



# **ISTTT Conference – Land Policy for Sustainable Development**

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**Complying with the PAFD Act for Registration of Professionals and how it impacts practitioners in Land and Building Development – A case study of the Engineering Profession Act and the implication for other Registered Professionals**

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# **PRESENTATION OUTLINE**

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- **The PAFD Act definition of professionals and other related terms.**
- **Regulatory Requirements, responsibilities and liabilities of professional practitioners under the PAFD Act**
- **An overview of the Engineering Profession Act No. 34 of 1985**
- **The PAFD Act and the Engineering Profession Act**
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# Introduction

## ***What is the Planning and Facilitation of Development (PAFD) Act?***

An Act intended to replace the current Town and Country Planning Act.

The PAFD Act proposes that professionals involved in the various spheres of land use planning and physical development play a major role in the approval processes

This is intended to bring about a greater level of efficiency, proficiency and productivity in the developmental process.



The Act proposes the establishment of a **National Planning Authority** to:

Exercise overarching responsibility for preparation of national spatial development strategies, development of regulations, standards and practices for building, engineering operations and land development including:

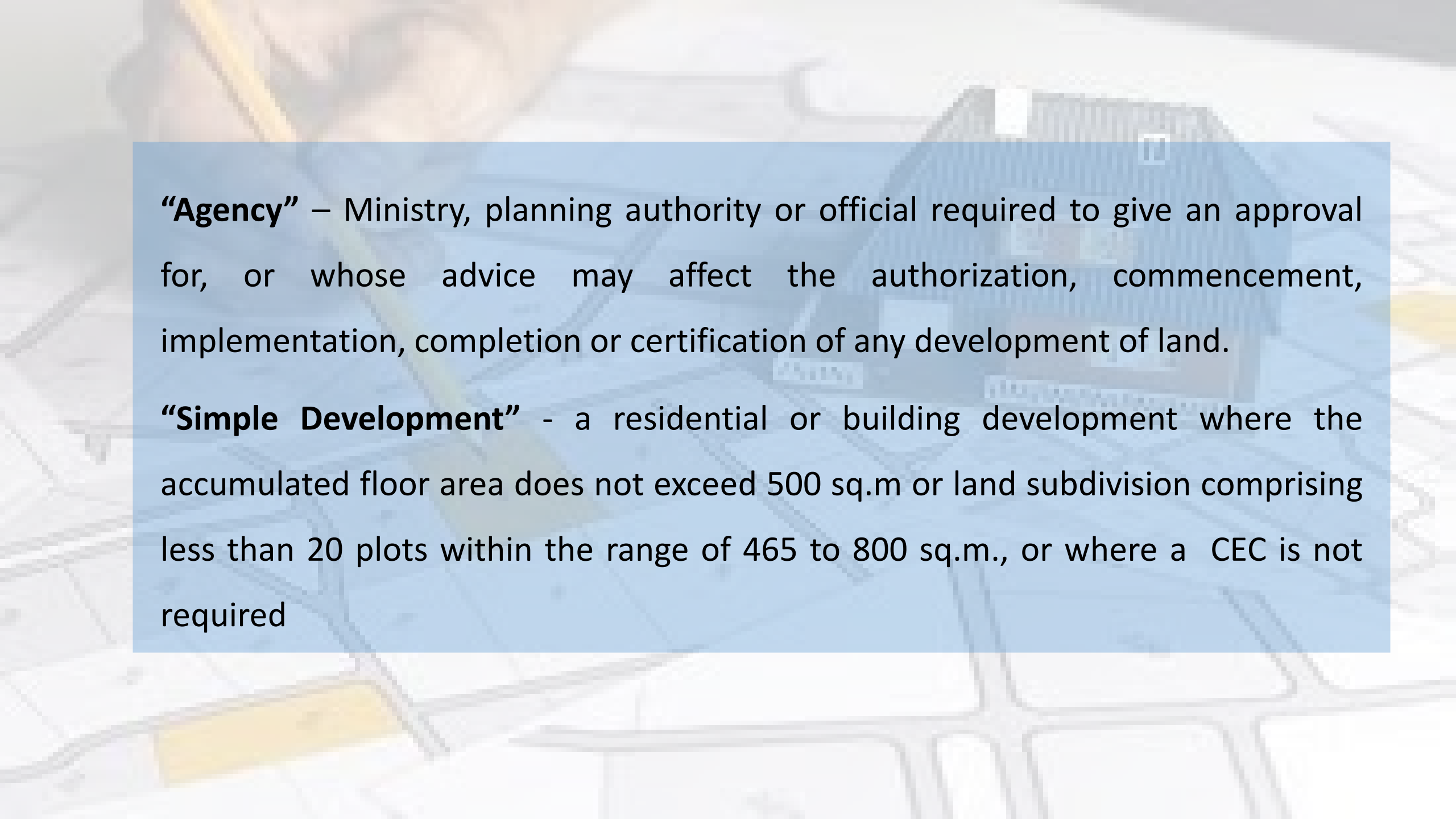
- Monitoring and oversee the preparation of development plans
- Ensuring compliance of all development with the requirements of the National Spatial Development Strategy.
- Facilitate the land development approval processes to ensure timely determination of applications for approvals of plans which require professional technical review

## The PAFD Act definition of professionals and other related terms

- **“Registered Professional”** - a professional registered under any of the Profession Acts; viz. Architecture; Engineering; Land Surveyors; Urban and Regional Planning or such other prescribed profession.
- **“Professional governing body”** - a Board established under any of the Profession Acts.
- **“Listed Professional”** – a registered professional named in a list prepared by a professional governing body and furnished to the National Planning Authority not later than 1<sup>st</sup> March in each year.

- **“Professional Certificate”** – a certificate in a form set out in a Schedule of the Act, whereby a registered professional certifies that he:
  - (a) is a listed professional with the National Planning Authority
  - (b) has discharged his obligations in respect of the approval submissions
  - (c) has personally examined the approval submission and
  - (d) the approval submission complies with all mandatory requirements

**“Certificate of Competence”** – a certificate issued by a **professional governing body**, and which establishes minimum levels of professional competency required for the preparation of such categories of approval submission as may be appropriate to ensure approval submissions meet such standards as determined by the NPA



**“Agency”** – Ministry, planning authority or official required to give an approval for, or whose advice may affect the authorization, commencement, implementation, completion or certification of any development of land.

**“Simple Development”** - a residential or building development where the accumulated floor area does not exceed 500 sq.m or land subdivision comprising less than 20 plots within the range of 465 to 800 sq.m., or where a CEC is not required

# Regulatory requirements, responsibilities and liabilities of professional practitioners under the PAFD Act;

- In addition to being a **Registered Professional**, such professional must also be a **Listed Professional** to be accorded the privilege to undertake distribution of approval submissions to concerned **agencies**.
- Where the requirements of the PAFD Act are satisfied by both the professional governing body and the registered professional, the NPA may exercise the discretion to issue either a preliminary or final approval of the approval submission on the basis of the **professional certificate** issued by the registered professional.
- Except for **simple development** applications, all applications for approval submission shall be prepared and submitted by a **registered professional**, such submissions being stamped with name and address of the **listed professional**



# Regulatory requirements, responsibilities and liabilities of professional practitioners under the PAFD Act;

- The list of **Listed Professionals** to be submitted annually by the professional governing body to the NPA must include;
  - (a) the name and address of every member of the profession it regulates, who is the holder of a certificate of competence granted by the **professional governing body**
  - (b) certification that the member is competent to certify whether the approval submission satisfies the mandatory requirements of an **agency**
  - (c) the categories of applications for approval to which the certificate applies, and any limitation or restrictions to which the **certificate** is subject

## Regulatory requirements, responsibilities and liabilities of professional practitioners under the PAFD Act;

- The NPA shall maintain a comprehensive register of all **listed professionals** showing the nature and category of applications for which each listed professional was granted a **certificate of competence** as well as limitations or restrictions to which such certificate is subject
- Each **professional governing body** is required to publish such list in the Gazette and at least two daily newspapers .
- Listed professionals are required to file and maintain with the NPA proof of financial responsibility as evidenced by the posting of a performance bond or other financial guarantees acceptable to the NPA .

# An overview of the Engineering Profession Act No. 34 of 1985

## **The Board as a Corporate Body**

The Engineering Profession Act No. 34 of 1985 establishes as a corporate body a Board of Engineering appointed by the Minister and consisting of the following seven (7) persons:

- (a) Four registered engineers nominated and holding membership in the Association of Professional Engineers of Trinidad and Tobago
- (b) A public officer who is registered or is eligible to be registered as a registered engineer
- (c) Two persons appointed to represent the public interest



## Functions of the Board

- (a) To assess the qualifications and experience of persons applying for registration as a registered engineer;
- (b) To conduct examinations of persons applying for registration as a registered engineer;
- (c) To register engineers and issue certificates of registration;
- (d) To monitor adherence to and investigate breaches of the Code of Ethics
- (e) To keep published for public scrutiny and notified in the Gazette a list of qualifications and institutions recognized by the Board in respect of engineering training required by the Act.
- (f) To advise the Minister on such amendments to the Act as considered desirable
- (g) Generally, to regulate the practice of engineering in accordance with the Act.

# Registration Committees of the Board

There are two Committees of the Board which are responsible for assessing qualifications and competency for Registration with the BOETT.

These are the **Accreditation Committee** and the **Assessment Committee**.

- The **Accreditation Committee** assesses, review, scrutinize, examine and investigate the academic qualifications of applicants for registration as registered engineers.
- The **Assessment Committee** reviews the engineering work done by applicants and assesses the practical and technical engineering proficiency and competency of the applicant and make recommendations to the Board with regard to the area of competency in which the applicant can be registered.

# The Registration Process

The registration process is two-fold.

1. Applications first have to meet the requirements and approval of the Accreditation Committee
2. The application is then submitted to the Assessment Committee for scrutiny and assessment by way of review of the engineering works done by the applicant or in combination with an interview/oral examination of the applicant.

## **Assessment of Competency**

The Assessment Committee is chaired by a Member of the Board but is comprised of a number of Sub-Committees of specialists registered engineers in various fields of engineering practice and who are constituted to review and examine the practical and technical engineering credentials of applicants in the various categories of registration

# Categories of Registration with the BOETT

There are currently twenty-one (21) Categories of Registration with the Board of Engineering, with each Category having a unique ID No.

ID No.	Category	ID No.	Category	ID No.	Category
01	AERONAUTICAL	08	GEOLOGICAL	15	PETROLEUM & NATURAL GAS
02	AGRICULTURAL	09	INDUSTRIAL	16	PROJECT MANAGEMENT
03	CHEMICAL	10	MARINE	17	REFRIGERATION & AIR CONDITIONING
04	CIVIL	11	MECHANICAL	18	SANITARY
05	COMMUNICATIONS	12	METALLURGICAL	19	STRUCTURAL
06	ELECTRICAL	13	MINING	20	SPECIALIST ENGINEERING
07	ELECTRONIC	14	NUCLEAR	21	ENVIRONMENTAL ENGINEERING



# Categories of Registration with the BOETT

Each Registrant is assigned a unique registration number comprised of 5 to 6 digits. The first two digits identify the Category of Registration, the other 3 or 4 digits constitute a chronological number assigned to the registrant at the time of Registration.

- For example, the number 04-110, indicates that the Engineer is registered in the category of Civil Engineering and his chronological number at the time of registration is 110.
- Currently there are just over 1000 active registrants and the current chronological number of registrants after 37 years of registration is just about 1700.

# Provisions of the PAFD Act No. 10 of 2014 vs the Engineering Profession Act No. 34 of 1985

Item No.	PAFD Terms/Provisions	PAFD Definitions/Requirements	BOETT Provisions/Requirements/Practice
1	Professional Governing Body (PGB)	Board of Architecture; Engineering; Land Surveyors; Planners; other profession regulating body	Board of Engineering established under the Engineering Professional Act. No. 34 of 1985
2	Listed Professional	(a) A Registered Professional named in a List to be provided to the NPA by a PGB not later than 1 <sup>st</sup> March. (b) List to be published in the Gazette and two daily newspapers. (c) Any addition or deletion from the List to be published in the Gazette and two daily newspapers <b>within one month</b> of granting of any <b>certificate of competence</b> or termination of status	List of Registered Engineers identifying their area of competency is published in the Gazette annually (no requirement for publication in a daily newspaper) Addition or deletions from the List are included in the Gazette publication. Deletions will include engineers whose Certificate of Registration have been suspended or cancelled

Item No.	PAFD Terms/Provisions	PAFD Definitions/Requirements	BOETT Provisions/Requirements/Practice
3	Professional Certificate	Each set of every approval submission submitted to each agency shall have attached thereto a signed <b>professional certificate</b> of the <b>listed professional</b> (This certificate is in a form set out in a Schedule of the Act)	The BOETT recognizes the Engineer's use of the issued <b>professional stamp</b> as certification that the stamped document was prepared by the engineer or under his guidance and supervision and are in accordance with the relevant standards
4	Applications other than Simple Development	To be prepared and submitted by a Registered and Listed Professional; stamped with the name and address of the listed or registered professional and an attached <b>professional certificate</b>	BOETT issued stamps have the name and Registration No. of the registered professional and a place for signature; The Reg. No. identifies the particular professional <b>Category of Registration</b> ; Address is not identified on the Engineer's Stamp
5	Level of Professional Competency	The PGB to establish minimum level of professional competency required for the preparation of such categories of approval submission as may be appropriate. The PGB is required to provide to the NPA particulars of a <b>certificate of competency</b> issued to a listed professional, including limitation, restrictions, name and address and whether competent to certify that approval submission satisfy the mandatory requirement	The BOETT has 21 Categories of Professional Registration, each identifying the specific area of engineering competency. A Registered Engineer is issued a professional stamp identifying name, <b>field of competency</b> , Registration No, signature, date.

Item No.	PAFD Terms/Provisions	PAFD Definitions/Requirements	BOETT Provisions/Requirements/Practice
6	Financial Guarantees	A listed professional is required to maintain with the NPA proof of provision of a financial guarantee such as a performance bond in an amount that may be prescribed by the NPA	Financial guarantees in the form of Professional Indemnity Insurance are currently provided by Engineering Firms and this covers the Firm and its Registered Engineers who stamp documents prepared by the firm. Individual built environment professionals do not carry such Insurance unless they are in their own private practice.
7	Failure to comply with prescribed financial guarantee	Failure to comply could lead to termination of privileges and benefits granted a listed professional, including approval submission privileges, i.e. distribution of approval submissions to approval agencies	
8	Approval Submissions	Each and every approval submission shall have attached a signed professional certificate of the listed professional in which a declaration is made that the documents submitted are in accordance with the relevant standards	THE BOETT issues a Stamp that carries a Registration No., (which correlates with the specific area of expertise/registration), a signature and date. This being the instrument for professional competency validation of documents prepared by or with oversight of the Registered Professional

# Conclusions

- The PAFD Act proposes that professionals involved in the various spheres of land use planning and physical development play a major role in the approval processes.
- The Regulatory requirements, responsibilities and liabilities of professional practitioners under the PAFD Act have implications for the regulations of Registered Professionals under the Profession Acts that regulate professional practitioners in the built environment.
- Conforming with the PAFD Act demands a level of professional responsibility and accountability by professionals, who themselves have met recognized professional standards and certification in their respective areas of expertise. Such professionals must also be required to maintain a proficient level of competency through evidentiary continuing professional development.

# Conclusions

- Of significance is the fact that Listed Professionals will be required to file and maintain a performance bond with the NPA.
- Equally important is whether the current Profession Acts do have the necessary provisions to facilitate the requirements of the PAFD Act and whether the Boards have or can, in the current circumstances of voluntary registration, afford the necessary staff to manage and maintain the administrative processes related to the listing of professional
- Professional governing bodies will remain limited in their efforts to effectively regulated professional practice, in the absence of mandatory Registration, particularly as it relates to issues of continuing professional development and responsible ethical practices.



**THANK YOU!**

***Questions???***