



THE NOVA SCOTIA ENGINEERING PROFESSION ACT
CHAPTER 148
OF THE
REVISED STATUTES, 1989
AS AMENDED BY CHAPTER 29 OF THE ACTS OF 2006

(THE AMENDMENTS SET OUT IN C. 29 OF THE ACTS OF 2006

CAME INTO FORCE ON JUNE 29, 2007)

Act with Amendments (in bold)

BY-LAWS OF THE ASSOCIATION

INDEX TO THE ENGINEERING PROFESSION ACT

	PAGE
Short Title (1)	1
Interpretation (2)	1
Association (3)	1
Association continued.....	1
Member on March 29, 1945	1
Head Office (4).....	1
Objects (5)	1
Powers(6).....	2
Membership (7).....	2
Qualifications of a member	2
Registration on compliance with subsection	2
Licence to Practise (8)	3
Qualification of non-resident	3
Licence shall be granted	3
Engineers-in-Training (9).....	3
Enrolment of engineer-in-training.....	3
Subject to Council	3
Persons Exempted (10).....	3
Act does not apply.....	3
Partnership and Companies (11)	3
Non-individual registration.....	3
Engineering by non-individual	3
Meetings (12).....	3
Meetings.....	3
Voting.....	3
Administration (13).....	3
Council	3
President	3
Vice-President	4
Certain officer	4
Other officers	4
Fees and expenses	4
Management of Association	4
Examinations (14)	4
Board of Examiners	4
Duties (15)	4
Central Examining Board (16).....	4
Discipline of Members (17)	
Discipline	4
Evidence.....	4
Appeal.....	4
Effect of suspension	5
Legal counsel	5
Registration (18)	5
Register of enrolment	5
Issue of certificate of license.....	5
Expiry and renewal.....	5
Appeal.....	5
Annual Dues (19)	5
Annual Dues.....	5

Default.....	5
Penalties 5	
Illegal practice by non-member (20)	5
Illegal practice by non-individual (21).....	6
Penalty for permitting illegal practice (22)	6
Falsifying register (23)	6
False representation (24)	6
Laying of information (25)	6
Certificate as <i>prima facie</i> evidence (26).....	6
Single act proof of offence (27)	6
Prosecution for multiple offences	7
Payment of fine (28).....	7
Limitation period (29)	7
Actions against Members (30).....	7
Action against member of Council.....	7
Seals (31)	7
Corporate seal.....	7
Duty of member	7
By-laws (32)	7
Proposing of by-law	7
Ballot sent to member.....	7
Ballots counted.....	7
Approval by Governor in Council.....	7

An Act Respecting
the Engineering Profession

Short title

1 This Act may be cited as the *Engineering Profession Act*. R.S., c. 148, s. 1.

INTERPRETATION

Interpretation

2 In this Act,

- (a) "Association" means the Association of Professional Engineers of the Province of Nova Scotia;
- (b) "Board" means the Board of Examiners of the Association or such members of the Board as may be deputed by the Council to examine credentials or conduct examinations;
- (c) "by-laws" means by-laws of the Association;
- (d) "certificate of registration" means a certificate in force under this Act which is issued to a member;
- (e) "Council" means the Council of the Association;
- (f) "engineer" means a person who through specialized education, training and experience is skilled in the principles and practice of engineering;
- (g) "engineering" means the science and art of designing, investigating, supervising the construction, maintenance or operation of, making specifications, inventories or appraisals of, and consultations or reports on machinery, structures, works, plants, mines, mineral deposits, processes, transportation systems, transmission systems and communication systems or any other part thereof;
- (h) "engineer-in-training" means a person enrolled as an engineer-in-training in good standing;
- (i) "licence to practise" means a licence to practise professional engineering issued and in force under this Act;
- (j) "licensed to practise" means holding a licence to practise;
- (k) "member" means a registered member of the Association in good standing;
- (l) "President" means the President of the Association;
- (m) "professional engineer" means a person who practises professional engineering;

(n) "professional engineering" means application of engineering for gain, hire or hope of reward, either directly or indirectly;

(o) "Registrar" means the Registrar of the Association;

(p) "Secretary" means the Secretary of the Association;

(q) "Treasurer" means the Treasurer of the Association;

(r) "Vice-president" means the Vice-president of the Association. R.S., c. 148, s. 2.

ASSOCIATION

Association continued

3 (1) The Association of Professional Engineers of the Province of Nova Scotia, heretofore incorporated by Chapter 186 of the Acts of 1920 is continued as a body corporate and politic under the same name and shall have perpetual succession and a common seal.

Member on March 29, 1945

(2) All persons who were members of the Association of Professional Engineers of the Province of Nova Scotia on the twenty-ninth day of March, 1945, are declared to be members of the Association of Professional Engineers of the Province of Nova Scotia as that body is continued under this Section. R.S., c. 148, s. 3.

Head office

4 The head office of the Association shall be at Halifax. R.S., c. 148, s. 4.

OBJECTS

Objects

5 The objects of the Association are to

(a) promote and improve the proficiency of professional engineers in all matters relating to the profession of engineering;

(b) do all such matters and things as will advance and protect the interests of professional engineers in the profession of engineering;

(c) assure the general public of the proficiency and competency of professional engineers in the practice of engineering;

(d) do all such other matters and things as may be necessary for or incidental or conducive to the welfare of professional engineers and their usefulness to the public. R.S., c. 148, s. 5.

POWERS

Powers

6 The Association, in addition to all other powers vested in corporations, is authorized and empowered to

(a) provide for the government, discipline and honour of persons practising professional engineering and those enrolled as engineers-in-training within the Province;

(b) acquire, hold and dispose of real and personal property or any part thereof;

(c) borrow money for the purpose of carrying out any of the objects of the Association and give security for any money so borrowed on any of the real, personal or mixed property of the Association by way of mortgage, pledge, charge or otherwise howsoever;

(d) establish and maintain a register of professional engineers, which register shall be the official register of persons entitled to practise professional engineering within the Province;

(e) fix and collect the fees payable by any person, upon being admitted as a member, licensed to practise or enrolled as an engineer-in-training, and fix and collect the fees payable by any person desiring to write any examination prescribed by the Association with a view to becoming a member, or being enrolled as an engineer-in-training, and fix and collect the annual dues payable by members, persons licensed to practise and engineers-in-training, and exempt any person from the payment of any such fees or dues for such reason and upon such terms and conditions as the Council may from time to time determine **and, by by-law, authorize the Council to fix from time to time by resolution the fees and annual dues of the Association in such a manner and subject to such limited as are prescribed by the by-law;**

(f) assess members for any ordinary, special or extraordinary expenditures that may be deemed necessary or expedient to further any of the objects of the Association and make such assessment in the manner provided by the by-laws of the Association;

(g) prescribe the nature and extent of the education and practical experience in engineering which must be possessed by any person before being permitted to practise professional engineering within the Province or before being enrolled as an engineer-in-training;

(h) provide facilities for determining by examination or other means, the competency of persons seeking to practise professional engineering or to be enrolled as engineers-in-training within the Province, and grant certificates of registration and licences to practise to persons so qualified to practise;

(i) arrange and establish ways and means by which persons may be trained in the profession of engineering;

(j) negotiate for and on behalf of any member or engineer-in-training in any matter pertaining to his welfare as a professional engineer or engineer-in-training;

(k) enter into agreements on behalf of the Association or members or engineers-in-training, with any person or association of persons, as may be necessary for or incidental or conducive to the carrying out of the objects of the Association;

(ka) establish with any other professional association a joint practice board with power to review and make recommendations to the Council on professional practice issues of mutual concern;

(l) make, amend and repeal by-laws relating to the objects and powers of the Association, provided that such by-laws, amendments and repeals thereof shall have no force or effect unless and until approved by the Governor in Council;

(m) do all such other matters and things as may be necessary for or incidental or conducive to the welfare of professional engineers and their usefulness to the public. R.S., c. 148, s. 6.

MEMBERSHIP

Qualifications of member

7 (1) Any person shall be entitled to be registered as a member of the Association upon filing with the Registrar satisfactory proof that such person is a **citizen of Canada or is lawfully admitted to Canada for permanent residence**, has tendered the fees and dues prescribed by **or under** the by-laws, and

(a) has obtained a degree in engineering from a school, college or university, which degree is approved by the Council, and has had four years experience in engineering;

(b) has obtained a degree in science, other than engineering, from a school, college or university, which degree is approved by the Council, and has had four years experience in engineering;

(c) is a registered member of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to this Association, and furnishes the Registrar with a certificate of membership in good standing in such other association;

(d) has passed the examinations prescribed by the Council and has had sufficient number of years of experience in engineering to qualify such person in the opinion of the Council to practise professional engineering; or

(e) has had in the opinion of the Council outstanding experience in engineering.

Registration on compliance with subsection (1)

(2) Every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1), shall be registered as a member. R.S., c. 148, s. 7.

LICENCE TO PRACTISE

Qualifications of non-resident

8 (1) Any person, not resident of the Province, shall be entitled to a licence to practise upon tendering the fees, and dues prescribed by **or under** the by-laws and filing with the Registrar satisfactory proof that

(a) such person is a registered member in good standing of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to the Association; or

(b) such person is qualified to practise professional engineering, but is a resident of a province, state or country in which there is no association similarly constituted.

Licence shall be granted

(2) Every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1) shall be granted a licence to practise. R.S., c. 148, s. 8.

ENGINEERS-IN-TRAINING

Enrolment of engineer-in-training

9 (1) Any person who is a graduate or undergraduate in engineering or science of a school, college, or university approved by the Council or has passed examinations prescribed by the Council, may with the approval of the Council, be enrolled with the Association as an engineer-in-training.

Subject to Council

(2) An engineer-in-training shall be subject to the control of the Council in the manner provided by this Act and the by-laws. R.S., c. 148, s. 9.

PERSONS EXEMPTED

Act does not apply

10 This Act shall not apply to any person

(a) while a member of and on duty with any branch of Her Majesty's Armed Forces;

(b) while waiting decision of the Council on his application for membership or for a licence to practise after having filed the credentials provided for by Sections 7 or 8;

(c) while applying engineering to a project on his own property for the sole use of his domestic establishment, or elsewhere to a project of a value not exceeding five thousand dollars, where in either case that engineering in the opinion of the Council does not involve safety of other persons;

(d) who holds a certificate of competency as a mine manager pursuant to the *Coal Mines Regulation Act* and is engaged in coal mining operations. R.S., c. 148, s. 10.

PARTNERSHIP AND COMPANIES

Non-individual registration

11 (1) A partnership, association of persons or body corporate, shall not as such be registered as a member of the Association or licensed to practise.

Engineering by non-individual

(2) A partnership, association of persons or body corporate, may undertake and carry out the application of engineering in its own name provided that one of its principal and customary functions is the application of engineering and such application of engineering is done under the supervision of a member or a full-time permanent employee thereof, who in either case is a member of the Association or is licensed to practise. R.S., c. 148, s. 11.

MEETINGS

Meetings

12 (1) The Association shall, in the manner provided by the by-laws, hold an annual meeting in each calendar year and such other meetings as are required.

Voting

(2) **Members and engineers-in-training** shall be entitled to vote at a meeting of the Association. R.S., c. 148, s. 12.

ADMINISTRATION

Council

13 (1) There shall be a Council of the Association consisting of the President, immediate Past-president, Vice-president and eight other members, **who must be residents of the Province and** who shall be elected in the manner provided by the by-laws.

President

(2) The President shall hold office until his successor is elected and shall act as presiding officer at the meetings of the Council and of the Association voting only when the votes are evenly divided.

Vice-president

(3) The Vice-president shall have all the powers of the President in the absence of the latter.

Certain officers

(4) The Council shall appoint annually a Registrar, a Secretary and a Treasurer, who shall perform the duties assigned to them by this Act and by the by-laws and the Council may appoint one person to any one or more of the offices of Registrar, Secretary and Treasurer.

Other officers

(5) The Council shall appoint annually such other officers as may be necessary for carrying out the provisions of this Act and the by-laws.

Fees and expenses

(6) The members of the Council, officers and examiners appointed under this Act and the by-laws shall be paid such fees and expenses as are prescribed by the by-laws.

Management of Association

(7) The Council shall provide for the general management of the affairs and business of the Association and shall carry on and transact the same in accordance with this Act and the by-laws. R.S., c. 148, s. 13.

EXAMINATIONS

Board of Examiners

14 The Council shall, in the manner provided by the by-laws, appoint annually a Board of Examiners consisting of members who are residing within the Province and may at any time fill any vacancies on the Board, replace any member thereof and add to its number. R.S., c. 148, s. 14.

Duties

15 The Board of Examiners shall, in the manner provided by the by-laws,

(a) examine and report on all degrees, diplomas, certificates and other credentials presented, or given in evidence for the purpose of obtaining registration as a member, a licence to practise or enrolment as an engineer-in-training;

(b) set and conduct the examinations of candidates for membership and enrolment as engineers-in-training and file the results thereof. R.S., c. 148, s. 15.

Central Examining Board

16 The Council shall have power to establish jointly 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 Association in respect of the examination of candidates for membership or enrolment as an engineer-in-training, provided that the examination shall be held within the Province. R.S., c. 148, s. 16.

DISCIPLINE OF MEMBERS

Discipline

17 (1) The Council may, in the manner provided by the by-laws, reprimand and censure any member, person licensed to practise or engineer-in-training, or suspend or cancel the certificate of registration of any member or the licence to practise of any person or the enrolment of any engineer-in-training, who is guilty of unprofessional conduct, negligence or misconduct in the execution of the duties of his office, or of any breach of this Act or of the by-laws, or who has been convicted of a criminal offence by any court of competent jurisdiction.

Evidence

(2) The Council shall have the same powers of taking evidence, compelling the attendance of witnesses, the production of books, paper and documents, and of punishing for contempt or the failure to comply with the orders of the Council, as a commissioner appointed under the *Public Inquiries Act* and all evidence adduced at the inquiry shall be given under oath and taken down in writing by the Registrar or by a stenographer duly sworn.

Appeal

(3) Any person whose certificate of registration as a member, licence to practise or enrolment as an engineer-in-training has been suspended or cancelled may, within thirty days after the order of suspension or cancellation, appeal to a judge of the Trial Division of the Supreme Court from such order, giving ten days notice of appeal to the Secretary, and may require the evidence taken to be filed with the proper officer of the Court, whereupon the judge shall decide the matter of appeal, either on the evidence taken or by a trial *de novo*, and confirm or set aside the suspension or cancellation, and if the suspension or cancellation be confirmed, the costs of the appeal shall be borne by such person.

Effect of suspension

(4) Unless the order of suspension or cancellation is set aside on the appeal, or the judge or Council otherwise orders, the person so suspended or whose certificate of registration as a member or licence to practise has been cancelled, shall not practise professional engineering thereafter, except, in case of suspension, upon expiry of the period of suspension, nor shall such person practise professional engineering pending an appeal.

Legal counsel

(5) The Council may, in the execution of its duties under this Section, employ at the expense of the Association such legal or other assistance as it thinks necessary, and the person whose conduct is the subject of inquiry shall have the right to be represented by counsel and the Council may direct that such person shall reimburse the Association for such expenses. R.S., c. 148, s. 17.

REGISTRATION

Register of enrolment

18 (1) The Registrar shall keep a register provided by the Council and enrol [enroll] therein in the manner provided by the by-laws the names of all persons who are members, licensed to practise or engineers-in-training and the register shall be open for public inspection at all times without charge.

Issue of certificate or licence

(2) The Registrar upon resolution of the Council and receipt of the fee prescribed by **or under** the by-laws shall issue a certificate of registration or licence to practise to a person accepted for membership or licensed to practise and the form of the certificate or licence shall be prescribed in the by-laws.

Expiry and renewal

(3) All certificates of registration and licences to practise shall expire on the thirty-first day of December in the year in which they are issued, but shall be renewable for one year upon the payment of the dues prescribed by **or under** the by-laws.

Appeal

(4) If the Council refuses to pass a resolution authorizing any person to be registered as a member or licensed to practise, or if the Registrar refuses to register or issue a certificate of registration or licence to practise to such a person, the person aggrieved, upon serving ten days notice thereof upon the Secretary, shall have the right to apply to a judge of the Trial Division of the Supreme Court, who, upon due cause shown, may grant an order directing the Council and the Registrar to register the name of the person as a member of the Association or to issue to the

person a licence to practise, or make such other order as may be warranted by the facts, and the Council shall forthwith comply with the order. R.S., c. 148, s. 18.

ANNUAL DUES

Annual dues

19 (1) Every person, who is a member, licensed to practise or engineer-in-training, shall pay on the first day of January in each year to the Treasurer or any person deputed by the Council to receive it, the annual dues prescribed by **or under** the by-laws, which dues shall be deemed to be a debt due by such person and recoverable with costs in the name of the Association in any court of competent jurisdiction.

Default

(2) If any member, person licensed to practise or engineer-in-training omits to pay the annual dues prescribed by **or under** the by-laws **before the thirty-first day of March of the year for which they are due**, the Registrar, after issuing ten days notice by registered letter addressed to the last known address of such person on the register, shall cause the name of such person to be erased from the register and such person shall thereupon cease to be deemed to be a member, licensed to practise or engineer-in-training, but such person shall at any time thereafter, upon paying such dues and any arrears thereof, be entitled to have a certificate of registration or licence to practise re-issued to him or to be re-enrolled as an engineer-in-training. R.S., c. 148, s. 19.

PENALTIES

Illegal practice by non-member

20 Any person, not a member or licensed to practise, or whose certificate of registration or licence to practise has been suspended or cancelled under this Act, who

(a) practises professional engineering;

(b) uses verbally or otherwise the title of professional engineer or any abbreviation of such title, or any name, title, description or designation that may lead any person to believe that such person is a professional engineer, a member of the Association, licensed to practise, or entitled to practise professional engineering; or

(c) advertises, holds out or conducts himself in any way implying or leading any person to believe that such person is a professional engineer, a member of the Association, licensed to practise, or entitled to practise professional engineering,

shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs, and on failure to pay the same, to imprisonment for not more than three months for the first offence, and for any subsequent offence to a fine of not less than

two hundred dollars nor more than five hundred dollars and costs, and on failure to pay the same, to imprisonment for not more than six months. R.S., c. 148, s. 20.

Illegal practice by non-individual

21 Any partnership, association of persons or body corporate, not having as a partner or full-time permanent employee a person who is a member or licensed to practise, that

(a) undertakes or carries out the application of engineering;

(b) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the partnership, association of persons, or body corporate is qualified or entitled to undertake or carry out the application of engineering; or

(c) advertises, holds out or conducts itself in any way implying or intending to lead any person to believe that the partnership, association of persons or body corporate is qualified or entitled to undertake or carry out the application of engineering,

shall be guilty of an offence and the partnership or any partner thereof, the association of persons or any member thereof, or the body corporate, or any director thereof shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than five hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months for the first offence, and for any subsequent offence to a fine of not less than two hundred dollars and not more than one thousand dollars and on failure to pay the same to imprisonment for not more than six months. R.S., c. 148, s. 21.

Penalty for permitting illegal practice

22 Any person who, or any partnership, association of persons, or body corporate which directs or permits any member or employee, who is not a member or licensed to practise, to apply engineering shall be guilty of an offence and such person, partnership or any partner thereof, association of persons or any member thereof, or body corporate or any director thereof, shall be liable upon summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars and costs and on failing to pay the same to imprisonment for not more than three months for the first offence, and for any subsequent offences to a fine of not less than two hundred dollars and not more than one thousand dollars and costs and on failure to pay the same, to imprisonment for not more than six months. R.S., c. 148, s. 22.

Falsifying register

23 The Registrar, if he makes or causes to be made any wilful falsification in any way relating to the register, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months. R.S., c. 148, s. 23.

False representation

24 Any person who wilfully has or attempts to have himself or any other person registered as a member, licensed to practise, or enrolled as an engineer-in-training by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, or any person knowingly aiding or assisting him therein, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months. R.S., c. 148, s. 24.

Laying of information

25 Any information for the prosecution of any person under this Act may be laid by any member or any person appointed by the Council. R.S., c. 148, s. 25.

Certificate as prima facie evidence

26 A certificate purporting to be under the hand of the Registrar and bearing the seal of the Association shall be *prima facie* evidence in any court or elsewhere of the issuance of a certificate of registration or a licence to practise, or of the non-issuance thereof. R.S., c. 148, s. 26.

Single act proof of offence

27 (1) In any prosecution under this Act, it shall be sufficient proof of the offence alleged if it be proved that the person accused has done or committed a single act of the kind complained of.

Prosecution for multiple offences

(2) An information or complaint for contravening this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceeding for prosecution under this Act shall be deemed objectionable or insufficient by reason of the fact that it relates to two or more offences. R.S., c. 148, s. 27.

Payment of fine

28 All fines imposed under this Act and recovered on summary conviction shall be paid over by the convicting judge to the Association. R.S., c. 148, s. 28.

Limitation period

29 No proceeding shall be commenced for any violation of this Act after one year from the date of the committing of the violation. R.S., c. 148, s. 29.

ACTIONS AGAINST MEMBERS

Action against member or Council

30 No action shall be brought against the Council or any committee, officer, member or complainant for anything *bona fide* done under this Act and by-laws. R.S., c. 148, s. 30.

SEALS

Corporate seal

31 (1) The Association shall have a corporate seal.

Duty of member

(2) Every person registered as a member under this Act shall have a seal, the impression of which shall bear the name of the member and the words "Professional Engineer, Province of Nova Scotia", with which he shall stamp all official documents and plans prepared by him. R.S., c. 148, s. 31.

BY-LAWS

Proposing of by-law

32 (1) A proposed new by-law or the amendment or repeal of an existing by-law shall be presented in writing to the Council signed by at least ten members or approved by resolution of the Association or Council.

Ballot sent to member

(2) The proposed by-law, amendment or repeal shall then be sent by the Secretary without delay in the form of a letter ballot to every member of the Association, and the ballot shall be returnable at a date to be fixed by the Council.

Ballots counted

(3) Immediately after such date, scrutineers appointed by the Council shall count the ballots and report the result to the Council.

(3A) Notwithstanding subsections (2) and (3), voting under this Section may be conducted by electronic or other alternative means or combinations or means as may be authorized by resolution of the Council, in which case all other requirements of this Section apply with necessary adaptations.

Approval by Governor in Council

(4) If at least two thirds of the valid ballots affirmatively approve of the proposed by-law, amendment or repeal, the Secretary shall submit the proposed by-law, amendment or repeal to the Governor in Council for approval. R.S., c. 148, s. 32.

By-laws of the Association of Professional Engineers

made under clause 6(l) and Section 32 of the
Engineering Profession Act
R.S.N.S. 1989, c. 148
O.I.C. dated May 29, 1946, N.S. Reg. 8/46
as amended up to O.I.C. 2004-480 (December 9, 2004), N.S. Reg. 242/2004

Interpretation

- 1 (1) "Act" means the *Nova Scotia Engineering Profession Act*.
- (2) "City of Halifax" means the area within the circle having a radius of twenty-five miles from the main Halifax Post Office.
- (3) Words and terms appearing in the within by-laws shall, unless the context otherwise requires, have the same meaning as is given to the said words and terms in the Act.

Meetings of the Association

- 2 (1) The annual meeting of the Association shall be held at such time and place as may be fixed by the Council.
- (2) General meetings of the Association for the transaction of general business and the reading of papers or discussion of questions of interest to the professional engineer, may be held whenever called by the President or the Council.
- (3) Special meetings of the Association shall be held at the call of the President, or of the Secretary upon the receipt by the Secretary of a requisition signed by not less than five members of the Council or by not less than twelve members of the Association.

Notice for meetings of the Association

- 3 (1) Notice of all meetings of the Association setting out the place and date thereof and business to be transacted shall be given to each member and engineer-in-training not more than three weeks and not less than one week prior to such meeting.
- (2) The notice referred to in subsection (1) may be given by mail, by notice published in an Association publication sent to the membership of the Association, or by electronic or other means or combination of means as determined by resolution of the Council.

Procedure of Association meetings

4 (1) A total of fifty members and engineers-in-training shall constitute a quorum at all meetings of the Association.

(2) The President of the Association shall preside as Chairman at every meeting of the Association. If the President is absent or refuses to act as Chairman, the Vice-President shall preside. If both the President and Vice-President are absent or refuse to act as Chairman, the members present shall choose one of their number to be Chairman.

(3) All meetings of the Association shall be conducted in accordance with parliamentary procedure.

(4) Repealed

(5) Order of business at the annual meeting of the Association shall, unless otherwise decided by a vote of the meeting, be as follows:

(a) read, correct and confirm the minutes of the last annual and all subsequent meetings of the Association;

(b) business arising from the minutes;

(c) President's report;

(d) Treasurer's report;

(e) Registrar's report;

(f) reports of committees;

(g) unfinished business;

(h) declare the result of the ballot and install the new officers;

(i) other business.

(6) Order of business at general and special meetings of the Association shall be as follows:

(a) (a) read, correct and confirm the minutes of the last meeting of the Association;

(b) business arising from the minutes and any unfinished business;

(c) business for which the meeting is called;

(d) other business.

Terms of office

5 (1) The President and the Vice-President shall be elected annually. Four Councillors shall be elected annually for a term of two years.

(2) The retiring President, Vice-President and Councillors shall not be eligible for re-election to the same office for the following year.

Nominations and elections

6 (1) The Council shall, not later than the 30th day of April in each year, appoint a Nominating Committee consisting of five members, to include a Past President, preferably the immediate Past President, one member from Cape Breton, two members from City of Halifax and one member from mainland Nova Scotia, outside the City of Halifax.

(2) (a) The Nominating Committee shall prepare and deliver to the Secretary before the 30th day of May in each year, a list of eligible members for the officers of the Association and members of the Council for the next ensuing year. The list shall include not more than two names for President, not more than two names for Vice-President, and not less than four names of members resident in the City of Halifax, and not less than four names of members resident in Nova Scotia outside the City of Halifax, for members of Council. It shall not include the name of any member who is known to be unable or unwilling to accept office if elected. In addition, nominations shall conform to paragraph (2)(c), herein to follow.

(b) The Secretary shall, not later than the 10th day of June in each year, advise the members and engineers-in-training by letter, by any Association publication, or by electronic or other alternative means or combination of means determined by resolution of the Council, that nominations from members and engineers-in-training will be received by the Secretary of the Association up to the 10th day of July of the same year. Any ten members and engineers-in-training may submit nominations for candidates for any or all of the offices of President, Vice-President and members of Council. Nominations shall be in writing signed by all the nominators, and shall be accompanied by the consent in writing of the member or members so nominated. Nominations may include a single name only but shall include not more than one name for President, one name for Vice-President, and two names of members resident in the City of Halifax and two names of members resident in Nova Scotia outside the City of Halifax, for members of the Council. In addition, nominations shall conform to paragraph (2)(c), herein to follow.

(c) All of the nominees for President shall be in alternate years a resident of the City of Halifax or a resident of Nova Scotia residing outside the City of Halifax. When the nominees for President are residents of the City of Halifax, all of the nominees for Vice-President shall be residents of Nova Scotia outside the City of Halifax, and vice versa. Provided, however, that should the required number of eligible nominees be not available for President or Vice-President in the geographical area as required in any year, the rule may be suspended for that year and the nominees may be supplied from the total list of eligible members, with the next year's nominees

being selected from the area which has not supplied the incumbents. Nominees for President and Vice-President shall have had previous experience on Council.

(3) The Secretary shall submit the list of all nominees to the Council at the first Council meeting after receipt thereof, for its approval. If for any reason the Nominating Committee fails to properly fulfil all or any of the requirements of its office, the Council may complete all or any of those requirements. The Council shall then instruct the Secretary to prepare a ballot of the approved list of nominees and send a copy thereof, bearing an impress of the seal of the Association, to each member and engineer-in-training before the 1st day of August with the request to indicate thereon, their choice of officers of the Association and members of the Council and to return the list unsigned to the Secretary before the first day of September following. The ballot shall be so prepared that members and engineers-in-training shall be instructed to vote for not more than one member for President, one member for Vice-President, two members resident within the City of Halifax and two members resident in Nova Scotia outside the City of Halifax for Councillors. A member or engineer-in-training may substitute the name of any member for Councillor and the name of any member having previous experience on Council for President or Vice-President, and vote for such member, but shall not vote for more than one President, one Vice-President and four Councillors in the manner herein provided.

(4) Not more than two weeks before the annual meeting, all ballots received shall be handed by the Secretary to three scrutineers appointed by Council. The scrutineers shall analyse the vote and notify the candidates in camera, not less than one week before the annual meeting, and will submit to the annual meeting the names of the members who have received the greatest number of votes for the offices of President and Vice-President, and for the two Councillors resident within the City of Halifax and for the two Councillors resident in Nova Scotia outside the City of Halifax. The presiding officer at the annual meeting shall then declare such members duly elected to their respective offices. The scrutineer's report and all ballots shall be filed with the Secretary who shall retain the ballots for three months before destroying them.

(5) In the event of two or more qualified nominees obtaining an equal number of votes and when only one can be elected, the annual meeting shall elect the President, Vice-President or member of the Council so tied.

(6) Notwithstanding subsection (3), the voting referred to in subsection (3) may be conducted by electronic or other alternative means or combination of means authorized by resolution of the Council, in which event all other requirements of this Section shall apply with necessary adaptations.

President

7 The President shall perform all the duties imposed on him by the Act and by-laws and generally supervise the affairs of the Association and Council.

Vice-President

8 The Vice-President shall perform the duties of the President in the absence or on the resignation or death of the latter and when doing so, the Vice-President shall have the same powers as the President.

Secretary

9 (1) The Council at its first regular meeting shall appoint the Secretary of the Association.

(2) The Secretary shall perform the duties imposed upon him by the Act and by-laws. He shall attend all meetings of the Association and Council and keep proper minutes of the proceedings thereof, send out all notices on behalf of the Association, Council, and any Committee, conduct all correspondence and keep the seal of the Association and all records pertaining to his office. He shall perform all the duties incidental to his office, or which may be assigned to him by the Association, Council or any Committee of the Association.

(3) The Secretary shall hold office until a successor is appointed and shall be subject to removal at pleasure at any time during his term of office by a majority vote of the Council.

(4) The Secretary shall be paid a salary determined by Council for performing the duties of Secretary, Treasurer and Registrar; or such proportionate part thereof as shall be determined by the Council if performing only one or more of such offices.

(5) The Secretary, while performing the duties of Secretary, Treasurer or Registrar, may, with the approval of the Council and at the expense of the Association, engage the services of clerks or stenographers, on a full time or part time basis.

Registrar

10 (1) The Council at its first regular meeting shall appoint the Registrar of the Association.

(2) The Registrar shall perform the duties imposed upon him by the Act and by-laws. He shall receive and present to the Board all applications for membership, licence to practise or enrolment as an engineer-in-training, and keep a full and correct record of such applications and the Council's resolution on each application. He shall maintain the Register and issue all certificates of registration, licences to practise and perform all other duties incidental to his office or which may be assigned to him by the Association or the Council.

(3) The Registrar shall keep a Register in which shall be entered the full name, address and date of registration of every member, person licensed to practise and engineer-in-training. He shall erase therefrom the name of any such person who has resigned, ceased to be in good standing, been expelled or died, by drawing a line through the name of such person and noting opposite such name the word "resigned", "not in good standing", "expelled", or "deceased" together with the date thereof; provided that notice shall first be given to such person not in good standing in

the manner provided by Section 21(2) hereof. The word "suspended" and the date and period thereof shall be placed after the name of any such person who has been suspended.

(4) The Registrar shall provide the Secretary when requested with a list of members, persons licensed to practise and engineers-in-training who are in good standing.

Treasurer

11 (1) The Council at its first regular meeting shall appoint the Treasurer of the Association.

(2) The Treasurer shall perform the duties imposed upon him by the Act and by-laws. He shall, under the instructions of the Council, collect and receive, pay out or invest all moneys due to and payable by the Association. He shall keep proper books of account entering therein all moneys received and paid out by the Association, prepare and submit to the annual meeting of the Association the financial statement, duly certified by the Auditor of the Association, of the annual revenues and expenditures of the Association and furnish such other financial reports as may be requested by the Council. He shall perform all other duties incidental to his office or which may be assigned to him by the Association or Council.

(3) The Treasurer shall be bonded by an approved surety company to the satisfaction of the Council and at the expense of the Association before commencing his duties.

Auditor

12 The Council shall appoint annually a chartered accountant to audit the books of the Association. The Auditor shall examine into the financial condition of the Association, prepare a balance sheet and report thereon. Such balance sheet and report shall be delivered to the Treasurer, who shall submit it to the annual meeting of the Association.

Application for membership, licence or enrolment

13 (1) Application for registration as a member, or for a licence to practise or enrolment as an engineer-in-training shall be made to the Registrar on a form prescribed by the Council and shall be accompanied by the credentials and fees required by the Act and the by-laws.

(2) The application shall be presented by the Registrar to the Board of Examiners. The Board shall deal with the application in the manner provided by Section 14 hereof, and shall submit its findings to the Council, which shall dispose of the application by resolution.

(3) The Registrar shall immediately advise the applicant by letter of the Council's decision on the application.

13A (1) The Board of Examiners shall require an engineer-in-training who is a graduate in engineering or science of a school, college or university approved by the Council, or who has passed examinations prescribed by the Council, to report to a member of the Association designated by Council concerning his experience in engineering, during the period in which the

engineer-in-training is engaged in gaining the experience in engineering prerequisite to registration as a member of the Association.

(2) A member of the Association to whom an engineer-in-training is required to report pursuant to subsection (1) hereof shall be a member with a minimum of ten years experience in the practice of professional engineering who has been designated to act in that capacity by the Council and who has consented so to act. A member so designated shall be known as a "mentor".

(3) The engineer-in-training shall report to the mentor pursuant to subsection (1) hereof on his experience in engineering in such form and manner and with such frequency as may from time to time be prescribed by the Council.

(4) Upon completion by the engineer-in-training of the required period of experience in engineering, if the mentor is satisfied that the engineer-in-training has had satisfactory experience in engineering and has otherwise satisfied the requirements of this Section, including any rules, regulations, and guidelines made pursuant to subsection (6) hereof, the mentor shall certify on the application of the engineer-in-training for registration as a member of the Association that the engineer-in-training has successfully completed the period of reporting on engineering experience, and the mentor shall endorse the application of the engineer-in-training for registration.

(5) In considering an application by an engineer-in-training for registration as a member pursuant to Section 13 hereof, the Board of Examiners and the Council shall be entitled to take into account, in addition to all other relevant matters, the reports and submissions which the engineer-in-training has made to the mentor pursuant to this Section, and the rules, regulations and guidelines made pursuant to subsection (6) hereof, together with the comments of the mentor upon such reports and submissions. If, in the opinion of the Council, the experience in engineering of the engineer-in-training has been deficient, Council may prescribe such further period of experience as may be required to ensure that the engineer-in-training has obtained the nature and extent of experience in engineering prerequisite to registration as a member of the Association.

(6) The Board of Examiners, with the approval of the Council, may make rules, regulations and guidelines consistent with the section concerning the duties and obligations of mentors and engineers-in-training under this Section, and concerning the administration of this Section generally.

Partnerships, associations of persons, bodies corporate

13B (1) Every partnership, association of persons and body corporate which, pursuant to Section 10 of the Act, undertakes and carries out the application of engineering in its own name by providing engineering services to the public shall furnish to the Association, in the manner and form prescribed by this Section, the following information:

(a) the names, addresses and occupations of all of the partners, members of the association of persons, or officers and directors of the body corporate, as the case may be;

(b) the names of its members or full-time permanent employees, as the case may be, who are the members of the Association or persons licensed to practise under whose supervision engineering is applied;

(c) a description of the nature of its business and professional activities, including areas of engineering specialization, and confirmation that one of its principal and customary functions is the application of engineering.

(2) The information specified in subsection (1) shall be filed with the Registrar by way of an information return in such form as is prescribed from time to time by the Council. Every information return which is filed with the Registrar shall contain information which is in all respects current and accurate as of the date of filing.

(3) An administrative fee of \$50.00 shall be payable to the Registrar by every partnership, association of persons, and body corporate on each occasion that it files an information return as required by this Section.

(4) Information returns shall be filed with the Registrar as follows:

(a) every partnership, association of persons or body corporate which is engaged in providing engineering services to the public as of the date that this Section comes into force shall file an information return in prescribed form with the Registrar on or before a date fixed by the Council, which date shall not be less than thirty (30) days or more than ninety (90) days after the coming into force of this Section. Thereafter, every such partnership, association of persons or body corporate shall, for as long as it continues to be engaged in providing engineering services to the public, annually file a further information return with the Registrar on or before January 1st of each year;

(b) every partnership, association of persons or body corporate which becomes engaged in providing engineering services to the public after the date that this Section comes into force shall file the prescribed form of information return upon becoming so engaged. Thereafter every such partnership, association of persons or body corporate shall, for as long as it continues to be engaged in providing engineering services to the public, annually file a further information return with the Registrar on or before January 1st of each year.

(5) Where a partnership, association of persons or body corporate has filed the prescribed form of information return together with the required administrative fee, and the Registrar is satisfied that the return contains all information required to be provided under subsection (1), the Registrar shall issue in the name of the partnership, association of persons or body corporate a certificate recording its compliance with the requirements of this Section. The certificate shall apply only during the calendar year in which it is issued, and shall be in such form as is prescribed from time to time by the Council. Issuance of such a certificate shall indicate compliance with the requirements of this Section only, and shall not affect, and shall not be deemed to affect, any right, duty, obligation or liability imposed by or under the Act on any partnership, association of persons, or body corporate respecting the application of engineering.

(6) The Registrar shall maintain a record of partnerships, associations of persons and bodies corporate which have filed information returns in accordance with the requirements of this Section, which record will include information from which it can be ascertained from time to time which partnerships, associations of persons and bodies corporate hold current certificates of compliance under this Section.

Examinations

14 (1) The Council shall appoint a Board of Examiners consisting of at least four members and shall designate which of the members is to be Chairman of the Board. The Council may at any time fill any vacancies on the Board, replace any member thereof, or add to its number.

(2) The Board shall

(a) meet at the discretion of its Chairman to consider all applications for membership, licences to practise and enrolment as engineers-in-training submitted to it by the Registrar and not previously disposed of by Council;

(b) report at each meeting of Council its findings as to whether or not each applicant is qualified in accordance with the requirements of the Act.

(3) The Board, when directed by Council to examine a candidate, may nominate one or more qualified persons acceptable to Council to set and conduct the examination.

(4) The Board, with the approval of Council, may draw up rules and regulations prescribing the scope of and the procedure for conducting the examinations.

(5) The Registrar, upon receiving from a candidate a written request for an examination, accompanied by the prescribed fee, shall, after consultation with the Board, notify the candidate in writing of the time and place at which he shall present himself for the examination. The candidate shall be given at least thirty days notice before the examination.

(6) As soon as possible and not later than twenty-one days after the close of each examination, the persons who have set and conducted the examination shall make and file with the Board, a certificate showing the results of the examination, a copy of the examination papers, the answers of the candidate thereto, and the marks awarded in each subject.

The Board shall submit these documents with its findings as to the qualifications of the applicant to the Council at its next meeting. Thereafter such documents shall remain on file with the Registrar and shall be open to inspection during regular office hours by the candidate or by any person duly authorized in writing on his behalf for a period of at least six months following consideration by Council.

(7) A candidate failing an examination may be examined again but not before six months have elapsed.

(8) The Council shall prescribe the fee payable by the candidate for the examination, and the fee payable to the persons appointed to set and conduct the examinations.

Honorary life membership and life membership

15 (1) Honorary life membership in the Association shall be granted by the Council, on the unanimous vote of all members of the Council given by letter ballot, to a person eminent in the engineering profession who has rendered signal service to the Association. Honorary life members elected as such prior to the 31st day of December 1951 shall, unless otherwise resolved by unanimous vote of all members of the Council given as aforesaid, continue as such during their respective lives.

(2) Life membership in the Association may be granted by the Council to

(a) a person who has reached the age of sixty-five years and has been a member for the ten preceding years;

(b) a person who has been a member for forty years;

(c) any person holding the status of a non-active member when this clause comes into force.

Council

Meetings of Council

16 (1) At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Nova Scotia as the President shall determine.

(2) Special meetings of the Council shall be called by the Secretary on the written requisition of any four members of the Council at such time and place within Nova Scotia as is designated in the requisition.

(3) Notice of both regular and special meetings of the Council shall be mailed by the Secretary to all members of the Council from four to eight days in advance of the holding of such meeting. Such notice may be waived by the written consent of seven members of the Council.

Procedure of Council meetings

17 (1) The President of the Council shall preside as Chairman at every meeting of the Council. If the President is absent or refuses to act as Chairman, the Vice-President shall preside. If both the President and Vice-President are absent or refuse to act as Chairman, the members present shall choose one of their number to be Chairman.

(2) Five members of the Council shall constitute a quorum for the transaction of business at a meeting of the Council.

(3) Order of business at meetings of the Council shall be as follows:

(a) read, correct and confirm the minutes of the last Council meeting;

(b) business arising out of the minutes;

(c) read and consider correspondence and reports of committees, Board of Examiners, auditors, etc.;

(d) deal with applications for membership, licence to practise and enrolment as an engineer- in-training;

(e) consider and pass accounts;

(f) other business.

(4) A resolution assented to and adopted in writing by at least three-quarters of the members of the Council, although not passed at a Council meeting, shall be of the same force and effect as if it had been duly passed at a Council meeting.

(5) Meetings of the Council shall be conducted in accordance with parliamentary procedure.

Resignations from Council and filling vacancies

18 (1) A member shall be deemed to have resigned from the Council

(a) on the death of the member;

(b) when the member's written resignation filed with the Secretary is approved by the Council;

(c) when the member has been absent for more than three consecutive meetings of the Council without the consent of the Council;

(d) when the member, in the opinion of the Council, has given up his residence in the Province of Nova Scotia;

(e) when the member has resigned as a member of the Association;

(f) when a member's certificate of registration has been suspended or cancelled.

(2) A vacancy on the Council or in any office shall be filled by the Council for the period between the date of such resignation and the next annual meeting of the Association.

Committees

19 (1) (a) The Council shall appoint an Executive Committee consisting of the President, Vice-President, immediate Past President, and two other members of the Council residing in the City of Halifax.

(b) The Executive Committee shall conduct the affairs of Council between Council Meetings.

(c) Any three members of the Executive Committee shall constitute a quorum.

(2) The Council may from time to time appoint from the membership of the Association such other committees as it thinks necessary and may delegate to such committees any of its powers; provided that such committees shall conform to any regulations imposed upon them by the Council.

(3) The President and the Vice-President shall be ex-officio members of all such other committees.

(4) Each committee shall elect its own Chairman and a Vice-Chairman who shall, in the absence of the former, exercise all the functions and powers of the Chairman.

(5) A committee may meet at such time and place as it sees fit.

(6) Questions arising at any meeting of a committee shall be determined by the majority of those present, and in case of equality of votes, the Chairman shall have the casting vote.

(7) The majority of any committee shall constitute a quorum.

Arbitration

20 The Executive Committee of the Council, upon the written request from a member or engineer-in-training in the form of a statutory declaration filed with the Secretary setting forth the terms and conditions of the issue involved, may act itself or designate a member or members of the Association to act as arbiter between members or engineers-in-training or as negotiator on behalf of the member or engineer-in-training respecting any matter pertaining to his professional welfare. Any action taken hereunder shall be deemed as having been taken by the Association.

21 (1) The fees and dues of the Association shall be as follows:

Registration fee for a member.....	\$100.00
Registration fee for an engineer-in-training.....	\$95.00
Registration fee for a member where the applicant is a member of a similar association of professional engineers in another Province of Canada.....	\$100.00
Registration fee for licence to practise non-Canadian.....	\$150.00
Registration fee for a licence to practise where the applicant is a member of a similar association of professional engineers in another province of Canada.....	\$150.00
Annual dues for a member	
- for the year 1998	\$182.00
- for the year 1999	\$197.00
- for the year 2000, and for each year subsequent thereto .	\$212.00
Annual dues for an engineer-in-training (to be credited towards registration fee when eligible for membership)	
- for the year 1998	\$85.00
- for the year 1999	\$90.00
- for the year 2000 and for each year subsequent thereto .	\$95.00
Annual dues for a person licensed to practise non-Canadian.....	\$600.00
Annual dues for a person licensed to practise where the person is a member of a similar association of professional engineers in another province of Canada.....	\$480.00

(2) (a) The annual dues shall be for the calendar year and are due and payable in advance on or before the first day of January in each year to the Treasurer or some person appointed by the Council to receive them; provided that applicants accepted as members and engineers-in-training after the first day of October in each year shall only pay one-half of the annual dues for that year.

(b) Repealed

(c) The name of any person whose annual dues are not paid by March 31 in any year shall be erased from the Register by the Registrar after the Registrar has given such person ten days notice of the intended erasure by registered mail addressed to his last known address on the Register.

(d) Dues and fees of an applicant shall not be refunded to the applicant when the application for membership, licence to practise or enrolment as an engineer-in-training has been refused.

(3) The Council, at its discretion, may:

(a) remit or rebate the fees or dues of any member, who is incapacitated by old age, sickness, infirmity, or for other grievous disability or who resigns as a member and subsequently appears for reinstatement;

(b) without limiting the generality of (a), exempt from the payment of fifty percent of the applicable annual dues for any calendar year those persons who are, in the opinion of the Council:

(i) members retired from the practice of professional engineering;

(ii) members who are unemployed;

(iii) engineers-in-training who are unemployed;

(iv) members who are experiencing or who have experienced extended illness of a serious nature;

(v) members who have taken an extended leave of absence from employment or other professional engineering activity due to maternity or paternity leave;

(vi) members who are enrolled in a full time university program at the post-graduate level, provided that no exemption may be granted on this ground for more than two calendar years.

(c) waive the registration fee for an engineer-in-training where the engineer-in-training applies for enrolment within thirty days of graduating from a college, university or school of engineering or science approved by the Council.

(4) Assessments of members for payments, other than annual dues, required to cover ordinary, special or extraordinary expenditures necessary to further any of the objects of the Association, may be made after approval by two-thirds majority of the members voting by letter ballot, or by electronic or other alternative means or combination of means authorized by resolution of the Council, following the passing of a resolution for such assessment by the Association or Council.

Funds of the Association

22 (1) All money received on behalf of the Association shall be deposited to the credit of the Association at a chartered bank in Halifax approved by the Council. All payments shall be made by cheque signed by the Treasurer and countersigned by the President, or other person duly authorized by Council.

(2) The Funds of the Association may be invested in securities which are eligible for investment under the Canadian British Insurance Companies Act. Such securities shall be registered in the name of the Association and placed in a safety deposit box of a chartered bank and subject to access only on the written order of the Treasurer and President or other person authorized by Council. The Council may at its discretion dispose of any or all of the securities.

Payment of accounts

23 (1) The Council may pay out of the Association funds

(a) all reasonable expenses of members of the Council, of committees and of the Board of Examiners for travelling, board and lodging incurred while attending Council, committee or Board Meetings or while transacting any authorized business on behalf of the Association or Council in places outside of the place of residence of such members;

(b) any expenses incurred for the travelling, reception and entertainment of guests of the Association;

(c) such salaries, wages and fees as may be approved by the Council;

(d) all other expenses which the Council or Association shall consider necessary or advisable for the management of or in the interest of the Association.

Discipline

24 Members, persons licensed to practise and engineers-in-training shall conduct themselves in accordance with the Canons of Ethics appended hereto, and without restricting the meaning of unprofessional conduct, any breach of the Canons of Ethics shall be deemed to be a form of unprofessional conduct.

24A (1) Council shall appoint, from among the members of the Association, a Complaints Committee composed of five members. Section 19 of the by-laws shall not apply to the Complaints Committee.

(2) No member of the Association shall be eligible to be a member of the Complaints Committee while holding office as a member of the Council.

(3) The Chairman of the Complaints Committee shall be appointed by the Council. A quorum of the Committee shall consist of three members. Members of the Committee shall be appointed for a term of three years, unless the Council otherwise determines. In the case of a vacancy in the Committee, the President may appoint another member of the Association to fill the vacancy and to complete the term of the vacating member.

24B (1) The procedure to be followed before reprimanding and censuring any member, person licensed to practise or engineer-in-training, or suspending or cancelling the certificate of registration of any member or the licence to practise of any person or the enrolment of any

engineer-in-training under the provisions of Section 17 of the Act, shall be as set out in this Section 24B.

(2) A complaint in writing shall be filed with the Secretary, and may be filed by any person. Upon the filing of the complaint, the Secretary shall forthwith advise the person complained of that the complaint has been made, by written notice

(a) enclosing a copy of the complaint; and

(b) advising the person complained of that he has the opportunity to provide the Secretary with his written comments concerning the complaint within fourteen days of the date that a copy of the complaint was sent to him.

(3) After the expiration of fourteen days, the Secretary shall refer the complaint to the Complaints Committee, together with any written comments of the person complained of which have been provided pursuant to subsection (2).

(4) If, in the absence of a complaint, circumstances shall come to the notice of the Secretary which, in his opinion, may constitute grounds for discipline pursuant to the Act, the Secretary may prepare a report thereon in writing to the Complaints Committee. A copy of the report shall forthwith after its preparation be forwarded by the Secretary to the person who is the subject of the report and he shall be advised that he has the opportunity to provide the Secretary with his written comments concerning the report within fourteen days of its being forwarded to him. After the expiration of fourteen days, the Secretary shall refer the report to the Complaints Committee together with any written comments thereon of the person who is the subject of the report. The Committee shall deal with such a report as if it were a complaint, and the report shall be treated for purposes of the Act and by-laws in the same manner as a complaint.

(5) The Complaints Committee shall investigate complaints referred to it. If the Committee finds that there are valid grounds for a hearing, it shall refer the complaint to the Council. Otherwise the Committee shall dismiss the complaint.

(6) Upon referral of a complaint to it, the Council shall set a time and place for the holding of a hearing by Council to deal with the complaint. Notice of the time and place of the hearing shall be sent by the Secretary to the person complained of at least ten days before the hearing, and the notice shall advise the person complained of that he may appear in person or by or with counsel at the hearing.

(7) The Council shall hold a hearing under oath at the time and date specified, or at any adjournments thereof. The person complained of shall have the right to cross-examine any witnesses called at the hearing and to adduce evidence on his behalf. The hearing shall be held in camera unless the person complained of requests a public hearing, and Council, in its discretion, is satisfied that a public hearing is in the interest of the public and of the engineering profession. If the person complained of fails to appear at the hearing, the Council may proceed with the hearing in the absence of such person upon receiving proof in the form of a Statutory Declaration that due notice of the meeting had been given or mailed to the person complained of. The person presiding at the hearing shall have the right to administer oaths thereat.

(8) Upon completion of the hearing, the Council may pass a resolution

(1) dismissing the complaint; or

(2) if the Council concludes that grounds exist for discipline pursuant to the Act, reprimanding and censuring the person complained of or suspending or cancelling the certificate of registration or licence to practise or enrolment as an engineer-in-training of such person.

(9) Where no appeal has been taken pursuant to Section 17 of the Act within the time prescribed for the filing of notices of appeal

(a) Council may cause notice of any resolution reprimanding and censuring a person complained of to be given to members of the Association by publication in such form and in such manner as Council shall determine;

(b) Council shall cause notice of any resolution suspending or cancelling the certificate of registration or licence to practise or enrolment as an engineer-in-training of a person complained of to be given to the members of the Association by publication in such form and in such manner as Council shall determine, and Council may give such further public notice as it shall decide.

(10) In the event that an appeal from a resolution of Council is taken pursuant to Section 17 of the Act, no such notice shall be given unless and until the resolution of Council is upheld on appeal and the periods for the taking of any further appeals have expired.

Notices

25 All notices required to be given or mailed under the provisions of the Act and by-laws shall be deemed to have been given or mailed if mailed pre-paid in the Halifax Post Office within the time specified for such notice, addressed (to the person entitled to the notice at his address) as it appears on the Register. A statutory declaration of the Secretary shall be conclusive evidence of the giving and mailing of such notice, and unless the contrary is proven, service of the said notice shall be deemed to have been effected at the time at which the letter or notice should have been delivered in the ordinary course of post.

Forms of certificates

26 (1) A "Certificate of Registration" shall be in the following form or in a form to the like effect:

ASSOCIATION OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF
NOVA SCOTIA
Incorporated 1920
THIS IS TO CERTIFY that

of _____

was duly elected a MEMBER of the
ASSOCIATION OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF NOVA SCOTIA

on the _____ day of _____ 19__

President

Secretary

SEAL

26 (2) A "Licence to Practise" shall be in the following form or in a form to the like effect:

LICENCE TO PRACTISE
ASSOCIATION
OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF
NOVA SCOTIA
Incorporated 1920
THIS IS TO CERTIFY that

of _____ has been duly granted

a
LICENCE TO PRACTISE
in the Province of Nova Scotia

from _____ 19__ to _____ 19__

President

Secretary

SEAL

26 (3) A "Certificate of Enrolment of an Engineer-in-Training" shall be in the following form or in a form to the like effect:

ASSOCIATION
OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF
NOVA SCOTIA

Incorporated 1920

THIS IS TO CERTIFY that

of _____
_____ was duly enrolled as an
ENGINEER-IN-TRAINING
with the
ASSOCIATION OF PROFESSIONAL ENGINEERS
OF THE PROVINCE OF NOVA SCOTIA
on the _____ day of _____ 19__

President

Secretary

SEAL

Validation

27 The Council may ratify, confirm or do any act or thing purporting to have been done or which should have been done under the provisions of the Act or the by-laws, or may extend the time for completing or perfecting any such act or thing; and the said act or thing when so ratified, confirmed, done, completed or perfected shall have the same effect as if done strictly in accordance with the provisions of the Act or the by-laws.

Appendix - Canons of Ethics for Engineers

General

1. A Professional Engineer shall recognize that professional ethics are founded upon integrity, competence and devotion to service and to the advancement of public welfare. This concept shall guide his conduct at all times.

Relations with the Public

A Professional Engineer

2. shall regard his duty to public welfare as paramount;
3. shall endeavour to enhance the public regard for his profession by extending the public knowledge thereof;
4. shall undertake only such work as he is competent to perform by virtue of his training and experience;
5. shall sign and seal only such plans, documents or work as he himself has prepared or carried out or as have been prepared or carried out under his direct professional supervision;
6. shall express opinions on engineering matters only on the basis of adequate knowledge, competence and honest conviction;
7. shall express opinions or make statements on engineering projects of public interest that are inspired or paid for by private interests only if he clearly discloses on whose behalf he is giving the opinion or making the statements;
8. shall not be associated with enterprises contrary to the public interest or sponsored by persons of questionable integrity.

Relations with Clients and Employers

A Professional Engineer

9. shall act for his client or employer as a faithful agent or trustee and shall act with fairness and justice between his client or employer and the contractor when contracts are involved;
10. shall not accept compensation, financial or otherwise, from more than one interested party for the same service or for service pertaining to the same work, without the consent of all interested parties;
11. shall not disclose confidential information without the consent of his client or employer;

12. shall not be financially interested in bids on competitive work for which he is employed as an engineer unless he has the consent of his client or employer;

13. shall not undertake any assignment which may create a conflict of interest with his client or employer without the full knowledge of the client or employer;

14. shall present clearly to his clients or employers the consequences to be expected if his professional judgement is overruled by other authorities in matters pertaining to work for which he is professionally responsible;

15. shall refrain from unprofessional conduct or from actions which he considers to be contrary to the public good, even if expected or directed by his employer or client to act in such a manner;

16. shall not expect or direct an employee or subordinate to act in a manner that he or the employee or subordinate considers to be unprofessional or contrary to the public good;

17. shall guard against conditions that are dangerous or threatening to life, limb or property on work for which he is responsible, or if he is not responsible, will promptly call such conditions to the attention of those who are responsible.

Relations with the Profession

A Professional Engineer

18. shall co-operate in extending the effectiveness of the engineering profession by interchanging information and experience with other engineers and students and by contributing to the work of engineering societies, schools and the scientific and engineering press;

19. shall endeavour at all times to improve the competence, and thus the dignity and prestige of his profession;

20. shall not advertise his work or merit in a self-laudatory manner and he shall avoid all conduct or practise likely to discredit or do injury to the dignity and honour of his profession;

21. shall not attempt to supplant another engineer in an engagement after a definite commitment has been made toward the other's employment;

22. shall not exert undue influence or offer, solicit or accept compensation for the purpose of affecting negotiations for an engagement;

23. shall not compete with another engineer on the basis of charges for work by underbidding, through reducing his normal fees after having been informed of the charges named by the other;

24. shall not use the advantages of a salaried position to compete unfairly with another engineer;

25. shall advise the Discipline Committee of any practise by another member of his profession which he believes to be contrary to this Code of Ethics;

26. shall take care that credit for engineering work is given to those to whom credit is properly due;

27. shall uphold the principle of appropriate and adequate compensation for those engaged in engineering work including those in subordinate capacities as being in the public interest and maintaining the standards of the profession;

28. shall endeavour to provide opportunity for the professional development and advancement of engineers in his employ.