1927

c 206 Professional Engineers Act

Ontario
CHAPTER 206.

The Professional Engineers Act.

1. In this Act,

(a) "Association" shall mean the Association of Professional Engineers of the Province of Ontario;

(b) "Board" shall mean the board of examiners of the association;

(c) "Council" shall mean the council of the association;

(d) "Licensed" shall mean that permission has been granted by the council to a non-resident engineer to practise temporarily without being registered, and "License" shall mean the official certificate under the seal of the Association evidencing such permission;

(e) "Member" shall mean a registered member of the Association;

(f) "President" shall mean the president of the Association;

(g) "Professional Engineering" save as hereinafter mentioned, shall mean the advising on, the reporting on, the designing of, the supervising of the construction of, all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, lighthouses, river improvements, wet docks, dry docks, floating docks, dredges, cranes, drainage works, irrigation works, waterworks, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission, steel, concrete and reinforced concrete structures, electric lighting systems, electric power plants, electric machinery, electric apparatus, telephone systems, telegraph systems, cables, wireless plants, mineral property, mining machinery, mining development, mining operations, gas and oil developments, smelters, refineries, metallurgical machinery, and equipment and apparatus for carrying out such operations, machinery, steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures, chemical and metallurgical machinery, apparatus and processes, aeroplanes, air ships, and all other engineering works;
(h) "Registered" shall mean that an engineer has been "Registered," admitted to membership in the Association and that his name has been enrolled in the register; and "Certificate of Registration" shall mean the official certificate under the seal of the Association evidencing the same;

(i) "Registrar" shall mean the registrar of the association; "Registrar."

(j) "Secretary" shall mean the secretary or the secretary-treasurer of the association; "Secretary."

(k) "Vice-President" shall mean the vice-president of the Association. 1922, c. 59, s. 2.

2.—(1) All persons registered as professional engineers shall constitute the Association of Professional Engineers of the Province of Ontario and shall be a body politic and corporate, with perpetual succession and a common seal.

(2) The head office of the Association shall be at the City of Toronto.

(3) The Association shall have power to acquire and hold real or personal property not producing at any time an annual income in excess of $10,000, and to alienate, mortgage, lease, or otherwise dispose of such property or any part thereof as occasion may require.

(4) All fees, fines and penalties receivable and recoverable under this Act shall belong to the Association. 1922, c. 59, s. 3.

3. The Association may pass by-laws not inconsistent with the provisions of this Act for,—

(a) the election of the council;

(b) the government and discipline of the members;

(c) the management of its property;

(d) the appointment of such officers as may be necessary for carrying out the purposes of the Association;

(e) the maintenance of the Association by fixing, levying and collecting the necessary fee from each member and licensee, which fee shall not exceed $10 per annum;

(f) the admission of candidates to registration;

(g) the keeping of the register;

(h) fixing dates and places of meetings of the Association;

(i) all such other purposes as may be deemed necessary or convenient for the management of the association, or the conduct of its business. 1922, c. 59, s. 4.
4. No by-law of the Association or amendment thereto shall be valid or take effect until approved by the Lieutenant-Governor in Council. 1922, c. 59, s. 5.

Classification.

5.—(1) For purposes of representation upon the council and for registration, and for such purposes only as are hereinafter set out, membership of the Association shall be subdivided into the following branches: civil engineers, mechanical engineers, chemical engineers, electrical engineers, mining engineers.

(2) Each member admitted to the Association may register in all branches for which he can submit credentials satisfactory to the authority governing admission to each of such branches, but he shall, however, vote in only one such branch according to his own selection, but may transfer his vote to some other branch in which he is registered, upon the approval of the council. 1922, c. 59, s. 6.

Additional branches.

6. Additional branches may be established by the Lieutenant-Governor in Council upon the petition of not less than one hundred registered members of the Association, provided such petition be approved by the council, or upon petition of two hundred members of the Association if such approval be not obtained. 1922, c. 59, s. 7.

Council.

7.—(1) The council shall consist of a president, a vice-president, an immediate past-president and three councillors from each branch of the Association, all of whom shall be registered members of the Association.

(2) The president, who shall be elected annually by vote of members, shall hold office until his successor is elected, shall act as presiding officer at the meetings of the council and of the Association, voting only when the votes are evenly divided, and on his retirement shall hold office as councillor for the next year succeeding.

(3) The vice-president shall be elected annually by vote of members, and shall have all the powers of the president during the absence of the latter.

(4) Two councillors shall be elected annually from each branch of the Association by the vote of the registered members in such branch, and one councillor from each branch shall be appointed by the Lieutenant-Governor in Council.

(5) The council shall appoint a registrar and a secretary who shall hold office during the pleasure of the council. 1922, c. 59, s. 8.

Members of Council to control registration and licensing.

8.—(1) The members of the council representing each branch shall control, subject to the terms of this Act, the conditions for registration and for licensing in such branch, including credentials, examinations and exemptions.
Sec. 9 (6). PROFESSIONAL ENGINEERS. Chap. 206. 2103

(2) The council as a whole shall have the power to review the establishment of and the carrying out of the conditions for registration as administered by the representative councillors from all branches, and shall have the power to require the representatives of such branches to modify their administration in order to maintain a standard of qualification in members satisfactory to the council.

(3) The revocation of certificates and the reissuing of such certificates, the questions of discipline, fines, suspensions, expulsion, finance, overlapping of practice in branches, and all matters not coming within the provisions of subsection 1 shall be dealt with by the council as a whole. 1922, c. 59, s. 9.

Registration Within One Year.

9.—(1) Any person residing in the Province of Ontario at the date of the passing of this Act, who has been engaged in engineering for five or more years, shall be entitled to be duly registered as a member of the Association without examination, provided that such person shall produce to the council, within one year of the passing of this Act, satisfactory evidence of having been so engaged.

(2) Any person residing in the Province of Ontario, where persons not qualified as in subsection 1 above, may make application for membership in the Association and shall successfully pass such examination as shall be prescribed by council, or submit credentials satisfactory to the council, to be admitted to membership.

(3) Any person who applies for membership in the Association within one year from the passing of this Act shall submit to the council with his application a statement giving a summary of his engineering experience which statement shall be made upon the forms prescribed by the council.

(4) The council may require the applicant for membership to prove the correctness of the statements made in his application by attesting by oath or by affidavit.

(5) If the evidence of employment as engineer for five years, as submitted by the applicant, be considered satisfactory by the members of the council representing the branch to which admission is desired, he shall be admitted to membership in the Association without examination and the registrar shall issue a certificate of registration to the applicant and enter his name in the register.

(6) Any person duly authorized and registered as an Ontario land surveyor at the date of the passing of this Act shall be entitled on application within one year of the passing of this Act, to be admitted as a member of the Association in the branch of civil engineers. 1922, c. 59, s. 10.
10. If the applicant for membership has been engaged for less than five years as a professional engineer at the date of the passing of this Act, he shall submit certificates and proofs respecting the period of his employment to the date of his application, and the members of council, representing the branch to which admission is desired, will determine from the evidence so submitted the period of such employment. 1922, c. 59, s. 11.

Registration After One Year.

11. Any person resident in the Province of Ontario who has applied for membership in the Association within one year from the passing of this Act, who has not been admitted under the provisions of section 9, shall file with the secretary a notice setting forth his employment and the name of his employer, which notice shall be filed annually during the term necessary to complete the five years of employment, and if such person's record of employment is satisfactory, he shall be admitted to membership without examination. 1922, c. 59, s. 12.

12.—(1) Any person who applies for membership in the Association after one year from the passing of this Act shall submit to the council with his application a statement giving a summary of his experience as an engineer or surveyor which statement shall be made upon the forms prescribed by the council.

(2) The council may require the applicant for membership to prove the correctness of the statement made with his application by attesting by oath or by affidavit.

(3) If the evidence of engineering experience for not less than five years, as submitted by the applicant, is considered satisfactory by members of council representing the branch to which admission is desired, the applicant shall be admitted to membership after successfully passing the prescribed examination in the theory and practice of such branch of engineering or, in lieu of such examination, upon submission of evidence satisfactory to the members of council representing such branch and to the council as a whole.

(4) An applicant who is required to successfully pass an examination may select any one or more branches of engineering for his examination. 1922, c. 59, s. 13.

13. Any resident of Canada who may come to reside in the Province of Ontario and who at the time is a duly registered member of an association of professional engineers in any province of the Dominion of Canada similarly constituted to this association, may upon application made to council be admitted to membership upon producing a certificate of membership in such province. 1922, c. 59, s. 14.
14. Any person who comes to reside in Ontario who is a registered member of any association or institute in other parts of the British Empire or in the United States similar ly constituted to this Association, and which grants reciprocal privileges and who applies for membership in this Association, may be admitted to membership upon producing to council a certificate of membership in such association or institute. 1922, c. 59, s. 15.

**Graduates.**

15.—(1) Any graduate in any branch of engineering or of science, the practice of which constitutes professional engineering as defined in clause g of section 1 from any university recognized by the council upon presenting evidence of graduation satisfactory to the council shall be granted, as part of his term of employment, the actual time of instruction in such university, this total not to exceed four years and such graduate shall not be required to submit to a written examination.

(2) Graduates or undergraduates of recognized engineering colleges or bona fide assistants serving under articles may during the remainder of their respective periods required for registration be engaged in professional engineering as defined in this Act under the guidance of professional engineers who assume full responsibility for their work, but shall not be classed as professional engineers until registered as members of the Association as provided in this Act.

(3) Such graduates, undergraduates, or assistants serving under articles may, during their respective engineering courses or terms of service, be recorded with the Association, and such graduates, undergraduates, or assistants serving under articles shall be subject to the control of the council as provided in this Act and to the by-laws of the Association, but shall not be members of the Association. 1922, c. 59, s. 16.

**Licensing.**

16.—(1) Any person not residing in the Province of Ontario who is a registered member of an association of engineers similarly constituted of any other province of the Dominion of Canada may upon application obtain from the registrar a license to practise as a professional engineer in the Province of Ontario upon production of evidence of his registry in such other province.

(2) Any person who is not a resident of Canada, but who in the opinion of the members of council in any branch is recognized as a consulting specialist in such branch of engineering, and has had not less than ten years of experience in the practice of his profession, or who presents evidence to satisfy such members of council that he has equal qualifications
with those required for registration in such branch of the profession, may, with the approval of the members of council of such branch, be granted a license to practise in that branch.

(3) Any professional engineer who is a resident of some other province of Canada in which there is no association of engineers similarly constituted may obtain a license to practise in a branch of engineering, subject to the approval of the members of council representing such branch.

(4) In the event of any such person mentioned in this section being unable by reason of emergency or neglect on the part of the registrar, or for any other good and sufficient reason, to obtain such license within three months of his making application therefor, he shall be entitled to practise as a professional engineer in the province for such period of three months without holding such license. 1922, c. 59, s. 17.

17. Any person who is employed as a professional engineer by a public service corporation, public utilities or Government department, who is by reason of his employment required to practise as a professional engineer in provinces other than that of his residence, may so practise, in the Province of Ontario without holding a non-resident license or payment of fee, providing such person can on demand of the council produce credentials satisfactory to the council showing that he is a registered member of an association of engineers similarly constituted by some other province of Canada. 1922, c. 59, s. 18.

Membership.

18.—(1) Only such persons who are members of the Association hereby incorporated, and registered as such under the provisions of this Act, or who have received a license from the council of the Association as hereinafter provided, shall be entitled within the Province of Ontario to take and use the title "Registered Professional Engineer," or any abbreviation thereof.

(2) Each member of the association shall have a seal, the impression of which shall contain the name of the engineer and the words "Registered Professional Engineer" and "Province of Ontario," with which seal he shall stamp all official documents and plans, and the design of such seal shall be approved by the council. 1922, c. 59, s. 19.

19. The provisions of this Act shall not apply against any person while carrying on his duties in His Majesty's naval, military or aerial service. 1922, c. 59, s. 20.

20. Engineers who were employed in professional engineering in the Province of Ontario, and who were accepted for overseas service in the war of 1914-1919, in the forces
of Great Britain or any of her allies, shall on their return to Canada be entitled to all the rights and privileges conferred under section 9. 1922, c. 59, s. 21.

21. Notwithstanding any other provision of this Act, no person shall be registered as a member of the Association until after he has attained the age of twenty-one years. 1922, c. 59, s. 22.

Partnership.

22.—(1) In the cases of two or more persons carrying on a practice as professional engineers in co-partnership, only such members who are registered or licensed under this Act shall individually assume the function of a professional engineer.

(2) A firm or corporation of professional engineers shall not, as such, be deemed to be a member of the Association or be licensed to practise. 1922, c. 59, s. 23.

Examinations.

23. The council shall appoint annually a board of examiners for each branch of engineering from nominations made by members of council representing each of such branches. 1922, c. 59, s. 24.

24.—(1) Examinations of candidates for registration or for license shall be held at least once per annum, at such place or places as the council may direct.

(2) The scope of the examinations and the methods of procedure shall be prescribed for each branch by the members of council representing such branch, with special reference to the applicant’s ability to design and supervise engineering works which shall insure the safety of life and property.

(3) The board shall examine all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining registration or license to practise, if referred to them by the council, and may require the holder of such degree, diploma, certificate or other credentials to attest on oath, viva voce or by affidavit concerning the matter of his application.

(4) The candidate shall submit to an examination before the board, or before such members of the board as may be deputed by the council to conduct such examination, on such branch or branches of professional engineering as the candidate may select.
(5) As soon as possible 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 stating the result of such examinations, whereupon the council shall notify each candidate of the result of his examination and of their decision upon his application.

(6) A candidate failing on examination may after an interval of not less than nine months be examined again.

(7) The council shall from time to time prescribe the fees payable by candidates for examination, which fees shall be payable in advance by the candidates. 1922, c. 59, s. 25.

25. The council shall have power to establish conjointly with any council of any 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 said council respecting the examinations of candidates for admission to practise, provided that any examination conducted by such central examining board shall be held in at least one place in Ontario. 1922, c. 59, s. 25.

Register and Registrar.

26.—(1) The registrar shall issue a certificate of membership to each member admitted to the Association by the council, such certificate to be signed by the president or the vice-president and by the registrar, and it shall bear the seal of the Association, and shall also state the branch or branches of engineering in which the member was examined or otherwise accepted.

(2) The registrar shall issue a license to practise to any person entitled thereto, such license to specify the work upon which the holder of the license is to be employed and the period for which the same is issued, but in no case shall the period extend beyond the end of the calendar year in which such license was issued.

(3) The registrar shall enroll in the register provided by the council the names of all persons admitted to the association by the council, also the names of all persons licensed by the council. 1922, c. 59, s. 27.

27. The registrar shall keep the register correct and in accordance with the provisions of this Act and the instructions of the council. 1922, c. 59, s. 28.

28. The annual fee due from a member shall be deemed to be a debt due the Association and may be recoverable with the costs of same from such member in the name
of the council or of the Association in any court of competent jurisdiction. 1922, c. 59, s. 29.

29.—(1) If any member neglects or refuses to pay the annual fee for six months from the date upon which it became due after written notice from the secretary to the member's last known address on the register, the registrar shall cause the name of such member to be erased from the register, and such person shall thereupon cease to be a member, but such person shall at any time thereafter, upon payment of such fees as may be prescribed by the council, be entitled to reinstatement as a member.

(2) Any member may resign from membership in the Association upon giving written notice to the secretary and by payment of all dues in arrears, if any, whereupon the name of such member shall be erased from the register and such member shall be relieved of the liability for further annual dues, but such person shall at any time in the future be admitted as a member upon payment of the fees prescribed by the council.

(3) Any member whose name has been erased from the register shall not be entitled to any of the rights and privileges conferred by the provisions of this Act until he has been re-admitted as a member. 1922, c. 59, s. 30.

30. In case the council should refuse to register any applicant for membership in the Association, or refuse to issue a license to practise to any applicant therefor, the person aggrieved shall have the right to apply to a judge of the Supreme Court of Ontario, who upon due cause shown may make an order directing the council to register the name of such person as a member of the Association, or to grant a license to practise, or make such other order as may be warranted by the facts, and the council shall forthwith comply with such order and such order when so made shall be final. 1922, c. 59, s. 31.

31. The certificate of registration under the seal of the Association shall be prima facie evidence of registration. 1922, c. 59, s. 32.

Suspension or Expulsion.

32.—(1) The council may, in its discretion, reprimand or censure or suspend or expel any member guilty of unprofessional conduct, or of gross negligence or of continued breach of the by-laws of the Association, or any member convicted of a serious criminal offence by a court of competent jurisdiction.

(2) The council shall not take any such action until after a complaint under oath has been filed with the secretary or the registrar, and a copy forwarded to the member accused,
who shall be given an opportunity of submitting evidence in his defence, and the council shall not suspend nor expel a member without having previously summoned him to appear before the council, nor without having heard evidence under oath offered in support of the complaint and in behalf of the member accused.

(3) The council shall have the same powers as commissioners under The Public Enquiries Act to compel witnesses to appear and give evidence under oath in the manner and under penalties prescribed by such court, and all such evidence shall be taken in writing or by a duly qualified-stenographer.

(4) Any member suspended or expelled may within sixty days after the order of suspension or expulsion appeal to a judge of the Supreme Court of Ontario from such order or resolution, giving not less than seven days' notice of such appeal to the secretary of the Association, and the practice and procedure in such an appeal shall be the same as upon an appeal from a master or referee.

(5) Pending an appeal, the member suspended or expelled by council may continue to practise, but unless the order of suspension or of expulsion be set aside, the member so suspended or expelled shall not practise thereafter except upon the expiry of the period of suspension (in case of suspension). 1922, c. 59, s. 33.

Penalties.

33. Any person in the Province of Ontario who, not being registered as a member of the Association in the Province of Ontario, or licensed by the Association,—

(a) uses verbally or otherwise the title of professional engineer, or makes use of any addition to or abbreviation of such title, or of any words, name or designation that will lead to the belief that he is a professional engineer or a member of the Association;

(b) advertises or holds himself out in any way or by any means as a member of the Association;

shall incur a penalty of not less than $100 nor more than $200 for the first offence, and of not less than $200 nor more than $500 for any subsequent offence. 1922, c. 59, s. 34.

34. If the registrar makes or causes to be made willful falsification of the register, or in matters connected therewith, he shall incur a penalty of not less than $100. 1922, e. 59, s. 35.
35. Any person who wilfully procures or attempts to procure for himself registration as member in the Association by making, producing or causing to be made or produced any fraudulent representation or declaration, either verbal or written, and any person knowingly aiding and assisting him therein, shall incur a penalty of not less than $200. 1922, c. 59, s. 36.

36. Every penalty imposed by or under the authority of this Act, shall be recoverable under The Summary Convictions Act, and shall be paid over by the conveting magistrate to the Association. 1922, c. 59, s. 37.

37. No proceedings shall be commenced for any violation of the provisions of this Act after one year from the date of the committing of such violation. 1922, c. 59, s. 38.

Provisional Council.

38.—(1) The following persons are hereby constituted as a provisional council of the Association:

President—Charles Hamilton Mitchell, of Toronto.
Vice-President—Robert Alexander Bryce, of Toronto.
Councillors—Representing branch of Civil Engineers—Willis Chipman, of Toronto; John Bow Challies, of Ottawa; Andrew Wellington Gray, of Westport.

Representing branch of Mechanical Engineers—Henry G. Acres, of Toronto; Harry Holborn Angus, of Toronto; Arthur Knowlton Spotton, of Galt.

Representing branch of Chemical Engineers—James Watson Bain, of Toronto; Stafford Frederick Kirkpatrick, of Ottawa; Harold Van der Linde, of Toronto.

Representing branch of Electrical Engineers—Henry U. Hart, of Hamilton; Frank Richard Ewart, of Toronto; Morris James McHenry, of Walkerville.

Representing branch of Mining Engineers—George Reginald Mickle, of Toronto; H. E. T. Haultain, of Toronto; James McEvoy, of Toronto;

all of whom shall hold office until their successors have been elected and appointed.
(2) If a vacancy should occur in the provisional council it shall be filled by the Lieutenant-Governor in Council, who shall notify each member of the provisional council of such appointment. 1922, c. 59, s. 38.

39.—(1) The provisional council shall provide the register called for by this Act, and shall cause to be entered therein the names of all persons who are entitled to registration and who apply therefor.

(2) The provisional council shall, within four months from the passing of this Act, prepare provisional by-laws not inconsistent with the Act for the various purposes specified in section 3 of this Act, which shall not be valid until approved by the Lieutenant-Governor in Council.

(3) The provisional council shall publish a copy of the register within five months from the passage of this Act, and shall mail one copy of such register to each member, and to any person who may apply for a copy, and the Lieutenant-Governor in Council shall also be furnished with a certified copy of the register and of the provisional by-laws.

(4) The provisional council shall call a general meeting of the members of the Association for the purpose of electing the members of council, for confirmation or revision of by-laws, and for organization purposes, and for such other purposes as specified in the notice calling the meeting, such general meetings to be held not later than seven months, nor earlier than five months after this Act comes into force. 1922, c. 59, s. 40.