

## **CONSTRUCTION SUPERVISORS REGISTRATION REGULATIONS**

These Regulations have been adopted as Bye-Laws by the Hong Kong Institute of Construction Managers under Clause 10.3 of the Constitution at a General Meeting held on 18 December 2014 and subsequently amended at a General Meeting held on 14 December 2016 to provide for the registration of construction supervisors and disciplinary control of the professional activities of registered construction supervisors, and for related matters.

### **PART I PRELIMINARY**

#### **Section 1 Interpretation**

(1) In these Regulations, unless the context otherwise requires:

"Appeal Committee" (上訴委員會) means the appeal committee appointed under Section 27(1);

"Board" (管理局) means the registration board established by Section 3;

"Chairman" (主席) means the Chairman of the Board elected under Section 4;

"General Council" (理事會) means the General Council of the Institute;

"disciplinary breach" (違紀行為) means an act or omission set out in Section 19(1);

"Inquiry Committee" (研訊委員會) means an inquiry committee established under Section 20;

"Institute" (學會) means The Hong Kong Institute of Construction Managers;

"Construction Supervisor" (監工會員) means a person who is a Construction Supervisor as defined under the Bye-Laws Part I of the Institute;

"Corporate Member" (學會會員) means a person who is a Corporate Member as defined under the Bye-Laws Part I of the Institute;

"Register" (註冊記錄冊) means the register of construction supervisors established under Section 6;

"Registered Construction Supervisor" (註冊營造監工) means a person whose name is currently entered in the Register;

"Registrar" (註冊主任) means the registrar of construction supervisors appointed under Section 9;

"Registration Committee" (註冊事務委員會) means a registration committee appointed under Section 15;

"Review Committee" (覆核委員會) means a review committee appointed under Section 24(2).

(2) For the purposes of Sections 26(1) and 27(1), an appeal to the Appeal Committee shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances:

- (a) when the appeal to the Appeal Committee is withdrawn or abandoned;
- (b) when the specified period expires without an application to appeal having been made to the Appeal Committee;
- (c) if, before the expiry of the specified period, an application to appeal is made to the Appeal Committee, when the application is withdrawn or abandoned.

(3) In Subsection (2):

"application to appeal" (上訴申請) means an application made to the Appeal Committee under Section 27(1);

"specified period" (指明限期) means the period as specified under Section 27(6) to make the application to appeal or any such period as may be extended by the Appeal Committee.

## **PART II CONSTRUCTION SUPERVISORS REGISTRATION BOARD**

### **Section 2 Constitution of the Board**

- (1) There is a board to be known as the Construction Supervisors Registration Board or the Board which shall be established under Subsection (2).
- (2) The Board shall consist of not less than 10 Corporate Members and not more than 3 non-members of the Institute appointed by the General Council.

### **Section 3 Tenure of Office**

- (1) A member appointed by the General Council:
  - (a) shall be appointed for 2 years or such lesser period as may be specified in the terms of his appointment;

- (b) may resign by giving notice in writing to the Board; and
  - (c) subject to Subsection (2) may be reappointed.
- (2) A member:
- (a) who has been a member of the Board appointed by the General Council continuously for 8 years; or
  - (b) whose period of service as a member of the Board appointed by the General Council exceeds 8 years in any 10 year period, may not be reappointed until a period of 2 years since he last served has elapsed when he shall be eligible for reappointment as if he had not previously been appointed.
- (3) If the Board is satisfied that a member of the Board appointed by the General Council:
- (a) has become bankrupt or has entered into a voluntary arrangement with his creditors within the meaning of the Bankruptcy Ordinance (Cap 6);
  - (b) has become so incapacitated by physical or mental illness as to be unable to carry out his duties as a member;
  - (c) has ceased to be ordinarily resident in Hong Kong;
  - (d) has been sentenced to imprisonment, whether suspended or not, by any court or magistrate;
  - (e) has been found guilty of a disciplinary breach; or
  - (f) notwithstanding any of the other grounds for removal is, in the opinion of the Board, unable or unfit to carry out his functions as a member of the Board, the Board may by notice in writing terminate his appointment.
- (4) Where any member of the Board appointed by the General Council is precluded by temporary absence or incapacity from carrying out his functions as a member for any period or resigns, the General Council may appoint another person to hold office in place of such member:
- (a) in the case of a temporary absence or incapacity, during the period of temporary absence or incapacity; or
  - (b) in the case of a resignation, for the balance of the period for which the resigning member was due to serve.

## **Section 4 Chairman**

- (1) The Board shall elect a Chairman and a Vice-chairman each year from among the members of the Board and not more than 15 months shall elapse between the date of one election and the next.
- (2) A member elected as Chairman or Vice-chairman under Subsection (1) may at any time, by notice in writing to the Board, resign from the office of Chairman or Vice-chairman.

## **Section 5 Proceedings**

- (1) The Chairman, or in his absence the Vice-chairman, may appoint the time and place for the Board to meet.
- (2) The Registrar shall, or a member of the Board may, on the written requisition of not less than 3 members, give notice of a meeting of the Board to be held not sooner than 7 days but within 28 days from receipt of the requisition and appoint the time and place for that purpose.
- (3) The Board shall meet at least once every 6 months and as often as may be necessary to transact the business of the Board.
- (4) The Board shall not transact business at a meeting other than to adjourn unless there is a quorum of one half of the members of the Board present.
- (5) The Board may make rules, not inconsistent with this section, setting out the procedures to be followed at meetings.
- (6) The Board shall lodge a copy of any rules made under Subsection (5) with the Institute.

## **Section 6 Functions of the Board**

The Board shall:

- (a) establish and maintain a Register of Registered Construction supervisors;
- (b) set and review the qualification standards for registration as a Registered Construction Supervisor and related registration matters;
- (c) advise the Institute on registration matters;
- (d) examine and verify the qualifications of persons who apply for registration as Registered Construction Supervisors;
- (e) receive, examine, accept or reject applications for registration and renewal of registration as a Registered Construction Supervisor;

- (f) deal with disciplinary breaches in accordance with these Regulations;
- (g) keep proper records of its proceedings and accounts; and
- (h) carry out such other functions as these Regulations may prescribe.

## **Section 7 Powers of the Board**

The Board may:

- (a) set fees payable to it under these Regulations;
- (b) establish committees to advise the Board on the carrying out of the powers and duties of the Board;
- (c) employ persons to assist with the carrying out of its functions under these Regulations;
- (d) from time to time engage such professional advisers as it may consider necessary or expedient;
- (e) make rules for the registration, renewal of registration, conduct and discipline of Registered Construction Supervisors;
- (f) make rules for the reimbursement of reasonable expenses incurred by persons attending to the business of the Board;
- (g) make rules relating to the procedure for the appeal against any order or decision made by the Board or the Inquiry Committee;
- (h) make any further rules as required for the purpose of carrying out its rights and obligations under these Regulations.

## **Section 8 No Fees Payable to Board members**

- (1) No fees shall be paid to any member of the Board for his services as a member.

## **PART III REGISTER AND CERTIFICATES**

### **Section 9 Appointment and Duties of Registrar**

- (1) The Board shall appoint a person to be Registrar upon such terms and conditions as it thinks fit.

- (2) The Registrar shall:
- (a) be responsible for the custody of the Register; and
  - (b) serve as secretary to the Board, and, subject to any rules made by the Board, the Registration Committee and any Inquiry Committee.

### **Section 10 Form of Register**

- (1) The Registrar shall, in accordance with the directions of the Board, keep the Register in which he shall enter in respect of every Registered Construction Supervisor:
- (a) the name and address of the Registered Construction Supervisor;
  - (b) the qualification on which his registration is based; and
  - (c) any other details that the Board may direct.
- (2) The Register shall be available to any person for inspection free of charge at the office of the Institute at such reasonable times as the Board may direct.
- (3) A person whose name is entered in the Register shall within 28 days notify the Registrar of any change in the particulars prescribed by Subsection (1).
- (4) The Board shall not charge a fee to amend the Register.

### **Section 11 Qualifications for Registration**

- (1) The Board shall not register a person as a Registered Construction Supervisor unless:
- (a) he is a Construction Supervisor Member or above classes of membership of the Institute for not less than 6 months; and
  - (b) he possesses equivalent qualifications required for a TCP T1 under the Technical Memorandum for Supervision Plan 2009; and
  - (c) he satisfies the Board that he has had 2 years' relevant construction supervisory experience in Hong Kong before the date of his application for registration; and
  - (d) he is ordinarily resident in Hong Kong; and
  - (e) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under these Regulations; and
  - (f) he satisfies the Board by declaration in writing that he is competent to practise in construction supervision; and
  - (g) he is a fit and proper person to be registered.

- (2) Without limiting the effect of Subsection (1)(f), the Board may refuse to register a person as a Registered Construction Supervisor who:
  - (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or
  - (b) has committed misconduct or neglect in a professional respect.
- (3) Where the Board has doubts as to whether an applicant is competent to practise in construction supervision, the Board may refer the matter to an Inquiry Committee who shall deal with it as if it were a complaint under Section 20(1).

## **Section 12 Application for Registration**

- (1) A person shall apply for registration as a Registered Construction Supervisor in such form and manner as the Board may specify.
- (2) An applicant shall pay to the Board at the time of lodging his application the fee for an application for registration.

## **Section 13 Acceptance or Refusal of Registration**

- (1) The Board may accept or reject an application for registration or renewal of registration under these Regulations.
- (2) Where the Board accepts or rejects an application for registration or renewal of registration, the Registrar shall act in accordance with the rules made by the Board.
- (3) Where the Board rejects an application for registration or renewal of registration, it shall give reasons for the rejection.

## **Section 14 Expiry of Registration and Renewal**

- (1) The entry in the Register of a person as a Registered Construction Supervisor under these Regulations:
  - (a) shall remain in force for 12 months from the date when he was registered;
  - (b) may be renewed annually by application of the person so registered.
- (2) A Registered Construction Supervisor shall apply for renewal of registration to the Registrar in the form specified by the Board not earlier than 3 months and not later than 28 days prior to the expiry of the current registration.

- (3) A Registered Construction Supervisor shall pay to the Board the fee for an application for renewal of registration at the time of applying for renewal of registration.
- (4) If a Registered Construction Supervisor does not apply for renewal of registration before the expiry of his current registration:
  - (a) the Registrar shall, on the expiry of the current registration, note in the Register that registration has not been renewed; and
  - (b) the person shall be deemed not to be currently on the register from the date of expiry of his registration.
- (5) The Board may reject an application for renewal if it is satisfied that the applicant does not continue to comply with the requirements for registration set out in Section 11.
- (6) Where a Registered Construction Supervisor fails to renew his registration within time, the Board may extend the time for renewal of registration if the Registered Construction Supervisor pays to the Board the fee for the extension of time.
- (7) Any grant of extension of time by the Board shall not affect any offence under any other Ordinances that the person who has failed to renew on time may commit as a result of the failure.
- (8) If the registration of a Registered Construction Supervisor has expired, the Board may require him to reapply for registration instead of renewing his registration.

## **Section 15 Registration Committee**

- (1) The Board may appoint a Registration Committee of not less than 5 Corporate Members of the Institute to examine the qualifications of applicants.
- (2) The Registration Committee shall make recommendations to the Board on the acceptability of the qualifications which require the Board's acceptance under Section 11(1).
- (3) The Board shall not be bound by a recommendation of the Registration Committee under Subsection (2).
- (4) The Board may delegate any of its functions relating to registration and the renewal of registration to the Registration Committee.

## **Section 16 Certificate of Registration**

The Registrar may, on payment by a Registered Construction Supervisor to the Board of the fee, issue to the Registered Construction Supervisor a Certificate of Registration or a Certificate of Renewal of Registration in the form specified by the Board.

## **Section 17 Notice to Board on Leaving Hong Kong**

A Registered Construction Supervisor shall notify the Board if he is likely to be absent from Hong Kong for a continuous period of more than 6 months.

## **Section 18 Removal of Name from the Register**

- (1) The Registrar may remove the name of a Registered Construction Supervisor from the Register if he has notice that the Registered Construction Supervisor has:
  - (a) died;
  - (b) applied to discontinue his registration;
  - (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
  - (d) failed to renew his registration;
  - (e) ceased to meet a qualification by virtue of which he was registered; or
  - (f) failed to notify a change of details required under Section 10(3).
- (2) For the purposes of Subsection (1)(c), if a Registered Construction Supervisor has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.
- (3) Subject to Section 26(1), the Registrar shall remove a name from the Register if he receives an order of the Appeal Committee or an Inquiry Committee directing that the name be removed from the Register.
- (4) Where the Registrar intends to remove the name of a Registered Construction Supervisor from the Register under Subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the Registered Construction Supervisor and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.
- (5) If the Registrar gives notice to a Registered Construction Supervisor that:
  - (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the Registered Construction Supervisor satisfies the Board that he is ordinarily resident in Hong Kong;
  - (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the Register, the Registered Construction Supervisor makes an application in the prescribed form to renew his registration;

- (c) he has ceased to meet a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the Register, the Registered Construction Supervisor satisfies the Board that he meets the qualification; or
  - (d) he has failed to notify a change in particulars required under Section 10(3) and, before the Registrar acts to remove his name from the Register, the Registered Construction Supervisor takes such action as will remedy the defect in the Register, the Registrar shall not remove the name from the Register for the reason set out in the notice referred to in Subsection (4).
- (6) If the name of a Registered Construction Supervisor is removed from the Register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.
- (7) The Board shall not be liable to refund to a person any fee paid, or any part of any fee paid, on the removal of his name from the Register.
- (8) The Registrar may correct any error apparent on the face of the Register.

## **PART IV     DISCIPLINARY PROCEEDINGS**

### **Section 19    Disciplinary Breaches**

- (1) A Registered Construction Supervisor commits a disciplinary breach if he:
- (a) commits misconduct or neglect in any professional respect;
  - (b) has been in breach of these Regulations;
  - (c) has obtained registration under these Regulations by fraud or misrepresentation;
  - (d) was not at the time of his registration under these Regulations entitled to be registered;
  - (e) has held himself out to be a Registered Construction Supervisor when he was not so registered;
  - (f) without reasonable excuse, fails to attend before an Inquiry Committee when summoned either as a witness or as a person in respect of whom the Inquiry Committee is meeting; or
  - (g) has been convicted in Hong Kong or elsewhere of any offence which may bring the practising into disrepute and sentenced to imprisonment, whether the sentence is suspended or not.

- (2) If a person who has been guilty of misconduct or neglect in a professional respect or has been in breach of these Regulations or has been convicted of an offence likely to bring the profession into disrepute and sentenced to imprisonment, informs the Board of such misconduct, neglect, breach or conviction when he applies for registration or renewal of registration and the Board subsequently accepts the person for registration or renewal of registration, that person shall not, for the purposes of registration or renewal of registration, be considered as having committed a disciplinary breach in respect of the disclosed misconduct, neglect, breach or conviction.
- (3) Where the Registrar receives a complaint concerning a disciplinary breach, the Registrar shall submit the facts to 2 members of the Board appointed for the purpose, and those 2 members, in consultation with the Registrar, shall determine whether the complaint should be referred to the Board.

## **Section 20 Inquiry Committee and Rules of Conduct**

- (1) The Board may refer any complaint concerning a disciplinary breach to an Inquiry Committee for decision, and for that purpose the Board may establish an Inquiry Committee of not less than 3 Corporate Members of the Institute to determine whether or not he has committed a disciplinary breach.
- (2) The Board may make rules providing for the conduct of its inquiries by an Inquiry Committee and for other matters relating to the investigation of an alleged disciplinary breach.
- (3) The Inquiry Committee shall not proceed to hear evidence of a complaint concerning a disciplinary breach unless the Registered Construction Supervisor in respect of whom the complaint is made is given 28 days' notice of the complaint and the date, time and place of the hearing.
- (4) The Registered Construction Supervisor referred to in Subsection (3) shall be entitled to attend and hear all evidence produced at the hearing and shall be provided with a copy of these Regulations and any rules made under this section.
- (5) The Board may make rules for the rehearing of an inquiry by an Inquiry Committee.
- (6) Where a Registered Construction Supervisor is alleged to have committed a disciplinary breach under Section 19(1)(b) or (g), the Inquiry Committee:
  - (a) shall not be required to inquire whether the Registered Construction Supervisor was properly convicted of the alleged breach; and
  - (b) may consider any record of the case in which a conviction was recorded and any other evidence which is relevant as showing the nature and gravity of the breach.

- (7) The Inquiry Committee may, in deciding whether a person has committed a disciplinary breach, have regard to any code of professional conduct or practice promulgated by the Board or currently in use by the Institute.

## **Section 21 Legal Adviser**

The Board may appoint a legal practitioner admitted under Section 3 or 27 of the Legal Practitioners Ordinance (Cap 159) who holds a valid current practising certificate to advise an Inquiry Committee and a Review Committee on any points of law and procedure that arises before, during or after the inquiry.

## **Section 22 Disciplinary Orders of Inquiry Committee and costs**

- (1) Where an Inquiry Committee finds that a Registered Construction Supervisor committed a disciplinary breach, on confirmation by a Review Committee of the finding, or on the variation of the finding or any proposed order based on the recommendation of the Review Committee, the Inquiry Committee may make any one or more of the following orders:
- (a) order the Registrar to remove the name of the Registered Construction Supervisor from the Register;
  - (b) order the Registrar to remove the name of the Registered Construction Supervisor from the register for such period as the Inquiry Committee may think fit;
  - (c) reprimand the Registered Construction Supervisor in writing and order the Registrar to record the reprimand on the Register;
  - (d) order that an order made under this section be suspended, subject to such conditions as the inquiry committee may think fit, for a period not exceeding 2 years;
  - (e) order that the Board shall not accept an application from the Registered Construction Supervisor for registration as a Registered Construction Supervisor either for a fixed period or until the Registered Construction Supervisor satisfies the Board that he should be registered;
  - (f) order that the Chairman admonish the Registered Construction Supervisor orally;
  - (g) order the Registered Construction Supervisor to pay all or part of the costs of any of the Registrar, the Board or the Inquiry Committee arising from the case if, but only if, the Inquiry Committee is satisfied that in all the circumstances of the case it would be unjust and inequitable not to do so.

- (2) Costs payable by virtue of an order under Subsection (1)(g) shall be recoverable as a civil debt.
- (3) The Inquiry Committee may:
  - (a) assess the amount of any costs to be payable by virtue of an order under Subsection (1)(g); or
  - (b) order that those costs be taxed on the basis of any one of the scale of costs specified in Part I of Schedule 1 to Order 62 of the Rules of the District Court (Cap 336 sub. leg. H), and the Schedules to Order 62 of the Rules of the High Court (Cap 4 sub. leg. A) shall, with all necessary modifications, apply to the taxation and recovery of costs.
- (4) For the purposes of these Regulations (including Sections 24 and 27), any assessment or order under Subsection (3) shall be deemed to be part of the order under Subsection (1)(g) to which it relates.

### **Section 23 Powers in regard to Obtaining of Evidence and Conduct at Inquiry**

- (1) An Inquiry Committee shall have power, in addition to any power it may have under any legislation or at law:
  - (a) to hear, receive and examine evidence on oath;
  - (b) to summon or request as appropriate any member or person to attend the inquiry either as the person whose conduct is the subject of the inquiry or to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
  - (c) to admit or exclude the public or any member of the public from the inquiry;
  - (d) to admit or exclude the press from the inquiry;
  - (e) to award any member or person summoned or requested to attend the inquiry as a witness such sum, to be paid from the funds of the Board, as in the opinion of the Inquiry Committee has been reasonably expended by him in connection with his attendance.
- (2) The rules on the admissibility of evidence that apply in civil proceedings in the courts of the Hong Kong Special Administrative Region shall apply to any hearing before the inquiry committee, although the inquiry committee may receive relevant evidence which would not be admissible if it is satisfied that admission of that evidence is necessary to ensure a fair hearing.

## **Section 24 Review of Disciplinary Orders**

- (1) When an Inquiry Committee completes its hearing in respect of a disciplinary breach and makes a finding that a disciplinary breach has been committed, the Registrar shall forthwith forward the Inquiry Committee's decision and details of any order proposed to be made by the Inquiry Committee under Section 22 to the Board for review.
- (2) The Board shall appoint 3 of its members to sit with the Chairman as a Review Committee to review the decision of the Inquiry Committee.
- (3) The Board shall not appoint a member of the Inquiry Committee to be a member of the Review Committee.
- (4) The Review Committee may:
  - (a) confirm the decision and any proposed order of the Inquiry Committee;
  - (b) reverse a finding of guilt of the Inquiry Committee;
  - (c) recommend that any proposed order made by the inquiry Committee be varied; or
  - (d) remit the decision or any proposed order of the Inquiry Committee to the Inquiry Committee with directions to reconsider the decision or proposed order or both.
- (5) The Inquiry Committee shall comply with the directions and recommendation, if any, of the Review Committee.

## **Section 25 Service of Orders of Inquiry committee**

- (1) The Registrar shall serve a copy of any order made under Section 22(1), together with a copy of the Inquiry Committee's reasons, or serve notice that the Inquiry Committee has not found that the Registered Construction Supervisor concerned committed a disciplinary breach, upon the Registered Construction Supervisor who was the subject of the complaint, either personally or by registered post addressed to his registered address immediately when the Registrar receives:
  - (a) the report of the Review Committee, unless the Inquiry Committee is to reconsider its decision; or
  - (b) any order of the Inquiry Committee reviewed under Section 24(4)(d).
- (2) The Registrar shall not remove the name of the Registered Construction Supervisor from the Register before the expiry of a period of 3 months after the date of service of the order under Subsection (1) or, in the case of an appeal made to the Appeal Committee against the order under Section 27, before the appeal is finally determined.

- (3) Any person whose name has been removed from the Register under these Regulations may apply to the Board in writing within 3 months of removal of his name from the Register for the restoration of his name to the Register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.
- (4) If the Board allows the application under Subsection (3), it shall order the Registrar to restore the name of the applicant to the Register on payment by the applicant of the prescribed fee.

## **Section 26 Publication of Disciplinary Orders**

- (1) After the expiry of the time within which an appeal may be made to the Appeal Committee under Section 27 against an order of an Inquiry Committee made under Section 22(1)(a), (b), (c), (d) or (e) or, if such an appeal has been made, after the appeal is finally determined, the Board:
  - (a) shall publish a copy of the order or, if the order is varied on appeal, the order as so varied in at least one English and one Chinese language newspaper circulating daily in Hong Kong; and
  - (b) may publish the order or, if the order is varied on appeal, the order as so varied in any other publication or manner as the Board thinks fit.
- (2) Where an order is published under Subsection (1), the Board:
  - (a) shall publish with such order sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and
  - (b) may publish with such order an account of the proceedings of the Inquiry Committee.
- (3) No action in damages for defamation shall lie against any person as a result of publishing an order and other particulars required or permitted under this section.

## **PART V APPEAL**

### **Section 27 Appeal to the Appeal Committee**

- (1) Any person who is aggrieved by any decision or order made in respect of him under Sections 13(1), 14(5) or 22(1) may appeal to the Appeal Committee consisting of 3 members of the General Council (which shall not include any member involved with the decision or order being appealed against) to be nominated and approved by the General Council.

- (2) The Appeal Committee may affirm, reverse or vary the whole or any part of the decision or order appealed against. The decision of the Appeal Committee shall be by simple majority and take effect from the date specified by the Appeal Committee.
- (3) Where a person appeals against an order of an Inquiry Committee, the Appeal Committee shall consider the reasons of the Inquiry Committee and submissions upon the findings of fact and law of the Inquiry Committee made on behalf of the parties to the inquiry and may call for the original record of the evidence taken and any document put in evidence before the Inquiry Committee.
- (4) The Appeal Committee may, upon special grounds being shown, consider any additional evidence not adduced before the Inquiry Committee.
- (5) The Appeal Committee may determine the appeal on paper or request an oral hearing if it considers necessary.
- (6) The Appeal Committee shall not have power to hear any appeal against a decision or order made under Sections 13(1), 14(5) or 22(1) unless:
  - (a) in the case of a decision made under Section 13(1) or 14(5), notice of such appeal is given by the applicant to the Appeal Committee in writing specifying the grounds relied on in support of the appeal within 3 months after the applicant is notified in writing of the decision;
  - (b) in the case of an order made under Section 22(1), notice of such appeal is given by the applicant to the Appeal Committee in writing specifying the grounds relied on in support of the appeal within 3 months of the service of the order under Section 25.
- (7) An applicant may withdraw his notice of appeal at any time.
- (8) In deciding any appeal (including withdrawal of a notice of appeal) under this section, the Appeal Committee may make such order for the payment of costs as it considers reasonable.
- (9) The decision of the Appeal Committee shall be binding and final on all parties with no further right to appeal.

## **PART VI USE OF TITLE**

### **Section 28 Use of Title**

A person whose name does not appear on the Register shall not be entitled to describe himself as a "Registered Construction Supervisor" or to use the initials "R.C.S."

## **PART VII EVIDENCE**

### **Section 29 Certificate as Evidence**

A certificate, purporting to be signed by the Registrar, that the name of a person has or has not been entered in or has been removed or ordered to be removed from the Register shall for all purposes, without further proof, be evidence of the facts stated in the certificate.