



## CHAPTER 108.

### An Act to incorporate the Association of Professional Engineers of the Province of British Columbia.

[Assented to 17th April, 1920.]

**W**HEREAS a petition has been presented praying that the qualifications necessary to permit persons to act or practise as professional engineers be established by legislation: Preamble.

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Engineering Profession Act.” Short title.

#### *Interpretation.*

2. In this Act, unless the context otherwise requires, the expression:— Interpretation.

(a.) “Professional engineer” means any person registered as a professional engineer under the provisions of this Act: “Professional engineer.”

(b.) The “practice of professional engineering” means the carrying-on for hire, gain, or hope of reward of any branch of civil, mining, mechanical, electrical, chemical, or structural engineering, and shall be deemed to include reporting on, designing, or directing the construction of public utilities, industrial works, railways, bridges, highways, canals, harbour-works, river improvements, lighthouses, wet docks, dry docks, floating docks, launch-ways, marine-ways, steam-engines, turbines, pumps, internal-combustion engines, air-ships and aeroplanes, electrical machinery and apparatus, chemical operations, machinery, and works for the development, transmission, or application of power, light, and heat, grain-elevators, municipal works, irrigation-works, “Practice of professional engineering.”

waterworks, water-purification plants, sewerage-works, sewage-disposal works, drainage-works, incinerators, hydraulic works, and all other engineering-works, and all buildings necessary to the proper housing, installation, and operation of the engineering works embraced in this section:

The execution as a contractor of work designed by a professional engineer, the supervision or construction or work as a foreman or superintendent or as an inspector, or as a roadmaster, trackmaster, bridge or building master, or superintendent of maintenance, shall not be deemed to be the practice of professional engineering within the meaning of this Act:

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| <p>" Association."</p> <p>" Council."</p> <p>" President."</p> <p>" Registrar."</p> <p>" Secretary."</p> <p>" Board."</p> <p>Architects, D.L.S.,<br/>and B.C.L.S.<br/>excluded.</p> <p>" Registration."</p> <p>" Certificate of<br/>registration."</p> <p>" Licensed."</p> <p>" Licence."</p> | <p>(c.) " The Association " means the Association of Professional Engineers of the Province of British Columbia:</p> <p>(d.) " Council " means the Executive Council of the Association:</p> <p>(e.) " President " means the president of the Association:</p> <p>(f.) " Registrar " means the registrar of the Association:</p> <p>(g.) " The secretary " means the secretary-treasurer of the Association:</p> <p>(h.) " Board " means the Board of Examiners of the Association:</p> <p>(i.) Nothing in this Act shall be construed so as to require the registration or licence of any one registered as an architect under any Act of the Province of British Columbia relating to the practice of architecture, where the practice of such person is confined to architecture; and nothing in this Act shall apply to any British Columbia or Dominion land surveyor practising his profession, except that such surveyor shall not style himself nor hold himself out as a professional engineer unless he is licensed or registered under the provisions of this Act:</p> <p>(j.) " Registration " means the admission of an engineer to membership in the Association and the enrolment of his name in the register; and " certificate of registration " means the official certificate under the seal of the Association evidencing the same:</p> <p>(k.) " Licensed " means that permission has been given to a non-resident engineer to temporarily practise professional engineering without being registered; and " licence " means the official certificate under the seal of the Association evidencing such permission.</p> |
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*The Association of Professional Engineers of the Province of  
British Columbia.*

Incorporation.

3. (a.) All persons registered as professional engineers under the provisions of this Act are hereby constituted " The Association of

Professional Engineers of the Province of British Columbia," and shall be a body politic and corporate, with perpetual succession and a common seal.

(b.) The head office of the Association shall be at Vancouver, Seat. British Columbia.

4. The Association shall have power to acquire and hold real Real estate and personal property. property not producing at any time an annual income in excess of ten thousand dollars, and personal property, and to alienate, mortgage, lease, or otherwise charge or dispose of the same or any part thereof as occasion may require, and to sue and be sued.

5. The Association may pass by-laws, not inconsistent with the Passing of by-laws. provisions of this Act, regarding:—

- (a.) The election of the Executive Council of the Association:
- (b.) The government, discipline, and honour of the members:
- (c.) The maintenance of the Association and the management of its property:
- (d.) The fixing of an annual fee not in excess of fifteen dollars and other fees:
- (e.) The levying, remission, and collecting of annual and other fees:
- (f.) The examination and admission of candidates to the study and practice of professional engineering:
- (g.) The calling and conduct of meetings, voting, quorum, and general business, banking, borrowing, and credits:
- (h.) All other purposes reasonably necessary for the management of the Association.

6. (a.) All by-laws or amendments thereto shall become effective Ratification of by-laws. only after ratification by two-thirds majority of the votes received from the members of the Association in good standing at a meeting duly convened. The registrar shall file with the Lieutenant-Governor in Council a copy of each by-law or any amendment thereto, immediately the same is ratified, certified under the seal of the Association as a true copy.

(b.) Notwithstanding anything in this Act contained, any by-law Lieut.-Governor in Council may veto. may be disallowed by the Lieutenant-Governor in Council.

#### *Who may practise.*

7. (a.) Only such persons who are members of the Association and registered as such under the provisions of this Act, or who have received a licence from the Council of the Association as hereinafter provided, shall be entitled within the Province of British Columbia to take and use the title of "professional engineer," or any abbreviation thereof, or to engage in the practice of "professional engineering." Registration and licence.

Previous  
practitioners.

(b.) Any person residing in the Province of British Columbia at the date of the passing of this Act, who is at that date and has been for five years previously practising professional engineering as defined in subsection (b) of section 2, shall be entitled to be duly registered as a member of the Association without examination; provided that such person shall produce to the Council, on or before the first day of April, 1921, satisfactory credentials of his qualifications.

Active service  
members.

(c.) Engineers who were practising previous to the late War and who were accepted for service in the Forces of the British Empire or any of its Allies shall be entitled to all the rights and privileges conferred under subsection (b) of this section.

Future residents.  
registration of,  
where member of  
similar Association.

(d.) Any person who may hereafter come to the Province of British Columbia, and who shall produce to the Council a satisfactory certificate signed by the proper officers, evidencing the fact that he is a duly registered member in good standing of an Association of Engineers in another Province in the Dominion of Canada having equivalent standards of qualification for membership to this Association, together with an application for registration in this Association endorsed by the registrar of such other Association, may become a duly registered member of the Association without the payment of the annual fee for the year in which he joins, but shall pay a fee of five dollars for such registration.

Uncertificated  
resident applicants.

(e.) Any person not otherwise qualified as hereinbefore mentioned, before being admitted as a registered member of the Association, shall make application to the Council, and shall produce credentials satisfactory to the Council, or in lieu thereof pass the prescribed examination, and shall pay the prescribed fees.

Non-resident of  
British Columbia  
consultant.

(f.) Notwithstanding anything to the contrary in this Act, any person may practise without being licensed in the Province of British Columbia for the sole purpose of examining, consulting on, advising on, or reporting on properties and works in the said Province; and such person may, without being licensed, superintend operations directly connected therewith; provided, however, that such privilege of superintendence shall not be construed as entitling such person to hold himself out as or to generally practise as a professional engineer.

Normal business in  
two or more  
Provinces.

(g.) Any person who is employed as an engineer by a public service corporation, a public utilities or Government department, whose business is normally carried on in two or more of the Provinces of Canada, and who is by reason of his employment required to practise as an engineer in other Provinces than that of his residence, may so practise in the Province of British Columbia without being registered or licensed, or payment of fee.

Licence to non-  
resident unregis-  
tered engineer.

(h.) Any person who is a resident of some other Province of Canada in which there is no Association of Engineers similarly constituted to the Association may obtain a licence to practise.

subject to the discretion of the Council, upon producing satisfactory evidence of his qualifications, and upon payment of the prescribed fees.

(i.) Any person acting as an assistant to a professional engineer, where such person is directly responsible for the technical quality of work as set forth in section 2, subsection (b), hereof, must be a professional engineer. Any person may otherwise act as an assistant to a professional engineer, and shall not be deemed to be practising professional engineering when so engaged. What assistant engineers must be registered.

(j.) The provisions of this Act shall not apply to any member of His Majesty's Naval, Military, or Aerial Forces while actually employed on duty with such Force. His Majesty's Forces exempted.

### *Partnership.*

8. In the case of two or more persons carrying on the practice of professional engineering in copartnership, only such members as are registered or licensed under this Act shall individually assume the functions of a professional engineer. A firm as such cannot be deemed to be a member of the Association or be licensed to practise. Partnership.

### *Council.*

9. (a.) The powers conferred on the Association shall be exercised by an Executive Council, which shall consist of a president, vice-president, and nine councillors to be chosen from registered members of the Association, and who shall hold office as hereinafter provided. Executive Council.

(b.) The president shall be elected annually by the Association, and shall hold office until his successor is elected. He shall act as presiding officer at the meetings of the Council and of the Association, voting only when votes are evenly divided. President.

(c.) The vice-president shall be elected annually by the Association, and shall have all the powers of the president during the absence of the latter. Vice-president.

(d.) The last past president shall be a member of the Council. Four councillors shall be elected annually by a ballot vote, the four having the highest number of votes cast shall be declared duly elected, and four councillors, one of whom must be a member of the Faculty of Applied Science in the University of British Columbia, shall be appointed annually by the Lieutenant-Governor in Council. Last past president.

(e.) The registrar and the secretary, the former of whom must be a professional engineer, shall be appointed by the Council within one month after its assumption of office. Registrar.

(f.) The same person may be appointed to the office of both registrar and secretary.

(g.) The secretary of the Association shall also be the secretary of the Council. Secretary of the Council.

Secretary's bond. (h.) The secretary of the Association shall, on his assumption of office, lodge in the hands of the president of the Council a bond for one thousand dollars in some bonding company satisfactory to the Council. All the expenses arising from the furnishing of such bond shall be borne by the Association.

Resignation, etc. (i.) In case of the resignation or death of any member or members of the Council, the other members of the Council shall have power to fill all vacancies so caused until the time of the holding of the next annual meeting; provided the said annual meeting is not to be held within a period of three months after the occurrence of such vacancy or vacancies.

*Examinations.*

Board of Examiners. 10. (a.) The Council shall appoint annually a Board of Examiners for each branch of engineering as set out in section 2, subsection (b), and shall fill vacancies in the same as they occur.

Duties of Board. (b.) The duties of the Board shall be to examine all candidates for admission to membership by examination. As soon as possible, and not later than twenty-one days after the close of each examination, the members of the Board who shall have conducted such examination shall make and file with the secretary a certificate showing the results of such examination, whereupon the Council shall notify each candidate of the result of the examination and of their decision upon his application. The members of the Board shall also file with the secretary the examination papers submitted to each and every candidate, together with the answers of the respective candidates thereto, and shall attach thereto a certified copy of their report, with the marks awarded to each candidate in each subject of such examination, and such documents shall remain on file in the office of the registrar, and shall be open to inspection by any of the said candidates, or by any person duly authorized in writing on their behalf, during regular office hours for a period of at least six months following the examination.

Date of examinations. 11. (a.) Regular examinations of candidates for registration or license shall be held at Vancouver, or such other place or places as the Council may direct, beginning on the last Monday in the months of February and November in every year, unless such Monday be a holiday, in which case they shall begin on the next ensuing day not being a holiday.

Special meetings. (b.) Special examinations may be granted, provided the candidate or candidates for such special examination deposit in advance with the registrar a sum sufficient to defray the expenses of such examination and the prescribed examination fees. Any balance remaining over shall be returned to such candidate or candidates.

Scope. (c.) The scope of the examinations and the methods of procedure shall be prescribed by the Council, with special reference to the

applicant's ability to design and supervise works which shall ensure the safety of life and property.

(d.) The candidate shall submit to examination before the Board in one or more of the recognized branches of engineering, such branch or branches to be selected by the candidate. Branches of engineering.

(e.) Every candidate for examination shall give at least one month's notice in writing to the secretary of his intention to present himself for examination, and with such notice shall forward a fee of five dollars, and before undergoing examination shall pay to the Association twenty-five dollars as a fee, and before receiving his certificate of registration shall pay the annual fee set out in the by-laws and a sum of not more than five dollars for the publication of his name in the British Columbia Gazette. Fees on examination.

(f.) In case the candidate should fail in his examination, he may present himself at any subsequent regular examination by paying a fee of ten dollars. Subsequent examination.

*Registration without Examination.*

**12.** (a.) The Council shall consider an application for registration from any person who submits proof of qualifications possessed by such person by virtue of experience, training, or examination by another examining body of recognized standing, and if found satisfactory shall grant a certificate of registration. Examination by other recognized Board.

(b.) Any person who, without examination, is registered as a professional engineer shall pay to the Association before being so registered the sum of fifteen dollars for examination of credentials, and the annual fee set out in the by-laws, and a sum of not more than five dollars for the publication of his name in the British Columbia Gazette. Fee for registration without examination.

(c.) The Board shall examine all degrees, diplomas, certificates, and other credentials presented or given in evidence for the purposes of obtaining registration or licence to practise, and may require the holder of such credentials to attest by oath or by statutory declaration on any matter involved in his application, and shall report the result of its investigation to the secretary.

**13.** The Council shall have power to establish conjointly with any Council of any other Association similarly constituted, in one or more of the Provinces of Canada, a Central Examining Board, and to delegate to such Central Examining Board all or any of the powers possessed by the Board respecting the examinations of candidates for admission to practise; provided that any examination conducted by such Central Examining Board shall be held in one place at least within this Province. Central Examining Board.

**14.** The registrar shall keep a register of all professional engineers, showing the dates of their certificates, and shall cause a list of pro- Register and publication.

Reinstatement. professional engineers in good standing who are authorized to practise to be published in the first issue of the British Columbia Gazette on or before February fourteenth of each year. Should a professional engineer omit to pay the prescribed fee on or before January thirty-first in any year, his name shall be erased from the register, and should he wish to resume practice he may be again placed on the register by paying the prescribed annual fees and a further sum sufficient to meet the expenses of having his name published in one issue of the British Columbia Gazette.

Age limit and qualifications on first admission. **15.** (a.) Notwithstanding any other provision of this Act, no person shall be registered unless at least twenty-three years of age, and unless he has been engaged for six years in some branch of engineering, except in the case of a graduate from a recognized engineering college, in which case the period of engagement in engineering-work shall include his term of instruction.

(b.) Candidates for admission to practise who for any reason have been unable to take advantage of an academic engineering course must have served at least six years under a professional engineer or engineers or any engineer or engineers whose standing is recognized by the Council, and must pass an examination satisfactory to the Board.

Registrar shall issue certificate of registration. **16.** (a.) The registrar shall issue a certificate of registration to all professional engineers registered under this Act, and to any person entitled thereto upon written instructions from the Council, and upon payment in advance of the prescribed fees. All certificates shall be signed by the president and by the registrar, and bear the seal of the Association, and shall specify the branch or branches of engineering in which the professional engineer has been examined or otherwise accepted, and shall operate as a permit to practise for the remainder of the year in which issued; and upon payment of the annual fee in each subsequent year he shall issue an annual certificate, which will operate as a renewal of such permit for that year. The holder of a certificate shall at all times prominently display the same in his office or other place of business.

Certificate to be displayed. Licence. (b.) The registrar shall issue a licence to practise, specifying the period for which it is issued, to any non-resident practitioner entitled to such licence, upon payment of the prescribed fee.

Register. **17.** The registrar shall keep his register correct, in accordance with the provisions of this Act and the rules, orders, and regulations of the Council.

Annual fee recoverable by law. **18.** Each person who is registered or licensed to practise shall pay in advance to the secretary-treasurer, or any person deputed by the Council to receive it, such annual fee as may be determined by the by-laws of the Association, which fee shall be deemed to be a



debt due by the practitioner and to be recoverable with the costs of same in the name of the Council in any Court of competent jurisdiction.

**19.** No person entitled to be registered under this Act who shall neglect or omit to be so registered shall be entitled to any of the rights or privileges conferred by the provisions of this Act so long as such neglect or omission shall continue, and any person not registered or licensed under this Act who practises, acts, or advertises himself as a professional engineer, save and except as hereinbefore provided, or assumes verbally or otherwise the title of "professional engineer," or any abbreviation thereof, shall incur a penalty of not less than fifty dollars and not more than three hundred dollars for every such offence.

Penalty for neglect to register.

**20.** If the registrar makes or causes to be made any wilful falsification in any matters relating to the register, he shall incur a penalty of not less than twenty dollars nor more than five hundred dollars.

Penalty for falsification of register.

**21.** If any person shall wilfully procure or attempt to procure himself to be registered or licensed under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person so doing, and every person knowingly aiding and assisting him therein, shall incur a penalty of not less than twenty dollars nor more than five hundred dollars.

Penalty for fraudulent registration.

**22.** Any information for the recovery of any such penalty or forfeiture may be laid by any member of the Association or by any person appointed by the Council.

Who may lay information.

**23.** No prosecution shall be commenced for any offence against this Act after two years from the date of committing the offence.

Limitation of prosecution.

**24.** The Council may, and upon application of any three members shall, cause inquiry to be made into matters respecting any fraudulent or incorrect entry in the register, or the unprofessional conduct, negligence, or misconduct in the execution of the duties of his office, or the conviction on a criminal offence of any registered member, and may in its discretion order the erasure or correction of any entry in the register, or may reprimand, censure, suspend, or expel from the Association any member found guilty as aforesaid; provided that the name of a member shall not be erased from the register on account of a conviction for a political offence outside His Majesty's Dominions, nor on account of a conviction for an offence which, though within the provisions of this Act, ought not, in the opinion of the Council, either from the trivial nature of the

Inquiry by Council.

offence or from the circumstances in which it was committed, to disqualify a person from practising professional engineering.

Legal assistance.

**25.** The Council may, for the purpose of the execution of the duties of the Council under this Act, employ at the expense of the Association such legal or other assessor or assistant as the Council may think necessary or proper; and any person whose status or conduct is the subject of inquiry shall also have the right to be represented by counsel.

Copy of charges to be furnished accused.

**26.** At least one week before the first meeting of the Council to be held for taking evidence or otherwise ascertaining facts, a notice shall be served upon the person whose status or conduct is the subject of inquiry, and such notice shall embody a copy of the charges made against him, or a statement of the subject-matter of the inquiry, and shall also specify the time and place of such meeting. The testimony of witnesses shall be taken under oath, which the presiding officer is hereby authorized to administer, and there shall be full right to cross-examine all witnesses called, and to call evidence in defence and reply. In the event of the non-attendance of the person whose status or conduct is the subject of such inquiry, the Council may, upon proof of the personal service of the notice aforesaid in accordance with the provisions of this section, which proof of service may be by statutory declaration, proceed with the subject-matter of the inquiry in his absence, and make their report of the facts without further notice to such person.

Subpœnas to witnesses.

**27.** The Council, or any person interested in the proceedings on any such inquiry, may make application to the Registrar or any District Registrar of the Supreme Court to seal a writ or writs of subpœna for the attendance of any witness or witnesses and for the production of books, papers, and documents by such witness or witnesses at such inquiry in form similar to that prescribed by the Supreme Court Rules, and such writ or writs of subpœna shall have the same force and effect as though issued out of the Supreme Court, and the fees therefor and the rules governing the same shall be such as are in force in the Supreme Court.

Application to Judge by person aggrieved.

**28.** Any person who has failed to pass an examination, or whose name has been ordered to be erased from the register, or who feels himself aggrieved, or is affected by any order of the Council, or any decision of the Board of Examiners, may appeal from such order, finding, action, or decision, to any Judge of the Supreme Court at any time within six months from the date of such order, finding, action, or decision, or the publication thereof; the said Judge thereof, upon the hearing of such appeal, which may be analogous to appeal to the County Court under the "Summary Convictions Act," may make such order confirming or reversing in whole or in

part, or varying the order, finding, action, or decision appealed from, or directing further inquiries by the Council into the facts of the case, and as to costs, as to the said Judge thereof shall seem right in the premises. Such order when so made shall be final.

**29.** In all cases where proof of registration under this Act is required to be made, the production of the last annual list published in the Gazette as herein provided, or of a certificate bearing a date subsequent to the issue of the said Gazette containing said annual list, showing that the person or persons therein named is or are duly registered, certified under the hand of the registrar for the time being and the seal of the Association, shall be sufficient evidence of such registration in lieu of the production of the original register; and any such certificate purporting to be signed by any person in the capacity of registrar shall be prima facie evidence that such person is such registrar, without any proof of his signature or of his being in fact such registrar; provided always that the evidence herein aforesaid may be displaced by any certificate of the registrar under seal of the Association, showing the fact of erasure of any name or suspension or revocation of any licence to practise.

Evidence of registration.

**30.** Any penalty recoverable under this Act may be recovered in the same manner as penalties are recovered under the "Summary Convictions Act," before any Justice of the Peace having jurisdiction in the locality in which the offence was committed, and every such penalty may, together with the costs of conviction, be levied by distress and sale of the goods and chattels of the offender.

Recovery of penalties.

**31.** Within one month after this Act comes into force, the Lieutenant-Governor in Council shall appoint a provisional Council consisting of eleven members, who shall elect their own officers. At least one member shall be chosen from practitioners in each of the branches of engineering named in section 2, subsection (b), hereof.

Provisional Council.

**32.** The duties of the provisional Council shall be to provide the register called for by this Act, to enter therein the names of those, and those only, who are entitled to registration under the provisions of section 7, subsection (b), and who apply in writing to be registered and pay the prescribed fees; and to call within six months from the coming into force of this Act the first general meeting of the Association for the purpose of electing the regular Council and any other organization purposes of the Association; and shall have the powers conferred in this Act on the Council of the Association. Their powers shall cease on the election of the regular Council of the Association.

Duties of Provisional Council.

**33.** Every person registered under this Act shall have a seal, the impression of which shall contain the name of the engineer,

Every engineer to use a seal.

the branch of engineering in which he has been accepted, and the words "Professional Engineer, Province of British Columbia," with which he shall stamp all official estimates, specifications, reports, documents, and plans.

Provisions not to apply until April 1st, 1921.

**34.** No provisions of this Act restricting the practice of the profession or imposing penalties shall take effect until the first day of April, 1921.

Not to amend other Acts.

**35.** Nothing in this Act contained shall be construed as altering or affecting any provisions of the "Coal-mines Regulation Act," "Metalliferous Mines Inspection Act," or the "Pharmaceutical Act."

Personal work excepted.

**36.** Nothing in this Act contained shall be construed as preventing the carrying-on by any person on his own property of any work for the sole use of himself and his domestic establishment; nor the designing, construction, or installing by any person of appliances, works, or plants of a value not exceeding five thousand dollars; provided, however, that such work shall not involve the safety of the general public.

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