
BARBERS ACT**CHAPTER 24***Contents**Section*

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Definitions**1** In this Act:

“association” means The Barbers' Association of British Columbia;

“barbering” means

- (a) shaving the face or cutting, trimming or singeing the hair or beard for hire, gain or hope of reward,
- (b) in connection with any of the practices referred to in paragraph (a), shampooing, massaging or treating the head or face, or
- (c) charging for any material used in connection with the practices referred to in paragraphs (a) or (b);

“barber shop” means a place, room, premises, building or part of them where barbering is carried on;

“board” means the Board of Examiners in Barbering.

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Hairdressers

- 2 This Act does not prevent a person qualified as a hairdresser under the *Hairdressers Act* from engaging in the occupation of a hairdresser or haircutting.

Barbers' Association

- 3 (1) The association is continued as a corporation.
(2) The head office of the association must be in the City of Vancouver.
(3) The members of the association are those persons registered under this Act.

Registration

- 4 A person who complies with this Act may be registered to practise barbering in British Columbia.

Board of Examiners in Barbering

- 5 (1) The board is composed of
- (a) 3 elected members, who must be members of the association and Canadian citizens or permanent residents of Canada, and
 - (b) a fourth member to be appointed by the minister.
- (2) The elected members of the board hold office for 3 years, and are elected by ballot in the manner provided for by the bylaws of the association at the annual meeting of the association, or at a special meeting called for that purpose.
- (3) Only persons holding certificates of registration for barbering and who have paid the annual fee for the current year are entitled to vote at a meeting of the association, and only those who are also Canadian citizens or permanent residents of Canada are entitled to vote for a member of the board.
- (4) In case of the resignation or death of an elected member of the board, each one of the officers of the association must nominate one member of the association.
- (5) The names of the members nominated must be submitted to a referendum vote, and the nominee receiving a majority of all votes cast is elected and holds office for the unexpired term of the predecessor.
- (6) In case of a dispute or doubt as to who has been elected a member of the board, or as to the legality of the election of a member of the board, the other elected members may sit as a committee to inquire and decide who is a legally elected member of the board.
- (7) The person, if any, who they decide to have been elected is a member legally elected.
- (8) If the election is found to have been illegal, the committee may order a new election.

Meetings of association and the board

- 6 (1) Meetings of the association and the board must be held at the time and place set by the bylaws of the association, and in the absence of a bylaw as to calling of meetings of the association or of the board, the president or, in the absence of the president, the secretary may call the meeting, at a convenient time and place, by letter mailed to each member.
- (2) In the event of the absence of the president from a meeting, the vice president or, in the absence of the vice president, some member to be chosen from the members present must act as president.
- (3) All questions submitted to the association or the board must be decided by a majority of the members present, being at least 35 in case of the association.
- (4) No question submitted to the association or the board may be decided unless at least 4 weeks' notice of the meeting has been given.
- (5) At all meetings the president for the time being has only a casting vote.
- (6) There must be paid to the elected members of the board fees for attendance and reasonable travelling expenses set by bylaw passed by the association at the annual meeting.
- (7) The association must annually elect from among its members a president and vice president, and must also elect a secretary and a treasurer and other officers necessary for the working of this Act, who hold office during the pleasure of the association.
- (8) The bylaws of the association may set the salaries or fees to be paid to the officers and to the members of the board elected under this Act.

No interference by association with prices for barbering

- 7 The association and the board must not regulate, govern, increase or in any manner interfere with the prices charged for barbering.

Bylaws

- 8 The association may make bylaws not inconsistent with this Act.

Registration

- 9 (1) A person may become a member of the association and be granted a certificate of registration certifying that the holder is entitled to practise barbering in British Columbia by
- (a) satisfying the board that the applicant is over age 18 and of good character, and
 - (b) satisfying the board that the applicant possesses the requisite skill to properly perform all the duties of a barber, including ability in the preparation of tools used for shaving, cutting off the hair and beard, and all

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the incidental services and knowledge of the proper rules of sanitation and hygiene in connection with barbering.

- (2) Holders of certificates must keep them posted at all times in a conspicuous place in the barber shop in which they work.
- (3) The board must keep a register of the names of all persons to whom certificates or permits are issued.
- (4) The register is open to public inspection at all times.

Revocation of certificate

- 10 (1) The board may revoke a certificate of registration or permit granted by it for conviction of crime, habitual drunkenness, the use of habit forming drugs, gross incompetence or if the holder of the certificate employs as a barber or apprentice a person who is not the holder of a permit entitling that person to practise barbering.
- (2) Before a certificate or permit is revoked, the holder of it must
 - (a) have notice in writing of the charge against the holder,
 - (b) at a day specified in the notice, at least 5 days after the service of it, be given a public hearing in the locality in which the holder resides, and
 - (c) be admitted to make a full answer and defence, and to have witnesses examined and cross examined by counsel, solicitor or agent.
- (3) A person whose certificate or permit has been revoked may, after 90 days, apply to have the certificate or permit regranted, and it must be regranted on the person giving satisfactory proof that the disqualification has ceased to exist.

Appeal from board

- 11 (1) A person
 - (a) who has failed to pass the examination of the board,
 - (b) whose certificate or permit has been revoked, or
 - (c) who feels aggrieved or is affected by an order, finding, action or decision of the board,may appeal from the order, finding, action or decision to the minister at any time within one month from the date of the order, finding, action or decision, or the publication or express notice of it.
- (2) The appellant must give notice of an intention to appeal by filing with the minister a notice in writing setting out with reasonable certainty the order, finding, action or decision appealed against.
- (3) The notice must be served on the board by leaving it at the head office of the association with an adult officer, official or employee in charge of the office at the time of the service.

- (4) The minister may make an order varying, confirming or reversing, either in whole or in part, an order, finding, action or decision appealed from.
- (5) For an appeal against the order, finding, action or decision of the board by a person who has failed to pass an examination, the minister may, on payment of a further examination fee of \$10, order a new examination of the appellant to be held at a place and under the conditions and examiners the minister may determine.
- (6) As a result of the new examination, the minister may make an order varying, confirming or reversing, either in whole or in part, the order, finding, action or decision appealed from, and the order of the minister in regard to the appeal is final.

Examinations

- 12 (1) The board must hold examinations at least 4 times a year, at times and places and in manners as it may determine.
- (2) Notice of the time and place of an examination must be published at least 30 days before the holding of the examination in one or more editions of a Victoria and a Vancouver daily newspaper.
- (3) An applicant must give the board at least 2 weeks' written notice of intention to sit at the examination, which notice may be sent by mail.
- (4) An applicant, at the time of giving notice of intention to sit for examination, must pay a fee of \$10 for the first examination and, if successful and on complying with this Act, must receive a certificate of registration.
- (5) An unsuccessful applicant may sit at any subsequent examination held by the board, on payment of a fee of \$5.
- (6) The scope and the procedure of the examinations must be established by the board, with special reference to the applicant's ability as a practical barber and knowledge of sanitary regulations in the conduct of barber shops, the antiseptic preparation and sterilization of tools and appliances and the protection of the public from communicable diseases.
- (7) The examination may be oral or written, or partly oral and partly written.

Annual fees and medical certificate

- 13 (1) There is due and payable to the association by every member on January 1 in each year a fee of \$3, which is reduced to the sum of \$2 if paid on or before December 31 in the preceding year.
- (2) If a member is in default on February 1 in the payment of annual fees, the secretary of the association must give the member one month's notice by registered mail, addressed to the member's last known address, that the member's name will be removed from the register.

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- (3) If a member who is given one month's notice under subsection (2) does not pay all outstanding fees owing to the association within the one month notice period, the secretary must remove the name from the register and must not restore the name to the register until all outstanding fees as of the date of restoration are paid.
- (4) The annual fees payable under this section may be increased by a referendum vote of the association of not less than 51% of the members who vote on it.

Apprentices

- 14 (1) A person may serve as an apprentice in the occupation of barbering in accordance with the *Apprenticeship Act*.
- (2) An apprentice must not begin work until
 - (a) a contract of apprenticeship has been approved by the Provincial apprenticeship committee, or
 - (b) the person has applied to the secretary of the association for registration as an apprentice, has paid a registration fee of \$2 and has received an apprenticeship permit card.
- (3) An apprenticeship permit card must not be withheld except with the approval of the Provincial apprenticeship committee.
- (4) An apprentice must keep the apprenticeship permit card displayed in a conspicuous place over the workstand in the barber shop in which the apprentice is employed.
- (5) An apprentice who has completed one year of service under the contract of apprenticeship under the continuous instruction of a registered barber may be granted a certificate, to be known as an improver's certificate permit, on satisfying the board as to the apprentice's qualifications and physical fitness and on payment to the board of a registration fee of \$2.
- (6) An apprentice to whom an apprenticeship permit card or an improver's certificate permit has been issued must attend for examination on completion of the period of apprenticeship specified in the contract of apprenticeship, unless an extension of that period has been granted by the board with the approval of the Provincial apprenticeship committee.
- (7) If the apprentice fails at the first examination, an extension of the apprenticeship may be granted by the board with the approval of the Provincial apprenticeship committee for a further period not exceeding one year on payment to the board of a further registration fee of \$2.
- (8) If the apprentice fails to pass the required examination during or at the termination of the extension of the apprenticeship, the board, in conjunction with the Provincial apprenticeship committee, must investigate the reasons for the failure of the apprentice, and decide whether any further opportunity to continue as an apprentice should be granted, or whether the permit card should be revoked.

- (9) Nothing in or done under subsections (6) to (8) prevents the apprentice from attending at a future time for examination by the board.

Application for membership

- 15** A person who produces satisfactory proof that the person
- (a) has practised barbering continuously for not less than 2 years,
 - (b) has completed a period of apprenticeship in barbering in accordance with this Act, or
 - (c) is a student who has completed a full course in barbering and has received a diploma or certificate to that effect from a licensed barber school operating in British Columbia,

is eligible to attend for examination before the board and to apply for registration under this Act.

Barbering by unregistered persons prohibited

- 16** (1) Except as provided in this Act, a person who does not hold a certificate of registration for barbering under this Act must not practise barbering or advertise or display any sign or card or other device indicating to the public that the person is entitled to practise barbering.
- (2) A person who contravenes this Act or a rule governing sanitary procedures in barber shops made under section 9 or 22 commits an offence and on conviction is liable to a fine not exceeding \$150 for the first offence and not exceeding \$250 for every subsequent offence.

Notice and documents

- 17** (1) All notices and documents required by or for the purpose of this Act, when sent by mail, must be considered to have been received at the time when the letter containing them would be delivered in the ordinary course of the mail.
- (2) In proving the sending it is sufficient to prove that the letter containing the notices or documents was properly addressed to the addressee's last known address and mailed.
- (3) Notices and documents, when sent to the board or association, are properly addressed if addressed to the board or association or to an officer of the board or association at the head office of the board or association.
- (4) Notices and documents, when sent to persons registered under this Act, are properly addressed if addressed to them according to their address in the register of the association.

Funds

- 18** (1) Money from fees or otherwise must be paid to the secretary of the association, who must pay the money to the treasurer, to be applied, in accordance with the

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regulations made by the association, to defray registration and other expenses of the administration of this Act.

- (2) The association may invest remaining money in securities authorized by law for the investment of trust funds in the name of the association, and change them when convenient, and any income derived from those invested sums must be added to and be considered as part of the ordinary income of the association.

Register and seal

- 19 (1) The secretary must keep the register in accordance with this Act and the bylaws, orders and regulations of the association.
- (2) All agreements on behalf of the association must be signed by the president and the secretary and sealed with the common seal of the association.

Returns

- 20 The secretary must send to the minister a certified return, under the seal of the association, when requested by the Lieutenant Governor in Council.

Administration and inspection

- 21 (1) The association through its executive officers and the elected members of the board is responsible for the proper administration and enforcement of this Act and must arrange for a periodic inspection of barber shops and barber schools or colleges to find out if the sanitary and other rules made by the association under this Act are being properly carried out.
- (2) For this purpose the association may appoint an inspector or inspectors in accordance with the bylaws of the association, whose remuneration and expenses are payable out of the funds of the association.
- (3) The board, or any members of it, and any inspectors may, at their discretion, enter and inspect a barber shop, barber school or barber college during business hours to find out if the sanitary or other rules made by the association and the board are being properly carried out.
- (4) If the association fails to make proper arrangements for the administration and enforcement of this Act satisfactory to the Lieutenant Governor in Council, the Lieutenant Governor in Council may take the steps for its administration and enforcement considered necessary.

Rules

- 22 Subject to the approval of the Lieutenant Governor in Council, the association, through its executive officers and the board, may make rules not inconsistent with any Act governing sanitary procedures in barber shops, barber schools or barber colleges.

Sign at barber school

- 23** A person who conducts a barber school must paint or attach, and keep painted or attached, in a conspicuous position on the outside of every entrance to a place in which the business of the school is carried on, a sign with the words "Barber School" in letters easily legible and at least 125 mm in height, and at not less than 1 m and not more than 1.75 m from the bottom of each entrance.

Operation of barber schools

- 24** (1) The association may organize and operate, either directly or indirectly, barber schools in British Columbia to train persons in barbering and allied subjects, and for that purpose
- (a) may make an agreement with and acquire a school and shares in a company, and
 - (b) may employ the funds of the association.
- (2) The powers under subsection (1) may be exercised by the officers of the association.

BARBERS — HISTORICAL TABLE

Legislative History

BARBERS ACT

RSBC 1996, chapter 24

Section	History
1	RS1979-25-1.
2	RS1979-25-2; 1985-68-11.
3	RS1979-25-3.
4	RS1979-25-4.
5	RS1979-25-5; 1985-68-12.
6	RS1979-25-6; 1983-10-21.
7	RS1979-25-6 (8).
8	RS1979-25-7.
9	RS1979-25-8; 1985-68-13; 1992-2-1.
10	RS1979-25-9.
11	RS1979-25-10.
12	RS1979-25-11; 1983-10-21; 1992-2-2.
13	RS1979-25-13; 1992-2-4.
14	RS1979-25-14; 1980-10-108; 1992-2-5.
15	RS1979-25-15.
16	RS1979-25-16; 1982-76-1; 1983-10-21; 1992-2-6.
17	RS1979-25-17.
18	RS1979-25-18.
19	RS1979-25-19.
20	RS1979-25-20.
21	RS1979-25-21; 1983-10-21.
22	RS1979-25-22; 1983-10-21.
23	RS1979-25-23.
24	RS1979-25-24.

EXPLANATORY NOTE

Amendments Not in Force: If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in *italics* at the beginning of the historical table. The "Section" column identifies the affected provisions of the Act. The "Citation" column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

Legislative History: The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The "Section" column identifies all sections of the Act in force on December 31, 1996. The "History" column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of "year-chapter-section".