

# Engineers & Society

## CHAPTER 4

### ENGINEERS AND LAWS

by

Ir. Dr. Muhamad Zahim Sujod

Faculty of Electrical & Electronics Engineering

[zahim@ump.edu.my](mailto:zahim@ump.edu.my)

# CONTENTS

- \* Engineers Acts
- \* Civil Laws, Crimes and Constitutions

# ENGINEERS ACT

- \* Registration of Engineers Act (1967), Revised (2015)
- \* Arrangement of Sections
  - \* Part I : Preliminary
  - \* Part II : Board of Engineers
  - \* Part II : Registration of Engineers
  - \* Part IV : Cancellation, Removal, Reinstatement, etc.
  - \* Part V : General

# ENGINEERS ACT

## \* Section 24A

“Restriction on employment of unregistered person to provide professional engineering services

24A. (1) No person shall employ a person, sole proprietorship, partnership or body corporate, other than a Professional Engineer with Practising Certificate or an Engineering consultancy practice, to perform professional engineering services”

(2) Nothing in subsection (1) shall prohibit the employment of any person holding one of the certificates referred to in section 7(3) to do all things which the certificate enables or authorizes him to do.”

# ENGINEERS ACT

- \* Professional Engineering Services:

“Professional engineering services” means engineering services and advice in connection with any feasibility study, planning, survey, design, construction, commissioning, operation, maintenance and management of engineering works or projects and includes any other engineering services approved by the Board;

# ENGINEERS ACT

- \* Branches of Professional Engineering Services:
  - i. Engineering services related to engineering works or projects
  - ii. Engineering advice related to engineering works or projects
  - iii. Any engineering services approved by the Board
  
- \* Engineering services/advice:
  - Feasibility study
  - Planning
  - Survey
  - Design
  - Construction
  - Commissioning
  - Operation
  - Maintenance
  - Management

# ENGINEERS ACT

- \* Section 25 (1) Registration of Engineers (Amendment) Act 2015 [ActA1288] - General Penalty

"Any person, sole proprietorship, partnership or body corporate who contravenes this Act or any regulations made thereunder, shall be guilty of an offence and shall, where no penalty is expressly provided therefore, be liable, on conviction, to a fine not exceeding ten thousand Ringgit or to imprisonment for a term not exceeding one year, or to both."



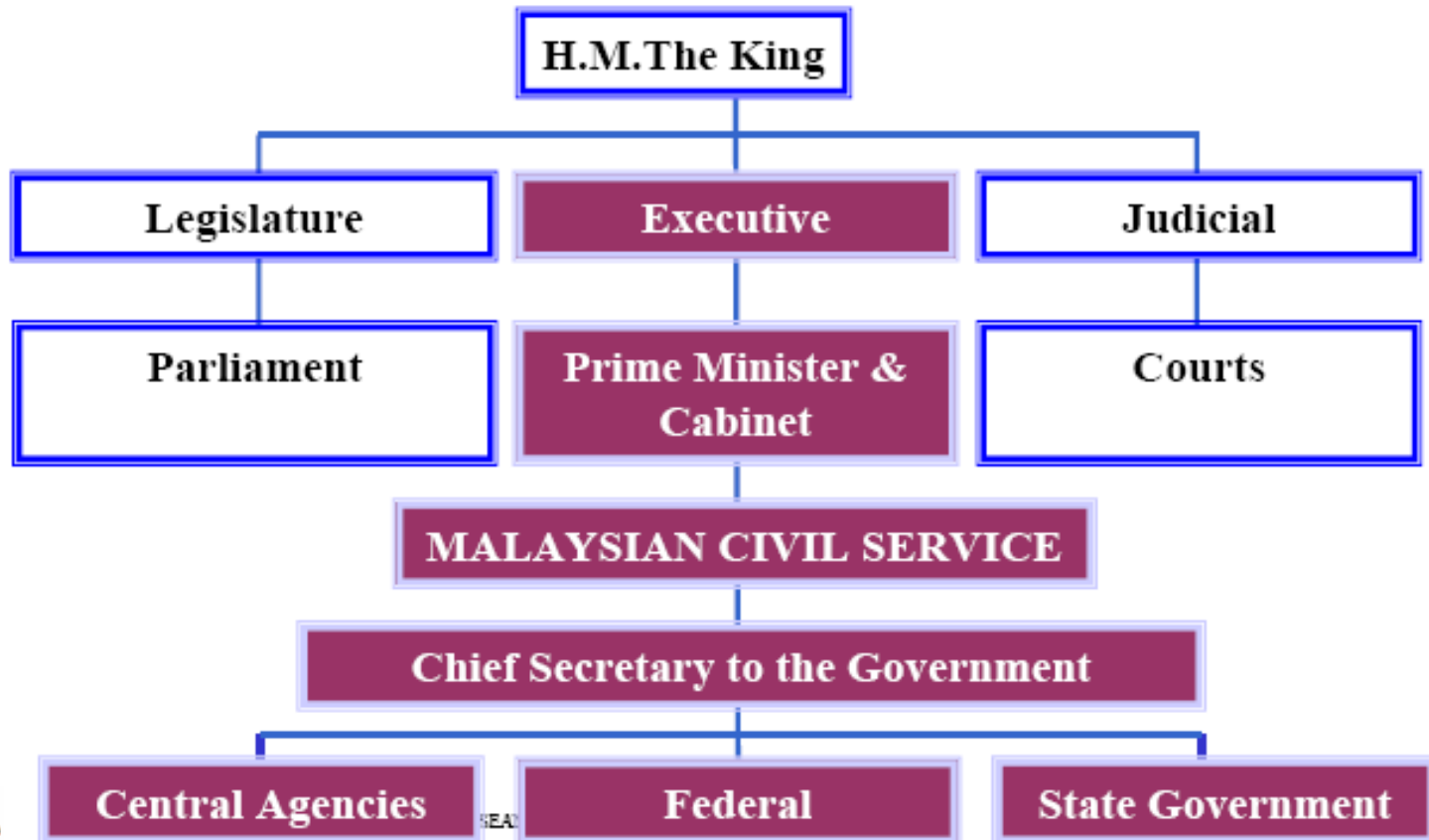
# MALAYSIA GOVERNMENT

- \* Malaysia practices a system of parliamentary democracy.
- \* Ruled with a Constitutional Monarch, with the Yang Di Pertuan Agong as the head of the country.
- \* The federal constitution of Malaysia clearly divides the authority of the Federation into:
  - \* Legislative Authority
  - \* Judicial Authority and
  - \* Executive Authority
- \* The separation of power occurs both at federal and states level, as in keeping with the concept of federalism, which forms the basis of the government administration



# MALAYSIA GOVERNMENT

## The Malaysian Government



# LEGAL SYSTEM

- \* The Malaysian legal system is based on English common law.
- \* The federal government has authority over external affairs, defense, internal security, justice (except civil law cases among Malays or other Muslims and other indigenous peoples, adjudicated under Islamic and traditional law), federal citizenship, finance, commerce, industry, communications, transportation, and other matters.

# LEGAL SYSTEM

## UNDANG-UNDANG BERTULIS

- \* Perlembagaan
- \* Statut
- \* Undang-undang kecil

## UNDANG-UNDANG TIDAK BERTULIS

- \* Keputusan Mahkamah
- \* Common Law dan ekuiti
- \* Undang-undang adat
- \* Undang-undang Islam
- \* Undang-undang di negara Komenwel
- \* Statut Inggeris

# JUDICIARY SYSTEM

## (a) The Federal Court

The Federal Court hears appeals from the Court of Appeal.



## (b) The Court of Appeal

The Court of Appeal hears appeals from the High Court relating to both civil and criminal matters.



## (c) The High Court

### A) CIVIL JURISDICTION

The High Court has jurisdiction to try all civil matters but generally confines itself to matters on which the Magistrates and Sessions Courts have no jurisdiction. These include matters relating to divorce and matrimonial cases, appointment of guardians of infants, the granting of probate of wills and testaments and letters of administration of the estate of deceased persons, bankruptcy, and other civil claims where the amount in dispute exceeds RM250,000.00.

### B) CRIMINAL JURISDICTION

The High Court may hear all matters but generally confines itself to offenses on which the Magistrates and Sessions Courts have no jurisdiction, for instance, offenses which carry the death penalty.

### C) APPELLATE JURISDICTION

The High Court may hear appeals from the Magistrates and Sessions Courts in both civil and criminal matters.

# JUDICIARY SYSTEM

## (d) The Sessions Court

### (A) CIVIL JURISDICTION

A Sessions Court may hear any civil matter involving motor vehicle accidents, disputes between landlord and tenant, and distress actions. The Sessions Court may also hear other matters where the amount in dispute does not exceed RM250,000.00.

### (B) CRIMINAL JURISDICTION

A Sessions Court has jurisdiction to try all criminal offenses EXCEPT those punishable by death.

## (e) The Magistrates Court

**The Magistrates Courts deal with the vast majority of cases, both civil and criminal, and sit in almost all major towns in Malaysia.**

### (A) CIVIL JURISDICTION

A Magistrates Court may hear a civil case when the amount in dispute does not exceed, 25,000.00.

Where the amount claimed does not exceed RM5,000.00 you may wish to file your claim in the "[small claims](#)" division of the Magistrates Court. If you do so however, you must be prepared to conduct the case yourself, as legal representation is not permitted.

### (B) CRIMINAL JURISDICTION

A Magistrates Court may hear criminal matters of the following nature:-

- where the offense is punishable by a fine only - this would cover the majority of traffic offenses.
- where the offense provides for a term of imprisonment not exceeding ten years. A Magistrate may not, however, impose a term of imprisonment exceeding five years.

Source: <http://www.malaysia.gov.my>

# LABOUR LAWS

- \* Malaysian Labour Laws as regards employment, security of employment, unlawful dismissal, termination and lay-off benefit, EPF, SOCSO and workmen's compensation.
- \* Law/Act
  - \* The Employment Act 1955 (amendment in 1998)
  - \* The Children and Young Persons (Employment) Act 1966
  - \* The Employees Provident Fund Act 1991
  - \* The Employees' Social Security Act 1969
  - \* The Workmen's Compensation Act 1952
  - \* The Wages Councils Act 1947
  - \* The Industrial Relations Act 1967
  - \* The Trade Unions Act 1959
  - \* The Occupational Safety and Health Act 1994
  - \* The Factories and Machinery Act 1967

# SOCESO

- \* Social Security Organisation (SOCESO)/ Pertubuhan Keselamatan Sosial (PERKESO)
- \* Employers and employees both contribute a monthly submission to SOCESO as their obligations to fulfill their coverage under this social security scheme and the employer makes this payment every month on behalf of the employee.
- \* Formed in 1971 with objectives of:
  - \* providing comprehensive social security protection for Malaysians
  - \* to ensure the timely and adequate provision of benefits in a socially just manner
  - \* monitors and promotes occupational health and safety within the work environment
  - \* to ensure socio-economic security of all working Malaysian citizens including their dependents through

# SOCSCO

- \* **The principle of Social Insurance**
  - \* To provide speedy, quality and efficient services using the most cost-effective methods while utilising advanced technology and ensuring human resource development.
  - \* To review the benefit structure periodically as well as the benefit disbursement system.
  - \* As far as possible without increasing the contribution rate to secure and strengthen SOCSCO's funds through prudent financial and investment management.
  - \* To promote and encourage work safety and health of workers and employers alike.



# EPF

- \* *Employees Provident Fund Act 1991* – An Act to amend and re-enact the law relating to provident fund for persons employed in certain occupations and for matters incidental thereto.

- \* **EPF**

- \* is a savings scheme for your retirement.
- \* member have the right to ensure their savings is managed properly and is always safe.
- \* The current contribution rate: employee below age 60 is 8%, above age 60 is 4%, and the employer is 12%.
- \* Employers must pay the contributions according to the rate set out in the EPF Act 1991 and should not do their own calculations.
- \* Late payment of contributions will be imposed interest and dividend

# EPF

## \* Nomination

- \* If you are 18 years of age and above, you can nominate your beneficiary (for non-Muslims) who will receive your savings upon your death or an administrator (for Muslims) who will manage the withdrawal of your savings in the event of your death. You are encouraged to nominate your nearest next-of-kin such as your spouse, children, parents or siblings in order to facilitate the withdrawal of your EPF savings. Foreign citizens are not allowed to make any nomination.

## \* Types of Withdrawal

- \* Retirement (50 or 55 years)
- \* Housing (purchase, build, reduce loan, unit trust)
- \* Others (death, leave country, health, incapacitation, etc.)

# REFERENCES

- K. Rajkumar, Malaysian Labour Laws Made Simple, 1999, Pelanduk
- <http://www.bem.org.my>
- <http://www.perkeso.gov.my>
- <http://www.kwsp.gov.my>
- <http://www.lawyerment.com.my>



Editor: Ir. Dr. Muhamad Zahim Bin Sujod

Authors: Ir. Dr. Muhamad Zahim Bin Sujod  
Prof. Dr. Mahamod Bin Ismail (UKM)