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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. 2010-273 (June 29, 2010) N.S. Reg. 103/2010

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.
- (2A) "Continuing Professional Development Guidelines" means the professional development guidelines determined by a resolution of the Association that outline requirements for members.
- (2B) "professional development hours" means the hours required by Section 13C and prescribed in the Continuing Professional Development Guidelines.
- (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 of 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) 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 fulfill 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, professional development guideline certificate in the form prescribed by Council and fees required by the Act and the by-laws.

(2) Subject to any resolutions made under subsection (2A), 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.

(2A) In accordance with subsection 7(2) of the Act, the Council may make resolutions respecting any of the following:

(a) the establishment of different classes of applicants for registration;

(b) the conditions for the entry into membership for persons in a class;

(c) the right of persons in a class to be exempted from the requirement that their application for membership come before either or both the Board of Examiners or Council for consideration and or resolution before being granted membership.

(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 \$300.00 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.

Professional Development

13C (1) The certification of compliance with the Professional Development Guidelines required by subsection 19A(1) of the Act includes compliance with the required professional development hours and shall include a confirmation that the member is practising only in areas of engineering in which the member is competent.

(2) Unless exempt by resolution of Council, a member shall complete the following minimum professional development hours by participating in the professional development activities identified in the Association's Continuing Professional Development Guidelines:

(a) beginning January 1, 2011, and continuing until December 31, 2013, a minimum number of sixty professional development hours in each calendar year with the specific number of hours required in each year to be set by resolution of Council on or before March 1 of each year;

(b) beginning January 1, 2014,

(i) a minimum of sixty professional development hours in each calendar year, and

(ii) except as provided in subsection (3), a minimum of 240 professional development hours in each successive three-year period.

(3) A person who becomes a member in the second or third year of a three-year period is not required to meet the minimum professional development hours required by subclause (2)(b)(ii) during that three-year period, but must meet the requirement in all subsequent three-year periods in which the person is a member.

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 committees appointed under subsection (2).

(4) Each committee appointed under subsection (2) 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.

Fees and Dues

[Please refer to the Engineers Nova Scotia website www.engineersnovascotia.ca under Registration / Fees and Dues for the current year fees and dues as approved by Council]

21 (1) Subject to Section 21A, the fees and dues of the Association shall be as follows:

Registration fee for a member	\$103.00
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.

21A (1) In this Section, “resolution” means a resolution of the Council fixing the fees and dues of the Association in accordance with this Section.

(2) The Council may by resolution fix the fees and annual dues of the Association in accordance with this Section.

(3) A resolution shall adopt a schedule of fees and dues that are the fees and dues of the Association until altered by further resolution or by By-law.

(4) The annual dues of the Association must not be increased as a result of any single resolution by more than a percentage amount equal to the percentage change in the Consumer Price Index for Nova Scotia, all times, for the 12-month period ending on December 31 of the year preceding the year in which the resolution is passed.

(5) No more than one resolution may be passed in any calendar year.

(6) A resolution is not effective if, in the same year in which the resolution is passed, the Association later adopts a by-law to fix fees and dues for the Association.

(7) For greater certainty, references in the Act and the By-laws to fees and annual dues includes fees and annual dues fixed by resolution.

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

(2) The Council may by resolution adopt, amend or rescind, in whole or in part, a Code of Ethics.

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 – Code of Ethics for Engineers

1. Hold paramount the safety, health and welfare of the public and the protection of the environment and promote health and safety within the workplace;
2. Offer services, advise on or undertake engineering assignments only in areas of their competence and practise in a careful and diligent manner;
3. Act as faithful agents of their clients or employers, maintain confidentiality and avoid conflicts of interest;
4. Keep themselves informed in order to maintain their competence, strive to advance the body of knowledge within which they practise and provide opportunities for the professional development of their subordinates;
5. Conduct themselves with equity, fairness, courtesy and good faith towards clients, colleagues and others, give credit where it is due, and accept, as well as give, honest and fair professional criticism;
6. Present clearly to employers and clients the possible consequences if engineering decisions or judgements are overruled or disregarded;
7. Report to their association or other appropriate agencies any illegal or unethical engineering decisions or practices by engineers or others; and
8. Be aware of and ensure that clients and employers are made aware of societal and environmental consequences of actions or projects and endeavor to interpret engineering issues to the public in an objective and truthful manner.
9. Treat equitably and promote the equitable treatment of all clients, colleagues and coworkers, regardless of race, religion, gender, sexual orientation, age, physical or mental ability, marital or family status, and national origin.

THIS CONSOLIDATION of the *Engineering Profession Act and the Bylaws* of the Association was prepared in September 2010 by the Association of Professional Engineers of Nova Scotia for reference only and has no official sanction.

For the *Engineering Profession Act and associated By-Laws*, for all purposes of interpreting and applying the law, users should consult the official, printed version. Where accuracy is critical, please consult official sources.

Although every effort has been made to ensure the accuracy of this version, the Association of Professional Engineers of Nova Scotia assumes no responsibility for any discrepancies that may have resulted from reformatting.

Updated versions of the Engineering Profession Act and the By-laws are available for reference online at the Nova Scotia Government website, <http://www.gov.ns.ca>.