

PART III – OPERATION

Examination for Competent Persons

Regulation 44. Appointment of Board of Examiners

[Deleted by P.U.(A) 431/2003: Reg. 24]

Regulation 45. Requirement for Certificate of Competency.

(1) Any Electrical Services Engineer, Competent Electrical Engineer, Electrical Supervisor, Chargeman, Wireman or Cable Jointer referred to in these Regulations shall possess a valid Certificate of Competency appropriate to such category, with restrictions, if any, issued to him by the Commission under these Regulations.

(2) The Commission may conduct or cause to be conducted, in such manner as it deems fit, examinations for the purposes of determining whether a person possesses the necessary qualifications to be issued with a Certificate of Competency.

(3) *[Deleted by P.U.(A) 431/2003: Reg. 25].*

Regulation 45A. Application for examination.

(1) An application for examination for a Certificate of Competency shall be made in writing in such manner as may be determined by the Commission.

(2) Every application under subregulation (1) shall be considered by the Commission who shall decide whether the applicant is eligible under these Regulations to sit for the examination.

(3) The Commission shall notify in writing of its decision.

Regulation 46. Eligibility to become Electrical Services Engineer.

(1) A person, in order to be considered eligible to sit for the examination for a Certificate of Competency as an Electrical Services Engineer, shall satisfy the Commission that he complies with the following conditions:

(a) that he is a Malaysian citizen;

(b) that he is a holder of a Certificate of Competency as a competent Electrical Engineer issued under these Regulations;

(c) that he has experience in carrying out the work in connection with maintenance and repair, overhaul and service, calibration, test and commissioning of equipment and location of cable faults;

(d) that he is able to speak and write in the national language; and

(e) that he is able to comply with any other conditions as the Commission deems necessary.

(2) Before a Certificate of Competency as an Electrical Services Engineer is issued to a person, he shall attend a professional interview conducted by the Commission and shall satisfy the Board that--

(a) he has sufficient knowledge of maintenance and repair, overhaul and service, calibration, test and commission of equipment, including the principles of operation of equipment used for generation, transmission, distribution, utilisation, protection and metering in electrical installations and energy efficiency management;

(b) he has sufficient knowledge of location of cable faults;

(c) he has sufficient knowledge of first aid, resuscitation and treatment of electric shock; and

(d) he has sufficient knowledge of the Act and any regulation made thereunder.

(3) The examination for a Certificate of Competency as an Electrical Services Engineer shall be based on a syllabus to be determined by the Commission and shall be conducted partly by written answers to questions set and partly by viva voce.

(4) Notwithstanding subregulations (1), (2) and (3), the Commission may exempt, at its discretion, any person from any or all of the requirements necessary for the examination.

Regulation 47. Eligibility to become Competent Electrical Engineer.

(1) A person, in order to be considered eligible to sit for the examination for a Certificate of Competency as a Competent Electrical Engineer, shall satisfy the Commission that he complies with the following conditions:

(a) that he is a Malaysian citizen;

(b) that he holds a Degree or the equivalent qualification to a degree in electrical engineering from a recognised university or institution;

(c) that he is a Professional Engineer in electrical engineering registered with the Board of Engineers under the Registration of Engineers Act 1967;

(d) that he has not less than five years working experience in an environment where electrical equipment is in operation and has had experience of controlling live equipment;

(e) that he is able to speak and write in the national language; and

(f) that he is able to comply with any other conditions as the Board deems necessary.

(2) Before a Certificate of Competency as a Competent Electrical Engineer is issued to a person, he shall attend a professional interview conducted by the Commission and shall satisfy the Commission that—

(a) he has sufficient knowledge of modern electrical engineering practice, including the principles of operation of equipment used for generation, transmission, distribution, utilisation, protection and metering in electrical installations and energy efficiency management;

(b) he has sufficient knowledge of first aid, resuscitation and treatment of electric shock; and

(c) he has sufficient knowledge of the Act and any regulation made thereunder.

(3) The examination for a Certificate of Competency as a Competent Electrical Engineer shall be based on a syllabus to be determined by the Commission and shall be conducted partly by written answers to questions set and partly by viva voce.

(4) Notwithstanding subregulations (1), (2) and (3), the Commission may exempt, at its discretion, any person from any or all of the requirements necessary for the examination.

Regulation 48. Eligibility to become Electrical Supervisor.

(1) A person, in order to be considered eligible to sit for the examination for a Certificate of Competency as an Electrical Supervisor, shall satisfy the Commission that he complies with the following conditions:

(a) that he is a Malaysian citizen;

(b) that he is in possession of a Diploma or the equivalent qualification to a Diploma in electrical engineering from a recognised institution;

(c) that he has not less than five years working experience in an environment where electrical equipment is in operation and has had experience of controlling live equipment;

(d) that he is able to speak and write in the national language; and

(e) that he is able to comply with any other conditions as the Commission deems necessary.

(2) Before a Certificate as an Electrical Supervisor is issued to a person, he shall attend an interview conducted by the Commission and shall satisfy the Commission that—

(a) he has sufficient knowledge of modern electrical engineering practice, including the principles of operation of equipment used for generation, transmission, distribution, utilisation, protection and metering in electrical installations and energy efficiency management;

(b) he has sufficient knowledge of first aid, resuscitation and treatment of electric shock; and

(c) he has sufficient knowledge of the Act and any regulation made thereunder.

(3) The examination for a Certificate of Competency as an Electrical Supervisor shall be based on a syllabus to be determined by the Commission and shall be partly by written answers to questions set and partly by *viva voce*.

(4) [Deleted by P.U.(A) 431/2003: Reg. 29]

(5) Notwithstanding subregulations (1), (2) and (3), the Commission may exempt, at its discretion, any person from any or all of the requirements necessary for the examination.

Regulation 49. Eligibility to become Chargeman.

(1) A person, in order to be considered eligible to sit for the examination for a Certificate of Competency as a Chargeman, shall satisfy the Commission that he complies with the following conditions:

(a) that he is a Malaysian citizen;

(b) that he is not less than 20 years of age;

(c) that he has the suitable educational qualification to be determined by the Commission;

(d) that he has not less than three years working experience in an environment where electrical equipment is in operation and has had experience of controlling live equipment;

(e) that he is able to speak and write in the national language; and

(f) that he is able to comply with any other conditions as the Commission deems necessary.

(2) Before a Certificate of Competency as a Chargeman is issued to a person, he shall attend an interview conducted by the Commission and shall satisfy the Commission that—

(a) he understands the use of various types of equipment which are likely to come under his charge, and has sufficient knowledge to install and operate it without danger;

(b) he has sufficient knowledge of first aid, resuscitation and treatment of electric shock; and

(c) he has sufficient knowledge of the Act and any regulation made thereunder.

(3) The examination for a Certificate of Competency as a Chargeman shall be based on a syllabus to be determined by the Commission and shall be partly by written answers to questions set and partly by viva voce and may include such practical tests as the Commission deems necessary.

(4).[Deleted. P.U.(A) 431/2003: Reg. 30]

(5) Notwithstanding subregulations (1), (2) and (3), the Commission may exempt, at its discretion, any person from any or all of the requirements necessary for the examination.

Regulation 50. Eligibility to become Wireman.

(1) A person, in order to be considered eligible to sit for the examination for a Certificate of Competency as a Wireman, shall satisfy the Commission that he complies with the following conditions:

- (a) that he is a Malaysian citizen;
- (b) that he is not less than 18 years of age;
- (c) that he has the suitable educational qualification to be determined by the Commission;
- (d) that he has working experience in relation to electrical wiring for such a period, to be determined by the Commission, with an Electrical Contractor or Private Wiring Unit or any recognised academic institution or Government department or agency;
- (e) that he is able to speak and write in the national language; and
- (f) that he is able to comply with any other conditions as the Commission deems necessary.

(2).Before a Certificate of Competency as a Wireman is issued to a person, he shall attend an interview conducted by the Commission and satisfy the Commission that—

- (a) he has sufficient knowledge and practical skill in the wiring of an installation;
- (b) he has sufficient knowledge of first aid, resuscitation and treatment of electric shock; and
- (c) he has sufficient knowledge of the Act and any regulation made thereunder.

(3) The examination for a Certificate of Competency as a Wireman shall be based on a syllabus to be determined by the Commission and shall be partly by written answers to questions set and partly by viva voce and may include such practical tests as the Commission deems necessary.

(4) [Deleted. P.U.(A) 431/2003: Reg. 31]

(5) Notwithstanding subregulations (1), (2) and (3), the Commission may exempt, at its discretion, any person from any or all of the requirements necessary for the examination.

Regulation 51. Eligibility to become Cable Jointer.

(1) An applicant, in order to be considered eligible to sit for the examination for a Certificate of Competency as a Cable Jointer, shall satisfy the Commission that he complies with the following conditions:

(a) that he is a Malaysian citizen;

(b) that he is not less than 20 years of age;

(c) that he has the suitable educational qualification to be determined by the Commission;

(d) that he has not less than three years working experience in the jointing, connecting and terminating of cables;

(e) that he is able to speak and write in the national language; and

(f) that he is able to comply with any other conditions as the Commission deems necessary.

(2) Before a Certificate of Competency as a Cable Jointer is issued to a person, he shall attend an interview conducted by the Board and shall satisfy the Commission that he understands the jointing, connecting and terminating of various types of cables which are likely to come under his charge and has sufficient knowledge to carry out the work.

(3) The examination for a Certificate of Competency as a Cable Jointer shall be based on a syllabus to be determined by the Commission and shall be partly by written answers to questions set and partly by viva voce and may include such practical tests as the Commission deem necessary.

(4) [*Deleted. P.U.(A) 431/2003: Reg. 32*]

(5) Notwithstanding subregulations (1), (2) and (3), the Commission may exempt, at its discretion, any person from any or all of the requirements necessary for the examination.

Regulation 52. Temporary registration of foreign person.

(1) Subject to these Regulations and such conditions as the Commission may think fit to impose, the Commission may, upon payment of the fee prescribed in Part IIIB of the Second Schedule, issue a temporary Certificate of Competency as a competent person to any foreign person.

(2) A foreign person may be considered for temporary issuance of the Certificate of Competency if he satisfies the Commission that—

(a) he possesses the necessary qualification and skill which is recognised for the practice of electrical engineering in the country where he normally practices;

(b) he possesses the necessary expertise and his physical presence is required in Malaysia; and

(c) he has the necessary work permit issued by the relevant authority.

(3) Notwithstanding subregulation (2), before a person may be considered for the purpose of temporary registration as an Electrical Services Engineer or a Competent Electrical Engineer, he shall be registered temporarily as a Professional Engineer in Electrical Engineering with the Board of Engineers under the Registration of Engineers Act 1967 [Act 138].

(4) The Commission may issue a temporary Certificate of Competency for a period not exceeding twelve months.

(5) A foreign person whose Certificate of Competency has expired may apply for renewal subject to the provisions of these Regulations and the Commission may renew the Certificate as he deems fit.

(6) For the purpose of this regulation, "foreign person" means a person who is not a citizen or a permanent resident of Malaysia.

Regulation 53. Medical evidence of fitness.

The Commission may required medical evidence of physical and mental fitness, certified by a registered medical practitioner, to be produced by a person before a Certificate of Competency is issued to him.

Regulation 54. Fee for examination, endorsement and replacement of Certificate of Competency.

A fee as prescribed in Part IV of the Second Schedule shall be charged for—

- (a) an examination for a Certificate of Competency;
- (b) the endorsement of a Certificate of Competency;
- (c) replacement of a Certificate of Competency; and
- (d) the reissuance of a Certificate of Competency.

Regulation 55. Restriction of endorsement of Certificate of Competency.

(1) The Commission may at its discretion—

- (a) restrict the use of a Certificate of Competency of any Electrical Services Engineer, Competent Electrical Engineer, Electrical Supervisor, Chageman, Wireman or Cable Jointer to any type, class, duration or location of installation;
- (b) endorse a Certificate of Competency for a Wireman with Single Phase Restriction or a Wireman with Three Phase Restriction to authorise him to set and certify the wiring of any Single Phase or Three Phase installation,

respectively, operating at low voltage on the condition that he has shown sufficient knowledge and experience in carrying out the work to the satisfaction of the Commission; or

(c) endorse a Certificate of Competency for a Wireman with Three Phase Restriction to authorise him to carry out any electric sign installation on the condition that he has shown sufficient knowledge and experience in carrying out the work to the satisfaction of the Commission.

(2) The Commission may make any other endorsement on any Certificate of Competency issued under these Regulations as the Commission deems necessary.

Regulation 56. Form of Certificate of Competency.

The Certificates of Competency as an Electrical Services Engineer, a Competent Electrical Engineer, an Electrical Supervisor, a Chargeman, a Wireman and a Cable Jointer shall be in Forms J, K, L, M, N and O respectively as prescribed in the First Schedule.

Regulation 57. Surrender of Certificate of Competency issued under any other written law.

(1) A person who holds a Certificate of Competency issued under any other written law shall forthwith surrender the Certificate to the Commission who shall issue to the person a new Certificate of Competency of equivalent qualification.

(2) A person who holds a Certificate of Competency issued under any other written law immediately before the date of commencement of these Regulations, and who does any work, act or thing under these Regulations may continue to do so during the period of twelve months from the commencement of these Regulations provided that he has surrendered the Certificate referred to in subregulation (1) for the purpose of issuance of the appropriate Certificate of Competency under these Regulations.

(3) A fee shall be charged for any Certificate of Competency issued under subregulation (1) at the rate prescribed in Part IV of the Second Schedule.

Regulation 58. Lost or damaged Certificate of Competency.

Where a Certificate of Competency issued by the Commission is lost, stolen, destroyed, mutilated or defaced, a replacement of the Certificate of Competency may be issued by the Commission on production of a statutory declaration that the original Certificate of Competency has been lost, stolen or destroyed or upon surrender of the mutilated or defaced original Certificate of Competency and upon payment of such fee as prescribed in Part IV of the Second Schedule.

Regulation 59. Suspension and revocation of Certificate of Competency.

(1) The Commission may, after the conclusion of an enquiry under the Act or on consideration of a judgment of a court or a finding in an enquiry of death held under the

Criminal Procedure Code, if it appears necessary to the Commission so to do, suspend for such period as the Commission may decide or revoke absolutely any Certificate of Competency issued under these Regulations.

(2) The Commission may suspend or revoke a Certificate of Competency issued under these Regulations if the holder of the Certificate has obtained the Certificate by making or causing to be made a false or fraudulent declaration, certification or representation, either in writing or otherwise.

(3) The Commission may endorse, suspend or revoke any Certificate of Competency issued under these Regulations in a case of serious misconduct.

(4) For the purpose of subregulation (3) "serious misconduct" means one or more of the following:

(a) sleeping while on duty;

(b) causing damage to equipment by careless operation;

(c) causing danger to life by careless operation;

(d) causing damage to equipment by neglect to use safety devices provided;

(e) causing danger to life by neglect to use safety devices provided;

(f) being under the influence of alcohol or drugs or both whilst on duty;

(g) making or causing to be made a false or fraudulent declaration, certification or representation, either in writing or otherwise; or

(h) failing to carry out any duty prescribed in these Regulations.

(5) When the Commission has reason to believe that a person who holds a Certificate of Competency has committed an offence under the Act or these Regulations or any misconduct under these Regulations and is no longer fit to hold the Certificate of Competency the Commission shall forthwith suspend the Certificate.

(6) The Commission shall, as soon as practicable after the suspension of the Certificate, appoint a Committee consisting of the Chairman of the Commission and two other officers appointed by the Chairman of the Commission to enquire into the alleged offence or misconduct.

(7) The person whose Certificate of Competency has been suspended under subregulation (5) shall be given the opportunity to defend himself against the alleged offence or misconduct before the Committee appointed by the Commission.

(8) The Committee appointed by the Commission shall, within fourteen days from the date of the completion of an enquiry under subregulation (6), forward its findings and recommendations to the Commission which shall decide whether to endorse, suspend for such period as the Commission deems fit or to revoke absolutely the Certificate of Competency issued under these Regulations.

(9) A person who is aggrieved by the decision of the Commission under subregulation (8) may apply to the Minister for re-consideration of the matter. The application shall be made in writing within twenty-one days from the date when the decision of the Commission is received by him and shall contain the grounds of grievance.

(10) The decision of the Minister on the matter referred to him under subregulation (9) shall be final.

(11) A person, whose Certificate of Competency issued under these Regulations has been suspended, shall not, during the period of the suspension, do any work, act or thing which under these Regulations a person is allowed to do as a holder of such Certificate of Competency.

(12) A person, whose Certificate of Competency issued under these Regulations has been revoked, shall not, after the date of the revocation, do any work, act or thing which under these Regulations a person is allowed to do as a holder of such Certificate of Competency.