

# BILL

No. 82 of 1938.

An Act to amend and consolidate The Alberta Architects Act.

(Assented to \_\_\_\_\_, 1938.)

**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 Alberta Architects Act, 1938.*"

## INTERPRETATION.

**2.—(1)** In this Act, unless the context otherwise requires, the expression,—

- (a) "Architect" means any person who is engaged for hire, gain or hope of reward, in the planning, designing or the supervision of or the supplying of plans, drawings or specifications for the erection, construction and enlargement or alteration of buildings, for persons other than himself but does not include any person employed by a registered architect as a draughtsman, student clerk of works, superintendent or in any other similar capacity, nor any superintendent of buildings paid by the owner thereof acting under the directions and control of a registered architect;
- (b) "Building" means a structure consisting of foundations, walls and roof with or without other parts;
- (c) "Senate" shall mean the Senate of the University of Alberta.

(2) No corporation shall practice as an architect within this Province or be granted a certificate of registration under this Act.

## CONTINUATION OF ASSOCIATION.

**3.** The Alberta Association of Architects, hereinafter referred to as "the Association" is hereby continued as a body corporate.

## POWERS, GOVERNMENT, ETC.

**4.** Any by-laws heretofore passed by the Association together with any amendments thereto, are hereby approved and shall continue to be by-laws of the Association except in so far as they may be inconsistent with any of the provisions of this Act.

**5.** The Association shall have power,—

- (a) to acquire and hold all lands and property necessary in order to carry out the objects of its incorporation, and to alienate the same at pleasure and to acquire others, provided that the annual value of the real estate held at any one time for the actual use of the Association shall not exceed five thousand dollars;
- (b) to sue and be sued, and implead in its corporate name;
- (c) to make and pass by-laws in accordance with this Act, for the direction and management of the Association; the admission to the study and practice of the profession of architecture, and all rules that may be deemed necessary for the maintenance of the dignity and honour of the said profession, and alter or amend the same when deemed advisable; provided that no such by-laws or amendments there-to shall be valid or take effect until approved by the Lieutenant Governor in Council.

**6.** The head office of the Association shall be in the City of Edmonton.

**7.** The Association shall continue to be governed by a Council, hereinafter referred to as “the Council”, consisting of a president, two vice-presidents, a secretary, a treasurer and two other members, all of whom shall be registered architects and shall be elected annually in the manner provided in the by-laws of the Association.

**MEMBERS.**

**8.—(1)** All persons who immediately before the passing of this Act were members of the Association, if domiciled in the Province of Alberta, shall continue to be members of the Association and they and all the persons who become registered as members of the Association in accordance with subsection (2) of this section, shall so long as they remain members in good standing of the Association, be known and are in this Act referred to as “registered Architects”.

(2) The following persons, if domiciled in the Province of Alberta, may upon payment of the proper fees in that behalf become registered as members of the Association, that is to say,—

- (a) All members of associations of architects incorporated by special Act of any other Province of Canada;
- (b) All members or associate members of the Royal Institute of British Architects and of foreign associations of architects approved by the Senate;

- (c) Any person who holds a degree in architecture from the University of Alberta or from any university approved by the Senate or who is a graduate from a school of Architecture or Technology approved by the Senate, provided the course of studies followed by such person has taken not less than four years, and who has,—
  - (i) Served as a student for one year under a principal approved by the Senate; or
  - (ii) Submitted evidence satisfactory to the Senate that such person has had such practical experience in architecture as is equivalent thereto; or
  - (iii) Passed such a practical qualifying examination as may be required by the Senate;
- (d) Any person who is a graduate in architecture from the Provincial Institute of Technology and Art and who has,—
  - (i) Served as a student for three years under a principal approved by the Senate or who has worked for a like period as an architectural draughtsman; and
  - (ii) Passed such a comprehensive qualifying examination in architecture as may be required by the Senate;
- (e) Any person not less than twenty-one years of age who has served as a student for not less than five years with a principal approved by the Senate, or who has worked for a period of not less than six years as an architectural draughtsman, or who, in the opinion of the Senate, has had such other practical experience in architecture as is equivalent thereto and who has passed such a comprehensive qualifying examination in architecture as may be required by the Senate;
- (f) (i) Any person who at the date of the passing of this Act is practising architecture in the Province of Alberta, or who prior to the passing of this Act had practised architecture in the Province of Alberta as a principal for a period of not less than seven years and who not later than six months from the date of the passing of this Act submits satisfactory evidence of such practise to the Senate;
- (ii) Any other person who has practised architecture as a principal for a period of not less than seven years either in the Province of Alberta prior to the date of the passing of this Act or elsewhere at any time who submits evidence satisfactory to the Senate that he is suitably qualified to practise as an architect and who, if required by the Senate so do to, passes such qualifying examinations as may be required by the Senate;

(g) Any person who, immediately before the passing of this Act, would, under the provisions of *The Alberta Architects Act*, being chapter 201 of the Revised Statutes of Alberta, 1922, have been entitled to submit himself for the qualifying examination required by that Act for entrance into the Association and who passes such a comprehensive qualifying examination as may be required by the Senate.

(3) The Council shall have power to grant to any architect not domiciled in the Province of Alberta but who is a member of an association, institute or body described in clauses (a) or (b) of subsection (2) of this section, a temporary license to practise as an architect in the Province of Alberta for such period of time as may be determined by the Council upon payment of the proper fees in that behalf and provided that such practice is carried out in collaboration with a registered architect. Any person so licensed shall be known and is referred to in this Act as a "licensed Architect".

(4) Any person who at the date of the passing of this Act is registered as a member of the Association, but who is not domiciled in the Province of Alberta shall be deemed as from the passing of this Act to be a licensed Architect within the meaning of the preceding subsection and his license shall continue for such period of time as may be determined by the Council.

#### EXAMINATIONS.

9.—(1) The Senate shall prescribe the subjects, regulations and fees for all such examinations as are required by this Act.

(2) The examinations shall be held at such times and places as the Senate may direct.

(3) The Senate shall annually appoint a Board of Examiners to conduct such examinations and may delegate all or any of its duties under this Act to the said Board.

(4) Any candidate shall, upon payment of the fee required by the Senate, have the right to appeal to the Senate from any decision of the Board of Examiners and the decision of the Senate in connection with any such appeal shall be final.

#### RIGHT TO PRACTISE.

10.—(1) No person, except a registered or a licensed architect, shall be entitled, within the Province of Alberta, to take or make use of the name, title, or designation of architect either alone or in connection with any other word, name, title or designation or to hold himself out as an architect or to practise as an architect, nor shall any person or persons employ, retain or enter into a contract with any person other than a registered or licensed architect, to do any kind of architectural work.

(2) Any person who, on one or more occasions, in contravention of the provisions of this Act takes or makes use of the name, title or designation of architect or holds himself out as an architect or practises as an architect or who employs, retains or enters a contract with any person other than a registered or licensed architect to do any kind of architectural work shall be liable, on summary conviction, to a fine not exceeding twenty-five dollars for the first offence and not exceeding one hundred dollars for every subsequent offence, or in the case of a continuing offence, to a fine of not less than twenty-five dollars and not more than fifty dollars per day during the continuance of such offence.

(3) In any prosecution under this section the burden of proving that he is registered or licensed under this Act, shall rest upon the accused.

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

(5) Nothing in this Act shall be construed as preventing the erection by any person on his own property of any building for the sole use of himself and his domestic establishment, nor the planning, designing or supervision by any person of a building of a value not exceeding ten thousand dollars.

(6) Notwithstanding any provisions to the contrary contained in any Act or Ordinance, or City Charter, or in the by-laws of any city, town, municipality or other local authority, no plans, drawings or specifications for the erection, enlargement or alteration of any building shall be passed, approved or accepted by any authority appointed to pass, approve or accept such plans, drawings or specifications where the total costs of the erection, enlargement or alteration exceed the sum of ten thousand dollars, unless such plans, drawings or specifications have been prepared by or in consultation with a registered or licensed architect.

(7) Nothing in this section shall apply to any plans, drawings or specifications which have been prepared and approved by any department of the Provincial Government.

#### MEETINGS.

**11.—**(1) The time and place of the annual meeting of the Association and of special meetings thereof, and for meetings of the Council, and the mode of summoning and conducting the same, shall be fixed by by-laws.

(2) In the absence of any rule or regulation as to the calling of meetings of the Association or of the Council, it

shall be lawful for the president or in the event of his absence or death, for the secretary to call the same at such time and place as to such officer seems suitable, by circular letter mailed to each member.

#### REGISTER AND FEES.

**12.—**(1) The secretary shall, in every year, cause to be printed, published and kept at his office for inspection free of charge, under the direction of the Council, a correct register of the names in alphabetical order according to the surnames with the respective residences of all persons appearing on the general register on the first day of January in every year, and such register shall be called the "Architects' Register", and a copy of such register for the time being, purporting to be printed and published as aforesaid, shall be evidence in all Courts and before all Justices of the Peace, and others, that the persons therein specified are registered according to the provisions of this Act.

(2) In the case of any person whose name does not appear in such copy the entry of the name of such person in this register or any copy so printed, verified by the hand of the secretary, shall be evidence that such person is registered under the provisions of this Act.

**13.—**(1) Members shall pay on registration such annual fee as may be required by the by-laws.

(2) The names of persons in default shall be removed from the register by the secretary, after one month's notice to such persons, and shall not be re-inserted except upon the payment of all arrears and such fines, if any, as may be imposed by the by-laws of the Association.

**14.—**(1) The Council may direct that a name be removed from the register in the following cases, that is to say,—

- (a) at the request or with the written consent of the person whose name is to be removed;
- (b) where the name has been incorrectly entered;
- (c) where a person registered has been convicted either in His Majesty's dominions or elsewhere of an offence which, if committed in His Majesty's dominions, would be punishable by imprisonment for five years or more;
- (d) where a person registered is shown to have been guilty after his resignation, either in His Majesty's dominions or elsewhere, of any breach of the by-laws, orders or regulations of the Association or of conduct infamous in a professional respect;
- (e) where a person registered has ceased to be domiciled in the Province of Alberta.

(2) When the Council has removed the name of any person from the register the name of that person shall not

be again entered upon a register, except by a resolution of the Council or by an order of a Court of competent jurisdiction.

(3) In the event of the removal of a name from the register, an appeal shall lie to the Association in general meeting which may reverse the decision of the Council.

**15.—**(1) The Council may, by resolution, direct the secretary to restore to the register any name removed therefrom either without fee or upon payment of such fee, not exceeding the fees in arrears or unpaid and one additional renewal fee, as the Council may from time to time fix, and the secretary shall restore the name accordingly.

(2) The name of any person removed from the register at the request of such person, or with his consent, shall unless it might, if not so removed, have been removed by order of the Council, be restored to the register on his application and on payment of such fees not exceeding such fees as shall be in arrears, and one additional registration fee, as the Council may from time to time fix.

#### NOTICES.

**16.—**(1) Subject to the other provisions of this Act, all notices and documents required by or for the purpose of this Act to be sent may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of mail; and in proving such sending it shall be sufficient to prove that the letter containing the notices or documents was prepaid and properly addressed and put in the post and registered.

(2) Such notices and documents may be in writing or in print, or partly in writing and partly in print, and when sent to the Council or other authorities shall be deemed to be properly addressed, if addressed to the said body or authorities, or to some officer of the Council or authority, at the principal place of business of the Council or authority, and when sent to a person registered under this Act shall be deemed to be properly addressed, if addressed to him according to his address registered in the register of the Association.

#### DISPOSITION OF FEES.

**17.—**(1) All moneys arising from fees payable on registration or the annual renewal fees, or from the sale of copies of the register or otherwise, shall be paid to the secretary and by him paid over to the treasurer, to be applied, in accordance with such regulations as may be made by the Council, for defraying the expenses of registration and the other expenses of the execution of this Act, and, subject thereto, towards the support of museums, libraries or lectureships, or for other public purposes connected with the profession of architecture, or towards the promotion of learning and education in connection with architecture.

(2) The Council shall have power to invest, in the Association's name, any sum not expended as above, in such securities as shall be approved by the Government of the Dominion of Canada or of the Province of Alberta, and to change the same at will, and any income derived from such invested sums shall be added to and considered as part of the ordinary income of the Association.

(3) The Association may also use surplus funds or invested capital for the rental or purchase of land or premises, or for the building of premises to serve as offices, examination halls, libraries, museums, or for any other public purpose connected with architecture.

#### GENERAL PROVISIONS.

**18.** It shall be the duty of the Secretary to keep the register in accordance with the provisions of this Act, the by-laws of the Association and the orders and regulations of the Council.

**19.** All deeds of the Association shall be signed by the president and secretary and sealed with the common seal of the Association.

**20.** Nothing in this Act shall authorize the Association to impose any fees higher than the following:

Admission to practise as a Registered Architect....	\$25.00
Admission to practise as a Licensed Architect.....	10.00
Annual fee .....	15.00
Fines .....	5.00

#### REPEAL.

**21.** *The Alberta Architects Act*, being chapter 201 of the Revised Statutes of Alberta, 1922, is hereby repealed.

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



SIXTH SESSION  
EIGHTH LEGISLATURE

1 GEORGE VI

1938

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**BILL**

An Act to amend and consolidate The  
Alberta Architects Act.

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Received and read the

First time.....

Second time.....

Third time.....

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MR. BAKER.

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EDMONTON:  
A Shnitka, King's Printer  
1938