5) A professional engineer must not receive, directly or indirectly, any royalty, gratuity or commission in respect of any patented article or process used in or for the purpose of the work in respect of which he or she is acting as a professional engineer for an employer unless and until the receipt of such royalty, gratuity or commission by the professional engineer has been authorised in writing by such employer.

(6) Subject to the provisions of this Schedule, a professional engineer must not hold, assume or intentionally accept a position in which his or her interest is in conflict with his or her professional duty to his or her client or employer.

(7) A professional engineer must not disclose confidential information concerning the business affairs or technical processes of his or her client or employer without the consent of the client or employer.

(8) A professional engineer must not use information which is obtained confidentially in the course of his or her assignment for the purpose of making personal profit.

(9) A professional engineer must not divulge any confidential findings or studies or actions of an engineering commission or board of which he or she is a member without the consent of the commission or board.

(10) A professional engineer must not give professional advice which does not fully reflect his or her best professional judgment.

(11) A professional engineer must engage, or advise engaging, experts and specialists when in his or her opinion and judgment such services are in the interest of his or her client or employer.

4.—(1) A professional engineer must not supply professional engineering services in respect of any project if the professional engineer, or any nominee of the professional engineer, is a partner, an officer or an employee of —

(a) a housing developer of the project; or

THE SCHEDULE — *continued*

(b) an associate of a housing developer of the project.

(2) In this paragraph, an associate of a housing developer means any of the following persons:

(a) a body corporate in which the housing developer is a substantial shareholder as defined in section 81 of the Companies Act 1967;

(b) a body corporate of which the housing developer is a director, secretary or similar executive officer;

(c) if the housing developer is a body corporate —

(i) a person who is a substantial shareholder, as defined in section 81 of the Companies Act 1967, of the body corporate;
or

(ii) a director, secretary or similar executive officer of the body corporate;

(d) where the housing developer is a trustee of a discretionary trust, a beneficiary or an object of the discretionary trust;

(e) an employer of the housing developer.

5. Despite the responsibility to his or her employer and to his or her profession, a professional engineer must act with prime regard to the public interest.

6. A professional engineer must not knowingly attempt to supplant another professional engineer, nor intervene or attempt to intervene in or in connection with engineering work of any kind which to his or her knowledge has already been entrusted to another professional engineer.

7. If a claim by a professional engineer for remuneration of his or her professional services in a project is made on a developer of the project and is not satisfied, another professional engineer must not, knowingly and without reasonable grounds, accept or continue with an engagement to provide professional services to the developer of that project.

8. A professional engineer must not canvass or solicit professional employment or offer to make payment for the introduction of such employment.

9. A professional engineer must not be the medium of any payment made on behalf of his or her employer unless so requested by his or her employer and he or she, in connection with any work in which he or she is employed, must not place any contract or order except with the authority of or on behalf of his or her employer.

10. A professional engineer must not take part in a competition involving the submission of any proposal and design for engineering work unless the assessor to

THE SCHEDULE — *continued*

whom such proposal and design is to be submitted for adjudication is a person of acknowledged engineering standing.

11.—(1) A professional engineer who is engaged in the construction or in the design and construction of engineering work or in the manufacture or in the design and manufacture of articles of commerce, whether on his or her own account or as a technical adviser or employee or a partner or director of a firm or company so engaged, must not prepare or submit to a client or customer or prospective client or prospective customer a design for engineering works or articles unless accompanied by an offer on behalf of himself or herself or his or her firm or company to construct the work or supply the articles, and a proviso that if the design of the professional engineer, the corporation of which he or she is a director or partnership of which he or she is a member is accepted, the professional engineer or the corporation or partnership is to be given the contract for the work or supply of the articles, with such variation (if any) as to design and with such arrangements as to remuneration as may be mutually agreed.

(2) A professional engineer must not prepare or submit or offer to prepare or submit a design without informing the client or customer or prospective client or prospective customer as to the nature of his or her connection with the construction or manufacture of the work or articles in question.

(3) Except at the request of the client or customer, a professional engineer must not offer, directly or indirectly, on behalf of himself or herself or his or her firm or company, to design, or to design and construct, any engineering work, the design of which to his or her knowledge has already been entrusted to another professional engineer, who is acting as a consultant, unless with the approval of such professional engineer.

12. A professional engineer must —

- (a) exercise due diligence to ensure that there is no contravention of or failure to comply with any written law by any person in the carrying out of any building project or works of which the professional engineer is the consultant or engineer; and
- (b) report to the appropriate authority any contravention of or failure to comply with any written law by any person in the carrying out of any building project or works of which the professional engineer is the consultant or engineer, if such contravention or failure comes to his or her knowledge.

THE SCHEDULE — *continued*

PART 2

1.—(1) A professional engineer must not use the advantage of a salaried position to compete unfairly with other professional engineers.

(2) A professional engineer must not accept any professional commission from persons other than his or her employers to an extent prejudicial to his or her salaried position or detrimental to established engineering services or which would result in a conflict of interest.

(3) If permitted by his or her employer, any professional commission from persons other than his or her employers must be confined to consultation on phases of engineering for which he or she has special qualifications not inherently available in usual engineering practice, except that he or she must not establish an office for the purpose of conducting such outside activities.

(4) A professional engineer must not use the influence of a salaried position to direct clients to another professional engineer, licensed professional engineering practice or other engineering firm in which he or she has a financial interest.

2. A professional engineer must not, for the purpose of obtaining any permit, licence or approval of any public authority, sign any plans or calculations which were not verified, checked or prepared by the professional engineer or any member of the professional engineer's staff under the professional engineer's supervision.