

Local Order No. (89) of 1994

Concerning

Regulation of Practicing Engineering Consultancy

In the Emirate of Dubai

We, Hamdan Bin Rashid Al Maktoum

Chairman of Dubai Municipality

- Upon review of the powers vested in us by law pursuant to Decree of Establishing Dubai Municipality;
- The provisions of Federal Law No. (5) of 1985 Concerning the Civil Transactions Law as amended by Federal Law No. (1) of 1987;

We, the Chairman of the Municipality issue the following Local Order:

Preliminary Chapter

Article (1) This Order shall be called (Local Order Concerning Regulation of the Practice of Engineering Consultancy in the Emirate of Dubai)

Article (2) In applying the provisions of this Order, unless otherwise required by the context, the following terms and words shall have the meanings set forth against them respectively:

State:	The United Arab Emirates
Emirate:	The Emirate of Dubai
Department:	Dubai Municipality Department
Director General:	The Director General of the Municipality
Engineering Office:	The office licensed to practice engineering consultancy in the Emirate, which is owned by one or more Engineer(s) registered in the Register who undertake the engineering work in it.
Engineer:	The natural person who is the holder of university degree from a recognized university in an Engineering Specialization and whose name is registered in the Engineering Consultants Register.
Engineering Practice:	The activities carried on by the Engineers qualified in any of the Engineering Specializations.

Engineering Specializations:	The engineering sections, branches and fields designated by resolution of the Committee.
Committee:	The Committee of Registration and Licensing of Practicing Engineering Consultancy in the Emirate
Register:	The Engineering Consultants Register
Local Service Agent:	The natural person of the State nationality who is entrusted with facilitating supporting administration works for the Engineering Office without any technical or financial liability, whether in the Emirate or abroad.

Chapter One

Section One

The Engineering Consultants Register

- Article (3) A Register shall be established in the Department for Engineering Consultants. The form of the Register and the details to be entered into it and the required registration procedures shall be specified by resolution of the Director General.
- Article (4) A natural person shall practice engineering consultancy in the Emirate only upon entry of their name into the Register.

Section Two

Conditions of Practicing Engineering Consultancy

- Article (5) A person whose name is registered in the Register shall:
1. be a national of the State
 2. have full eligibility
 3. have good conduct and reputation
 4. not be convicted in a felony or a misdemeanor that is offensive to morals or honesty, unless a pardon is issued in his favor by the concerned authority or he restores his position
 5. be a holder of a Bachelor's degree in engineering from a recognized university in one of the Engineering Specializations to be licensed

6. have no less than 3 years of experience in the Specialization after obtaining university degree
7. be a member of the Engineers Association in the State
8. not be the owner of or a partner in any construction contracting company or building material trading company.

Article (6) As an exception to the provisions of clauses (1) and (6) of the previous Article, natural persons who are not nationals of the State may, in accordance with the conditions specified in this respect, file an application for registration in the Register upon fulfillment of all the other conditions provided for in the previous Article in addition to the following two conditions:

1. The applicant shall work in the Engineering Office on full time basis
2. The experience of the applicant in the Specialization shall be not less than five years after obtaining the university degree

In case of licensing the applicant, his actual residency in the State shall be not less than nine months in every one year.

Chapter Two

Committee for Registration and Licensing of Engineering Consultancy Practice

Article (7) A committee shall be established in the Department and shall be called (Committee for Registration and Licensing of Engineering Consultancy Practice) which shall be formed by resolution of the Director General. The Committee shall consist of five members as follows:

- 1) Three of the engineers of the Department to be elected by the Director General; one of whom shall be chairman of the Committee.
- 2) One of the engineers working in the private sector to be elected by the Director General from among three engineers to be nominated by the Engineers Association in the State.

- 3) Member from the Economic Department in Dubai to be nominated by its Director General.

The Committee shall have the right to seek the assistance of any person it finds proper from among the engineers working in the Department for assisting it in performance of its duties.

Article (8) The Committee shall have the following functions:

1. To consider the applications for registration in the Register.
2. To issue certificates of registration in the Register showing the name, address and nationality of the applicant, the registration number, date and the licensed Specialization and category.
3. To consider licensing applications for establishing Engineering Offices in the Emirate, to classify and resolve the same.
4. To carry out inspection of Engineering Offices and to verify the qualifications of the Engineers working at them.
5. To maintain the principles, ethics and practices of the profession and to take the necessary disciplinary measures against offenders.
6. To investigate violations committed by the licensed Engineering Offices.
7. To approve precise Specializations and new branches in the Engineering Profession fields.
8. To be up to date on the technical studies and research relating to the Engineering Profession and its branches and to benefit from the same in developing the Engineering Profession locally.
9. Any other functions or duties which may be vested in the Committee by instructions of the Director General.

Article (9) Applications for registration in the Register and applications for issuance of license for opening an Engineering Office shall be submitted to the Committee on the forms prepared for the purpose accompanied by the supporting certificates and documents. The Committee shall issue its decision in the application within no later than thirty days from the date of receipt of the application.

- Article (10) The applicant may appeal the Committee's decision within one month from the date of notifying the applicant of the decision. The appeal shall be submitted to the Director General and shall be resolved within two months from the date of submission of the same. The decision issued in the appeal shall be final.
- Article (11) the Engineering Office may apply to the Committee, after one year from the date of its classification, for re-classification into higher category in view of new circumstances in the Engineering Office. The Committee shall issue its decision in this respect within no later than thirty days from the date of submission of the application. The Office may appeal the decision as set out in the previous Article.

Chapter Three

Licensing and Classification of Engineering Offices

Section One

Licensing of Engineering Offices

- Article (12) The Engineering Consultancy Profession shall be practiced only through a licensed Engineering Office.

The license holder may not be an owner or a partner in more than one Engineering Office and may not take more than one office as a principal office for practicing the profession in the Emirate.

- Article (13) The license shall be issued personally to the license applicants and may not be assigned to a third party.

In the case of death of the license holders the heirs shall not be treated as license holders. Subject to the rights of third parties, the Committee may give the heirs one year from the date of death of their ancestor, which shall be renewable for similar term, to complete the business in progress provided that an administrator shall be appointed from among the Engineers registered in the Register to be responsible for the practice of the Office. However, the Office shall not during the said period enter into any contract for performance of new works.

- Article (14) The heirs of the license holder may, upon approval of the Committee, transfer the corporate name of the Engineering Office to any party who fulfills the required conditions for licensing.

- Article (15) The Engineering Office shall carry on only the Engineering Consultancy Profession in the Specialization and category in which the license is issued.
- Article (16) The term of the license shall be two years. The license holder shall file an application for renewal of the license no less than three months prior to the expiration of the license. The Committee may cancel the license at any time in case of loss by the license holder of any of the conditions required for licensing.
- Article (17) Engineering Offices licensed in the Emirate may cooperate amongst themselves in performing certain engineering works vested in them for the purpose of supplementing any Specializations which are not included in the license issued to any of them.
- Article (18) In the case of several partners in the Engineering Office, they shall establish amongst themselves a professional partnership in which the partners shall be jointly liable to third parties for the obligations of the partnership.

Section Two

Classification of Engineering Offices

- Article (19) Engineering Offices operating in the Emirate shall take one of the following forms:
- Local Engineering Office
 - Joint Engineering Office
 - Opinion Engineering Office
 - A branch of a foreign Engineering Office

(Local Engineering Office)

- Article (20) The local Engineering Office is the office owned by one or more natural persons of the nationals of the State registered in the Register. The Office may have co-owners who are not nationals of the State from among the Engineers registered in the Register who shall not hold more than 49% of the capital.

Article (21) The local Engineering Office may have more than one Engineering Specialization provided that the Engineering Office has one Engineer registered in the Register for every Specialization.

Article (22) The license holder may authorize any of the Engineers working in the Office to sign and act on behalf of the Office provided that such Engineer shall be registered in the Register.

Article (23) Classification of the Specializations in local Engineering Offices shall be in the following categories:

- First Category
- Second Category
- Third Category

Article (24) As a condition for classification of every Specialization in the categories referred to in the previous Article, one of the license holders must have experience in practicing the profession in the relevant Specialization for a minimum of uninterrupted terms as follows:

First category: Ten years for the nationals of the State or fifteen years for others.

Second category: Five years for nationals of the State or ten years for others.

Third category: Three years for nationals of the State or five years for others.

Article (25) The category of any Specialization of the local Engineering Office may not exceed the highest category achieved by the Office in accordance with the experience of any of the UAE national license holders.

(Joint Engineering Office)

Article (26) As an exception to the provisions of the second paragraph of Article (12) of this Order, the local Engineering Office classified in the first category may enter into joint venture with one or more foreign Engineering Offices to establish no more than one joint Engineering office for carrying out certain specialized engineering works provided that such offices have practiced the Engineering Profession for no less than ten years in or outside the State in the Specialization applied for.

However, the provision of Article (12) of this Order shall apply to foreign engineering offices referred to in this Article.

Article (27) The joint Engineering Office shall have separate engineering staff specialized in the field of work of the Office.

One of the Engineers employed by the Office may be authorized to sign and act on behalf of the Office.

(Opinion Engineering Office)

Article (28) The opinion Engineering Office is the office owned by one or more natural persons to practice certain precise specialized engineering works, and whose work is restricted to giving opinion to local Engineering Offices or joint Engineering Offices or any government entity.

Article (29) Subject to the provisions of Article (30), the applicant for license of opinion Engineering Office shall fulfill the following conditions:

1. To be registered in the Register.
2. To be a holder of an academic degree in precise Engineering Specialization
3. To have practiced the Profession in his precise Specialization for no less than fifteen years.
4. To practice the licensed activity personally.

Article (30) With the exception of the Offices where one of the applicants is a national of the State, it shall be a condition for the issuance of the license to appoint a “Local Service Agent” for the opinion Engineering Office.

Article (31) The Local Service Agent shall fulfill the following conditions:

1. He shall be a natural person having a domicile in the Emirate and holder of the nationality of the State
2. He shall not be an owner or a partner in any construction contracting company or building material trading company in the State

Article (32) The relationship between the license holders in the opinion Engineering Office and the Local Service Agent shall be regulated by a contract which shall include

the details set forth in the form prepared for the purpose which shall be issued by the resolution of the Committee. The contract shall be valid for two years, renewable for one or more similar term(s) with the approval of the Committee.

(Branch of Foreign Engineering Office)

Article (33) A branch of a foreign Engineering Office is the branch established in the Emirate by one of the foreign specialized engineering offices. The license of the branch shall be limited to precise Specialization fields which are not available in local Engineering Offices.

Article (34) The foreign Engineering Office shall fulfill the following conditions:

1. The foreign Office shall have high technical efficiency, shall be specialized in one or more of the precise Engineering Specializations and shall be in existence in the home jurisdiction for no less than fifteen years.
2. The management of the Office shall be vested in a manager registered in the Register with experience in practicing the Profession for no less than fifteen years. The Office may be managed by an Engineer who is a national of the State registered in the Register provided that such Engineer shall be working in the relevant Office on full time basis.
3. The parent office in the home jurisdiction must have completed a number of major projects with major technical and material value and must submit with the licensing application a statement of such projects accompanied by drawings and the supporting documents.
4. The branch of the foreign Engineering Office in the Emirate must have highly qualified technical staff working on full time basis as follows:
 - a) Every licensed Specialization has a head Engineer with no less than fifteen years of experience in his precise Specialization. A head Engineer of those may be appointed as a resident general manager of the Office.
 - b) The head of the Specialization shall be assisted by a number of assistant Engineers with experience of no less than seven years

whose number shall be in accordance with the volume of the work in progress vested in the Office. The parent office shall undertake to appoint the necessary number who shall be resident in the Emirate for the term of work in the projects which require their presence.

Article (35) The terms and conditions of the opinion Engineering Office provided for in Articles (30), (31) and (32) of this Order shall apply to branches of foreign Engineering Offices.

Chapter Four

Duties of the Engineering Office and the Engineers Working in it

Article (36) The Engineer shall comply in his work and conduct with the principles of integrity, honesty and morals and shall not practice the Profession in any way that is contrary to the laws and regulations.

Article (37) The Engineer shall comply in practicing the Engineering Profession with the laws and regulations and with all resolutions issued by the Committee and the other concerned authorities, and shall notify the Committee and the other concerned authorities immediately upon finding any violation in implementation of the works supervised by him.

Article (38) The Engineer shall protect and support the Engineering Profession and shall observe in dealing with peers the requirements of courtesy and shall not compete with them in unlawful means, criticize their work in public, collaborate or participate in any works performed by a person who is not registered in the Register and shall not disclose any secrets of his clients.

Article (39) The Engineer shall not accept any gifts for the services performed by him other than from the employer himself or with the employer's approval, and shall not accept commission in any form whatsoever.

Article (40) The Engineer shall not use brokers whether with or without consideration or benefit and shall not make any advertisement for himself by any advertisement means whatsoever.

Article (41) The Engineering Office shall not enter into any contract with the objective to receive commissions only, without carrying out any actual engineering works.

- Article (42) The Engineering Office shall, before carrying out any engineering works, sign with the employer a contract fulfilling the conditions necessary for reserving the rights of the contracting parties guided in that by the form of the contract prepared for the purpose by the Committee. A copy of the contract, and any amendments thereto, shall be submitted to the Department within fifteen days from the date of entering into or amendment of the contract.
- Article (43) The Engineering Office shall keep the original drawings, calculation notes and documents of the projects prepared by the Engineering Office, including any amendments to the same, for no less than 10 years from the date of completion of implementation of the same and shall deliver to the employer copies of these drawings and documents upon request at any time during or after completion of implementation, against the actual cost of copying.
- Article (44) The Engineer shall not copy any design prepared by another Engineer and shall not use the design prepared to the account of a client for another client except with the written consent of both clients.
- Article (45) The license holder or his legal representative or, upon his death, his legal heirs shall give notice to the Committee of any change to the circumstances of the Office and its technical staff and registered address with the Committee, within not later than six days from the date of the change or amendment.

Chapter Five

Penalties and Discipline

- Article (46) If the Committee finds that the Engineering Office has violated any applicable laws, regulations, orders or resolutions it may apply one of the following disciplinary measures:
- To give warning to the Engineering Office and to the Engineer who committed the violation
 - Not to allow the Engineering Office to accept any new works for six months and in case of repetition of the violation the Office shall be suspended for no less than one year and no more than two years.
 - Cancellation of license

- Article (47) The Engineering Office shall have the right to appeal the Committee decision on suspension or cancellation of license within one month from the date of giving it notice of the decision. The appeal shall be submitted to the Director General and shall be resolved within two months from the date of submission. The decision issued in the appeal shall be final.
- Article (48) Without prejudice to any criminal penalties, the license shall be cancelled if the Committee finds that the licensed person has lost one or more conditions of those provided for in this Order or if it finds that the license was procured on basis of false or forged details. The registration of the licensed person in the Register shall be cancelled accordingly.
- Article (49) Without prejudice to any disciplinary penalties, every person who commits a violation of this Order shall be penalized by payment of a fine in an amount not exceeding Dirhams fifty thousand.

Chapter Six

Final Provisions

- Article (50) All Engineering Offices operating in the Emirate shall amend their status in accordance with the provisions of this Order within three years from the date on which it comes into force.
- Article (51) The Director General shall issue the regulations and resolutions necessary for implementation of this Order.
- Article (52) Engineering Consultancy Regulations issued by Dubai Municipality Council under Resolution No. 614 dated 14/6/1975 shall hereby be revoked.
- Article (53) This Order shall be published in the Official Gazette and shall come into effect as of the date of publication.

Hamdan Bin Rashid Al Maktoum

Chairman of the Municipality