



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

ENGINEERING PROFESSION ACT

DRAFT ADDITIONS IN RED

July 31, 2026

(formatting to be updated later)

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to May 13, 2021. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



ENGINEERING PROFESSION ACT

Table of Contents *(PAGE NUMBERS NOT UPDATED)*

Section	Page
1. Definitions.....	5
THE ASSOCIATION	6
2. Corporation continued.....	6
OBJECTS OF THE ASSOCIATION	6
3. Objects	6
POWERS OF THE ASSOCIATION	7
4. Powers.....	7
QUALIFICATIONS FOR REGISTRATION, LICENSE, ENROLLMENT	8
5. Requirements	8
PARTNERSHIPS AND COMPANIES	10
6. Partnerships and companies not a member	10
REGISTRATION	11
7. Register	11
EXEMPTED PERSONS	11
8. Exemptions	11
9. Annual dues	12
MEETINGS OF THE ASSOCIATION	13
10. Meetings.....	13
ADMINISTRATION	13
11. Council.....	13
ENGINEERING QUALIFICATIONS COMMITTEE	14
12. Engineering Qualifications Committee.....	14
JOINT PRACTICE COMMITTEE	15
12.1 Joint Practice Committee with architects	15
DISCIPLINE	15
13. Code of Ethics.....	15
ACT ENFORCEMENT COMMITTEE	15
14. Act Enforcement Committee.....	15
ACT ENFORCEMENT OFFICER	16
15. Act Enforcement Officer.....	16
COMPLAINTS	16
16. Complaint.....	16
DISCIPLINE COMMITTEE	18



17.	Discipline Committee	18
	PROFESSIONAL MISCONDUCT AND INCOMPETENCE	19
18.	Professional misconduct	19
	HEARINGS	20
19.	Notice of hearing to person complained of.....	20
	PROCEDURE FOLLOWING HEARING	21
20.	Findings of Committee	21
	APPEALS	23
21.	Appeals.....	23
	NOTICE	24
22.	Service of notice	24
	PENALTIES	24
23.	Practising without registration, license or certificate	24
	LIMITATION OF ACTIONS	26
24.	Limitation for proceeding under the Act	26
	SEALS	28
25.	Corporate seal	28
	INJUNCTION	29
26.	Injunction.....	29
	RECOVERY OF CHARGES FOR PROFESSIONAL ENGINEERING SERVICES	29
27.	Recovery of charges for professional engineering services	29
	BYLAWS	29
28.	Bylaws, powers to make	29
29.	Transitional	30
30.	Repeal.....	30
31.	Protection of Privacy	





ENGINEERING PROFESSION ACT

CHAPTER E-8.1

1. Definitions

In this Act

- (a) “**Act**” means this Act;
- (b) “**Act Enforcement Officer**” means a person appointed by the Council who is responsible to investigate alleged violations of this Act or the bylaws;
- (c) “**Association**” means the Association of Professional Engineers of the Province of Prince Edward Island;
- (d) “**bylaws**” means the bylaws of the Association;
- (e) “**certificate**” means a certificate issued in accordance with this Act and the By-Laws made here under.
- (f) “**certificate of authorization**” means a certificate which is issued under this Act to a partnership, association of persons or corporation that is entitled to practise professional engineering in Prince Edward Island;
- (g) “**certificate of registration**” means a certificate which is issued under this Act pursuant to section 5 (2).
- (h) “**Code of Ethics**” has the meaning given to it in the By-Laws.
- (i) “**Council**” means the Council of the Association;
- (j) “**Councillor**” means a member of the Association who is elected as a member of Council;
- (k) “**engineer**” means a person who is skilled, through specialized education, training and experience, in the principles and practice of professional engineering;
- (l) “**engineer-in-training**” means a person who is a graduate of an engineering college or university approved by Council, or has passed examinations prescribed by Council, and is enrolled with the Association, but does not have the necessary work experience to qualify for membership;
- (m) “**engineering works and systems**” includes
 - (i) transportation systems and components related to air, water, land or outer space, movement of goods or people,
 - (ii) works related to the location, mapping, improvement, control and utilization of natural resources,
 - (iii) works and components of an electrical, mechanical, hydraulic, aeronautical, electronic, thermic, nuclear, metallurgical, geological, mining or industrial character and others dependent on the utilization or the application of chemical or physical principles,
 - (iv) works related to the protection, control and improvement of the environment including those of pollution control, abatement and treatment,



- (v) the structural, electrical, mechanical, communications, transportation and other utility aspects of building components and systems,
- (vi) structures and enclosures accessory to engineering works and intended to support or house them, and
- (vii) systems relating to surveying and mapping;
- (n) “**former Act**” means the *Engineering Profession Act* R.S.P.E.I. 1988, Cap. E-8;
- (o) “**holder**” means the holder of a certificate of authorization issued and in force under the provisions of this Act;
- (p) “**license to practise**” means a license to practise professional engineering in force under the provisions of this Act which is issued to an engineer who is not a member of the Association;
- (q) “**licensee**” means a person who holds a license to practise;
- (r) “**member**” means a registered member of the Association in good standing;
- (s) “**President**” means the President of the Association;
- (t) “**professional engineer**” means a member or an engineer having a **certificate of registration**;
- (u) “**professional engineering**” or the “**practice of engineering**” means the provision of services for another as an employee or by contract, and such services shall include consultation, investigation, instruction, evaluation, planning, design, inspection, management, research, development and implementation of engineering works and systems;
- (v) “**register**” means the register of the Association;
- (w) “**Registrar**” means the Registrar of the Association;
- (x) “**resident**” means a person who in the settled routine of life, usually, normally and customarily lives and has **their** place of abode in the province;
- (y) “**secretary**” means the secretary of the Association;
- (z) “**treasurer**” means the treasurer of the Association;
- (aa) “**Vice-President**” means the Vice-President of the Association. 1990,c.12,s.1.

THE ASSOCIATION

2. Corporation continued

- (1) The Association of Professional Engineers of Prince Edward Island is continued as a body corporate and shall consist of its present members and all persons who may hereafter become members in accordance with this Act.

Head office

- (2) The head office of the Association shall be at Charlottetown, Prince Edward Island. 1990,c.12,s.2.

OBJECTS OF THE ASSOCIATION

3. Objects

The **principal** objects of the Association are **to serve and protect public interest by**:

- (a) **regulating** the practice of professional engineering and to govern members, licensees, engineers-in-training and holders of certificates of authorization in accordance with this Act and bylaws;



- (b) promot~~ing~~ and improv~~ing~~ the proficiency of professional engineers in all matters relating to the practice of engineering;
- (c) inform~~ing~~ the public of the proficiency and competency of professional engineers in the practice of engineering;
- (d) develop~~ing~~, establish~~ing~~ and maintain~~ing~~ standards of professional ethics among its members, licensees, engineers-in-training and holders of a certificate of authorization;
- (e) promot~~ing~~ public awareness of the role of the Association; and
- (f) do~~ing~~ all such matters and things as may be necessary for or incidental or conducive to the welfare of professional engineers and their usefulness to the public. 1990,c.12,s.3.

POWERS OF THE ASSOCIATION

4. Powers

The Association is empowered

- (a) to provide for the government, discipline and honour of persons practising professional engineering within the Province of Prince Edward Island;
- (b) to acquire, hold and dispose of real and personal property;
- (c) to borrow money for the purposes of carrying out any of the objects of the Association and to give security for such loans by any mortgage, pledge, assignment of or charge upon any real or personal property of the Association;
- (d) to establish out of its funds, scholarships and prizes for students of engineering in attendance at such schools of engineering as the Council may select, and to determine the value of such scholarships or prizes, the conditions governing their award and the duration of their tenure;
- (e) to establish and maintain a register of professional engineers and holders of certificates of authorization, which register shall be the official register of persons and holders that are entitled to practise professional engineering within the Province of Prince Edward Island;
- (f) to prescribe the amount and collect the annual dues and other fees payable by any person or holder of a certificate of authorization upon such terms and conditions as provided in the bylaws;
- (g) to exempt any person or holder of a certificate of authorization from the payment of any such fee or dues for such reasons and upon such terms and conditions as provided in the bylaws;
- (h) to assess members for any ordinary, special or extraordinary expenditures that may be considered necessary or expedient to further any of the objects of the Association and to make such assessment in a manner provided in the bylaws;
- (i) to 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 of Prince Edward Island;
- (j) to take such action as necessary to have members, licensees or engineers-in-training engage in engineering activities for which they are qualified;
- (k) to prescribe the nature and extent of the information required to be filed with the Registrar by a holder of certificate of authorization;
- (l) to provide or arrange for 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 of Prince Edward Island;

- (m) to issue a certificate of registration or license to practise to any person who is qualified to practise professional engineering in the Province of Prince Edward Island;
- (n) to issue a certificate of engineer-in-training to any person who is qualified to be enrolled as an engineer-in-training;
- (o) to issue a certificate of authorization to any partnership, association of persons or corporation which is qualified to practise professional engineering in the Province of Prince Edward Island;
- (p) to develop and establish ways and means by which members may receive continuing education in the profession of engineering;
- (q) to negotiate for and on behalf of any member or engineer-in-training in any matter pertaining to **their** welfare as a professional engineer or engineer-in-training;
- (r) to enter into agreements with similar associations of professional engineers **or technical societies**, as may be necessary for or conducive to carrying out the objects of the Association;
- (s) to establish special membership categories and engineering achievement awards for members who have met the requirements for such membership categories or awards as prescribed in the bylaws;
- (t) to 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 **or protection of the public**;
- (u) **to administer the Act, including overseeing its enforcement.** 1990,c.12,s.4.

QUALIFICATIONS FOR REGISTRATION, LICENSE, ENROLLMENT

5. Requirements

- (1) Every person who engages in the practice of engineering in the Province of Prince Edward Island must have a valid certificate.

Professional development requirements

- (1.1) No person shall engage in the practice of engineering in the Province of Prince Edward Island unless the person has fulfilled the requirements of any mandatory professional development program established under the bylaws.

Qualification for registration

- (2) Any applicant for a certificate of registration who satisfies Council that **they**
 - (a) **are** a resident or is coming to reside in Prince Edward Island; 
 - (b) **are** a graduate in engineering or applied science of an academic or technical institution recognized by the Council;
 - (c) **have** fulfilled the requirements of approved engineering experience as prescribed in the bylaws;
 - (d) **have** successfully completed any examinations that may be prescribed by Council;
 - (e) **have** provided evidence of good character; and
 - (f) **have** paid the fees as prescribed in the bylaws,
 shall be entitled to **a certificate of registration.**



Qualification for engineer-in-training

- (3) Any applicant for certificate of engineer-in-training who satisfies the Council that **they** meets all the requirements of subsection (2), except clause (c), shall be entitled to be enrolled with the Association as an engineer-in-training.

Control

- (4) An engineer-in-training shall be subject to the control of the Council in the manner provided by this Act and bylaws.

Other qualifications

- (5) Any other candidate for a certificate of registration or certificate of engineer-in-training who does not meet the qualifications set out in subsection (2) or (3) may apply for a certificate of registration or certificate of engineer-in-training subject to the conditions set out in the bylaws.

Membership

- (6) Every person who is granted a certificate of registration is a member of the Association and as such is entitled to all the rights and privileges of membership.

Termination

- (7) A **person authorized to practice engineering loses that right when**
- (a) **such person** ceases to meet the requirements for registration under this Act;
 - (b) a **person** files with the Registrar **their** resignation in writing and **their** membership is thereupon cancelled, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of **their** professional conduct while a member;
 - (c) the Council revokes or suspends **such person's** certificate;
 - (d) **such person** omits to pay **their** annual dues as prescribed in the bylaws.

Qualification for license to practise

- (8) Any applicant for license to practise who satisfies the Council that **they**
- (a) **are** not a resident;
 - (b) provided evidence of being a registered member in good standing in another association of engineers in any other province which has similar membership requirements to that of the Association;
 - (c) successfully completed any examinations that may be prescribed by the Council;
 - (d) paid the fees as prescribed in the bylaws, shall
- be entitled to a license to practise.

Qualifications for license to practise, non-resident of Canada

- (9) Any applicant for a license to practise who satisfies the Council that **they**
- (a) **are** not a resident of Canada;
 - (b) **are** a member in good standing in any engineering or technical organization or society of standing recognized by the Council;
 - (c) filed with the Registrar satisfactory proof that such person is qualified to practise professional engineering;
 - (d) successfully completed any examinations that may be prescribed by the Council; and
 - (e) paid the fees as prescribed in the bylaws, shall be entitled to a license to practise.

Other applications

- (10) Any other candidate for a license to practise who does not meet the qualifications set out in subsection (8) or (9) may apply for a license to practise subject to the conditions set out in the bylaws.

Grounds for refusal to issue a license

- (11) The Council may refuse to issue a **certificate to any person** where the Council is of the opinion, upon reasonable and probable grounds, that the past conduct of the **person** affords grounds for belief that the **person** will not engage in the practice of professional engineering in accordance with the law and in a manner consistent with the provision of good service to the public.
- (12) (a) **An applicant, or holder of a certificate must inform the Council of disciplinary action taken against the holder of a certificate by a body that governs the practice of professional engineering in another province of Canada or another jurisdiction outside Canada.**
- (b) **The Council may, after becoming aware of disciplinary action against a person who holds a certificate of licence to practice by a body that governs the practice of professional engineering within Canada or another jurisdiction outside Canada, refer the matter to the discipline committee.**
- (c) **After providing an opportunity to be heard to the applicant, member, or licensee referred to in subsection (b), the discipline committee may, without causing an inquiry to be held, make one or more of the orders in section 5.12 (b) that it considers equivalent to the order made in the other province or the other jurisdiction outside Canada.**
- (d) **If the discipline committee makes an order then section 20.2 applies.** *1990,c.12,s.5; 2004,c.3,s.1.*

PARTNERSHIPS AND COMPANIES**6. Partnerships and companies not a member**

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

Partnerships and companies may practise

- (2) Any partnership, association of persons or corporation that holds a certificate of authorization may, in its own name, practise professional engineering if it
- (a) engages in the practice of engineering as one of its principal functions; and
- (b) has a member or licensee of the association who, as principal of the association of persons, partner of the partnership, director or full-time employee of the corporation, is responsible for the practice of engineering and its supervision.

Application for certificate of authorization

- (3) A partnership, association of persons or corporation may apply for a certificate of authorization by submitting to the Registrar an application in the form prescribed by the Council containing
- (a) the names and addresses of all its officers and directors, as the case may be;
- (b) the names and addresses of all officers, directors or full-time employees who are members or licensees, who will be in charge of the practice of professional engineering on its behalf, and whose duty it will be to ensure that this Act, and the bylaws, are complied with by the applicant; and
- (c) the address of its head office and any office in which the practice of engineering in Prince Edward Island will be carried out.



Notice of changes to be given to Registrar

- (4) The applicant or holder of a certificate of authorization shall, whenever there is a change in the particulars given in its application made under subsection (3), give notice of the change to the Registrar within thirty days after the effective date of the change.

Certificate of authorization, resident or non-resident

- (5) If the provisions of subsection (3) are met, and upon payment of fees as prescribed in the bylaws, the applicant shall upon approval of the Council, be entitled to a certificate of authorization and if the applicant does not have a functioning office in Prince Edward Island under the direct supervision of an engineer, non-resident status shall be indicated on the certificate of authorization.

Certificate of authorization may be revoked

- (6) Where a holder of a certificate of authorization fails to comply with subsection (2) or (3), the certificate is automatically revoked and the partnership, association of persons or corporation shall not practise engineering until a new certificate of authorization is issued.

Discipline

- (7) If the Council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section, or has been guilty of conduct that would, in the case of a member or licensee be professional misconduct, **unskilled practice** or incompetence, the Council may reprimand the holder, or suspend or revoke its certificate of authorization. *1990, c. 12, s. 6.*

REGISTRATION**7. Register**

- (1) The Registrar shall keep a register provided by the Council and enroll therein in the manner provided by the bylaws the names and addresses of all persons who are **holders of a certificate**.

Inspection of register

- (2) The register shall be open for public inspection at all reasonable times without charge.

Issuance of certificate

- (3) The Registrar upon resolution of the Council and receipt of the fee prescribed in the bylaws shall issue a certificate of registration, license to practise or certificate of engineer-in-training to the person accepted for membership, licensed to practise, or accepted as an engineer-in-training.

Idem

- (4) The Registrar upon resolution of the Council and receipt of the fee prescribed by the bylaws shall issue a certificate of authorization to the partnership, association of persons, or corporation which has been approved to receive such certificate.

Form of certificate or license

- (5) The form of the certificate or license shall be as prescribed in the bylaws. *1990, c. 12, s. 7.*

EXEMPTED PERSONS**8. Exemptions**

- (1) Nothing contained in this Act shall be taken or construed to prohibit or preclude
(a) any person **engaging in the practice of** engineering to a project on **their** own property for the sole use of **their** domestic establishment **that does not involve the safety of the public;**

- (b) any person applying engineering to a project **where such engineering does not involve the safety of other persons and the scope of the project is exempt as prescribed in the Bylaws.**
- (c) any person practising **their** profession, trade or calling, provided that the person shall not style or hold **themselves** out as a professional engineer unless **they are** registered or licensed under this Act;
- (d) any engineering technician or technologist from performing engineering work where a professional engineer takes responsibility for the application of the technology, or require the person to become registered or licensed under this Act in order to do any such thing.

Rulings

- (2) Any person who believes a project in which **the practice of** engineering is applied does not meet the requirements of clause (1)(a) or (b) may, in the prescribed form, request the Council for a ruling and if, in the opinion of the Council the project may affect the safety of **the public**, the Council may initiate an investigation pursuant to subsection 16(4). *1990, c.12, s.8.*

ANNUAL DUES

9. Annual dues

- (1) Every person who is a member, licensed to practise, an engineer-in-training, or a holder of a certificate of authorization shall pay, on or before January 1 in each year to the treasurer or any person authorized by the Council to receive it, the annual dues as prescribed in the bylaws.

Idem

- (2) The annual dues shall be deemed to be a debt due by such person or holder of a certificate of authorization to the Association, and recoverable with costs in the name of the Association in any court of competent jurisdiction.

Failure to pay annual dues

- (3) If any member, licensee, engineer-in-training or holder of a certificate of authorization fails to pay the annual dues within such time as prescribed by the bylaws, the Registrar, after issuing ten days notice by registered letter addressed to the latest known address of such person or holder on the register, shall cause the name of such person or holder to be removed from the register and such person or holder shall thereupon cease to be a member, licensee, engineer-in-training or holder of a certificate of authorization.

Reinstatement

- (4) Any member, licensee, engineer-in-training or holder of certificate of authorization whose name is so removed from the register shall be entitled, upon payment of such penalties and annual dues as prescribed in the bylaws and compliance with such other directions as established by the Council, to reinstatement of **their** certificate of registration, license to practise, certificate of engineer-in-training or certificate of authorization. *1990, c.12, s.9.*

MEETINGS OF THE ASSOCIATION

10. Meetings

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



Voting

- (2) Only holders of a certificate as prescribed in the by-laws are entitled to vote either at a meeting of the Association, or by letter or electronic ballot.

Quorum

- (3) A quorum at any annual or special meeting of the Association shall be as prescribed in the bylaws. 1990,c.12,s.10.

ADMINISTRATION**11. Council**

- (1) There shall be a Council of the Association consisting of the President, immediate Past President, Vice-President, a Public Councillor as selected by Council, and a minimum of four additional Councilors.

- (2) Council may appoint observer(s) as it determines necessary for the effective administration of the Association.

Term of office

- (3) The President, Vice-President and Councilors shall be elected in the manner and for the term of office as prescribed in the bylaws.

Functions

- (4) The Council shall be responsible for the administration of this Act and general management of the affairs and business of the Association and shall carry on and transact the same in accordance with the Act and bylaws.

President

- (5) The President shall act as presiding officer at the meetings of the Council and of the Association, and shall vote only when the votes are evenly divided.

Vice-President

- (6) The Vice-President shall have all the powers of the President in the absence of the President.

Appointment of Registrar, etc.

- (7) The Council shall appoint a Registrar, a secretary and a treasurer, whose qualifications, duties and respective terms of office shall be as prescribed by the bylaws and the Council may appoint one person to one or more of these offices.

Additional officers

- (8) The Council may appoint such other officers and establish such committees as necessary for carrying out the provisions of this Act and bylaws.

Fees and expenses

- (9) The members of the Council, officers and examiners appointed under the provisions of this Act and bylaws shall be paid such fees and expenses as are prescribed in the bylaws.

Quorum

- (10) A majority of the members of the Council shall constitute a quorum for the transaction of business.

Term of office

- (11) The elected members of the Council and other elected or appointed officers shall hold office until their successors are elected or appointed in accordance with this Act and the bylaws.

Vacancy

- (12) Where a vacancy in the Council occurs, the remaining members of the Council may appoint a member of the Association to fill the vacancy until the next regular election.

Unexpired term

- (13) A member elected to fill a vacancy in the Council shall be elected only for the unexpired term of the Councillor whose place **they are** to fill.

Powers of officers

- (14) All officers and officials of the Association whether elected or appointed shall exercise such powers and perform such duties as may be prescribed in the Act and the bylaws.

Professional advice

- (15) The Association may obtain such professional advice as it considers necessary in order to carry out the affairs and business of the Association.
- (16) **The Council may delegate to a committee any power, authority or duty granted to or imposed upon the Council under this Act, including, without limiting the generality of the foregoing, the powers, authority and duties granted to or imposed upon the Council under this Act, and where a committee exercises any power or authority or performs any duty delegated to it under this subsection, the provisions of this Act apply mutatis mutandis to any act or decision of the committee as though it was the act or decision of the Council. 1990,c.12,s.11.**

ENGINEERING QUALIFICATIONS COMMITTEE**12. Engineering Qualifications Committee**

- (1) The Council shall, in the manner provided by the bylaws, appoint an Engineering Qualifications Committee.

Duties of Committee

- (2) The Committee shall in the manner provided in the bylaws
- (a) examine and report to the Council on all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining a certificate of registration, license to practise, enrollment as an engineer-in-training or certificate of authorization;
 - (b) prescribe and conduct any examinations required of candidates for certificate of registration, license to practise, or engineer-in-training and as soon as possible after the completion of such examinations file with the secretary the results thereof, whereupon the Council shall notify each candidate of the result of **their** examination and of its decision upon **their** application.

Scope of examinations

- (3) The scope of the examinations, the method and procedure shall be as prescribed in the bylaws.

Failing an examination

- (4) A candidate failing an examination may be examined again after an interval established at the discretion of the Council.

Fees

- (5) The fees payable by candidates for examination shall be as prescribed **by Council**.



Central examining board

- (6) The Council shall have power to establish jointly with any council of any **engineering** association similarly constituted in one or more of the provinces of Canada, a central examining board, and to delegate to the central examining board all or any of the powers possessed by the Association in respect of the examination of candidates for membership, license to practise or engineer-in-training. *1990, c.12, s.12.*

JOINT PRACTICE COMMITTEE**12.1 Joint Practice Committee with architects**

The Council may, in conjunction with the Council of the Architects Association of Prince Edward Island, establish a Joint Practice Committee

- (a) to examine matters of mutual interest to professional engineers and architects;
- (b) to promote a harmonious professional relationship between professional engineers and architects;
- (c) to develop joint rules of practice governing the responsibilities of professional engineers and architects; and
- (d) to resolve complaints regarding professional activities pursuant to the respective Acts. *1992, c.19, s.1.*

DISCIPLINE**13. Code of Ethics**

- (1) Members, persons licensed to practise and engineers-in-training shall conduct themselves in accordance with the Code of Ethics for Engineers, and without restricting the meaning of professional misconduct, any breach of the **Act, By-Laws, and Code of Ethics** shall be deemed to be a form of professional misconduct.

Reprimand etc. procedure

- (2) 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 license to practise of any person or the enrollment of any engineer-in-training or a certificate of authorization shall be as set out in sections 16, 19 and 20.
- (3) (1) **Notwithstanding any other provision of this Act, in urgent and compelling circumstances the Chair of the Discipline Committee, upon the advice of the Act Enforcement Committee, may, without a hearing, in the interest of the public, immediately suspend the licence of a registrant or immediately impose restrictions on a temporary basis on the registration of a registrant.**
- (2) **Where the registration of a registrant has been suspended or subjected to restrictions pursuant to subsection (1), the Registrar or the Registrar's designate shall, forthwith, cause written notice of the suspension or restriction to be transmitted to the registrant.**
- (3) **The registrant whose registration has been suspended or subjected to restrictions pursuant to subsection (a) may request a meeting with the Act Enforcement Committee within ten days of the notice issued by the Registrar pursuant to subsection (2) by submitting a request in writing to the Registrar.**
- (4) **The Registrar or the Registrar's designate shall cause the request to be transmitted to the Act Enforcement Committee as soon as practical.**

- (5) The Act Enforcement Committee shall, upon receipt of the request from the registrant, provide an opportunity for a meeting within ten days of the receipt of the written request and the Committee shall within seven days after the meeting confirm, vary or terminate the suspension or restrictions imposed pursuant to subsection (1) in writing and transmit its decision as quickly as practicable to the Registrar.
- (6) The Registrar or the Registrar's designate shall cause the registrant to be advised of the Act Enforcement Committee's decision.
- (7) Where the Act Enforcements Committee confirms or varies the suspension or restriction, the matter must be referred to the Chair of the Discipline Committee who shall appoint a disciplinary panel and the panel shall commence a hearing to inquire into the suspension, or restriction and the conduct of the registrant giving rise to the suspension or restriction within thirty days, unless the registrant requests a hearing date that is more than thirty days after the referral of the matter to the Chair of the Discipline Committee.
- (8) Where a decision is made pursuant to subsection (1) and the registrant does not request a meeting with the Act Enforcements Committee within ten days of receiving notice of the decision made pursuant to subsection (1), the matter must be referred to the Chair of the Discipline Committee who shall appoint a disciplinary panel and the panel shall hold a hearing within forty days of the date of the decision made pursuant to subsection (1) unless the registrant requests a hearing date that is more than forty days after the decision made pursuant to subsection (1).
- (9) For the purpose of calculating time in subsection (3), a registrant shall be presumed to have received notice of the decision made pursuant to subsection (1) four business days after the date the notice of the decision is sent to the registrant by the Registrar or the Registrar's designate by registered mail.
- (10) A disciplinary panel may, upon the commencement of a hearing, vary or terminate a suspension or restrictions imposed by the Act Enforcements Committee. *1990,c.12,s.13.*

ACT ENFORCEMENT COMMITTEE

14. Act Enforcement Committee

- (1) The Council shall appoint an Act Enforcement Committee composed of **at least** three members of the Association and such additional members as **appointed by Council**.

Membership

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

Vacancies

- (3) Members of the Committee shall be appointed for a term of three years unless the Council otherwise determines and where there is 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.

Chair

- (4) The Council shall appoint one member of the Committee to be **the Chair**.

Conflict of interest

- (5) Any member of the Committee shall remove **themselves** from an investigation that is before the committee if **they know** of or **are** shown to have a conflict of interest.



Quorum

- (6) Three members of the Committee constitute a quorum. *1990, c.12, s.14.*

ACT ENFORCEMENT OFFICER**15. Act Enforcement Officer**

- (1) The Council shall appoint annually an Act Enforcement Officer whose qualifications, procedures, powers of investigation and remuneration shall be as prescribed in the bylaws.

Functions

- (2) The Act Enforcement Officer shall be by virtue of **their** office a member of the Act Enforcement Committee and shall investigate complaints against a member, licensee, engineer-in-training, holder of certificate of authorization or any other person, partnership or corporation who is alleged to have violated any provision of this Act or bylaws.

Idem

- (3) In the absence or inability of the Act Enforcement Officer to carry out **their** duties, the **Chair** of the Act Enforcement Committee may assume the responsibilities and powers of the Act Enforcement Officer.

Idem

- (4) The Act Enforcement Officer shall carry out all other duties as are directed by the Act Enforcement Committee. *1990, c.12, s.15.*

COMPLAINTS**16. Complaint**

- (1) All complaints alleging non-compliance with this Act and the bylaws, professional misconduct, **unskilled practice** or incompetence shall be forwarded to the Act Enforcement Committee.

Inquiry

- (2) Upon receipt by the Act Enforcement Committee of a complaint alleging that
- (a) any person other than a member, licensee, or engineer-in-training has violated any provision of this Act or a bylaw; or
 - (b) a member, licensee, engineer-in-training or holder of certificate of authorization has
 - (i) violated any provision of this Act or a bylaw,
 - (ii) been guilty of professional misconduct, including negligence in the performance of **their** professional duty, **unskilled practice** or incompetence,
 - (iii) been convicted in Canada or elsewhere of any offence that, if committed in Canada, would be punishable under the Criminal Code with imprisonment for two years or more,
 - (iv) obtained registration as a member, licensee, engineer-in-training or holder of a certificate of authorization in the Association by reason of misrepresentation or any improper means, or
 - (v) engaged in other conduct of such a nature as the Council considers should be investigated,

the Committee shall cause an inquiry into the complaint in accordance with the procedure set out in subsection (3).

Procedure

- (3) The Act Enforcement Committee shall require the complaint to be made in writing and signed by the complainant, and upon the filing of a complaint by any person, the Committee shall transfer the complaint to the Act Enforcement Officer who shall
- (a) forthwith by written notice advise the person complained of that the complaint has been made by
 - (i) enclosing a copy of the complaint, and
 - (ii) advising the person complained of that **they have** the opportunity to provide the Act Enforcement Officer with **their** written comments concerning the complaint within fourteen days of the date that a copy of the complaint was sent to **them**;
 - (b) after the expiration of fourteen days, convey to the Committee any written comments of the person complained of which have been provided pursuant to clause (a);
 - (c) **dismiss a complaint if it determines that the complaint is frivolous or vexatious or not advanced in good faith or advanced for an extraneous or improper purpose;**
 - (d) undertake any investigations requested by the Committee and convey any findings of such investigations to the Committee.

Investigation initiated by Council

- (4) If, in the absence of a written **complaint**, circumstances come to the notice of the Council **or the Executive Director** which, in its opinion, may constitute grounds for **an investigation** pursuant to the Act, the Council **or the Executive Director** may request in writing an investigation by the Act Enforcement Committee and the written request shall indicate the circumstances which have come to the notice of the Council **or the Executive Director**.

Idem

- (5) A copy of the written request from the Council shall after its receipt by the Act Enforcement Committee be forwarded to the Act Enforcement Officer who shall proceed in the manner set out in subsection (3).

Idem

- (6) The Committee shall deal with such a request as if it were a complaint and the request shall be treated for purposes of the Act and bylaws in the same manner as a complaint.

Powers of Committee

- (7) The Act Enforcement Committee in accordance with the information it has received, may
- (a) dismiss the complaint;
 - (b) refer the matter in whole or in part to the Discipline Committee;
 - (c) take such action as it considers appropriate in the circumstances to resolve the complaint;
 - (d) recommend to the Council to have the matter heard by a court of competent jurisdiction in Prince Edward Island.

Copy of decision

- (8) The Act Enforcement Committee shall send or deliver a letter to the complainant and the person complained of giving the decision of the Committee on the matter.

Request for review by the Council

- (9) A complainant who is not satisfied with the disposition of the complaint by the Act Enforcement Committee may request the Council for a review of the treatment of the complaint.



Action by the Council

- (10) Upon receipt of the recommendation referred to in clause (7)(d), the Council shall decide on its disposition and may
- (a) refer the matter back to the Act Enforcement Committee with instructions for further investigation and reporting back to the Council;
 - (b) decide not to take any further action;
 - (c) instruct the Act Enforcement Officer to lay an information with respect to breach of the provisions of this Act or any bylaws made hereunder so as to have the matter heard by a court of competent jurisdiction in Prince Edward Island.

Duties of Committee

- (11) In addition to the duties imposed under this section, the Act Enforcement Committee shall perform such other duties as are assigned to it by the Council or as prescribed in the bylaws. *1990, c.12, s.16.*

DISCIPLINE COMMITTEE**17. Discipline Committee**

- (1) The Council shall appoint a Discipline Committee composed of
- (a) five members of the Council, namely, the President, immediate Past-President, Vice-President and two other members of the Council with seniority as set out in the bylaws; and
 - (b) one **public person** who is not an engineer.

Conflict of interest

- (2) Any member of the Discipline Committee shall remove **themselves** from a hearing if **they know** of or if it is shown that a conflict of interest exists.

Vacancies

- (3) Any member of the Committee removed under subsection (2) may be replaced by any other member of the Council and if there is an insufficient number of **Councillors** available to meet the number required to form a Discipline Committee, then the necessary members shall be selected at random from a list of Past-Presidents who are members of the Association.

Chair

- (4) The Council shall name the **Chair** of the Committee as well as any additional members of the Committee.

Eligibility

- (5) No member of the Discipline Committee shall be a member of the Act Enforcement Committee.

Quorum

- (6) Subject to subsection (7), five members of the Discipline Committee constitute a quorum, and all disciplinary decisions require the vote of the majority of the members of the Committee present at a hearing.

Idem

- (7) If, after the Discipline Committee commences a hearing, not more than two members become unable to act, the remaining members shall constitute a quorum and shall have the same authority as the full committee and may complete a hearing and render a decision.

Expiry of term during proceeding

- (8) Where a proceeding is commenced before the Discipline Committee, and the term of office of a member on the Committee expires or is terminated, other than for cause, before the proceeding is disposed of, but after evidence has been heard, the member shall be deemed to remain a member of the Committee for the disposition of the proceeding as if **their** term of office had not expired or been terminated. *1990, c.12, s.17.*

PROFESSIONAL MISCONDUCT, UNSKILLED PRACTICE AND INCOMPETENCE**18. Professional misconduct**

- (1) A member, licensee, engineer-in-training or holder of a certificate of authorization may be found guilty of professional misconduct by the Discipline Committee if
- (a) the member, licensee, engineer-in-training or holder of a certificate of authorization has been found guilty of an offence which, in the opinion of the Committee, is relevant to suitability to engage in the practice of engineering; or
 - (b) the member, licensee, engineer-in-training or holder of a certificate of authorization has been guilty, in the opinion of the Committee, of conduct that is not in the best interest of the public or **acts of professional misconduct as defined in the Code of Ethics.**

Incompetence or unskilled practice

- (2) The Discipline Committee may find a member, licensee, or engineer-in-training incompetent **or engaging in unskilled practice** if, in its opinion
- (a) the member, licensee, or engineer-in-training has displayed in **their** professional activities a lack of knowledge, skill or judgment, or disregard for the welfare of the public of a nature or to an extent that demonstrates the member or licensee is unfit to carry out the responsibilities of **practicing engineering**; or
 - (b) the member, licensee or engineer-in-training is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public, the member, licensee, or engineer-in-training **is** no longer be permitted to engage in the practice of professional engineering, or that **their** practice of professional engineering be restricted. *1990, c.12, s.18.*

HEARINGS**19. Notice of hearing to person complained of**

- (1) Upon referral of a complaint to it, the Discipline Committee shall set a time and place for the holding of a hearing by the Committee to deal with the complaint and a hearing shall commence within sixty days following referral of the complaint unless otherwise agreed to by the parties and 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 **they** may appear in person or by or with counsel at the hearing, or at any adjournments thereof.

Procedure

- (2) A hearing shall be commenced by the laying of a complaint by the Act Enforcement Officer and the prosecution of the complaint shall be carried forward by the Act Enforcement Officer or **their** designate.

Idem

- (3) No member of the Discipline Committee shall participate in a decision of the Committee unless **they were** present throughout the hearing and heard the evidence and argument of the parties.



Failure to appear

- (4) If a person complained of or **their** representative fails to appear at the hearing, the Discipline Committee 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 hearing had been given or mailed to the person complained of and the Committee may deal with the complaint and take such action as it considers appropriate in the circumstances to resolve the complaint as long as such is consistent with this Act and the bylaws.

Independence of members

- (5) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject matter of the hearing, other than at a previous hearing of the Committee and shall not communicate directly or indirectly in relation to the subject matter of the hearing with any person or with any party or **their** representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice.

Parties to proceedings

- (6) In proceedings before the Discipline Committee, the Association and the member, licensee, engineer-in-training or the holder of a certificate of authorization, whose conduct is being investigated, are parties.

Rights of person complained of

- (7) A member, licensee, engineer-in-training or holder of a certificate of authorization whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded the right to be heard and to examine, prior to the hearing, any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing.

Public Hearings

- (8) Hearings of the Discipline Committee shall be **open to the public, subject to paragraph (a).**
- (a) **The Discipline Committee may order that the public be excluded from all or part of a hearing if the following conditions are satisfied:**
1. **The person whose conduct is being investigated delivers to the Registrar, before the day fixed for the hearing or part, a written request that the hearing or part be closed.**
 2. **The Discipline Committee is satisfied that,**
 - i. **matters involving public security may be disclosed at the hearing or part, or**
 - ii. **financial or personal or other matters may be disclosed at the hearing or part, of such a nature that the desirability of avoiding public disclosure of these matters in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.**

Witnesses

- (9) The Discipline Committee, or someone designated by it to act on its behalf, may by summons in a form prescribed in the bylaws, require the attendance before it of any person whose evidence may be material to the subject matter of the hearing and may order any person to produce such records, reports or other documents as appear necessary for the purpose of the hearing.

Idem

- (10) A person served with a summons shall attend and answer all questions concerning matters being inquired into at the hearing and shall produce to the Discipline Committee all records, reports or other documents **referred to in the summons and** that are under **their** custody or control.

Testimony taken under oath

- (11) The testimony of any witness will be taken under oath or affirmation which may be administered by the **Chair** of the Discipline Committee or any person designated to do so on **their** behalf.

Failure to appear before Committee

- (12) If a person on whom a summons has been served, either personally or by leaving a copy of the summons with some adult person at **their** last or most usual place of residence or business, fails to appear before the Discipline Committee, or upon appearing refuses to be sworn or refuses without sufficient cause to answer any question relevant to the hearing, the Committee may by application to a judge of the Supreme Court cause the person to be cited for contempt under the provisions of the rules of court in the same manner and to the same extent as if the alleged contempt took place in proceedings before the Supreme Court.

Oral evidence recorded

- (13) The oral evidence taken before the Discipline Committee shall be recorded and, if requested, copies of the transcript shall be furnished to the parties at their own expense.

Documents to be returned

- (14) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the party who produced them, be returned by the Committee within a reasonable time after the matter has been finally determined. *1990, c.12, s.19; 2008, c.20, s.72(27).*

PROCEDURE FOLLOWING HEARING**20. Findings of Committee**

- (1) All findings of the Discipline Committee shall be based exclusively on evidence submitted to it.

Penalties for professional misconduct or incompetence

- (2) Upon completion of the hearing, the Discipline Committee may pass a resolution dismissing the complaint or, if the Discipline Committee finds a member, licensee, engineer-in-training or the holder of a certificate of authorization guilty of professional misconduct, **unskilled practice** or incompetence, or in breach of any of the requirements of this Act or any bylaws made hereunder, the Committee may, by order, do any one or more of the following:
- (a) revoke the right to practise professional engineering **and/or the designation of the person or holder of certificate of authorization** for a stated period of time after which time the person or holder of certificate of authorization may reapply for membership, license to practise, enrollment as an engineer-in-training or certificate of authorization;
 - (b) suspend the right to practise professional engineering for a stated period, not exceeding twenty-four months;
 - (c) accept the undertaking of the member, licensee, engineer-in-training or holder of a certificate of authorization to limit the professional work in the practice of engineering to the extent specified in the undertaking;
 - (d) impose terms, conditions or limitations on the member, licensee or engineer-in-training including, but not limited to the successful completion of a particular course of study, as specified by the Committee;
 - (e) impose specific restrictions on the member, licensee or engineer-in-training or holder of a certificate of authorization including
 - (i) requiring the member, licensee, or engineer-in-training to engage in the practice of engineering only under the personal supervision and direction of a member,



- (ii) requiring the member, licensee, or engineer-in-training to not alone engage in the practice of engineering,
- (iii) requiring the member, licensee, engineer-in-training or the holder of the certificate of authorization to submit to periodic inspections by the Committee, or its designate, of documents, records and work of the member, licensee, engineer-in-training or the holder of a certificate of authorization in connection with **their** practice of engineering,
- (iv) requiring the member, licensee, engineer-in-training or the holder of the certificate of authorization to report to the Discipline Committee or its designate on such matters with respect to the member's, licensee's, engineer-in-training or holder's practice of engineering for such period and times, and in such form, as the Committee may specify;
- (f) reprimand, admonish or counsel the member, licensee, engineer-in-training or the holder of certificate of authorization, and if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register for a stated or unlimited period of time;
- (g) direct that the imposition of a penalty or order be suspended or postponed for such period, and upon such terms, or for such purpose, including
 - (i) the successful completion by the member, licensee, or engineer-in-training of a particular course of study,
 - (ii) the production to the Committee or its designate of evidence satisfactory to it that any physical or mental condition or disorder in respect of which the penalty was imposed has been overcome;
- (h) **to impose a fine payable to the association on the person or holder of certificate of authorization of up to \$25,000.**

Decision in writing

- (3) The Discipline Committee shall give its decision, together with reasons, in writing to the Council **within one month, or such longer period as Council may allow, following the completion of the hearing.**

Copy to person complained of

- (4) A copy of the decision of the Discipline Committee shall be hand delivered or sent by prepaid registered mail or courier to the complainant and the person complained against **within five working days of the Committee rendering its decision.**

Evidence

- (5) All evidence given at the hearings shall be retained as prescribed in the bylaws.

Notice of penalty

- (6) Where no appeal has been taken pursuant to section 21 within the time prescribed for the filing of notices of appeal, the Council
 - (a) **shall cause notice of any resolution reprimanding and censuring a person complained of to be published in such form and in such manner as Council shall deem appropriate;**
 - (b) shall cause notice of any resolution suspending or cancelling a certificate of registration, license to practise, enrollment as an engineer-in-training or certificate of authorization 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 notice as it shall decide.

No notice pending appeal

- (7) In the event that an appeal from a resolution of the Discipline Committee is taken pursuant to section 21, no such notice shall be given unless and until the resolution of the Discipline Committee is upheld on appeal and the periods for the taking of any further appeals have expired.

Surrender of license, certificate and seal

- (8) Subject to subsections 21(4) and (5), where a certificate of registration, license to practise, certificate of enrollment as engineer-in-training, or certificate of authorization is revoked or suspended, the former holder thereof shall forthwith deliver the certificate of registration, license to practise, certificate of enrollment, or certificate of authorization and any related seal to the Registrar.

Legal assistance

- (9) The Council, **Act Enforcement, or the Disciplinary Committee** may in the execution of its duties regarding Act enforcement employ at the expense of the Association such legal or other assistance as it thinks necessary.

Recovery of costs

- (10) The Council may direct that the person, partnership, association of persons or corporation, whose conduct is the subject of **the complaint under Section 19** shall reimburse the Association **for all costs and expenses associated with the hearing should** that person, partnership, association of persons or corporation be proven guilty of the offence alleged in the **complaint laid under Section 19**. *1990,c.12,s.20; 2018,c.30,s.2(2).*

APPEALS**21. Appeals**

- (1) A party to proceedings before the Discipline Committee may appeal within thirty days from the date of the decision or order of the Discipline Committee to a judge of the Supreme Court in accordance with the rules of court.

Copy of record

- (2) Upon the request of a party desiring to appeal and upon payment of the fee as prescribed in the bylaws, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including a copy of the documents received in evidence and the decision or order appealed from.

Powers of court

- (3) An appeal under this section may be on questions of law or fact or both, and the court may
- (a) affirm, vary or rescind the decision of the Discipline Committee;
 - (b) direct the **Discipline Committee** to take any action which it has the power to take; or
 - (c) refer the matter back to the **Discipline Committee** for rehearing in whole or in part, in accordance with such directions as the court considers proper.

Effective date of suspension, etc.

- (4) Where the Discipline Committee revokes, suspends or restricts a membership, license, certificate of enrollment or certificate of authorization on the grounds of incompetence **or unskilled practice**, the decision takes effect immediately notwithstanding that an appeal is taken from the decision, unless the court to which the appeal is taken otherwise orders.

Idem, other grounds

- (5) Where the Discipline Committee revokes, suspends or restricts a membership, license, certificate or enrollment or certificate of authorization on grounds other than for incompetence **or unskilled practice**, the order does not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, unless the Discipline Committee otherwise orders, and, when the Committee considers that it is appropriate for the protection of the public, the Committee may so order. *1990,c.12,s.21; 2008,c.20,s.72(27).*



NOTICE

22. Service of notice

- (1) All notices required to be given or mailed under the provisions of the Act and bylaws shall be deemed to have been given or mailed, if mailed prepaid in any post office within the time specified for such notice, addressed to the person entitled to the notice at **their** address as it appears on the register.

Evidence of notice

- (2) A statutory declaration of the secretary or Act Enforcement Officer shall be conclusive evidence of the giving and mailing of such notice, and, unless the contrary is proven, service of the notice shall be deemed to have been effected following seven days after posting.
- (3) **Where a notice or document under this Act or the regulations is sent to a person by mail addressed to the person at the last address of the person in the records of the Association, there is a rebuttable presumption that the notice or document is delivered to the person on the tenth day after the day of mailing. 1990, c.12, s.22.**

PENALTIES

23. Practising without registration, license or certificate

- (1) **If the Act Enforcement Committee believes on reasonable grounds that** any person, not being a member or licensee or engineer-in-training or a person whose certificate of registration, license, to practice, or certificate of engineer-in-training has been revoked or suspended under this Act, who
 - (a) engages in the practice of engineering;
 - (b) uses verbally or otherwise the title of professional engineer or any abbreviation of such title, or any name, word, description or designation that may lead any person to believe that the person is a professional engineer, a member of the Association, licensed to practise, or entitled to practise professional engineering;
 - (c) advertises, holds out or conducts **themselves** 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; or
 - (d) wilfully procures or attempts to procure registration or licensing under this Act for **themselves** or for another person by making, producing or causing to be made or produced any fraudulent representation or declaration, either verbal or written, **may serve an order upon the person ordering that person to pay an administrative penalty to the Association and the amount of the administrative penalty shall not exceed \$10,000.00.**

Practising without certificate of authorization

- (2) **If the Act Enforcement Committee believes on reasonable grounds that** any partnership, association of persons, or corporation which does not hold a valid certificate of authorization under section 6, which
 - (a) engages in the practice of professional engineering;
 - (b) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that such partnership, association of persons, or corporation is qualified or entitled to undertake or carry out the application of engineering; **or practising without certificate of authorization**

- (c) advertises, holds out or conducts itself in any way implying or intending to lead any person to believe that such partnership, association of persons or corporation is qualified or entitled to undertake or carry out the application of engineering, **may serve an order upon the person ordering that person to pay an administrative penalty to the Association and the amount of the administrative penalty shall not exceed \$10,000.00.**

Permitting to practise without registration of license

- (3) **If the Act Enforcement Committee believes on reasonable grounds a person who, or any partnership, association of persons, or corporation which directs or permits any person or employee, who is not a member, licensee, or engineer-in-training to engage in the practice of engineering the Act Enforcement Committee may serve an Order upon the person ordering that person to pay an administrative penalty to the Association and the amount of the administrative penalty shall not exceed \$10,000.00.**

Additional restrictions

- (4) **Upon the serving of order for an administrative penalty upon the person or holder, the Act Enforcement Committee may, in addition, prohibit that person or holder from engaging in the practice of professional engineering or from doing anything for which the person or holder was sanctioned.**

Penalty when not otherwise provided for

- (5) **In the event that the Act Enforcement Committee believes that a person has refused or wilfully neglected to perform any of the duties imposed by this Act, or who violates any of the provisions of this Act, the Act Enforcement Committee may serve an Order upon the person ordering the person to pay an administrative penalty to the Act Enforcement Committee and the amount of the administrative penalty shall not exceed \$10,000.00.**
- (6) **An order for an administrative penalty must set out,**
- (a) **the contravention or contraventions on which it is based, with dates and locations if appropriate;**
 - (b) **the amount of the penalty or how it will be determined; and**
 - (c) **the time within which and the manner in which the penalty must be paid.**

Information how laid

- (7) **Any information for the serving of an order on any person, partnership, association of persons or corporation under this Act may be laid by any member, licensee, engineer-in-training or holder or any person appointed by the Act Enforcement Committee.**

Certificate of Registrar evidence

- (8) **A certificate purporting to be under the hand of the Registrar and bearing the seal of the Association shall be evidence of the issuance of a certificate of registration, license to practise, certificate of engineer-in-training or certificate of authorization or the non-issuance thereof.**

Offences, proof required

- (9) **In any order for administrative penalty under this Act, it shall be sufficient proof of the contravention alleged if it be proved that the person accused had done or committed a single act of the kind complained of.**
- (10) **In the event that an order for administrative penalty is made under this Section, the individual or organization in contravention shall indicate in writing not less than ten (10) days from the date on which the order is served their desire for a hearing on the issue. The Act Enforcement Committee shall schedule a hearing not less than thirty (30) days from receiving notice in writing and no registration shall be made of the order pursuant to s. 23.1 until such time as a hearing has been conducted.**



Multiple offences

- (11) Any information or complaint for contravening the provisions of this Act may be for one or more contraventions and no Order for administrative penalty under this Act shall be deemed objectionable or ineffective by reason of the fact that it relates to two or more offences.
- 23.1 (1) An order under section 23 that has not been complied with may be filed with the registrar of the Supreme Court of Prince Edward Island and may be enforced as if it were an order of that court.
- (2) Section 58 of the *Judicature Act* applies in respect of an order filed with the Supreme Court of Prince Edward Island under subsection (1), and the date on which the order is filed under subsection (1) shall be deemed to be the date of the order that is mentioned in section 58 of the *Judicature Act*. 1990,c.12,s.23; 1994,c.58,s.6.

LIMITATION OF ACTIONS**24. Limitation for proceeding under the Act**

- (1) No action or other proceeding shall be commenced against a member, licensee, engineer-in-training or holder of a certificate of authorization for any violation of this Act after two years from the date the violation became known or ought to have become known.

Protection for Council, officers, etc.

- (2) No action or other proceedings shall be brought against the Council or any committee, officer, member, employee, agent or appointee of the Association for anything done in good faith under the provisions of this Act and the bylaws, or for any neglect or default in the performance or exercise in good faith of duty or power under this Act.

Liability of members is limited

- (3) No member, licensee, engineer-in-training or holder of a certificate of authorization shall be personally liable for any debt of the Association beyond the amount of the unpaid dues if such a member, licensee, engineer-in-training or holder of certificate of authorization has not contravened the provisions of this Act, but all property of the Association shall be liable for the payment of the debts of the Association. 1990,c.12,s.24.

24.1 Limitation periods, definitions

- (1) In this section,
- (a) “defendant” means a person, a partnership, an association of persons or a corporation against whom a plaintiff has a cause of action, regardless of whether an action or other proceeding has been commenced;
- (b) “plaintiff” means a person, a partnership, an association of persons or a corporation with a cause of action, regardless of whether an action or other proceeding has been commenced.

Limitation of civil actions

- (2) Subject to subsection (6), no action or other proceeding shall be commenced against a member, licensee, engineer-in-training or holder of a certificate of authorization, or a former member, licensee, engineer-in-training or holder of a certificate of authorization, for any injury, loss or damage resulting from an act or omission of that person or holder of a certificate of authorization in the practice of engineering, after the earlier of
- (a) two years from the day on which the cause of action was discovered; and
- (b) 15 years from the day on which the act or omission on which the action or other proceeding is based occurred.

Discovery

- (3) For the purpose of this section, a cause of action is discovered on the day on which the plaintiff first knew or ought to have known that
- (a) the injury, loss or damage had occurred;
 - (b) the injury, loss or damage was caused by or contributed to by an act or omission;
 - (c) the act or omission was that of the defendant; and
 - (d) the injury, loss or damage is sufficiently serious to warrant a proceeding.

Continued or series of acts or omissions

- (4) For the purpose of this section, the day an act or omission occurs is
- (a) in the case of a continuous act or omission, the day on which the act or omission ceases; and
 - (b) in the case of a series of acts or omissions concerning the same obligation, the day on which the last act or omission in the series occurs.

Deemed occurrence, fraud

- (5) For the purpose of this section, where the existence of a cause of action has been concealed by the fraud of the defendant, the act or omission on which an action or other proceeding is based shall be deemed to have occurred when the fraud was first known or discovered.

Exception, plaintiff under disability

- (6) Where, at the time the act or omission on which an action or other proceeding is based occurred, the plaintiff was under a legal disability due to minority or mental incapacity, no action or other proceeding shall be commenced after the later of
- (a) the expiry of the limitation period that would apply under this section but for the plaintiff's legal disability; and
 - (b) two years from the day the plaintiff first ceased to be under a legal disability.

Burden of proof, plaintiff

- (7) A plaintiff has the burden of proving that an action or other proceeding was commenced within the limitation period established by clause (2)(a) or (6)(b) or subsection (9).

Burden of proof, defendant

- (8) A defendant has the burden of proving that an action or other proceeding was not commenced within the limitation period established by clause (2)(b).

Transitional

- (9) Notwithstanding subsection (2) but subject to subsection (6), where, before this section came into force, a cause of action was discovered but no action or other proceeding was commenced against a defendant referred to in subsection (2) for injury, loss or damage resulting from an act or omission of the defendant in the practice of engineering, no such action or other proceeding shall be commenced after the earlier of
- (a) two years from the day this section came into force; and
 - (b) six years from the day on which the cause of action was discovered. *2021,c.7,s.1.*

SEALS**25. Corporate seal**

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



Seal of members

- (2) Every member shall have a seal which shall contain the name of the member, **registration number**, and the words "Professional Engineer, Province of Prince Edward Island", **and designs as prescribed by Council**.

Seal of licensee

- (3) Every person granted a license to practise by the Association shall have a seal **which shall contain the name of the licensee, registration number, and the words "Licensed Professional Engineer, Province of Prince Edward Island", and designs as prescribed by Council**.

Use of seals

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

Plans, etc. must have seal

- (5) No person shall use drawings, plans and documents pertaining to engineering works in the province except where the same have affixed thereto the seal and signature of a member or licensee.

Members, licensee must use seal on final work

- (6) Every member or licensee who does not sign, date and affix **their** seal to all final drawings, specifications, plans, reports and other engineering documents prepared by **them** or under **their** direct supervision may be subject to disciplinary proceedings for professional misconduct.

1990, c.12, s.25.

INJUNCTION

26. Injunction

The Association may apply to a judge of the Supreme Court in accordance with the provisions of the rules of court for an injunction restraining any person or corporation from practising or attempting to practise professional engineering, or from doing or attempting to do anything contrary to the provisions of this Act, or contrary to any bylaw passed under the authority of this Act. *1990, c.12, s.26; 2008, c.20, s.72(27).*

RECOVERY OF CHARGES FOR PROFESSIONAL ENGINEERING SERVICES

27. Recovery of charges for professional engineering services

No person, partnership, association of persons, or corporation shall be entitled to the payment or recovery of any fees or charges in any court, or otherwise, for any service performed within the practice of professional engineering unless, at the time the services were performed, the person was registered or licensed under this Act or the partnership, association of persons, or corporation was the holder of a valid certificate of authorization. *1990, c.12, s.27.*

BYLAWS

28. Bylaws, powers to make

- (1) The Association may make bylaws relating to:
- (a) the discipline and honor of the profession, and the discipline and control of its members, licensees, engineers-in-training, and holders of certificates of authorization;

- (b) prescribing the amount and requiring the payment of annual dues and other fees;
- (c) the examination and admission of candidates for membership, license to practise, engineer-in-training and certificate of authorization;
- (c.1) the establishment and enforcement of mandatory professional development programs for **certificate holders**;
- (c.2) the classification of membership categories based upon engineering disciplines and necessary qualifications to engage in the practice of that discipline;**
- (d) fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;
- (e) calling, holding and conducting of meetings of the Council and the duties of members of the Council;
- (f) calling, holding and conducting of meetings of the membership of the Association;
- (g) prescribing the duties of the officers of the Association;
- (h) prescribing forms and providing for their use;
- (h).1 prescribing the form of seal and its use;**
- (i) providing procedures for the making, amending and revoking of the bylaws
- (j) borrowing of money by the Association and the giving of security therefor;
- (k) membership of the Association in other organizations the objects of which are not inconsistent with and are complementary to those of the Association, the payment of annual assessments and provision for representatives at meetings; and
- (l) all other purposes necessary for the management of the affairs of the Association and the exercise of any of the powers conferred by this Act.

Ratification

- (2) All bylaws and amendments thereof shall become effective only after ratification by two thirds of the votes received from members of the Association in good standing.

Approval

- (3) Any bylaw made under this Act **section 28.1 (a), (d), (i), (j), or (l)** shall be subject to the approval of the Lieutenant Governor in Council. *1990, c.12, s.28; 2004, c.3, s.2.*

TRANSITIONAL

29. Transitional

A person registered as a member, licensed to practise professional engineering or enrolled as an engineer-in-training under the former Act on the date this Act comes into force shall be deemed to be registered, licensed or enrolled under the equivalent provision of this Act. *1990, c.12, s.29.*

REPEAL

30. Repeal

The former Act is repealed. *1990, c.12, s.30.*



PROTECTION OF PRIVACY

31. Protection of Privacy

- (1) A person acting under this Act must keep confidential all facts, information and records obtained or provided under this Act or under a former enactment, except so far as public duty requires or this Act or the bylaws permit the person to make disclosure of them or to report or take official action on them.
- (2) Except in a proceeding under this Act, a person to whom subsection (1) applies must not in any civil proceeding be compelled to give evidence respecting any facts, information or records obtained in the course of the person's duties.
- (3) Where any person or committee in the course of fulfilling its mandate under the Act becomes aware of information upon which the person or committee believes that the member whose conduct is the subject of the committee's work may be guilty of a criminal offence, the committee may immediately discontinue its work and shall make a report of its belief and supporting information to (a) the president, vice president or executive director of the association; and (b) the responsible law enforcement agency.
- (4) No action, including an action in defamation, lies against any person or body conducting carrying out any function pursuant to this Act for anything done by that person or body in good faith and in purporting to act under this Act, the regulations or the bylaws.