

BILL

No. 56 of 1936.

An Act to amend The Engineering Profession Act, 1930.

(Assented to _____, 1936.)

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

1. This Act may be cited as "*The Engineering Profession Act, 1930, Amendment Act, 1936.*"

2. *The Engineering Profession Act, 1930*, being chapter 30 of the Statutes of Alberta, 1930, is hereby amended as to section 2 by striking out of paragraph (a) thereof the word "Registered" and by striking out of paragraph (f) thereof the words "Registered Professional Engineer" and substituting therefor the words "Professional Engineer".

3. The said Act is further amended as to section 6 thereof by striking out the said section and substituting therefor the following:

6. No person except a member of the Association or a person who has received a license from the Council so to do, shall practice professional engineering within the Province or shall take and use the designation of 'Professional Engineer' or any abbreviation thereof or hold himself out or advertise himself as a 'Professional Engineer' nor shall any person or persons knowingly employ any person other than a professional engineer, to do professional engineering work."

"Provided that,—

"(a) Nothing in this Act shall apply to anyone registered as an architect under any Act of the Province relating to the practice of architecture where the practice of such person is confined to architecture; and nothing in this Act shall apply to any provincial or dominion land surveyor practising his profession except that such surveyor or architect shall not style or hold himself out as a professional engineer unless he is registered or licensed under the provisions of this Act;

"(b) The provisions of this Act shall not apply to any member of His Majesty's naval, military or air forces while actually employed on duty with such forces;

"(c) Nothing in this Act shall be construed as altering or affecting any provision or regulation of or made under any Act of the Province relating to mines or public highways;

“(d) Nothing in this Act shall be construed as preventing the carrying on by any person on his own property of any work for the sole use of himself and his domestic establishment; nor the designing, construction or installing by any person of appliances, works or plants of a value not exceeding five thousand dollars where such work does not involve the safety of the general public.”

4. The said Act is further amended as to section 7 thereof by adding after the word “entitled” the words “upon payment of the prescribed fees and” and by adding after the word “powers” in paragraph (a) thereof the words “and having equivalent standards of qualifications for membership” and by striking out paragraph (c) thereof and by substituting therefor the following:

“(c) Any persons not qualified under paragraphs (a) and (b) of this section who passes such examinations as may be prescribed by the Senate.”

5. The said Act is further amended as to section 8 thereof by striking out the said section and by substituting therefor the following:

“8. The following persons shall, upon payment of the prescribed fees and subject to the conditions hereinafter set forth, be entitled to obtain from the registrar a license to practice professional engineering and to use the title of and be designated as a Professional Engineer for such period as the council may direct,—

“(a) Any registered member of an association of engineers having the same or similar powers and having equivalent standards of qualification for membership in some other province in the Dominion of Canada, who produces to the council a certificate of membership in good standing in such other association;

“(b) Any person not coming within the provisions of the next preceding paragraph, who produces evidence of his qualifications satisfactory to the council.”

6. The said Act is further amended as to section 9 thereof by striking out the words “Registered Professional Engineer” and substituting therefor the words “Professional Engineer”.

7. The said Act is further amended as to section 13 thereof by striking out the words “Registered Professional Engineer” and substituting therefor the words “Professional Engineer”.

8. The said Act is further amended as to section 14 thereof by striking out the said section and by substituting therefor the following:

“14.—(1) The registrar shall from time to time under the direction of the council cause to be printed and published a correct register of the names in alphabetical order, according to surnames, with the residences, as in Form B

in the Schedule of this Act or to the like effect, and shall issue yearly thereafter between the issues of such register, if not published yearly, an addenda to such register containing the names, etc., as above set forth of the persons registered under this Act, of all persons appearing on the register as existing on the day of publication, and such register shall be called 'The Alberta Engineering Profession Register,' and a copy of the register for the time being purporting to be so printed and published as aforesaid shall be *prima facie* evidence in all courts in the Province of Alberta and before all justices of the peace and all others that the persons therein specified are registered according to the provisions of this Act, and subject to the provisions of subsection (2) of this section the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

"(2) In the case of any person whose name does not appear in such copy or addenda, a certified copy under the hand of the registrar of the entry of the name of such person on the register or addenda shall be evidence that such person is registered under this Act.

"(3) Every certificate of registration of license shall be signed by the president and the registrar, and shall bear the seal of the association.

"(4) Every person registered under this Act shall have a seal supplied by the council at his expense, with which he shall stamp all official documents and plans."

9. The said Act is further amended as to section 15 thereof by striking out the said section and by substituting therefor the following:

"**15.**—(1) In all cases where proof of registration under this Act is required to be made, the production of the printed or other copy of the register, or of any extract therefrom or addenda thereto certified by the registrar, shall be sufficient evidence of registration in lieu of the production of the original register, and any certificate purporting to be signed by any person in his capacity as registrar of the council under this Act and bearing the seal of the association shall be *prima facie* evidence that such person is the registrar without any proof of his signature or of his being in fact such registrar.

"(2) In any case where proof of registration or non-suspension is required to validate a witness' evidence, and a copy of the register, or addenda thereto, or of any extract therefrom certified by the registrar, or the production of the original register, is not available without prejudicial delay to the cases or the parties interested, then and in such case the evidence of the person under oath claiming to be registered under this Act and not under suspension, that he is so registered and not under suspension shall be proof of same."

10. The said Act is further amended as to section 17 thereof by striking out the said section and by substituting therefor the following:

17. The Senate shall appoint a board of examiners for the purpose of conducting examinations required by this Act."

11. The said Act is further amended as to section 18 thereof by striking out the words "the prescribed annual fee and a sum of not more than five dollars for the publication of his name in *The Alberta Gazette*," where the same occur in subsection (3) thereof.

12. The said Act is further amended as to section 19 thereof by striking out the said section and by substituting therefor the following:

19.—(1) Notwithstanding any other provision of this Act, no person shall be registered or licensed unless he is a British subject, is twenty-one years of age and has been engaged for eight years in some branch of engineering in the works set out in Schedule A, except in the case of a graduate of an engineering college or university approved by the Senate, in which case the period of engagement in engineering work shall be reduced to six years (which may include his period of instruction), two of which at least shall have been spent in practical engineering work.

"(2) Any person passing the examinations hereinbefore provided for, and otherwise qualifying and failing to register within one year of the date of so passing the examination, shall lose any right of registration that has accrued to him by reason of passing such examinations.

"(3) Any person not a British subject but otherwise qualified for registration or license, may be licensed if his practice is carried on in association with a member of the association.

"(4) Notwithstanding the provisions of paragraph (3) of this section, council may, at its discretion, waive the requirement of association with a member where it is in the public interest so to do.

"(5) The provisions of this section shall not be retroactive."

13. The said Act is further amended as to section 21 thereof by striking out the words "Registered Professional Engineer" where they occur in subsection (3) thereof and substituting therefor the words "Professional Engineer".

14. The said Act is further amended as to section 22 thereof by striking out the said section and by substituting therefor the following:

22. Any person who, not being a professional engineer registered in the Province, or who being suspended or having been expelled under the proceedings of the next preceding section, or any company, society or group of persons, whether incorporated or not which,—

"(a) assumes verbally or otherwise the title of professional engineer, or makes use of any abbreviations, of such title, or of any name, title, addition, description or designation such as agricultural engineer, chemical engineer, civil engineer, combustion engi-

neer, construction engineer, designing engineer, electrical engineer, mechanical engineer, mining engineer, petroleum engineer, sales engineer, structural engineer, or geologist, which may lead to the belief that he is a professional engineer or a member of the association, or that he is, or they are, a person, or persons, specially qualified to practice in any of the branches of professional engineering mentioned in Schedule A;

“(b) advertise himself, or themselves, as such in any way or by any means; or

“(c) acts in such a manner as to create or induce in the mind of any reasonable person the belief that he is, or they are, authorized to fulfill the office of or act as a professional engineer;

shall be liable on summary conviction to a fine of not less than fifty dollars nor more than one hundred dollars, and for any subsequent offence to a fine of not less than one hundred dollars, nor more than two hundred dollars.”

15. The said Act is further amended as to section 23 thereof by striking out the said section and by substituting therefor the following:

“**23.** Where no other provisions are made herein, every person, company, society or group of persons, whether incorporated or not, guilty of violating any of the provisions of this Act or of the by-laws made thereunder, shall be liable to a fine of not more than one hundred dollars, recoverable with costs under the provisions of the law respecting summary convictions.”

16. The said Act is further amended as to section 24 thereof by striking out the said section and by substituting therefor the following:

“**24.** Where any person, company, society or group of persons whether incorporated or not, after being convicted under this Act, or not being a professional engineer registered in Alberta, uses or purports to use the designation or title of professional engineer or holds himself or itself out as such, the association may apply to a judge of the Supreme Court for an injunction restraining such person, company, society or group from using, attempting or purporting to use such designation or title, and such judge or court shall, on being satisfied that such person, company, society or group has been so convicted, or has used, or attempted or purported to use such designation or title in the Province, grant the said injunction.”

17. The said Act is further amended as to Schedule A thereof by adding after the word “waterways”, the words “airways, airports.”

18. The said Act is further amended by adding thereto as Schedule B the following:

"SCHEDULE B.

"FORM B.

"THE ALBERTA ENGINEERING PROFESSION REGISTER.

"(Section 14.)

Name	Residence	Branch
A.B.	Edmonton	Civil
C.D.	Calgary	Electrical
E.F.	Lethbridge	Mining."

19. This Act shall come into force on the day upon which it is assented to.

No. 56.

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act to amend The Engineering
Profession Act, 1930.

Received and read the

First time

Second time

Third time

MR. LOW.

EDMONTON:
A. Shultka, King's Printer
1936