

LAWS OF SOUTH SUDAN

THE ENGINEERING COUNCIL ACT, 2012

Act No. 32, 2012

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ENGINEERING COUNCIL ACT 2012

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LAWS OF SOUTH SUDAN

THE ENGINEERING COUNCIL ACT, 2012

In accordance with the provisions of Article 55 (2) (3) (b), read together with Article 85 (1) of the Transitional Constitution of the Republic of South Sudan, 2012, the National Legislative Assembly, with the assent of the President of the Republic of South Sudan hereby enact the following—

CHAPTER I

PRELIMINARY PROVISIONS

1 Title and Commencement.

This Act may be cited as “The Engineering Council Act, 2012” and shall come into force on the date of its signature by the President.

2 Repeal and Saving.

- (1) Any existing law in the Republic of South Sudan that governs the same matters as set forth in this Act is hereby repealed or shall cease to operate.
- (2) Notwithstanding subsection (1) above, all proceedings, orders, actions and regulations taken or made shall remain in force unless repealed, amended or revoked.

3 Purpose.

The purpose of this Act is to provide a legal regulatory framework for the Engineering Council in South Sudan, to develop and strengthen the engineering professional standards and promote ethical conduct as well as ensuring the quality of Engineering Education and the practice of Engineering profession in the country.

4 Authority and Application.

- (1) This Act is drafted in accordance with provisions of Article 52, read together with Schedule (A) paragraph 39 of the Transitional Constitution of the Republic of South Sudan, 2012 which grant the National Government authority to co-ordinate services and establish minimum national standards and

uniform norms in respect of any matter or service referred to in Schedules B, C and D.

- (2) This Act shall apply to all matters relating to regulation of the professional standards and practices of engineers and the engineering profession in South Sudan.

5 Interpretation.

In this Act, unless the context otherwise requires, the following words and expressions shall have the meaning assigned to them:

“Assembly” means National Legislative Assembly;

“Consultant Engineer” means any person holding a university degree with qualifications in Engineering Science or Technology or the equivalent, or a post-graduate qualification in the field of specialization and who has no less than fifteen years of experience and holds the collegiate membership of one of the professional societies;

“Consultancy Firm” means any business entity rendering consultancy services and which employs qualified consultants and other experts who are academically and professionally qualified to deliver those services;

“Council,” means the Engineering Council of South Sudan established in accordance with the provisions of this Act;

“Engineer” means a person, who holds a university degree or equivalent or one possessing post-graduate qualifications in Engineering Science and Technology, and Architecture as recognized by the Council;

“Engineering Technician” means a person, who holds a two-year Diploma in an Engineering discipline, or such other academic qualifications as may be equivalent to a two-year Diploma in an Engineering discipline or on such other criteria, as the Council may prescribe;

“Engineering field” means a field of study, practice or training involved with Engineering Science or Technology as recognized by the Council;

“Licensed Person” means the Person who has satisfied the requirements for license after certification by the Council that such person is duly qualified, and has the ability to bear the responsibility of a particular engineering work for which the license is granted;

“Minister Concerned” means the Minister in charge of Cabinet Affairs;

“Minister” means the Minister of Finance and Economic Planning;

“Professional Engineer” means any Engineer who holds a recognized academic qualifications and a post-graduate degree, and who has such experience in any of the engineering fields of not less than seven (7) years or as the Council may approve or a person approved and credentialed by a recognized professional engineers society as such a specialist and holds membership at an accredited level within such a society;

“Professional Societies” mean the professional Engineering and Architectural societies, which are recognized by the Council;

“Registered Person” means a person, who is registered or enrolled, in accordance with provisions of this Act;

“Registrar” means the Registrar of the Council, appointed in accordance with provisions of Section 13 of this Act;

“Regulation” means any regulation, as may be issued or made by the Council;

“Roll/Registry” means any of the Rolls or Registries of such categories as the Council may decide to maintain as provided for in this Act or its implementing regulations;

“Secretary General” means the Secretary General of the Council, appointed in accordance with provisions of section 14 of this Act;

“Skilled Worker” means any person, who holds the certificate of a recognized apprenticeship centre or equivalent as the Council may approve from time to time; and

“Technologist” means any Person, who holds a three year Diploma in any Engineering Sciences, or equivalent as the Council may determine;

CHAPTER II

THE COUNCIL

6 Establishment of the Council.

- (1) There shall be established an independent Council to be known as the Engineering Council of South Sudan (ECOSS) referred to hereinafter as the Council.
- (2) The Council shall be a corporate body with perpetual succession, a common seal and logo and shall be capable of suing and being sued in its own name. The Council may establish offices in any state of South Sudan.

- (3) The Council shall be under the supervision of the Minister Concerned and its seat shall be in the capital of South Sudan or in such other place within South Sudan as the Council may approve.

7 Membership of the Council.

The Membership of the Engineering Council shall consist of the following categories:

- (a) Engineers;
- (b) Architects
- (c) Technologists;
- (d) Engineering Technicians; and
- (e) Skilled Workers.

8 Composition of the Council.

- (1) The Minister Concerned, in consultations with engineering professional bodies, shall appoint Members of the Council who shall be approved by a resolution of the National Council of Ministers.
- (2) The Council shall consist of Nineteen (19) members including the Chairperson, Deputy Chairperson and Seventeen (17) other members who shall be at the status not lower than of Consultant Engineer or its equivalent and may be representatives of the following categories:
 - (a) Five members from Technical Government Engineering Ministries and Institutions according to the following clusters:
 - (i) Ministries of Housing and Physical Planning and Environment and the Land Commission;
 - (ii) Ministries of Transport, Roads and Bridges, Roads Authority and Civil Aviation Authority;
 - (iii) Ministry of Telecommunications and Postal Services;
 - (iv) Ministries of Electricity and Dams; Water Resources and Irrigation, South Sudan Electricity Corporation, Urban Water Corporation;
 - (v) Ministry of Petroleum and Mining;
 - (b) Representative of Deans of the South Sudan Government Faculties of Engineering;
 - (c) Representative of teaching staff at the University Colleges and Institutes in the field of Engineering Technology;
 - (d) Representative of the Executive Council of the South Sudan Engineering General Union;

- (e) Representative of the Ministry of Education, Science and Technology, Department of Higher Education or the Engineering and Technical Education Directorate,
 - (f) Representative of the Ministry of Public Service and Labour representing of the Vocational Sector;
 - (g) Representative of Technologists;
 - (h) Representative of Engineering or Architectural technicians;
 - (i) Representative of the South Sudan Engineering Society;
 - (j) Representative of the Architects Association, and
 - (k) Three (3) members from the Private Sector representing:
 - (i) Consultancies and Consulting Firms;
 - (ii) Contractors and Contracting Firms;
 - (iii) Industries and Manufacturing sector.
- (3) The Secretary General shall be an ex-officio member of the Council and shall serve as the Secretary of the Council;
- (4) Where a vacancy occurs on the Council, it shall be filled in the same manner as was used in making the appointment, except where the remaining period is less than six (6) months, in which event the vacancy shall not be filled until after expiration of the term of the Council.
- (5) The term of the Council shall be four (4) years commencing from the date of its appointment and may be renewable for one additional term of similar duration;
- (6) The Council shall submit to the Minister Concerned a report on its business and activities on a quarterly basis;
- (7) The Minister Concerned may require an additional report and other information from the Council as may be required.

9 Powers and Functions of the Council.

- (1) The Council shall perform the following functions:
- (a) organize and promote the engineering profession and develop its specialized sector components;
 - (b) regulate the practice of engineers through registration, accreditation and approval of qualifications for various categories and levels of the engineering profession;
 - (c) Certify and continuously review engineering and technology curricula and standards for qualification and training at engineering faculties and other training institutions in Engineering and Technology sciences and

satisfy that the required standards are met and constantly updated and maintained to ensure rigorous professional standards for engineers, technologists and technicians;

- (d) provide professional dispute resolution mechanisms for effective settlement of professional disputes between engineers, technologists and technicians and disputes involving members of the engineering professionals and other parties;
 - (e) levy fees, charges and specify associated considerations;
 - (f) develop internal regulations of meetings and establish administrative order of proceedings of the Council in conducting its affairs;
 - (g) establish appropriate committees as necessary and employ such personnel as may enable the Council to perform its functions and achieve its purpose;
 - (h) enter into contracts and acquire such properties as may be necessary for proper performance of the Council's duties;
 - (i) perform such other functions as may be delegated or assigned by the Minister Concerned; and
 - (j) Provide professional advice and present to Procurement Entities to ensure the enforcement of the "Public Procurement and Disposal Regulations, 2012" by ascertaining that qualified engineers are involved in the Procurement process where engineering works and services are involved;
 - (k) The Council shall issue a registration number and certificate to every approved registrant in the approved category and grade-level;
 - (l) The Council may issue professional identification cards to registered individuals in accordance with the regulations;
- (2) Without limiting the generality of the foregoing subsection, the Council may delegate any of its powers to the Chairperson whenever necessary for effective execution of its work.

10 The Oath.

The Chairperson, Deputy Chairperson, Secretary General, Registrar and Members of the Council shall take the following Oath before the Minister Concerned before assuming their respective offices:

I..... in my capacity as, swear in the name of Almighty God, that I shall perform the duties entrusted onto me in accordance with this Act, and shall do my best to execute them with due diligence and sincerity. I shall refrain from disclosing the Council's business, transactions or decisions and shall exert my best efforts towards promoting and supporting the work of the Council, so help me God/God is my witness.

11 Dissolution of the Council.

- (1) The National Council of Ministers may, upon the recommendation of the Minister Concerned, dissolve the Council where public interest or the interests of the profession and its members requires.
- (2) Upon dissolution of the Council, the Minister Concerned shall exercise all powers and functions of the Council pending appointment of a new Council which shall be within a period of not more than ninety (90) days from the effective date of dissolution.

12 Meetings of the Council and Quorum.

- (1) The Council shall convene its ordinary meetings every three months and may convene extraordinary or special meeting at any time upon notice given by the Chairperson or by the Secretary General where a request is made by at least one third (1/3) of the Council members.
- (2) The quorum for Council meeting shall be one half of its members and decisions shall be passed by simple majority of the Council members. In the event of a tie, the Chairperson shall have a casting vote.
- (3) Where the quorum referred to under subsection (2) above cannot be attained, the meeting shall be adjourned and a subsequent meeting shall be fixed to convene within a period of one week from the date of the adjournment. The adjourned meeting shall convene with any number of the membership present, provided that it is for the same agenda and sufficient notice and reasonable time was given to the members.

13 Remuneration, Allowances and Terms of Service.

The National Council of Ministers, upon the recommendation of the Minister Concerned shall specify the following:

- (a) remunerations and allowances of the Chairperson, Deputy and Members of the Council; and
- (b) the terms and conditions of service of the employees of the Council which shall be in conformity with applicable provisions of the Public Service Regulations.

CHAPTER III

MANAGEMENT OF THE COUNCIL

14 Appointment of Secretary General, Registrar and the Deputy.

- (1) The Council of Ministers upon the recommendation of the Minister Concerned shall appoint a Secretary General of the Council who shall be selected from persons of high moral character and integrity and shall possess the following qualifications:
 - (a) be a South Sudanese national;
 - (b) be a qualified Engineer at the level of Consultant Engineer or equivalent;
 - (c) not holding a position at any level of Government;
 - (d) possess relevant technical, practical skills, knowledge and administrative/management experience;
- (2) The Secretary General of the Council shall serve on a full-time basis.

15 Duties of the Secretary General.

The Secretary General shall perform the following functions:

- (a) attend all meeting of the Council and serve as Secretary to the Council;
- (b) be the custodian of Council records and official seal;
- (c) be responsible for keeping minutes of the Council, distributing Council notices and maintaining the register books of meetings of the Council and the Committees established by the Council;
- (d) oversee and supervise all financial and administrative matters and control the performance of personnel, in accordance with policies and directives of the Council;
- (e) be responsible for scheduling and convening meetings of the Council;
- (f) prepare the annual and final report on the business of the Council not later than the 5th day of the final month of the fiscal year;
- (g) be responsible for submitting approved copies of the Council's audited financial reports and business report to the Minister Concerned and to all bodies represented at the Council;
- (h) supervise and oversee the work of the Deputy Secretary General and Registrar;
- (i) the Secretary General shall be assisted in the performance of the foregoing functions by the Deputy Secretary General.

- (j) He or she shall diligently, discharge the duties assigned under provisions of this Act and any other duties as the Council may require; and
- (k) The Secretary General shall recruit suitable persons for the positions of Deputy Secretary General and Registrar who shall be persons of high moral character and integrity and shall possess relevant qualifications and have the skills and knowledge in management and administration. The Deputy Secretary General and Registrar, shall be presented by the Secretary General for formal approval and appointment by the Council.

16 Duties of the Registrar.

The Registrar shall:

- (a) prepare the Registers or Rolls provided for under this Act and regulations and keep all registry records of the Council;
- (b) record in the appropriate Register or Rolls the names of the Engineers, who satisfy the prescribed conditions for enrolment and separately record those Engineers whose names have been stricken off the Registry or roll.;
- (c) before convening the first meeting of the Council, the Secretary General and Registrar shall review all applications for registration and shall make recommendations to the Council for a formal determination by the Council on the levels of registration and licensure and on the categories and rankings of Engineers;
- (d) Upon receipt of application of registration, the Registrar shall enter summary information including address and qualifications of the Engineer into the Registry Book and shall verify payment of the appropriate fees;
- (e) verify and record the required Engineering qualifications and certificates submitted in support of the application;
- (f) prepare the completed application files including the application form together with all required documents for presentation to the Council for consideration and approval;
- (g) establish, maintain and regularly update a Registry of academic institutions within and outside South Sudan which are recognized by the Council with respect to Engineering qualifications;
- (h) when directed by the Council, the Registrar shall strike off the name of any Engineer from the Register Book;

- (i) notify the Secretary General upon death of any registered Engineer and the Secretary General shall report such death to the Council;
- (j) re-register or re-enrol any engineer as directed by the Council;
- (k) issue copies of the Roll, professional Code of Conduct and Rules for registered Engineers;
- (l) administer the oath of professional allegiance for all registered Engineers; and
- (m) ensure renewal of the Registry Book and Rolls after every two years.

17 The Oath of Professional Allegiance.

“I, _____, swear in the name of the Almighty God that I shall observe the principles and values of the Engineering profession and its codes of conduct and practice. I will respect the rights of my colleagues in the Engineering profession, the rights of clients and I will safeguard the interest of the public and endeavour to safeguard and protect the environment. I will devote my best effort to the service of my fellow citizens and the public and will contribute to the continuous improvement of the engineering profession. I will undertake all work entrusted to me to the best of my abilities and effort within the established rules and regulations of the Engineering Council. So Help Me God/God is my witness.”

CHAPTER IV

RECOGNITION OF ENGINEERING SCIENTIFIC AND PROFESSIONAL SOCIETIES AND ACCREDITATION OF CURRICULA OF ENGINEERING FACULTIES, COLLEGES AND INSTITUTIONS

18 Accreditation of Scientific and Professional Degree programs.

- (1) Any Engineering, Technological or Technical-Science Institute in South Sudan that desires to be recognized by the Council shall present its application accompanied by its approved curricula, criteria for admission and conditions for awarding of graduation certificates, together with a list of its current teaching staff with indication of their respective educational qualifications and a list of external examiners and affiliated institutions in or outside of South Sudan.
- (2) The Council may require additional documents to be presented by any institution in such number of copies as it may require.

19 Submission of Qualifications for Recognition.

- (1) Applicants for registration and licensure by the Council shall submit the following:
 - (a) a duly completed application form for registration;
 - (b) proof of qualifications from Universities, Colleges, Institutes or Professional Societies;
 - (c) duly certified copies of degrees, diplomas or certificates together with transcripts showing completion of relevant Engineering course of study; and
 - (d) proof of the curricula and Conditions upon which the certification is based.
- (2) Any other documents, information or data that the council may require.

20 Submission of the constitutions of Professional Societies.

- (1) Any Professional Engineering Societies that desire to be recognized by the Council shall submit its constitution and applicable regulations including codes of conduct and fees to the Council.
- (2) The Council may require any Society desiring to be recognized and registered to provide additional documents, information and data as it may be required before granting recognition.

CHAPTER V

REGISTRATION

21 Approval and Declaration of Registration and Licensure.

Upon consideration and approval of an application of registration and licensure, the Council shall:

- (a) issue a notice of registration indicating the category of registration, level at which the applicant shall be registered and the effective date of registration;
- (b) attach any conditions or limitations to the registration as it shall deem appropriate; and
- (c) instruct the Secretary General to issue a License in accordance with the notice.

22 Categories and Levels of Registration.

Without prejudice to the provisions of section 21 above, the registration and licensure for individual applicants shall be issued in the following categories and grade levels:

- (a) Engineers:
 - (i) Consultant Engineer;
 - (ii) Professional Engineer; and
 - (iii) Graduate Engineer.

- (b) Architects
 - (i) Consultant Architect
 - (ii) Professional Architect; and
 - (iii) Graduate Architect.

- (c) Technologists:
 - (i) Technologist Fellow;
 - (ii) Technologist Member; and
 - (iii) Graduate Technologist;

- (d) Engineering Technician:
 - (i) Engineering technician Fellow;
 - (ii) Engineering technician Member; and
 - (iii) Graduate Engineering technician;

- (e) Skilled Workers;
 - (i) Supervisor;
 - (ii) Foreman; and
 - (iii) Skilled Worker.

23. Mandatory Registration.

No person shall practice in the Engineering profession in South Sudan in any of the categories specified under section 22 of this Act, whether in public or private sector, without first being registered and licensed in accordance with the provisions of this Act.

24. Registration to the National Registry.

- (1) Applicants who meet the requirements set forth under sub-section (4) of this Act shall be registered in the National Registry;
- (2) The Council shall issue a notice authorizing the registration and licensure of any applicant to the appropriate category and grade-level

- (3) Any registered person may submit an application for transfer of his or her registration from a particular category or grade-level to another;
- (4) Any applicant for registration to the National Registry shall provide sufficient proof of:
 - (a) being a South Sudanese national;
 - (b) meeting the conditions for registration within the category for which registration is sought;
 - (c) not having been convicted of an offence involving fraud, dishonesty or moral turpitude and not having been guilty of professional misconduct over the past five years of submission of the application for registration;
 - (d) not having been de-registered or had his or her license cancelled or suspended in any jurisdiction unless proof of reinstatement is furnished to the Council.
- (5) Prior to registration and licensure to any category, the Council may require:
 - (a) the applicant submits to a professional evaluation of the qualification and certificates presented or may direct the applicant to take and pass qualifying examination prior to registration; or
 - (b) that professional interview be conducted by an independent panel to determine the eligibility of the person seeking registration.
- (6) Any person who has been registered and licensed in accordance with provisions of this Act shall be entitled to hold that title and grade-level within the category of registration and may use the distinguishing professional titles and descriptions before his or her names.
- (7) All persons who are approved for registration in accordance with provisions of this Act shall take the Oath of Professional Allegiance set forth in section 16 of this Act.

25. Temporary Registration of Non-South Sudanese.

- (1) The Council may grant Temporary Registration and limited licenses to non-South Sudanese who meet the registration and licensure requirements set forth in this Act; provided that the country of origin of such an applicant shall have a reciprocal policy of recognising and permitting registration and licensing of South Sudanese within its territory.
- (2) A non-South Sudanese applicant may be a person employed pursuant to an Agreement between that applicant's country and South Sudan, under a private contractor under a co-operative or joint venture arrangement with a registered South Sudanese national.

- (3) In exercise of its powers pursuant to section 25 (1) above, the Council shall, after consulting the Minister Concerned, permit registration and licensure within the National Registry of qualifying non-South Sudanese individuals and societies which are entitled to be registered pursuant to regional or multilateral trade obligations or applicable law.

26. Types of Registry Books to be maintained by the Council.

- (1) The Council shall maintain an official Registry Book for each professional category listed in section 22 of this Act setting forth the names of the enrolled person alphabetically, their addresses, biographical information and pertinent summary information as the Council may determine.
- (2) Any person who has been registered and licensed in accordance with provisions of this Act shall be entitled to hold that title and grade-level within the category of registration and may use the distinguishing professional titles and descriptions before his or her names.
- (3) All persons who are approved for registration in accordance with provisions of this Act shall take the Oath of Professional Allegiance set forth in section 16 of this Act.

27. Registration of Consultancies and Contractors.

Engineering firms, companies or entities engaged in professional engineering services within South Sudan organized under their own individual or partnership Consultancy Firms, Contractors or Contracting Companies, whether, national, regional or international, shall register by submitting an application for registration and depositing their documents of eligibility with the Council within a period of ninety (90) days from the date the Council shall commence its business.

28. Eligibility for Registration of Contractors and Contracting Firms.

- (1) Contractors and Contracting Firms may be eligible for registration and licensure in South Sudan upon fulfilment of the following conditions:
 - (a) have existing legitimate registration and verifiable physical place of business;
 - (b) present a company profile and documents relating to its incorporation, business names, human and financial resources, operating capital and tract record of field experience including projects worked on in the past three years prior to submitting the application; and
 - (c) Have not have been involved in fraudulent activities or professional misconduct for the past five years.

- (2) No government department or institution shall engage a contractor or contracting firm that has not been duly registered by the Council.
- (3) No foreign contractor, institution or firm shall conduct business in South Sudan whether individually or in partnership without engaging the participation of a registered South Sudanese contractor who shall be retained as a senior technical counterpart.
- (4) No contracting firm shall recruit foreign nationals to perform more than 40% of all the professional engineering tasks of the contract project.
- (5) The Council may waive the application of sub-section (3) of this section, where public interest requires, provided that due regard shall be had to the training of South Sudanese nationals.

29. Consultancy Services.

- (1) Consultancy services include but are not limited to the following:
 - (a) preparation of the preliminary studies including economic and technical feasibility studies for different projects;
 - (b) Planning, designing or preparing detailed document necessary for executing engineering projects;
- (2) Preparation of environmental impact studies of development projects; and
- (3) Carrying out technical and financial evaluation for the performance of any establishment, company or projects.

30. Foreign Consultants and Consultancy Firms.

- (1) No foreign consultants or consultancy firm shall render Engineering Consultancy Services in South Sudan without first being registered under either the National Registry or on the Temporary Registry for non-South Sudanese nationals.
- (2) Any foreign Consultant or Consultancy Firm wishing to provide Engineering Consultancy Services shall have participation of a person or firm that is duly registered in the National Registry.
- (3) The Council may waive the requirements of sub-section (2) of this section, where public interest requires; provided that where waiver is warranted, the Council shall ensure that due regard is given to training of South Sudanese nationals.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

31. Finance.

- (1) The financial sources of the Council shall include the following:
 - (a) money allocated by government;
 - (b) fees collected from registration and licensing of applicants, sale of printed material and evaluation of documents;
 - (c) grants, gifts and donations; and
 - (d) any other source of revenue.
- (1) The financial resources of the Council shall be applied primarily towards supporting the core functions of the Council including:
 - (a) implementing the work of the Council and executing its function as provided for under this Act; and
 - (b) meeting financial obligations as approved by the Council.
- (2) Notwithstanding the provisions of subsections (1) and (2) of this section, all funds of the Council shall be deemed to be public funds.

32. Accounts.

- (1) Not later than (90) days before the last month of the fiscal year, the Council shall prepare a report of projected annual expenditure of the coming year to be submitted to the Minister Concerned.
- (2) The funds of the Council shall be deposited in current or saving accounts with the Bank of South Sudan or in any recognized Commercial Bank that operates within South Sudan after the approval of the Minister Concerned
- (3) The Council shall keep accurate and comprehensive accounts in accordance with the sound accounting and financial management principles.
- (4) The Council shall comply fully with the law that governs public financial management and accountability.

33. Audit.

The books and accounts of the Council shall be audited at the end of every year by the National Audit Chamber or any certified external Auditor appointed and supervised by the National Auditor General.

CHAPTER VII

RULES AND PROTECTION OF THE PROFESSION

34. Rules of Professional Conduct.

- (1) In addition to any other rules which the Council may make pursuant to this Act, any person who is registered in accordance with provisions of this Act shall:
 - (a) perform services with due diligence and use best effort to ensure public safety;
 - (b) exercise professional honesty and not undertake for which he or she is not properly qualified for or competent in;
 - (c) properly supervise the work of all persons working under him or her giving due regard to professional requirements
 - (d) refrain, from undertaking work that places him or her in conflict with other assigned work or employment in the Government;
 - (e) disclose known or potential occurrence of conflict of interest with respect to functions or personal interests on any professional work or project and not undertake any such work without first obtaining the consent of the owner;
 - (f) not, disclose any confidential information obtained in the course of performing professional services unless express permission from the owner has been given;
 - (g) respect professional colleagues and promote a conducive professional and collegial environment within the profession;
 - (h) endeavour to resolve professional disputes with colleagues through amicable means or through mediation prior to resorting to litigation; and
 - (i) engage in accurate and responsible advertisement for his or her professional business.
- (2) All persons and entities that are registered pursuant to this Act shall comply with the rules of professional conduct and ethics that are issued by their respective associations in addition to the rules provided for under this Act and applicable regulations.

35. Protection of the Profession.

- (1) In addition to any other rules that may be issued by the Council for the protection of the profession the following rules shall apply:
 - (a) No persons shall acquire, use or assume any status, name, title, symbol or distinct professional characteristics in South Sudan without first being registered by the Council as provided for in this Act;
 - (b) whoever falsifies or forges any registration material or improperly uses any title, symbol or characters with the intent of deceiving the Council or gives false statement with intent of misleading the Council as to appropriate category or grade-level of registration or any matter related to qualifications, registration, category, title or symbols, commits an offense and upon conviction shall be punished in accordance with the disciplinary procedures established pursuant to provisions of this Act;
 - (c) A person whose application has been denied by the Council, shall not perform any professional, or technical work in the category for which the application was denied except where such work is done under close supervision of a duly registered and licensed profession in that category;
 - (d) The Council may from time-to-time issue notices describing types of professional activities that shall be limited to particular professional categories and grade-levels;
 - (e) The proprietary rights to designs, drawings and other documents that are prepared by a registered person shall belong to such a person and shall not be used by others without his or her permission or until after the expiry of ten years from the date of preparing such designs ,drawing or documents;
 - (f) The consultative engineering business and technical precision shall be mandatory upon all public and private engineering projects and for the purposes of this subsection, consultative engineering business includes studies, supervision and execution;
 - (g) Government and private bodies shall abide by the non-assignment of any engineering work or appointments in engineering posts save to the enrolled persons;
 - (h) All Government levels including public, semi-public and private organs, national and foreign consultative engineering offices shall abide by the rules of the profession set out under the provisions of sections (34) and (35) above; and
 - (i) Notwithstanding the provisions of the subsection (g) and (h) above, the positions, appointments and assignments acquired before the announcement for registration in accordance with the provisions of section (21) of this Act, shall not be affected by the provisions of these subsections except when the person affected has refused or been belligerent in respect to registration after

the expiry of at least six months from the time of announcement for registration.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

36. Cancellation.

- (1) The Council shall direct the striking-off of any name from the Register of any registered person, upon:
 - (a) being convicted by a competent court and committed to a prison term of more than ten (10) years
 - (b) a showing that registration was fraudulently or wrongfully made;
 - (c) expiration of the Professional Society or Trade Union membership where registration was based solely upon membership in such Professional Society or Trade Union membership; or
 - (d) death.
- (2) Where the name of any registered person is ordered to be stricken from the Register, the Council shall notify such person in writing within sixty (60) days of the order to strike-off the name:
- (3) An appeal against the order to strike-off the name from the Register may be made to the Council within thirty (30) of the date of issuance of the order.

37. Inquiry.

- (1) The Council shall conduct inquiries of contraventions by any enrolled person for contraventions of provision of this Act. A person accused of such contravening shall be given notice in writing setting forth the nature of contraventions and the time and place where the inquiry is to be conducted.
- (2) Upon receipt of the notice in the prescribed period, the person shall be entitled to be heard by the Council, or by a Committee entrusted with this task.

38. Disciplinary Sanctions.

- (1) In addition to any penalty provided under other applicable law, the following penalties may be imposed upon any person who contravenes the provisions of Sections 34 and 35 of this Act:
 - (a) Reprimand;

- (b) Temporary strike-off the Register or Roll; and
- (c) Permanent strike-off the Register or Roll.

39. Appeals.

- (1) Any person aggrieved by the decision of disqualification or order for striking-off his or her name from the Registry may submit an application for revision of such decision by the Council within fourteen (14) days from the date of the receipt of the decision.
- (2) Notwithstanding the provisions of sub-section (1) of this section, any person aggrieved by the Council's decision to disqualify or to strike-off the name from the Register may appeal to the Minister Concerned within one week from the date of receipt of the decision.
- (3) The Minister Concerned shall constitute a panel of three independent Engineers whose status and grade-levels shall not be less than that of the aggrieved person to consider the appeal and make recommendations to the Minister Concerned who shall make a final decision which shall conclude the administrative review process.
- (4) Any person dissatisfied with the decision of the Minister Concerned may appeal to any court of competent jurisdiction.

40. Liquidation of the Council.

The Council may be liquidated or dissolved only in accordance with the law.

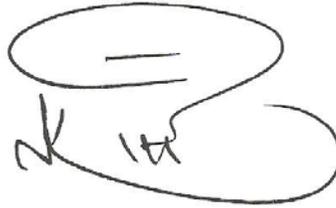
41. Regulations.

- (1) The Minister Concerned may issue such regulations as may be necessary for effective execution of the functions of the Council which may include but not limited to the following:
 - (a) protection of the profession, professional conduct, rules, rights of work, in the prescribed engineering fields, and penalties pertaining to violation of conduct and rules;
 - (b) enrolment of additional categories into the Engineering profession as necessary;
 - (c) duties of the Secretariat; and
 - (d) Prescribing terms and conditions of Service of the employees of the Council.

ASSENT OF THE PRESIDENT OF THE REPUBLIC OF SOUTH SUDAN

In accordance with the provision of Article 85 (1) of the Transitional Constitution of the Republic South Sudan, 2011, I, Gen. Salva Kiir Mayardit, President of the Republic of South Sudan, hereby Assent to the Engineering Council Act, 2012 and sign it into law.

Signed under my hand in Juba, this 9th day of the month of MARCH in the year, 2012.

A handwritten signature in black ink, consisting of a large, stylized 'S' shape with a horizontal line through it, and the initials 'K M' written below it.

Gen. Salva Kiir Mayardit

President

Republic of South Sudan

RSS/ Juba.