

chapter I-9

ENGINEERS ACT

The Minister of Justice is entrusted with the application of this Act. Order in Council 363-2014 dated 24 April 2014, (2014) 146 G.O. 2 (French), 1873.

DIVISION I

INTERPRETATION

1. In this Act and in the regulations made thereunder, unless the context indicates a different meaning, the following words mean:

- (a) “Order”: the Ordre des ingénieurs du Québec constituted by this Act;
- (b) “board of directors”: the board of directors of the Order;
- (c) “member”: a person entered on the roll of the Order;
- (d) “engineer”: a member of the Order;
- (e) “roll”: the list of the members in good standing of the Order drawn up in accordance with the Professional Code and this Act.

R. S. 1964, c. 262, s. 1; 1973, c. 60, s. 1; 1974, c. 65, s. 43; 1977, c. 5, s. 229; 2008, c. 11, s. 212.

DIVISION II

PRACTICE OF THE ENGINEERING PROFESSION

2. Works of the kinds hereinafter described constitute the field of practice of an engineer:

- (a) railways, public roads, airports, bridges, viaducts, tunnels and the installations connected with a transport system the cost of which exceeds \$3,000;
- (b) dams, canals, harbours, lighthouses and all works relating to the improvement, control or utilization of waters;

(c) works of an electrical, mechanical, hydraulic, aeronautical, electronic, thermic, nuclear, metallurgical, geological or mining character and those intended for the utilization of the processes of applied chemistry or physics;

(d) waterworks, sewer, filtration, purification works to dispose of refuse and other works in the field of municipal engineering the cost of which exceeds \$1,000;

(e) the foundations, framework and electrical and mechanical systems of buildings the cost of which exceeds \$100,000 and of public buildings within the meaning of the Public Buildings Safety Act (chapter S-3);

(f) structures accessory to engineering works and intended to house them;

(g) temporary framework and other temporary works used during the carrying out of works of civil engineering;

(h) soil engineering necessary to elaborate engineering works;

(i) industrial work or equipment involving public or employee safety.

R. S. 1964, c. 262, s. 2; 1973, c. 60, s. 2.

3. The practice of the engineering profession consists in performing for another any of the following acts, when they relate to the works mentioned in section 2:

(a) the giving of consultations and opinions;

(b) the making of measurements, of layouts, the preparation of reports, computations, designs, drawings, plans, specifications;

(c) the inspection or supervision of the works.

R. S. 1964, c. 262, s. 3.

4. For the works described in paragraph e of section 2, an engineer may not do any of the acts contemplated in paragraph b of section 3 without the collaboration of an architect unless they relate to an existing building and do not alter its form.

R. S. 1964, c. 262, s. 4.

5. Nothing in this Act shall:

(a) affect the rights of a person entitled to practise as an architect, provided that he has the collaboration of an engineer for the works contemplated by paragraph e of section 2, nor shall it prevent him from collaborating with an engineer who requires his services for the other works contemplated by the said section;

(b) affect the rights of the members of the Ordre professionnel des technologues professionnels du Québec or prohibit the execution by a member of that order of any work for which he has been trained in the schools or institutes which give the technical course governed by the Specialized Schools Act (chapter E-10) or in the colleges established pursuant to the General and Vocational Colleges Act (chapter C-29);

(c) deprive members of the Ordre des ingénieurs forestiers du Québec of the right to use the title of forest engineer and to practise their profession within the field reserved to them by an Act of Québec;

(d) affect the rights of land surveyors in their legally recognized field;

(e) prevent urbanists, agronomists and professional chemists from practising their profession in the field assigned to them by any law;

(f) prevent any person from practising the profession of chemist, bacteriologist, geologist or physicist or from doing anything related to prospecting for minerals;

(g) affect the rights enjoyed by the members of the Corporation of Master Pipe-Mechanics of Québec and the Corporation of Master Electricians of Québec, under the Acts which govern them;

(h) restrict the normal practice of his art or trade by a mere artisan or skilled workman;

(i) prevent any person from carrying out or supervising works as owner, contractor, superintendent, foreman or inspector when such works are carried out under the authority of an engineer;

(j) prevent an employee from doing for his employer anything contemplated in paragraph *b* of section 3, under the immediate direction of an engineer who affixes his signature and seal in the cases contemplated by section 24 and his signature in the cases contemplated by section 25;

(k) prevent the holder of a diploma awarded by the Université du Québec on the completion of the program of studies for a bachelor's degree in technology at the École de technologie supérieure, or the holder of an equivalent diploma from the Université du Québec, from executing works for which he has been prepared by the education he has received. Nothing in this paragraph diminishes the rights vested by the Professional Code (chapter C-26) in the holder of any such diploma;

(l) prevent a person from performing acts reserved for members of the Order, provided he performs them in accordance with the provisions of a regulation adopted pursuant to paragraph *h* of section 94 of the Professional Code.

R. S. 1964, c. 262, s. 5; 1973, c. 60, s. 3; 1975, c. 80, s. 33; 1977, c. 5, s. 229; 1980, c. 12, s. 9; 1984, c. 47, s. 64; 1993, c. 38, s. 7; 1994, c. 40, s. 336.

DIVISION III

ORDRE DES INGÉNIEURS DU QUÉBEC

6. All the persons qualified to practise the profession of engineering in Québec constitute a professional order called the “Ordre professionnel des ingénieurs du Québec” or the “Ordre des ingénieurs du Québec”.

R. S. 1964, c. 262, s. 6; 1973, c. 60, s. 5; 1977, c. 5, s. 229; 1994, c. 40, s. 337.

7. Subject to this Act, the Order and its members shall be governed by the Professional Code.

1973, c. 60, s. 5.

8. The Order shall have its head office in Québec, at the place determined by regulation of the board of directors adopted pursuant to paragraph *f* of section 93 of the Professional Code (chapter C-26).

R. S. 1964, c. 262, s. 7; 1973, c. 60, s. 6; 1977, c. 5, s. 14; 1983, c. 14, s. 1; 1994, c. 40, s. 338; 2008, c. 11, s. 212.

9. The Order shall be administered by a board of directors called the “board of directors of the Ordre des ingénieurs du Québec”.

The board of directors shall consist of a president elected, 20 directors elected and four directors appointed by the Office des professions du Québec, in the manner provided in the Professional Code (chapter C-26).

R. S. 1964, c. 262, s. 8; 1973, c. 60, s. 7; 1974, c. 65, s. 109; 1977, c. 5, s. 229; 1994, c. 40, s. 339; 2008, c. 11, s. 212.

10. Notwithstanding the Professional Code (chapter C-26), account shall be taken of an engineer's domicile rather than of his professional domicile, at elections of members to the board of directors or for any consultation of the members of the Order.

Notwithstanding section 67 of the Professional Code, the nomination papers of candidates to the offices of director or of president, in the case where the latter is elected by the general vote of the members, shall be delivered to the secretary at least 60 days before the date fixed for the closing of the poll.

Notwithstanding section 69 of the Professional Code, the secretary shall transmit to the members the documents enumerated in the said section at least 21 days before the date of the closing of the poll.

R. S. 1964, c. 262, s. 9; 1973, c. 60, s. 8; 1974, c. 65, s. 44; 1994, c. 40, s. 340; 2008, c. 11, s. 212.

11. *(Repealed).*

R. S. 1964, c. 262, s. 10; 1973, c. 60, s. 9; 1974, c. 65, s. 45; 1975, c. 80, s. 34; 1983, c. 54, s. 43; 1994, c. 40, s. 341; 2001, c. 34, s. 18.

12. The board of directors may, in the course of its duties,

(a) decide as to any court action or defence proceedings to be taken by and in the name of the Order, or with its authorization;

(b) generally represent the Order for all legitimate purposes;

(c) conduct, either directly or through committees or members specially designated for such purpose, any investigation or study deemed useful on any matter of concern to the profession;

(d) establish scholarships, prizes and medals.

R. S. 1964, c. 262, s. 11; 1973, c. 60, s. 10, s. 27; 1999, c. 40, s. 151; 2008, c. 11, s. 212.

13. The Order may acquire, administer, sell, hypothecate, lease, exchange or transfer movable or immovable property situated in Québec.

It must dispose, within a reasonable time, of immovables which, for a period of five consecutive years, have not been used for the pursuit of its objects.

R. S. 1964, c. 262, s. 12; 1973, c. 60, s. 11; 1983, c. 14, s. 2; 1992, c. 57, s. 590.

DIVISION IV
RULES RESPECTING ADMISSION

14. *(Repealed).*

R. S. 1964, c. 262, s. 13; 1973, c. 60, s. 13, s. 27; 1994, c. 40, s. 343.

15. *(Repealed).*

R. S. 1964, c. 262, s. 15; 1970, c. 57, s. 15; 1973, c. 60, s. 15; 1975, c. 80, s. 35; 1994, c. 40, s. 343; 1994, c. 40, s. 343.

16. The board of directors, in all cases and notwithstanding the method of admission provided, may refuse admission to any candidate who cannot provide evidence of good character to the board of directors's satisfaction.

A decision by the board of directors to refuse admission on the ground provided for in the first paragraph shall be served on the applicant in accordance with the Code of Civil Procedure (chapter C-25) ; the decision may be appealed from to the Professions Tribunal in accordance with the provisions of Division VIII of Chapter IV of the Professional Code (chapter C-26).

R. S. 1964, c. 262, s. 16; 1973, c. 60, s. 27; 1994, c. 40, s. 344; 2000, c. 13, s. 63; 2008, c. 11, s. 212.

17. *(Repealed).*

R. S. 1964, c. 262, s. 17; 1970, c. 57, s. 16; 1973, c. 60, s. 16, s. 27; 1980, c. 11, s. 55; 1994, c. 40, s. 345; 1994, c. 40, s. 345.

18. The board of directors, on payment of a fee not exceeding the amount of the annual assessment of the members, may grant a temporary licence for a specific project to any person domiciled in Canada who is a member of a Canadian association of engineers authorized to govern the practice of the engineering profession, upon presentation by such person of his credentials.

R. S. 1964, c. 262, s. 18; 1973, c. 60, s. 17, s. 27; 1975, c. 80, s. 36; 2008, c. 11, s. 212.

19. (1) The board of directors, on payment of the fees fixed by it, may grant to any person who does not qualify under section 18 but who holds a diploma in engineering, a degree of bachelor of applied sciences, or an equivalent diploma from a school or university recognized by the board of directors, or who is a member of an engineering association recognized by the board of directors, a temporary licence for a specific project as the collaborator of a member of the Order who shall sign and seal the plans and specifications with him.

(2) Exceptionally, and subject to the conditions described in the preceding subsection, the board of directors, if it feels that such action is warranted by special circumstances, may grant to such person a temporary licence to practise, not as a collaborator but directly as the engineer in charge of the project, provided that such person be assisted by a member of the Order.

(3) In both cases, the member of the Order must participate in the supervision of the work.

R. S. 1964, c. 262, s. 19; 1973, c. 60, s. 18, s. 27; 1994, c. 40, s. 346; 2008, c. 11, s. 212.

20. The board of directors may accept as a member a person who has not been legally admitted to Canada as a permanent resident but who is qualified and whose services as a specialist are required in Québec. Such member must be admitted for specific employment and shall not practise except for the purposes of that employment.

R. S. 1964, c. 262, s. 20 (*part*); 1970, c. 57, s. 17; 1973, c. 60, s. 19; 1994, c. 40, s. 347; 2000, c. 13, s. 64; 2008, c. 11, s. 212.

21. (*Repealed*).

R. S. 1964, c. 262, s. 21; 1973, c. 60, s. 20; 1975, c. 80, s. 37; 2000, c. 13, s. 65.

DIVISION V

PENAL PROVISIONS

22. Any person not a member in good standing of the Order who:

(1) performs any of the acts contemplated in section 3 of this Act,

(2) assumes the title of engineer alone or qualified, or makes use of any abbreviation of such title, or of any name, title or designation which might lead to the belief that he is an engineer or a member of the Order,

(3) advertises himself as such,

(4) acts in such a manner as to lead to the belief that he is authorized to fulfil the office of or to act as an engineer,

(5) authenticates by means of a seal, signature or initials a document relating to the practice of the engineering profession,

(6) (*paragraph repealed*),

is guilty of an offence and is liable to the penalties provided in section 188 of the Professional Code (chapter C-26).

R. S. 1964, c. 262, s. 27; 1973, c. 60, s. 22; 1994, c. 40, s. 348.

23. (*Repealed*).

R. S. 1964, c. 262, s. 28; 1973, c. 60, s. 23; 1990, c. 4, s. 493; 1992, c. 61, s. 346.

DIVISION VI

MISCELLANEOUS PROVISIONS

24. (1) All plans and specifications for works contemplated by section 2 must be signed and sealed by an engineer who is a member of the Order or by a holder of a temporary licence, except plans and specifications prepared outside Québec and relating exclusively to the making of machines and apparatus comprised in the works contemplated by paragraph c of the said section and intended for use for purposes of industrial manufacture.

(2) Saving the foregoing exception, every person who uses, for the purposes of works contemplated by section 2, plans and specifications which do not comply with the preceding subsection is guilty of an offence and liable to a fine not exceeding \$10,000.

Shall not be liable to such penalty the contractor who executes works for another, when on their face the plans which he uses appear to be signed and sealed by an engineer who is a member of the Order or by a holder of a temporary licence, unless he continues such execution after having received a written notice from the Order that the plans and specifications used for such works do not comply with the provisions of subsection 1 of this section.

(3) Any investigator designated by the board of directors may at any reasonable hour enter on the premises where works contemplated in section 2 are carried out for the purpose of verifying whether the provisions of subsection 1 of this section are respected and obtain all the pertinent plans and specifications of engineering works. Such investigator must, if it is requested of him, show a certificate signed by the secretary of the Order, certifying his capacity.

R. S. 1964, c. 262, s. 29; 1973, c. 60, s. 24; 1974, c. 65, s. 47; 1990, c. 4, s. 494; 2008, c. 11, s. 212.

25. The engineer or the holder of a temporary licence must sign written consultations and opinions, measurements, layouts, reports, computations, designs, drawings and specifications relating to the work referred to in section 2 which have been prepared by him or under his immediate supervision.

1975, c. 80, s. 38.

26. No one shall carry on any activity in Québec or advertise himself there under a firm name which includes any of the words “ingénieur”, “génie”, “ingénierie”, “engineer” or “engineering”, on pain of the penalties provided in section 22.

This provision shall not apply to a legal person whose name on 16 July 1964 included any of the said words, nor shall it apply to partnerships or companies within which members of the Ordre des ingénieurs du Québec are authorized to carry on professional activities in accordance with Chapter VI.3 of the Professional Code (chapter C-26).

This provision shall not prevent an aircraft technician who holds a licence from the Department of Transport of Canada from designating himself in English by the title of “aircraft maintenance engineer”.

R. S. 1964, c. 262, s. 30; 1973, c. 60, s. 25; 1999, c. 40, s. 151; 2009, c. 35, s. 56.

27. No person practising as an engineer and not entitled to do so under this Act shall be entitled to recover before any court any sum of money for services rendered in such capacity.

R. S. 1964, c. 262, s. 31.

28. In any action or proceeding under this Act, the certificate of the secretary or executive director certifying under the seal of the Order that a person, on a specified date, was or was not a member of the Order or was under suspension as a member, shall be proof of its contents, of the authenticity of his signature and of the truth of any other matter mentioned, until the contrary is proved.

R. S. 1964, c. 262, s. 32; 1973, c. 60, s. 26; 1974, c. 65, s. 48; 1975, c. 80, s. 39.

28.1. An engineer may carry on his or her professional activities within a joint-stock company constituted for that purpose before 21 June 2001 until the coming into force of the first regulation made by the Order under paragraph *p* of section 94 of the Professional Code (chapter C-26).

From the coming into force of the regulation, an engineer may carry on his or her professional activities within such a company insofar as the engineer complies with the provisions of the regulation. The regulation may nevertheless provide that an obligation, term, condition or restriction in respect of the carrying on of professional activities within a joint-stock company shall not apply to the engineer until the expiry of a certain period of time, which may not exceed one year from the coming into force of the regulation.

2001, c. 34, s. 19.

29. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 262 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter I-9 of the Revised Statutes.