

1980 BILL 96

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 96

**THE ENGINEERING AND RELATED PROFESSIONS
AMENDMENT ACT, 1980**

THE MINISTER OF HOUSING AND PUBLIC WORKS

First Reading **20th Nov 1980**

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 96

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THE ENGINEERING AND RELATED PROFESSIONS AMENDMENT ACT, 1980

(Assented to _____, 1980)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

*1 The Engineering and Related Professions Act is amended by this
Act.*

2 Section 2 is amended

(a) by adding the following after clause (c):

(c.1) “certificate holder” means

(i) a joint firm, and

(ii) a restricted practitioner;

(b) by adding the following after clause (e):

(e.1) “Joint Board” means the Joint Board of Practice es-
tablished under *The Department of Housing and Public Works
Act*;

(e.2) “joint firm” means a firm of engineers and architects
to which a certificate of authorization has been issued under
section 20.4;

(c) by adding the following after clause (q):

(q.1) “restricted practitioner” means a registered architect
to whom a certificate of authorization has been issued under
section 20.7;

3 Section 5(1) is amended

Explanatory Notes

1 This Bill will amend chapter 124 of the Revised Statutes of Alberta 1970.

2 New definitions.

3 Section 5 presently reads in part:

(a) in clause (c) by adding “, certificate holders” after “licensees”;

(b) by adding the following after clause (f):

(f.1) the eligibility of applicants to become registered as restricted practitioners,

(f.2) the establishment of committees and the delegation of powers of the council to those committees,

4 Section 9 is amended by striking out “or licensee” and substituting “, licensee, certificate holder”.

5 Section 10 is amended

(a) by adding the following after clause (a):

(a.1) to an individual, corporation, partnership or other entity that engages in the practice of engineering and the practice of architecture or holds out that it is entitled to engage in both the practice of engineering and the practice of architecture as defined in *The Architects Act, 1980*, if it holds a certificate of authorization under this Act or *The Architects Act, 1980* permitting it to do so,

(a.2) to an individual registered as a registered architect under *The Architects Act, 1980*, who has been granted authority by the council to apply for a permit under *The Alberta Uniform Building Standards Act* in respect of a project for a building of a type described in section 4.4 of that Act,

(b) by striking out “except that an architect” and substituting “except that a registered architect, visiting project architect, architects corporation, engineers and architects firm”.

6 The following is added after section 20:

20.1(1) In this section and sections 20.2 to 20.8,

(a) “Architects Association” means The Alberta Association of Architects under *The Architects Act, 1980*;

(b) “architects firm” means a partnership or corporation

5(1) The Association may pass by-laws, not inconsistent with this Act, relating to

(c) the government and discipline of members, licensees and permit holders,

(f) the registration of members and licensees in the Association,

The new by-law making powers are consequential to the proposed new sections 20.1 to 20.8 See note 6.

4 Section 9 presently reads in part:

9 No person except a member or licensee or permit holder shall

(a) engage in or offer to engage in any of the activities of professional engineering, professional geology or professional geophysics, or

5 Section 10 presently reads in part:

10 Nothing in section 9 or section 13, 14 or 15 applies

(a) to a person registered as an architect under any Act of the Legislature relating to the practice of architecture where the practice of that person is confined to architecture, or

except that an architect, land surveyor, mine surveyor or member of the Canadian Forces shall not style or hold himself out as a professional engineer, professional geologist or professional geophysicist, unless he is a member or licensee of the Association.

6 Joint firms, restricted practitioners and certificates of authorization.

(i) that

(A) confines its practice to providing architectural consulting services, or

(B) if it does not confine its practice to providing architectural consulting services, engages in a practice satisfactory to the Joint Board,

and

(ii) in which registered architects

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of architecture under *The Architects Act, 1980*;

(c) “engineers firm” means a partnership or corporation

(i) that

(A) confines its practice to providing engineering consulting services, or

(B) if it does not confine its practice to providing engineering consulting services, engages in a practice satisfactory to the Joint Board,

and

(ii) in which professional engineers

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of engineering under this Act;

(d) “proposed engineers and architects firm” means a partnership or corporation

(i) that

(A) confines its proposed practice to providing engineering consulting services and architectural consulting services, or

(B) if it does not confine its proposed practice to providing engineering consulting services and architectural consulting services, proposes to engage in a

practice satisfactory to the Joint Board,

and

(ii) in which professional engineers and registered architects

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of engineering under this Act or the practice of architecture under *The Architects Act, 1980*;

(2) An application for a certificate of authorization may be made by the following:

(a) a professional engineer;

(b) a registered architect;

(c) an engineers firm;

(d) an architects firm;

(e) a proposed engineers and architects firm;

(f) a partnership or corporation that is not referred to in clauses (c), (d) or (e) that the Joint Board considers a suitable applicant for a certificate of authorization.

(3) An applicant under subsection (2) shall

(a) if its prime activity is the provision of engineering consulting services, apply to the council, and

(b) if its prime activity is the provision of architectural consulting services, apply to the Council of the Architects Association.

20.2(1) Every application under section 20.1 shall be referred to the Joint Board by the council to which it was made, with or without comment from that council.

(2) The Joint Board shall consider with respect to each application referred to it, whether

(a) the applicant is eligible to apply under section 20.1(2);

(b) the applicant has at least one full time employee who is a professional engineer who shall take responsibility for the engineering work of the applicant and at least one full time

employee who is a registered architect who shall take responsibility for the architectural work of the applicant;

(c) the presence of any ownership interests in the applicant will give rise to conflicts with the professional responsibilities of the firm;

(d) the granting of a certificate of authorization to the applicant will give rise to unauthorized practice or otherwise lead to circumvention of this Act or *The Architects Act, 1980*;

(e) any detriment to the public would result from the applicant becoming entitled to engage in the practice of both engineering and architecture.

(3) After considering an application for a certificate of authorization referred to it, the Joint Board shall recommend

(a) in the case of an application by a registered architect or architects firm, to the council,

(b) in the case of an application by a professional engineer or an engineers firm, to the Council of the Architects Association, or

(c) in the case of an application by a proposed engineers and architects firm or other applicant, to the council and to the Council of the Architects Association,

whether or not to grant a certificate of authorization, based on the criteria considered by it under subsection (2).

20.3(1) On receipt of a recommendation of the Joint Board under section 20.2 the council may approve the registration of a proposed engineers and architects firm if that firm is eligible to become registered under the by-laws.

(2) When recommendations are made by the Joint Board to both the council and the Council of the Architects Association with respect to an application for a certificate of authorization, both councils must agree that the certificate should be issued and both shall sign the certificate before it is issued.

(3) An applicant is entitled to be registered as an engineers and architects firm when the council approves its registration.

20.4(1) On entering the name of a firm of engineers and architects in the register, the registrar shall issue to the applicant

(a) a certificate of authorization, signed and sealed in the same manner as a certificate of registration under section 23, to engage in the practice of engineering and architecture, and

(b) a stamp engraved as prescribed in the by-laws.

(2) A certificate of authorization issued under subsection (1) is subject to this Act, the regulations and the by-laws.

20.5 The provisions of this Act relating to the conduct of discipline hearings in connection with allegations of conduct unbecoming an engineer apply *mutatis mutandis* to the revocation of a certificate of authorization.

20.6(1) Notwithstanding section 9, a joint firm may engage in the practice of engineering and architecture in

(a) the names of the individuals who are its partners,

(b) its corporate name, or

(c) any other name that is approved by the council pursuant to the by-laws.

(2) A joint firm shall advise the registrar in writing of the names of the individual shareholders, directors and officers of the firm and of any change in them forthwith after the change occurs.

(3) When a joint firm causes all plans, drawings, detail drawings and specifications prepared in its practice of engineering to be imprinted with the stamp issued to the firm and signed by its proper officers, it shall also cause them to be signed by and imprinted with the stamp or seal of the professional engineer who had personal supervision, direction and control over their preparation.

20.7(1) The Joint Board may recommend to the council that a certificate of authorization be issued to an individual who is a registered architect who

(a) has historically competently provided a service in the practice of professional engineering in Alberta, and

(b) applies for the certificate within one year after the date of the coming into force of section 21.1 of *The Department of Housing and Public Works Act*.

(2) On receipt of a recommendation under subsection (1) the council may approve the registration of an individual who has applied to the council and is eligible under the by-laws to become registered as a restricted practitioner.

(3) If the council approves the registration of an individual as a restricted practitioner, it shall specify in the register the restricted scope of the practice of professional engineering in which the individual is permitted to engage.

(4) On entering the name of a restricted practitioner in the register, the registrar shall issue to that individual a certificate of authorization to engage in the restricted scope of the practice of professional engineering that is specified in the register.

(5) The term of the certificate of authorization issued under this section is one year from the date of issue of the certificate, and the certificate may, subject to the approval of the council, be renewed for additional periods, each not exceeding one year, on payment of the fees prescribed in the by-laws.

(6) A certificate of authorization issued under this section is subject to this Act and the by-laws.

20.8(1) On the recommendation of the Joint Board, the council may authorize an individual who is a registered architect under *The Architects Act, 1980* to apply for a permit under *The Alberta Uniform Building Standards Act* for a building of a type described in section 4.4 of *The Alberta Uniform Building Standards Act* without the final design drawings and specifications of the building having the seal of a professional engineer.

(2) An authorization under subsection (1) may be granted only in exceptional cases.

7 *Section 24 is amended by adding the following after subsection (1):*

(1.1) A joint firm

(a) may hold itself out as “engineers and architects” or “architects and engineers” only if it has both engineers and architects as partners or shareholders in an arrangement that is satisfactory to the council or the Council of the Architects Association, as the case may be;

(b) shall not hold itself out as “engineers and architects” or “architects and engineers” if the architects or engineers, as the case may be, are employees only and not partners or shareholders, or if the partnership or shareholding arrangement is not satisfactory to the council or the Council of the Architects Association, as the case may be.

8 *The following is added after section 24:*

24.1(1) The registrar may cancel the registration of a joint firm that ceases to have at least one professional engineer and at least one registered architect to take the responsibility referred to in section 20.2(2)(b) after the expiration of one month following the service on the joint firm of a written notice that the registrar intends to cancel the registration, unless the joint firm on which

7 Holding out by joint firms.

8 Cancellation for non-payment of fees.

the notice is served complies with the notice.

(2) The notice under subsection (1) shall state that the registrar may cancel the registration unless the joint firm has at least one professional engineer and at least one registered architect to take the responsibility referred to in section 20.2(2)(b).

(3) If the registration of a joint firm has been cancelled under this section, the certificate of authorization of that joint firm is deemed to be cancelled, and the joint firm shall surrender to the registrar the stamp issued to it.

(4) The council may direct the registrar, subject to any conditions respecting the repayment of arrears and any reinstatement fee that the council may prescribe,

(a) to reinstate in the applicable register the registration that was cancelled under subsection (1), and

(b) to reissue a certificate of authorization to its former holder.

9 Section 25(b) is amended by adding “and certificate holders” after “permit holders”.

10 Section 28 is amended by adding “, and the term “permit holder” shall be deemed to include “certificate holder”” after ““professional geophysicists””.

11 This Act comes into force on a date or dates to be fixed by Proclamation.

9 Section 25 presently reads in part:

25 The registrar

(b) shall maintain a record of permit holders, and

10 Section 28 presently reads:

28 For the purposes of sections 29 to 47 the term "member" shall be deemed to include "licensees", "professional engineers", "professional geologists" and "professional geophysicists".