

## CHAPTER 27:16

# ZIMBABWE INSTITUTION OF ENGINEERS (PRIVATE) ACT

*Acts 36/1967, 57/1972 (s 24), 15/1976, 29/1981, 29/1985, 22/2001 (s. 4); R.G.N 124/1974; S.I. 362/1980.*

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### **AN ACT to re-enact with amendments the provisions of the Rhodesian Institution of Engineers (Private) Act [Chapter 216 of 1963].**

[Date of commencement: 20th October, 1967.]

WHEREAS the Rhodesian Institution of Engineers (Private) Act [Chapter 216 of 1963] provides for the establishment and incorporation of the Rhodesian Institution of Engineers, defines its powers and its objects, makes provision with respect to different classes of members and the designation and description of members and with respect to improper use of such designations and descriptions, provides for the appointment of an Inaugural Board and the registration of members, provides for the appointment of a Council and the management of the Institution and for other matters connected with the foregoing;

AND WHEREAS it is expedient to extend the objects of the Institution, to amend the classes of membership and to provide an additional class of membership, to amend the Council's powers governing the admission of members, to provide for the use of prefixes to the names of members, to amend the designations and descriptions which members may use, to amend the registration of members and their qualifications of membership and to make further and other amendments incidental thereto or consequential thereon;

AND WHEREAS it is expedient to re-enact the Act with amendments giving effect to the matters specified in the preceding paragraph of this preamble and, in so doing, to leave out certain provisions of the Act which are spent:

BE IT ENACTED:—

#### **1 Short title**

This Act may be cited as the Zimbabwe Institution of Engineers (Private) Act [Chapter 27:16].

#### **2 Interpretation**

In this Act—

“Council” means the Council of the Institution;

“Institution” means the Zimbabwe Institution of Engineers established by the previous Act and by this Act;

“member” means a person registered in terms of this Act as a member of the Institution of any grade;

“Minister” means the Minister of Public Construction and National Housing or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“previous Act” means the Rhodesian Institution of Engineers (Private) Act [Chapter 216 of 1963];

“Register” means the list of members registered as members of the Institution.

#### **3 The Institution**

(1) The Institution established by the previous Act is hereby re-incorporated under the same title in terms of this Act.

(2) The Institution established is a body corporate with perpetual succession capable of suing and being sued and may—

- (a) purchase, hire or otherwise acquire and hold movable and immovable property and erect buildings for the purposes of the Institution;
- (b) borrow or otherwise raise money in such manner as the Institution may think fit;
- (c) sell, realize, lease, mortgage, alienate, improve or otherwise deal with all or any of the property of the Institution;
- (d) invest the funds of the Institution which are not immediately required upon such security, if any, as may from time to time be determined;
- (e) institute, control and supervise professional and technical training, teaching and examinations;
- (f) establish, support or aid in the establishment and support of associations, funds, trusts, pensions or provident schemes to benefit officers, members or former officers and members or their dependants, and grant pensions and allowances to any officer, member or former officer or member or his dependants;
- (g) make charitable donations and grants-in-aid of objects which would benefit the profession;
- (h) do all such acts and things as are conducive to the attainment of the objects of the Institution.

#### **4 Objects**

The objects of the Institution are—

- (a) to promote the general advancement of engineering and its allied sciences and their application and to facilitate the exchange and dissemination of information and ideas in such matters amongst members and other persons or associations;
- (b) to raise the character and status of the profession of engineering and its allied sciences, to promote honourable practice and repress malpractice and to increase and promote the confidence of the community in those persons practising and teaching the profession of engineering and its allied sciences;
- (c) to promote the study and the advancement of the engineering sciences and their application by the prosecution of scientific research and the establishment of technical libraries and other facilities, to make grants of money, books, apparatus or otherwise in connection therewith and to conduct, prescribe or approve of training, courses and examinations in and the teaching of engineering knowledge;
- (d) to hold meetings of the Institution for reading papers and discussing matters bearing upon engineering, or the application thereof, or upon subjects relating thereto, to publish papers and to make awards to authors for papers of special merit;
- (e) to take such steps as may be deemed desirable to promote good public relations and the recruitment of personnel to the profession of engineering and its allied sciences.

#### **5 Grades of members**

The grades of members shall be as prescribed.

#### **6 Registrations amended**

All members registered as honorary members, full members, associate members, associates, companions, graduates and students under the previous Act shall, subject to regulations made in terms of section *sixteen*, from the 20th October, 1967, be registered respectively as honorary fellows, fellows, members, affiliates, companions, graduates and students.

#### **7 Register of members**

The Council shall maintain the Register in which any person was registered as a member of the Institution in terms of the previous Act as altered in pursuance of section *six* and shall effect further registration of persons entitled to be registered as members in terms of this Act.

#### **8 Records to be sent to Minister**

(1) The Council shall, within fourteen days after the registration of any person under this Act, transmit to the Minister a duplicate of such entry in the Register.

(2) Every change affecting the Register shall be noted therein and notified to the Minister within a like period.

#### **9 Management and control**

The management and control of the Institution shall be vested in the Council which shall be appointed or elected by the Institution and which may exercise all such powers and do all such things as may be exercised and done by the Institution save those which are expressly directed by this Act to be exercised or done by the Institution in general meeting.

#### **10 Limitation of liability**

Members of the Council shall not be personally liable for any action taken in such capacity, and the personal liability of any member shall be limited to the payment of his subscription, registration and transfer fees.

## 11 Seal

The Council shall provide a seal for the Institution and shall have power from time to time to destroy the said seal and substitute another in place thereof. The seal of the Institution shall only be affixed to a document in pursuance of a resolution of the Council and in the presence of two members of the Council who shall testify it duly executed by their signatures thereto and thereupon such document shall be received and recognized as the act of the Institution.

## 12 Removal from Register on non-payment of fees

If the subscription or fees of any member are in arrear for more than six months after having been duly demanded, his name may by resolution of the Council be removed from the Register and he shall cease to be a member but he shall be liable to pay all moneys due by him to the date of such removal:

Provided that on payment of the said arrears the Council may restore such member's name to the Register.

## 13 Application to High Court

Whenever the Council refuses to register the name of a person applying to be registered as a member of the Institution such person may apply to the High Court for a review of such decision and the Court may make such order as it thinks fit, including an order as to costs.

## 14 Suspension and removal by High Court

(1) The Council may apply on notice of motion to the High Court for the suspension of any member or for the removal of his name from the Register on the ground—

- (a) that he has been convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (b) that his estate has been declared insolvent; or
- (c) that he has been found guilty of unworthy or unprofessional or dishonourable conduct;

and the Court may thereupon make such order as it thinks fit, including an order as to costs:

Provided that before making such application an inquiry into the allegation against such member shall be held in such manner as may be prescribed.

(2) If a member is suspended he shall not be entitled to the privileges of membership during such suspension and if his name is removed from the Register he shall cease to be a member, but he shall be liable to pay all moneys due by him up to the date of such suspension or removal of his name from the Register.

## 15 Improper use of designations

(1) A person who—

- (a) not being a member of the Institution, describes or holds himself out as a member or uses any name, title, prefix, description, letters, abbreviations or initials indicating that he is a member; or
- (b) being a member of the Institution, describes or holds himself out as a member of a grade in which he is not registered or uses any name, title, prefix, description, letters, abbreviations or initials indicating that he is a member of a grade in which he is not registered;

whether by advertisement, letters or writing or by description in any form in or at his place of business, residence or elsewhere shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section as amended by Act No. 22 of 2001]

## 16 Regulations

(1) The Council may, subject to the approval of the Minister, make regulations—

- (a) providing for the management, including the appointment and remuneration of officers, powers and duties of the Institution and defining the rights, privileges and conduct of the members;
- (b) prescribing the qualifications of any grade of members and the rights and privileges within the Institution attaching to such grade;
- (c) prescribing the titles, prefixes, descriptions, letters, abbreviations or initials by which members of any grade may indicate their status as such;
- (d) providing for the composition of the Council and the nomination and election or appointment of members of the Council;
- (e) prescribing the procedure, powers and duties of the Council and the conduct of its affairs;
- (f) prescribing the procedure and forms in connection with—
  - (i) applications for membership;
  - (ii) the registration of members;
  - (iii) the transfer of members from one grade to another;
- (g) prescribing the procedure for the removal or resignation of members;
- (h) for the preservation of the copyright of papers, reports of proceedings and discussions of the Institution;
- (i) for the establishment of divisions of the Institution in different areas of Zimbabwe;
- (j) for the formation of sections and branches within the Institution and providing for their registration, discipline, procedure, powers and duties;
- (k) for the formation of committees and the delegation of the Council's powers to such committees;

- (l) making provision for voting by proxy, by post and otherwise;
- (m) prescribing the procedure for inquiry into the conduct of members;
- (n) as to what shall constitute unworthy, unprofessional or dishonourable conduct;
- (o) as to the fees payable on registration and transfer of members and as to the subscriptions to be paid by members;
- (p) prescribing the time, mode and place of summoning and holding ordinary and special general meetings, the quorum to be present thereat, the mode of voting and the conduct of proceedings thereat;
- (q) tending in general to maintain and improve the status and promote the general advancement of professional engineering and its allied sciences, to facilitate the exchange and dissemination of information and to enable agreements to be entered into with other institutions for recognition of the Institution on a reciprocal basis and the registration of members, and generally for carrying out the objects of the Institution;
- (r) providing for anything which under this Act is required or permitted to be prescribed or which, in the opinion of the Council, is necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act:

Provided that no regulation shall fix or provide for the fixing of fees for professional services.

(2) Regulations made in terms of subsection (1) may prescribe any institution, association, society, degree, diploma, certificate or qualification for any grade of membership of the Institution by reference to a publication or document which—

- (a) contains a list of such institutions, associations, societies, degrees, diplomas, certificates or qualifications, as the case may be; and
- (b) is available for inspection, free of charge, at the offices of the Institution.

(3) If on one of the twenty-eight days on which Parliament next sits after any regulations made under subsection (1) are laid before it in terms of section 36 of the Interpretation Act [*Chapter 1:01*] a resolution is passed requesting the Minister to rescind or vary the regulations, the regulations shall forthwith be rescinded or varied, as the case may be, by statutory instrument without prejudice to the validity of anything previously.

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