

The Engineering Profession Act

Repealed

by [Chapter E-9.3 of the *Statutes of Saskatchewan, 1996*](#)
(effective February 21, 1997)

Formerly

[Chapter E-10 of *The Revised Statutes of Saskatchewan, 1978*](#)
(effective February 26, 1979) as amended by the [Statutes of
Saskatchewan, 1979, c.24; 1980-81, c.21; and 1989-90, c.54.](#)

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	SHORT TITLE		DISCIPLINE
1	Short title	35	Discipline of members
	INTERPRETATION	36	Complaint and investigation
2	Interpretation	37	Other inquiries by council
	ASSOCIATION OF PROFESSIONAL ENGINEERS	38	Costs of investigation or inquiry
3	Corporation continued and membership therein	39	Legal assistance
4	Objects of association	40	Notice of inquiry
5	Admission to membership	41	Administration of oaths
6	Temporary licence to practise	42	Subpoena of witnesses
7	Restrictions on corporations, etc., practising	43	Failure to attend inquiry
8	Board of examiners	44	Discipline of students
9	Appeal from refusal to admit applicant	45	Effect of expulsion or suspension, etc.
10	Payment of fees	46	Appeal
11	Disposal of fees, fines and other income	47	Procedure on appeal
	POWERS OF THE ASSOCIATION	48	Trial <i>de novo</i>
12	Power to hold property	49	Action against council barred
13	Power to pass bylaws	50	Service of notice or documents
	MANAGEMENT OF THE ASSOCIATION		PROHIBITIONS AND PENALTIES
14	Council	51	Unauthorized persons practising as engineers
15	Constitution of council	52	Illegal advertising
16	Election of councillors	53	Offences by corporations, etc.
17	Term of office	54	False and fraudulent representations
18	Vacancies	55	Falsification by registrar
19	Disputed elections	56	Disposition of fines
20	Registrar, secretary, treasurer, etc.	57	Restraint by action
21	President has casting vote only	58	Limitation of prosecutions
22	Chairman in absence of president	59	Onus of proof
23	Majority rule		RETURNS
24	Execution of deeds	60	Returns to Lieutenant Governor in Council
25	Engineer's seal		SUPPLEMENTAL
26	Council may make regulations	61	Bylaws to be filed
27	Exception as to certain persons practising occupations similar to engineering	62	Effective date of bylaws
28	Exception as to a person in the armed forces	63	Effect of failure to file bylaw
29	Act not to apply to work under value of \$30,000	64	Review by Legislative Assembly
	REGISTRATION	65	Record of revocation and notification to the association
30	Register	66	List of members, etc., to be filed with Department of Consumer and Commercial Affairs
31	Certificate of registration	67	Report to Minister of Highways and Transportation where application for admission is refused
32	Publication of list of members	68	Discipline
33	Evidence of list, certificate, etc.	69	Students, etc.
34	Removal of names from register and restoration		

SCHEDULE A

CHAPTER E-10

An Act respecting the Engineering Profession of Saskatchewan

SHORT TITLE

Short title

- 1 This Act may be cited as *The Engineering Profession Act*.

INTERPRETATION

Interpretation

- 2 In this Act:

- (a) **“association”** means The Association of Professional Engineers of Saskatchewan;
- (b) **“bylaw”** means a bylaw of the association;
- (c) **“council”** means the council of the association;
- (d) **“licence”** means a licence to practise professional engineering issued under this Act;
- (e) **“licensee”** means a person who holds a subsisting licence;
- (f) **“member”** means a registered member of the association;
- (g) **“professional engineer”** means a member or a holder of a licence under this Act;
- (h) **“professional engineering”** or **“the practice of professional engineering”** means reporting on, advising on, valuing, measuring for, laying out, designing, directing, constructing or inspecting any of the works or processes set forth in schedule A, or such works or processes omitted therefrom as are similar to those set forth therein by reason of their requiring the skilled application of the principles of mathematics, physics, mechanics, aeronautics, hydraulics, electricity, chemistry or geology in their development and attainment; and includes such reporting, advising, valuing, measuring for, laying out, designing, directing, constructing or inspecting by any person under the general supervision of a professional engineer; but does not include the execution or supervision of works as contractor, foreman, superintendent, inspector, road master, superintendent of maintenance, technical assistant, student or engineer in training where the work has been designed by and is done under the responsible supervision of a professional engineer;
- (i) **“registrar”** means the registrar of the association;
- (j) **“regulations”** means regulations of the council;
- (k) **“secretary”** means the secretary of the association.

R.S.S. 1978, c.E-10, s.2.

ASSOCIATION OF PROFESSIONAL ENGINEERS

Corporation continued and membership therein

3 The Association of Professional Engineers of Saskatchewan is continued as a body corporate and shall consist of its present members and all persons who may hereafter become members in accordance with this Act.

R.S.S. 1978, c.E-10, s.3.

Objects of association

4 The objects of the association are:

- (a) to ensure to the public the proficiency and competency of professional engineers in professional engineering;
- (b) to promote and improve the proficiency and competency of professional engineers in any matter relating to professional engineering;
- (c) to do all such things as may be necessary for, or incidental or conducive to, the usefulness of professional engineers to the public.

R.S.S. 1978, c.E-10, s.4.

Admission to membership

5(1) The council shall admit an applicant to membership in the association if he pays the proper fees and submits evidence satisfactory to the council:

- (a) that he resides in Saskatchewan;
- (b) that he is of good character; and
- (c) that he:
 - (i) is a graduate in engineering of The University of Saskatchewan, The University of Regina or of an institution of learning recognized by The University of Saskatchewan with respect to its program in applied science or engineering and has had not less than two years' postgraduate experience in engineering work satisfactory to the council; or
 - (ii) has passed the examinations required under section 8 and has been engaged for not less than eight years in some branch of engineering recognized and approved by the council; or
 - (iii) is a registered member in good standing of an association recognized by the council as being comparable to The Association of Professional Engineers of Saskatchewan and complies with such other terms and conditions as the council may impose.

(2) The council may admit an applicant to membership in the association if he pays the proper fees and submits evidence satisfactory to the council:

- (a) that he resides in Saskatchewan;
- (b) that he is of good character; and

(c) that he is a graduate with a degree in an honours course, or in a course of which the content is equivalent to an honours course, in a science related to engineering, from The University of Saskatchewan, The University of Regina or an institution of learning recognized by The University of Saskatchewan with respect to its program in such science and has had not less than three years' post-graduate experience in engineering work satisfactory to the council.

R.S.S. 1978, c.E-10, s.5; 1979, c.24, s.2.

Temporary licence to practise

6(1) Upon the application of a person who is not a resident of Saskatchewan but who otherwise qualifies for membership in the association under subsection (1) of section 5 and who produces evidence satisfactory to the council of his qualifications and pays the proper fees, the council shall grant to him a licence entitling him to engage temporarily in the practice of professional engineering in respect of a particular work or for a temporary period, or both, as the council may determine.

(2) Upon the application of a person who is not a resident of Saskatchewan but who otherwise qualifies for membership in the association under subsection (2) of section 5 and who produces evidence satisfactory to the council of his qualifications and pays the proper fees, the council may grant to him a licence entitling him to engage temporarily in the practice of professional engineering in respect of a particular work or for a temporary period, or both, as the council may determine.

R.S.S. 1978, c.E-10, s.6.

Restrictions on corporations, etc., practising

7(1) No partnership, association of persons or corporation shall as such be a member or a licensee, or shall, except as authorized by this section, practise professional engineering.

(2) A partnership, association of persons or corporation that holds a certificate of authorization may, in its own name, practise professional engineering:

(a) if its principal or customary function is to engage in the practice of professional engineering;

(b) if the majority of the members of the partnership or association of persons, or shareholders and directors in the case of a corporation, are members or licensees; and

(c) if the practice of professional engineering is done under the responsibility and supervision of a member of the partnership or the association of persons, a director of the corporation or a full-time employee of the corporation, who in any case is:

(i) a member; or

(ii) a licensee, in which case the practice of professional engineering shall be restricted to the work specified in the licence of the licensee.

(3) A partnership, association of persons or corporation that desires a certificate of authorization shall submit to the registrar an application in the prescribed form containing:

- (a) the names and addresses of all its partners, members, officers or directors, as the case may be;
- (b) the names of all its partners, members of associations of persons, directors of corporations or full-time employees of corporations, as the case may be, who are the members or licensees who will be in charge of professional engineering on its behalf;
- (c) from among the names specified under clause (b) the name or names of its official representative or representatives whose duty it is to insure that this Act and the bylaws and regulations are complied with by the partnership, the association of persons or the corporation, as the case may be;

and shall, whenever there is a change in the particulars given in its application, give notice of the change to the registrar within thirty days after the effective date of the change.

(4) If subsection (3) is complied with, the council may issue to the applicant a certificate of authorization.

(5) Notwithstanding subsections (1) to (4), the council may issue a certificate of authorization to a corporation that produces a certificate of authorization issued by a professional organization recognized by the council.

(6) Where the holder of a certificate of authorization ceases to have any official representative, the certificate is *ipso facto* revoked, and the partnership, association of persons or corporation shall not practise professional engineering until a new certificate of authorization is issued.

(7) Where the council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section or has been guilty of conduct that would, in the case of a member or licensee, have been professional misconduct, the council may reprimand the holder or suspend or revoke the certificate of authorization.

(8) Sections 35 to 50 apply *mutatis mutandis* to the refusal to issue a certificate of authorization and to the suspension or revocation of a certificate of authorization.

R.S.S. 1978, c.E-10, s.7.

Board of examiners

8(1) Subject to section 5, the examination of candidates for admission to practise as professional engineers shall be under the control of The University of Saskatchewan unless otherwise provided by agreement between the association and The University of Saskatchewan.

(2) The senate of the university may, after consultation with the council, appoint a board of examiners whose duties shall be:

- (a) to examine the academic qualifications of applicants for membership in the association;
- (b) to make rules governing the subjects and conduct of examinations;

- (c) to prescribe the fees payable by candidates;
 - (d) to perform such other acts and duties with respect to academic qualifications as the council may request.
- (3) The registrar of the university shall report to the registrar of the association the results of all examinations required by the council.

R.S.S. 1978, c.E-10, s.8; 1989-90, c.54, s.4.

Appeal from refusal to admit applicant

9 A person whose application for admission or readmission to membership is refused or who is refused a licence may appeal from the decision of the council to a judge of the Court of Queen's Bench at any time within thirty days from the date of notification by the registrar of the refusal, and the judge may, upon hearing the appeal and upon due cause shown, order the council to register the name of such person as a member of the association or make such other order, including an order as to payment of the costs of the appeal, as he deems just and reasonable.

R.S.S. 1978, c.E-10, s.9.

Payment of fees

10(1) Partnerships, associations of persons and corporations mentioned in subsection (2) of section 7 and members shall, on registration and annually, pay the fees prescribed by the bylaws.

(2) The names of persons in default of payment of fees shall be removed from the register of the association by order of the council after one month's notice by prepaid registered mail to those persons, and shall not be reinstated except upon payment of all arrears and of such fine, if any, as may be imposed under the bylaws.

(3) Where a partnership, association of persons or corporation is in default of payment of fees, its certificate of authorization shall be revoked by order of the council after one month's notice by prepaid registered mail to the partnership, association or corporation and a certificate of authorization shall not be reissued except upon payment of all arrears and of any fine that may be imposed under the bylaws.

R.S.S. 1978, c.E-10, s.10.

Disposal of fees, fines and other income

11(1) All moneys arising from fees or fines or from the sales of copies of the register or otherwise shall be paid to the treasurer of the association to be applied in accordance with the regulations towards:

- (a) defraying the expenses of registration and the other expenses of administering this Act;
- (b) supporting museums, libraries or lectureships;
- (c) other public purposes connected with professional engineering;
- (d) the promotion of learning and education relating to professional engineering.

(2) The council may, in the name of the association, invest in securities any moneys not applied for the purposes mentioned in subsection (1), and any income derived from such investments shall form part of the ordinary income of the association.

R.S.S. 1978, c.E-10, s.11.

POWERS OF THE ASSOCIATION

Power to hold property

12 The association may acquire by gift, purchase or otherwise, and alienate, sell, mortgage, lease or otherwise charge or dispose of real or personal property for the purpose of carrying into effect and promoting the objects of the association.

R.S.S. 1978, c.E-10, s.12.

Power to pass bylaws

13 The association may pass bylaws, not inconsistent with this Act, respecting:

- (a) the number, election, appointment and tenure of office of the officers of the association and members of the council and their respective powers, duties and responsibilities;
- (b) the code of ethics, conduct, discipline and honour of its members;
- (c) the management of its property;
- (d) the appointment of such officers in addition to those provided for in sections 15 and 20 as may be necessary for the carrying out of the objects of the association;
- (e) the maintenance of the association by levying annual and other fees;
- (f) the remuneration to, and reimbursement of, officers and employees of the association, and examiners appointed under this Act or the bylaws;
- (g) the time and place of the meetings of the association and the council and the procedure to be followed at such meetings;
- (h) the remuneration to the members of the council for attending meetings and the payment of the reasonable expenses incurred by them in attending meetings;
- (i) the enrolment of engineers in training and recording of students and engineering technicians;
- (j) affiliation with or entry into agreements with other similar associations or institutes and providing for payment by the association for services rendered to it by any such similar association or institute;
- (k) all other matters deemed necessary or convenient for the management or welfare of the association and for the conduct of its business.

R.S.S. 1978, c.E-10, s.13.

MANAGEMENT OF THE ASSOCIATION

Council

14 There shall be a council of the association for the management of the affairs of the association, which shall be constituted in the manner hereinafter provided.

R.S.S. 1978, c.E-10, s.14.

Constitution of council

15(1) The council shall consist of the elected officers of the association and not less than seven other councillors as provided by this Act and the bylaws.

(2) All councillors shall be duly registered members of the association residing in Saskatchewan and one of them shall be a member of the faculty of the College of Engineering of The University of Saskatchewan and one of them a member of the faculty of Engineering of The University of Regina.

(3) A majority of the councillors shall constitute a quorum for the transaction of business.

R.S.S. 1978, c.E-10, s.15.

Election of councillors

16(1) Subject to subsection (2) of this section and section 18, the councillors shall be elected by ballot, or in such manner as may be provided by the bylaws, at the annual meeting of the association or at a special meeting called for that purpose.

(2) The councillor who is a member of the faculty of the College of Engineering of The University of Saskatchewan and the councillor who is a member of the faculty of Engineering of The University of Regina shall be appointed by the Lieutenant Governor in Council.

R.S.S. 1978, c.E-10, s.16.

Term of office

17 The elected councillors shall hold office until their successors are elected or appointed in accordance with this Act and the bylaws.

R.S.S. 1978, c.E-10, s.17.

Vacancies

18(1) Where a vacancy in the council occurs the remaining members of the council may appoint a member of the association to fill the vacancy until the next regular election at which time the vacancy shall, by election, be filled by the members of the association.

(2) A councillor elected to fill a vacancy shall be elected only for the unexpired term of the councillor whose place he is to fill.

R.S.S. 1978, c.E-10, s.18.

Disputed elections

19(1) In case of any doubt or dispute as to who has been elected a councillor or as to the legality of the election of a councillor, the other duly elected councillors shall be a committee to hold an inquiry and decide the question at issue.

(2) The person who is declared by the committee to have been elected shall be deemed to be a councillor legally elected.

(3) If the election is found to have been illegal, the committee may order a new election.

R.S.S. 1978, c.E-10, s.19.

Registrar, secretary, treasurer, etc.

20(1) The council shall appoint a registrar, a secretary and a treasurer, who shall perform the duties assigned to them by this Act and such further duties as the council may prescribe. One person may be appointed to one or more of those offices.

(2) The council may appoint such other officers as may be necessary for the carrying out of this Act and all officers shall hold office during the pleasure of the council.

R.S.S. 1978, c.E-10, s.20.

President has casting vote only

21 At all meetings the president for the time being shall have a casting vote only.

R.S.S. 1978, c.E-10, s.21.

Chairman in absence of president

22 If the president is absent from a meeting, one of the vice-presidents, or, if no vice-president is present, a member to be elected from the members present, shall act as president *pro tempore*.

R.S.S. 1978, c.E-10, s.22.

Majority rule

23 All questions submitted to the association shall be decided by a majority of the members present and fifty members shall constitute a quorum for the transaction of business.

R.S.S. 1978, c.E-10, s.23.

Execution of deeds

24 All deeds of the association shall be signed by the president and the secretary and sealed with the seal of the association.

R.S.S. 1978, c.E-10, s.24.

Engineer's seal

25(1) An engineer registered or licensed in accordance with this Act is entitled to sign and seal plans, specifications, reports or documents prepared by him, under his supervision or approved by him, and may at his own expense acquire a seal for that purpose.

(2) A member or licensee shall not acquire a seal for the purpose of subsection (1) from any source other than the registrar and the seal shall be used only while the member or licensee is in good standing pursuant to this Act.

(3) The seal shall contain the name of the engineer, the words "Professional Engineer, Saskatchewan" and a space for his signature.

(4) Final drawings, specifications, plans, reports and other documents involving the practice of professional engineering when issued shall bear the signature and seal of the professional engineer who prepared or approved them.

R.S.S. 1978, c.E-10, s.25.

Council may make regulations

26 The council may make such regulations not inconsistent with this Act as it considers necessary to carry out the objects of the association, and without limiting the generality of the foregoing, may make regulations:

- (a) prescribing a schedule of minimum fees for professional services to be recognized by professional engineers offering such services for a fee;
- (b) prescribing model forms of agreement for professional services between clients and professional engineers for voluntary use by professional engineers.

R.S.S. 1978, c.E-10, s.26.

Exception as to certain persons practising occupations similar to engineering

27 Nothing in this Act prevents:

- (a) any person from practising his profession, trade or calling, provided that the person shall not style or hold himself out as a professional engineer unless he is registered or licensed under this Act;
- (b) any person from practising his profession as an architect under *The Architects Act* or as an agrologist under *The Agrologists Act* or as a Dominion or Saskatchewan land surveyor or as a planner under *The Community Planning Profession Act*, but no architect, agrologist, surveyor or planner shall style or hold himself out as a professional engineer unless he is also registered or licensed under this Act.

R.S.S. 1978, c.E-10, s.27.

Exception as to a person in the armed forces

28 Nothing in this Act prevents any person from performing his duties in the Canadian Armed Forces.

R.S.S. 1978, c.E-10, s.28.

Act not to apply to work under value of \$30,000

29 Nothing in this Act applies to work done by a person on his own property for the sole use of himself and his domestic establishment; and nothing in this Act shall be construed as prohibiting any person from designing, constructing or installing appliances, works or plants of a value not exceeding \$30,000.

R.S.S. 1978, c.E-10, s.29.

REGISTRATION

Register

30(1) The council shall cause to be kept by the registrar a book to be known as the register in which shall be entered the names and addresses of all persons who, having complied with this Act and the bylaws, have been admitted to the association as members, and the register shall be open to inspection at all reasonable times free of charge.

(2) The registrar shall keep the register correctly and strictly in accordance with this Act, the bylaws of the association and the regulations and rules of the council.

R.S.S. 1978, c.E-10, s.30.

Certificate of registration

31 The registrar shall issue a certificate of registration, in the form and subject to the regulations prescribed by the bylaws, to every person registered pursuant to section 30.

R.S.S. 1978, c.E-10, s.31.

Publication of list of members

32 The registrar shall from time to time, under the direction of the council, cause to be printed and published a correct list of the names in alphabetical order according to surnames, with the respective addresses, of all persons whose names are in the register; and if such list is not published yearly, he shall issue a yearly addendum.

R.S.S. 1978, c.E-10, s.32.

Evidence of list, certificate, etc.

33(1) Such list or addendum published or purporting to be published by the association shall be *prima facie* evidence in all courts in Saskatchewan that the persons named therein are registered in accordance with this Act, and, subject to subsection (2), the absence of the name of any person from such list or addendum is *prima facie* evidence that he is not registered.

(2) A certificate of registration or any other certificate or a licence, under the seal of the association and purporting to be signed by a person in his capacity as registrar of the association, is *prima facie* evidence that he is such registrar and of the facts certified or of the issue of the licence.

R.S.S. 1978, c.E-10, s.33.

Removal of names from register and restoration

34(1) The council shall cause the name of a member suspended or expelled to be erased from the register and shall forthwith cancel his certificate of registration.

(2) The council may direct that a name be erased from the register:

(a) at the request or with the written consent of the person whose name is to be erased;

(b) where the name has been incorrectly entered.

(3) Where the council has caused the name of a person to be erased from the register, the name of that person shall not be restored to the register except in accordance with a resolution of the council or an order of a judge of the Court of Queen's Bench.

(4) The council may, subject to section 10, direct the registrar to restore to the register any name removed therefrom either without fee or upon payment of such fee as the council may prescribe.

R.S.S. 1978, c.E-10, s.34.

DISCIPLINE

Discipline of members

35(1) The council may in its discretion reprimand, censure, fine, suspend or expel any member or licensee who:

- (a) has been convicted in Canada or elsewhere of any offence that, if committed in Canada, would be punishable under the *Criminal Code* with imprisonment for two years or more;
- (b) is shown to have been guilty, after registration, in Canada or elsewhere, of any professional misconduct or of negligence or misconduct in the execution of the duties of his office, or of any breach of this Act or the bylaws.

(2) If the fine imposed on a member or licensee is not paid, the council may suspend the member or suspend the licence of the licensee until the fine has been paid.

(3) Any matter, conduct or thing that is not in the best interest of the public or tends to harm the standing of the association is professional misconduct within the meaning of this section.

R.S.S. 1978, c.E-10, s.35.

Complaint and investigation

36(1) Upon receipt of a written complaint signed by three members of the association alleging that a member or licensee has been guilty of professional misconduct, the council shall cause an investigation into the complaint to be made by an investigating committee.

(2) The council shall, for the purpose of subsection (1), appoint an investigating committee of not fewer than three members of the association.

(3) The investigating committee so appointed shall examine the facts of the matter in such manner as it may be directed by the council and shall report its finding to the council in writing.

(4) Upon receipt of a report under subsection (3), the council shall take any action with respect to the complaint it considers advisable.

R.S.S. 1978, c.E-10, s.36.

Other inquiries by council

37(1) The council may:

- (a) of its own motion where it has reason to believe; or
- (b) where it receives a written complaint other than from a member of the association requesting an inquiry and alleging;

that a member or licensee is guilty of professional misconduct, cause an inquiry to be made into the conduct of the member or licensee.

(2) For the purpose of subsection (1), the council may appoint an inquiry committee of not fewer than three members of the association and in such case the inquiry committee shall have and exercise all powers delegated to it by the council.

(3) The council may require from any person making a complaint against a member or licensee a cash deposit to cover the costs of and incidental to the examination of facts on an inquiry and if the complaint is found to be frivolous or vexatious the deposit may be applied in whole or part to cover the costs of and incidental to the inquiry; otherwise the deposit, or such portion as may be determined by the council, shall be returned to the complainant.

(4) Upon the holding of an inquiry under this section, the member or licensee whose conduct is the subject of the inquiry shall be informed of the complaint made against him and be asked if he admits or denies the subject matter of the complaint; and where the member or licensee admits the subject matter of the complaint, the council may thereupon proceed in accordance with section 35, and where the member or licensee denies the complaint, the council or the inquiry committee shall proceed with the inquiry and shall either:

- (a) dismiss the complaint; or
- (b) be satisfied that the complaint is well-founded before proceeding under section 35.

(5) The council or an inquiry committee may adjourn the inquiry from time to time and change the place of the inquiry where it appears to be desirable to do so.

(6) An inquiry committee or the council on an inquiry under this section may accept evidence by affidavit or orally or both and may admit any evidence that it considers relevant to the inquiry.

R.S.S. 1978, c.E-10, s.37.

Costs of investigation or inquiry

38(1) The council may direct that part or all of the costs of the examination of facts by an investigating committee formed under section 36, or the costs of an inquiry held under section 37, be paid:

- (a) by the association;
- (b) by the member or licensee whose conduct is under investigation or inquiry; or
- (c) by the complainant.

(2) The costs under subsection (1) shall be fixed by the local registrar of the Court of Queen's Bench at the judicial centre nearest to which the investigation or inquiry is held in the amount he considers reasonable and, upon his certificate, execution may issue as upon a judgment in an action in that court.

R.S.S. 1978, c.E-10, s.38.

Legal assistance

39 The council may, for the purpose of assisting an investigating committee under section 36 or holding an inquiry under section 37, employ at the expense of the association any legal and other assistance that may be necessary and the parties directly concerned may at their own expense be represented by legal counsel.

R.S.S. 1978, c.E-10, s.39.

Notice of inquiry

40(1) At least fourteen days before the making of an inquiry under section 37, a written notice shall be served upon the member or licensee whose conduct is the subject of the inquiry.

(2) The notice under subsection (1) shall embody or be accompanied by a copy of the complaint made against the member or licensee or a statement of the subject matter of the inquiry, shall specify the date, time and place of the holding of the inquiry and shall be signed by the president and either the vice-president or the secretary of the association.

R.S.S. 1978, c.E-10, s.40.

Administration of oaths

41 For the purpose of an inquiry under section 37, the testimony of witnesses may be taken under oath which may be administered by a member of the inquiry committee or council on the inquiry, as the case may be, and there shall be full right to examine, cross-examine and re-examine all witnesses called and to adduce evidence in defence and reply.

R.S.S. 1978, c.E-10, s.41.

Subpoena of witnesses

42 For the purpose of procuring the attendance and evidence of witnesses to an inquiry and the production of books, papers and other documents, the local registrar of the Court of Queen's Bench at the judicial centre nearest to which the inquiry is held shall, upon the application of a party to the inquiry or on the application of a member of the council or the secretary of the association and on payment of the fees prescribed by the rules of court, issue writs of *subpoena ad testificandum* or *subpoena duces tecum*; and the payment of witness fees, the proceedings and penalties in the case of disobedience to such writs shall be the same as in civil cases in the Court of Queen's Bench.

R.S.S. 1978, c.E-10, s.42.

Failure to attend inquiry

43 Where the member or licensee whose conduct is the subject of an inquiry under section 37 fails to attend the inquiry and proof of service of the notice mentioned in section 40 is filed with the inquiry committee or the council making the inquiry, as the case may be, the inquiry may be proceeded with in the absence of the member or licensee.

R.S.S. 1978, c.E-10, s.43.

Discipline of students

44 All the disciplinary provisions of this Act with respect to making investigations, holding inquiries, suspension, expulsion, reinstatement and appeals of a member or licensee shall apply *mutatis mutandis* to an engineer in training, a recorded student, technician or technologist governed by the association.

R.S.S. 1978, c.E-10, s.44.

Effect of expulsion or suspension, etc.

45(1) Where a member is expelled from the association under this Act, all his rights and privileges as a member shall cease; and where he is suspended, all his rights and privileges as a member shall cease during the period of suspension.

(2) Where a member or licensee is found guilty of professional misconduct, the council may at its discretion publish its decision in detail or in summary in the official publication of the association or in any other manner or medium the council considers appropriate in any particular case.

R.S.S. 1978, c.E-10, s.45.

Appeal

46 A member or licensee who has been reprimanded, fined, suspended, expelled or otherwise disciplined by the council may appeal from a decision of the council to a judge of the Court of Queen's Bench in chambers at any time within thirty days from the date of receipt of the decision, and the judge may upon the hearing of the appeal by order confirm, vary or reverse the decision or refer the matter for further inquiry by the council and may make such order as to costs as to him seems just.

R.S.S. 1978, c.E-10, s.46.

Procedure on appeal

47 The appeal may be by motion, notice of which shall be served upon the registrar of the association, and shall be founded upon a copy of the proceedings before the investigating committee, inquiry committee or council, the evidence taken and the order of the council in the matter, certified by the registrar; and the registrar shall, upon the request of a person desiring to appeal, furnish him with a certified copy of all proceedings, reports, orders and papers upon which the council acted in making the order complained of.

R.S.S. 1978, c.E-10, s.46.

Trial *de novo*

48(1) In lieu of making an order under section 46, the judge may, on the application of either party, proceed by way of a trial *de novo*, in whole or in part, in which case any of the parties to the appeal may call witnesses and adduce evidence, whether such witnesses were called or evidence adduced at the investigation or the inquiry or not, either as to the credibility of any witness or as to any other fact material to the investigation, or to those issues that the judge is to try.

(2) Any evidence material to the investigation or inquiry or to the issues that the judge is to try, taken at the investigation or inquiry, certified by a member of the tribunal that made the investigation or inquiry or, in case it was taken in shorthand, certified by the stenographer, may be read on the appeal, and shall have the like force and effect as if the witness were there examined, if the court appealed to is satisfied by affidavit or otherwise that the personal appearance of the witness cannot be obtained by any reasonable efforts.

(3) The judge hearing the appeal shall be absolute judge both of the facts and the law.

(4) Where the whole subject matter of the investigation is tried *de novo*, there shall be an appeal to the Court of Appeal from an order or decision of the judge, and where only a part is so tried, there shall be no appeal except by leave of the trial judge or the Court of Appeal.

R.S.S. 1978, c.E-10, s.48.

Action against council barred

49 No action or other proceedings for damages shall be instituted against the council or any member or official of the council or any person appointed by the council for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act, a regulation or a bylaw, or for any neglect or default in the performance or exercise in good faith of any such duty or power.

R.S.S. 1978, c.E-10, s.49.

Service of notice or documents

50(1) Service of a notice or document required by this Act, or by any bylaw or regulation, may be effected by personal service or by prepaid registered letter addressed to the last known place of abode or business of the person to be served; and when sent by registered mail shall be deemed to have been served at the time of mailing; and in proving such service it is sufficient to prove that the envelope containing the notice or document was prepaid and properly addressed and registered and put in the mail.

(2) A notice or document sent to the council shall be deemed to be properly addressed if addressed to an officer of the council at the legal address of the association or to a person authorized by the council to receive it at his principal place of business; and a notice or document sent to a member or licensee shall be deemed to be properly addressed to him if it is addressed according to the address on the register of the association or on a list of licensees maintained by the association.

R.S.S. 1978, c.E-10, s.50.

PROHIBITIONS AND PENALTIES

Unauthorized persons practising as engineers

51 Every person who, not being the holder of a subsisting certificate of registration issued under section 31 or of a subsisting licence issued under section 6, or whose name has, pursuant to subsection (2) of section 10, been removed from the register and has not been reinstated:

- (a) engages in professional engineering;
- (b) usurps the functions of a professional engineer;
- (c) assumes verbally or otherwise the title of professional engineer, or makes use of any abbreviation thereof, or of any name, title or designation that may lead the public to the belief that he is a professional engineer or a member; or
- (d) acts in such manner as to lead to the belief that he is authorized to fill the office of or act as a professional engineer;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 for the first offence and not exceeding \$200 for every subsequent offence, or, in the case of a continuing offence, to a fine of not less than \$25 nor more than \$100 for each day during which the offence continues, and he shall not be entitled to recover any fees, rewards or disbursements for any service rendered by him as a professional engineer or in professional engineering.

R.S.S. 1978, c.E-10, s.51.

Illegal advertising

52(1) No person shall advertise, use or display any sign, card or other device representing to the public that he is a professional engineer, or a person entitled to practise as a professional engineer, unless he is registered or licensed under this Act.

(2) No partnership, association of persons or corporation shall, without the consent of the council, advertise, use or display any sign representing that it is, or that any of its employees are, registered or licensed under this Act and entitled to provide services in professional engineering to the public.

(3) A person who contravenes any provision of this Section is guilty of an offence and liable on summary conviction to a fine not exceeding \$25 for the first offence, and not exceeding \$100 for any subsequent offence, and, in the case of a continuing offence, to a fine not exceeding \$25 for each day during which the offence continues.

R.S.S. 1978, c.E-10, s.52.

Offences by corporations, etc.

53(1) Where a partnership, association of persons or corporation that has no subsisting certificate of authorization:

- (a) practises professional engineering;
- (b) uses orally or otherwise any name, title, description or designation that will lead to the belief that it is entitled to practise professional engineering; or

(c) advertises, holds itself out or conducts itself in any way or in such manner as to lead to the belief that it is entitled to practise professional engineering;

every member of the partnership, every member of the association of persons, or the corporation and every director thereof is guilty of an offence.

(2) Where a partnership, association of persons or corporation that has a subsisting certificate of authorization practises professional engineering in contravention of this Act, every member of the partnership, every member of the association of persons, or the corporation and every director thereof is guilty of an offence.

(3) Every person, member of a partnership, member of an association of persons, and every corporation and director thereof who is guilty of an offence against this section is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

R.S.S. 1978, c.E-10, s.53.

False and fraudulent representations

54 A person who wilfully procures or attempts to procure, for himself or any other person, registration under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, and a person who knowingly aids him therein, is guilty of an offence and liable on summary conviction to a fine of not less than \$50 nor more than \$200.

R.S.S. 1978, c.E-10, s.54.

Falsification by registrar

55 If the registrar makes or causes to be made any wilful falsification in a matter relating to the register, he is guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$200.

R.S.S. 1978, c.E-10, s.55.

Disposition of fines

56 The convicting justice shall forthwith after payment of any fine imposed for an offence against this Act transmit the amount to the treasurer of the association and such fine shall form part of the funds of the association.

R.S.S. 1978, c.E-10, s.56.

Restraint by action

57 Where it appears that any person, partnership, association of persons or corporation is acting or is likely to act in contravention of any provision of this Act, the bylaws or the regulations, such contravention may, in addition to any other remedy or penalty under the law, be restrained by action in the Court of Queen's Bench at the instance of the association, and in any such action the court has power to grant an injunction, interim injunction or such other relief as it deems just.

R.S.S. 1978, c.E-10, s.57.

Limitation of prosecutions

58 No prosecution shall be commenced for an offence against this Act after the expiration of two years from the date of the commission of the alleged offence.

R.S.S. 1978, c.E-10, s.58.

Onus of proof

59 In a prosecution under this Act the burden of proving registration shall be upon the accused.

R.S.S. 1978, c.E-10, s.59.

RETURNS

Returns to Lieutenant Governor in Council

60 The secretary shall, when required by the Lieutenant Governor in Council to do so, transmit to the Minister of Consumer and Commercial Affairs a certified return under the seal of the association setting forth all such information and particulars relating to the association as he may from time to time require.

R.S.S. 1978, c.E-10, s.60; 1980-81, c.21, s.23.

SUPPLEMENTAL

Bylaws to be filed

61(1) The Association shall file in the Department of Consumer and Commercial Affairs two copies, certified by the secretary to be true copies, of:

- (a) all bylaws hereafter made under this Act;
- (b) all amendments made to such bylaws;

within thirty days after they are made.

(2) Where the association adopts a code of ethics governing its members, and subscription thereto or observance thereof is a condition of membership, the code of ethics shall for the purpose of this section and sections 62, 63, 64 and 65 be deemed to be a bylaw.

R.S.S. 1978, c.E-10, s.61; 1980-81, c.21, s.23.

Effective date of bylaws

62 All bylaws and amendments thereto hereafter made shall take effect upon the making thereof or on a date stated therein for the purpose.

R.S.S. 1978, c.E-10, s.62.

Effect of failure to file bylaw

63 Failure to file any bylaw or amendment as required by section 61 shall render the bylaw or amendment ineffective as from the expiration of the time allowed for filing it and it shall be deemed to have been revoked.

R.S.S. 1978, c.E-10, s.63.

Review by Legislative Assembly

64(1) One copy of all bylaws and amendments thereto filed with the Department of Consumer and Commercial Affairs pursuant to section 61 shall, in accordance with *The Tabling of Documents Act*, be laid before the Legislative Assembly.

(2) Where any bylaw or any amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, such bylaw or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

R.S.S. 1978, c.E-10, s.62; 1980-81, c.21, s.23.

Record of revocation and notification to the association

65(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment thereto has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Deputy Minister of Consumer and Commercial Affairs and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of such copies the Deputy Minister of Consumer and Commercial Affairs shall file one of the copies with the bylaw or amendment to which it relates and forthwith forward the other copy to the association and at the same time advise the association that the copy is forwarded pursuant to this subsection.

R.S.S. 1978, c.E-10, s.63; 1980-81, c.21, s.23.

List of members, etc., to be filed with Department of Consumer and Commercial Affairs

66 The association shall, before the first day of February in each year, file in the Department of Consumer and Commercial Affairs a return, certified by the secretary of the association to be correct, showing:

- (a) the names of all members and licensees in good standing as of the thirty-first day of December in the preceding year, their addresses as shown by the records of the association and the respective dates of their admission to membership in the association or the granting of their licenses;
- (b) the names of all persons whose names were removed or erased from the register or otherwise ceased to be members in good standing during the preceding year;
- (c) the names of all persons whose names were reinstated in or restored to the register during that year.

R.S.S. 1978, c.E-10, s.66; 1980-81, c.21, s.23.

Report to Minister of Highways and Transportation where application for admission is refused

67 Where an application for reinstatement or for admission to membership in the association, for enrolment as an engineer in the training or for recording as a student or engineering technician is made in compliance with this Act and the bylaws and is refused, the association shall, within seven days thereafter, forward by registered mail to the Minister of Highways and Transportation a report setting forth the circumstances and stating the reasons for refusal.

R.S.S. 1978, c.E-10, s.67.

Discipline

68(1) Where the council suspends or expels a person registered or licensed in the association, the association shall, within fourteen days after the date of suspension or expulsion, forward by registered mail to the Minister of Highways and Transportation a copy, certified by the secretary to be a true copy, of the complaint, any report upon the conduct of the person suspended or expelled and the order of the council, and shall furnish the minister with such relative information as he may require.

(2) If the minister is of the opinion that the suspension or expulsion is unjust or contrary to the public interest he may:

- (a) request the council to reconsider the case and its findings thereon;
- (b) if the council and the person whose conduct is under investigation agree, appoint a board of arbitration consisting of one member nominated by the council, one nominated by the person whose conduct is under investigation and one appointed by the Lieutenant Governor in Council to review or rehear the case and render decision thereon; or
- (c) institute an appeal to a judge of the Court of Queen's Bench.

(3) Nothing in this section shall prejudice any right of appeal conferred by this Act.

R.S.S. 1978, c.E-10, s.68.

Students, etc.

69(1) Until the council adopts by bylaw a standard form or standard articles of indenture applicable to all engineers in training, students and engineering technicians employed by members of the association:

1 The Minister of Highways and Transportation may, by his authorized representative, make periodical inspections and inquiries with respect to the conditions of employment of such employees, for the protection of their interests and the public interest, and for those purposes may recommend to the council such appropriate action as he deems advisable;

2 The association shall, before the first day of February in each year, file in the Department of the Provincial Secretary a return, certified by the registrar of the association to be correct, showing:

- (a) the names and addresses and dates of enrolment or recording of all persons enrolled as engineers in training or recorded as students or engineering technicians during the preceding year;
- (b) the names of all enrolled engineers in training and all recorded students and engineering technicians who were suspended or expelled or otherwise ceased to be in good standing during that year;
- (c) the names of all engineers in training, students and engineering technicians who were reinstated during that year;

- (d) any known changes in the addresses of enrolled engineers in training and recorded students and engineering technicians.
- (2) Upon receipt of the said return the Provincial Secretary shall cause the list of pupils, students, student associates and engineers in training on file in his department to be amended by the addition or insertion of appropriate entries in accordance with the information contained in the return.

R.S.S. 1978, c.E-10, s.69.

SCHEDULE A

[*Clause 2(h)*]

- 1 Transportation work, roads, railways, waterways, airports, pipe lines and all detail works connected therewith, such as bridges, tunnels, yards, docks, lighthouses, rolling stock, vessels, aeroplanes, airships and pumping stations.
- 2 Public utility works, such as communication systems, electric power systems, waterworks, gas-works, irrigation works, drainage works, sewerage works, gas transmission and distribution systems and incinerators.
- 3 Mechanical works, such as steam boilers, engines, turbines, condensers, pumps, internal combustion engines and other motive power machinery and accessories.
- 4 Works for the capture and utilization of energy derived from nuclear fusion or fission, solar radiation or other sources yielding energy in a state suitable for commercial application.
- 5 Electrical machinery, apparatus and works for the development, transmission and application of all forms of electrical energy.
- 6 Mining and metallurgical works such as mining properties, mine and concentrator machinery and apparatus, oil and gas wells, smelters, cyanide plants, acid plants, metallurgical machinery, equipment and apparatus, and works necessary for the economical winning or preparation of metals, minerals, rocks or petroleum.
- 7 The mechanical, electrical, chemical, electro-chemical, mining, metallurgical or heat treatment of any substance, whether organic or inorganic, and combinations thereof for all purposes.
- 8 Factories, warehouses, swimming pools, rinks, garages, cold storage plants, grain elevators, flour mills, hospitals, schools and public buildings.
- 9 All buildings and structures necessary for the proper housing, administration or operation of the works mentioned in paragraphs 1 to 8.
- 10 Investigations relating to the examination, exploration and development of rocks and minerals, mineral deposits, rock structures and oil and gas structures.
- 11 Engineering works and installations related to town and community development.
- 12 The exploration, development and employment of water resources for domestic, municipal, industrial, irrigation, water power and other like uses.

