

This is an official version.

Copyright ©2024: Kings's Printer,
St. John's, Newfoundland and Labrador, Canada

Important Information

(Includes details about the availability of printed and electronic versions of the Statutes.)

Newfoundland and Labrador Regulation 2024

NEWFOUNDLAND AND LABRADOR REGULATION 31/24

Engineers and Geoscientists Regulations, 2024
under the
Engineers and Geoscientists Act, 2008

(Filed May 24, 2024)

Under the authority of section 38 of the *Engineers and Geoscientists Act, 2008*, the board of directors of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador, with the approval of the Minister of Digital Government and Service Newfoundland and Labrador, makes the following regulations.

Dated at St. John's, May 21, 2024

Chairperson, Board of Directors
Association of Professional Engineers and
Geoscientists of Newfoundland and Labrador

Sarah Stoodley
Minister of Digital Government and Service
Newfoundland and Labrador

REGULATIONS

Analysis

1. Short title

2. Definitions
3. Applications for registration and renewal of registration

PART I
REGISTRATION

4. Categories of registration of professional members
5. Registration: professional member – unrestricted
6. Registration: professional member – limited scope
7. Practice restrictions: professional members – limited scope
8. Registration: permit holder
9. Practice restrictions: permit holder
10. Notification to association
11. Registration: member-in-training
12. Time limits
13. Registration: student
14. Evaluation of applications
15. Review by board

PART II
EXPIRY, RENEWAL AND CANCELLATION OF REGISTRATION

16. Expiry
17. Renewal of registration for professional members, permit holders and members-in-training
18. Renewal of registration for students
19. Cancellation of registration

PART III
PROFESSIONAL DEVELOPMENT

20. Professional development required
21. Exemption from professional development

PART IV
STAMPS AND SEALS

22. Control and use of stamps and seals

PART V
DISCIPLINE

23. Filing of an allegation
24. Mediation
25. Appointment of adjudication tribunal
26. Adjudication tribunal hearing date
27. Decision of adjudication tribunal

PART VI
GENERAL

28. Substitution for registrar
29. Transitional
30. Repeal

Short title

1. These regulations may be cited as the *Engineers and Geoscientists Regulations, 2024*.

Definitions

2. In these regulations

- (a) "Act" means the *Engineers and Geoscientists Act, 2008*;
- (b) "applicant" means a person that has submitted an application to be registered as a professional member, permit holder, member-in-training or student;
- (c) "approved by the board" includes approved by a committee;
- (d) "by-laws" means the by-laws of the board made under section 9 of the Act;

- (e) "Canadian jurisdiction" means Canadian jurisdiction as defined in the *Labour Mobility Implementation Act*;
- (f) "category of registration" means one of the categories of registration of professional members established in section 4;
- (g) "committee" means a committee appointed by the board under section 9 of the Act;
- (h) "confirmatory examination" means an examination required by the board for the purpose of assessing an engineering or geoscience degree or equivalent academic qualifications of an applicant and does not mean an examination required by the board for the correction of perceived specific academic deficiencies;
- (i) "defined scope of practice" means the scope of practice within the practice of engineering or the practice of geoscience approved by the board in accordance with section 7;
- (j) "document of a professional nature" includes a report, certificate, memo, specification, drawing, map, design, model, plan or other document that was prepared in the practice of engineering or the practice of geoscience;
- (k) "professional good standing" means proof, satisfactory to the board,
- (i) of the applicant's professional good character, which may include letters of reference from employers and other persons familiar with the professional practice of an applicant,
 - (ii) that the applicant has the requisite knowledge, skill and competencies to engage in the practice of engineering or the practice of geoscience, and
 - (iii) that the applicant is not subject to discipline actions or sanctions in a jurisdiction where the applicant has practised or was registered;
- (l) "professional member in responsible charge" means the professional member that is responsible for ensuring the practice of engineering or the practice of geoscience, as the case may be, performed by a permit holder is in accordance with the Act, these regulations, the by-laws and generally accepted standards of practice;
- (m) "professional member – limited scope" means a person holding one of the categories of registration referred to in paragraphs 4(c) or (d);
- (n) "professional member – unrestricted" means a person holding one of the categories of registration referred to in paragraphs 4(a) or (b);
- (o) "professional practice examination" means the examination required by the board for the purpose of confirming an applicant's knowledge of professional practice, ethics, engineering law, professional liability and other related matters;
- (p) "reciprocal jurisdiction" means a jurisdiction covered by an agreement to which the association or the province is a party, whether or not that jurisdiction is in Canada, and which provides for the mobility of engineers and geoscientists between that jurisdiction and the province, or which may be otherwise recognized by the board as a jurisdiction which has registration standards equivalent to those established under the Act;
- (q) "recognized by the board" includes recognized by a committee;
- (r) "registration authority" means
- (i) a regulatory authority of a Canadian jurisdiction, or
 - (ii) an association or other authority or body responsible for the registration or licensure

of persons in the practice of engineering or geoscience in a reciprocal jurisdiction;

(s) "regulatory authority" means regulatory authority as defined in the *Labour Mobility Implementation Act*;

(t) "required by the board" includes required by a committee;

(u) "required fees" means fees that may be prescribed by the board under section 8 of the Act;

(v) "satisfactory to the board" includes satisfactory to a committee; and

(w) "stamp or seal" includes a manual stamp or seal and an electronic stamp or seal.

Applications for registration and renewal of registration

3. (1) An application for registration or renewal of registration as a professional member, permit holder, member-in-training or student shall be

(a) submitted to the registrar;

(b) in the form approved by the board; and

(c) accompanied by

(i) all documentation and information required under the Act and these regulations, and

(ii) the required fees.

(2) The registrar shall refer an application made in accordance with subsection (1) to the board or a committee.

(3) Where the board or a committee requires further information in order to evaluate an applicant, the board or committee shall request further information from the applicant and the applicant shall provide that information in the time specified in the request.

(4) An application for registration or renewal of registration shall be considered to be consent by an applicant for third parties to release information to the board or a committee for the purposes of verifying information provided by the applicant under this section.

(5) The board or a committee may require an applicant to provide proof, satisfactory to the board, that the person is in professional good standing.

PART I REGISTRATION

Categories of registration of professional members

4. The following categories of registration of professional members are established:

(a) professional engineer – unrestricted;

(b) professional geoscientist – unrestricted;

(c) professional member in the practice of engineering – limited scope; and

(d) professional member in the practice of geoscience – limited scope.

Registration: professional member – unrestricted

5. (1) In addition to the requirements in section 11 of the Act, a person is eligible to be registered as a professional engineer – unrestricted or geoscientist – unrestricted where the person

- (a) completes an application in accordance with section 3;
 - (b) demonstrates knowledge of the Act, these regulations and the by-laws satisfactory to the board;
 - (c) demonstrates proficiency in the English language satisfactory to the board to enable the applicant to engage in the practice of engineering or the practice of geoscience in the province;
 - (d) demonstrates general knowledge of the practice of engineering or the practice of geoscience, as the case may be, by successfully completing a professional practice examination or by other means required by the board;
 - (e) is of good character and reputation; and
 - (f) provides proof, satisfactory to the board, that the applicant
 - (i) has
 - (A) a degree in engineering or geoscience from a university program approved by the board, and
 - (B) at least 4 years of applicable work experience satisfactory to the board in the practice of engineering or the practice of geoscience, at least 3 years of which shall be gained subsequent to the conferral of the degree referred to in clause (A),
 - (ii) has
 - (A) the academic qualifications equivalent to a degree in engineering or geoscience demonstrated by successful completion of the confirmatory examinations that may be required by the board, and
 - (B) at least 4 years of applicable work experience satisfactory to the board in the practice of engineering or the practice of geoscience subsequent to the attainment of the academic qualifications referred to in clause (A),
 - (iii) has
 - (A) successfully completed the confirmatory examinations or any other examination that may be required by the board, and
 - (B) a total of at least 6 years of applicable work experience in the practice of engineering or the practice of geoscience satisfactory to the board, one year of which shall be obtained subsequent to the successful completion of the examinations required in clause (A), or
 - (iv) has the combined academic qualifications and work experience satisfactory to the board to enable the applicant to meet the generally accepted standards of practical knowledge, skill and competence required to engage in the practice of engineering or the practice of geoscience.
- (2) The board or a committee shall waive the requirements in paragraphs (1)(d) and (f) where
- (a) the applicant is registered and in professional good standing with a registration authority; and
 - (b) the registration referred to in paragraph (a) is recognized by the board as equivalent in the scope of practice and competencies to that of a professional engineer – unrestricted or a professional geoscientist – unrestricted.

6. (1) In addition to the requirements in section 11 of the Act, a person is eligible to be registered as a professional member in the practice of engineering – limited scope or a professional member in the practice of geoscience – limited scope where the person

- (a) satisfies the requirements in paragraphs 5(1)(a) to (e); and
- (b) provides proof, satisfactory to the board, that the applicant
 - (i) has
 - (A) a science degree in a discipline and from a university program approved by the board, and
 - (B) at least 8 years of applicable work experience in the practice of engineering or the practice of geoscience satisfactory to the board,
 - (ii) has
 - (A) a degree or diploma in engineering technology or geoscience technology from an institution approved by the board in a program approved by the board, and
 - (B) at least 8 years of applicable work experience in the practice of engineering or the practice of geoscience satisfactory to the board,
 - (iii) has
 - (A) other academic qualifications approved by the board, and
 - (B) at least 8 years applicable work experience in the practice of engineering or the practice of geoscience satisfactory to the board, or
 - (iv) has the combined academic qualifications and work experience satisfactory to the board to enable the applicant to meet the generally accepted standards of practical knowledge, skill and competence required to engage in the practice of engineering or the practice of geoscience.

(2) The board or a committee may waive the requirements in paragraph 5(1)(d) and paragraph (1)(b) where

- (a) the applicant is registered and in professional good standing with a registration authority; and
- (b) the registration referred to in paragraph (a) is recognized by the board as equivalent in the scope of practice and competencies to that of a professional member in the practice of engineering – limited scope or a professional member in the practice of geoscience – limited scope.

7. (1) A professional member – limited scope shall only engage in the practice of engineering or the practice of geoscience, as the case may be, within a defined scope of practice as approved by the board.

- (2) A defined scope of practice shall
 - (a) be within a recognized discipline of engineering or geoscience;
 - (b) not include all aspects of practice within a primary discipline of engineering or geoscience; and

(c) align with the person's academic qualifications and work experience.

(3) A person registered as a professional member in the practice of engineering – limited scope may use the designation "Eng. L."

(4) A person registered as a professional member in the practice of geoscience – limited scope may use the designation "Geo. L."

Registration: permit holder

8. (1) In addition to the requirements in section 12 of the Act, a professional member is eligible to be registered as a permit holder where the professional member

(a) completes an application in accordance with section 3;

(b) is in professional good standing; and

(c) provides proof, satisfactory to the board, that all aspects of the professional member's practice of engineering or practice of geoscience, as the case may be, are performed by the professional member.

(2) In addition to the requirements in section 12 of the Act, a partnership, corporation, limited partnership or other association of persons is eligible to be registered as a permit holder where the partnership, corporation, limited partnership or other association of persons

(a) completes an application in accordance with section 3; and

(b) provides proof, satisfactory to the board, that all aspects of the applicant's practice of professional engineering or professional geoscience, as the case may be, are directly supervised by a professional member in responsible charge who is

(i) registered as a

(A) professional engineer, where the applicant will be engaged in the practice of engineering, or

(B) professional geoscientist, where the applicant will be engaged in the practice of geoscience, and

(ii) in professional good standing.

Practice restrictions: permit holder

9. A permit holder shall only engage in the practice of engineering or the practice of geoscience within the areas of competencies of the professional members employed by or working under contract for the permit holder.

Notification to association

10. (1) A permit holder shall

(a) keep the registrar advised at all times of the name of the professional member in responsible charge; and

(b) immediately notify the registrar of a change, whether temporary, indefinite or permanent, in the status of a professional member in responsible charge.

(2) The professional member in responsible charge shall immediately notify the registrar when the professional member ceases to be the professional member in responsible charge for a permit holder, whether temporarily, indefinitely or permanently.

Registration: member-in-training

11. A person is eligible to be registered as a member-in-training where the person

- (a) completes an application in accordance with section 3;
- (b) is of good character and reputation; and
- (c) provides proof, satisfactory to the board, that the person satisfies one of the academic qualifications required in paragraph 5(1)(f).

Time limits

12. A person shall not remain on the register as a member-in-training for a period of more than 6 years unless otherwise approved by the board.

Registration: student

13. A person is entitled to be registered as a student where the person

- (a) completes an application in accordance with section 3;
- (b) is of good character and reputation;
- (c) provides proof, satisfactory to the board, that the person
 - (i) is enrolled in an undergraduate program in engineering or geoscience approved by the board; and
 - (ii) has successfully completed at least one year of the program referred to in subparagraph (i).

Evaluation of applications

14. (1) The board or a committee shall evaluate an application for registration as a professional member, permit holder, member-in-training or student and may

- (a) approve the registration;
- (b) refuse the registration on the grounds that the applicant failed to meet one or more of the requirements for registration in the Act and these regulations; or
- (c) defer approval of the registration until the applicant has met the requirements for registration in the Act and these regulations, and
 - (i) in the case of an application for registration as a professional member, the applicant has
 - (A) successfully completed one or more examinations or completed a further term and type of work experience that the board or a committee may require, or
 - (B) provided any additional information required by the board or a committee, or
 - (ii) in the case of application for registration as a permit holder, the applicant has provided any additional information required by the board or a committee.

Review by board

15. (1) The registrar shall notify an applicant, in writing, of a decision of the board or a committee made under this Part.

(2) Where registration of an applicant is approved under paragraph 14(a), the registrar shall

(a) publish a notice of approval in accordance with the by-laws; and

(b) enter the applicant on the register as a professional member, including the category of registration, permit holder, member-in-training or student, as the case may be.

(3) Where registration of an applicant is refused or deferred under paragraph 14(b) or (c), the notice provided in subsection (1) shall include reasons for that decision.

(4) An applicant whose application for registration as a professional member or permit holder has not been approved by the board or a committee may, within 30 days of receiving a notice of the decision and the reasons for the decision, request the board review the application by serving on the registrar a written request for review by the board setting out the reasons why, in the applicant's opinion, the applicant's registration as a professional member or permit holder should be approved.

(5) Notwithstanding subsection (4), where approval of an application for registration has been deferred under paragraph 14(c), the applicant shall have no right to request a review of the application by the board.

(6) The board or a committee, other than the committee or a member of the committee that evaluated the application for registration under section 14, shall, after receipt of a request for review under this section, review the application.

(7) An applicant who has requested a review under this section

(a) shall be notified in writing by the board or committee of the location, date and time of the review; and

(b) is entitled to appear with counsel and make representations to the board or the committee.

(8) For the purpose of a review under this Part, a quorum of the board or committee shall be 3 members.

(9) Following the conclusion of the review, the board or committee may make a decision which the board or committee is authorized to make under this Part.

PART II EXPIRY, RENEWAL AND CANCELLATION OF REGISTRATION

Expiry

16. A registration issued under these regulations expires annually on December 31.

Renewal of registration for professional members, permit holders and members-in-training

17. (1) The board shall renew the registration of a professional member or a member-in-training where that professional member or member-in-training

(a) completes an application for renewal in accordance with section 3 before the expiry date prescribed in section 16;

(b) is in professional good standing; and

(c) provides proof, satisfactory to the board, that the applicant has complied with the professional development program established by the board.

(2) The board shall renew the registration of a permit holder where that permit holder

(a) completes an application for renewal in accordance with section 3 before the expiry date prescribed in section 16;

(b) is in professional good standing; and

(c) continues to satisfy the requirements prescribed in paragraph 8(1)(c) or subparagraph 8(2)(b)(i), as the case may be.

(3) Notwithstanding paragraphs (1)(a) and (2)(a), the board shall renew the registration of a person who was previously registered as a professional member, permit holder or a member-in-training after the expiry date prescribed in section 16 where the person satisfies the requirements in paragraphs (1)(b) and (c) or paragraph 2(b).

(4) A person who was previously registered as a professional member or member-in-training but has not been registered with the association for 5 years after the expiry of the registration is not eligible for a renewal under this section and is required to reapply for registration in accordance with the Act and these regulations.

Renewal of
registration for
students

18. The board shall renew the registration of a student where the student

(a) completes an application for renewal in accordance with section 3 before the expiry date prescribed in section 16; and

(b) continues to satisfy the requirements for registration as a student.

Cancellation of registration

19. (1) The board shall cancel the registration of a professional member, permit holder, member-in-training or student where the registration was issued in error.

(2) The board may cancel the registration of a professional member, permit holder, member-in-training or student where the professional member, permit holder, member-in-training or student ceases to satisfy a requirement of registration under the Act or these regulations.

(3) Where the board cancels a registration under subsection (1) or (2), the board shall provide written notice to the professional member, permit holder, member-in-training or student, as the case may be.

(4) The board may direct the registrar to give notice to the profession and to the public of an action taken under this section.

PART III PROFESSIONAL DEVELOPMENT

Professional development required

20. (1) Every professional member and member-in-training shall participate in and satisfy the requirements of a professional development program established by the board.

(2) The board may cancel the registration of a professional member or member-in-training who fails to comply with subsection (1).

Exemption from professional development

21. The board may exempt a professional member or a member-in-training from the professional development program established by the board where the professional member or member-in-training applies in writing to the board for an exemption.

PART IV STAMPS AND SEALS

Control and use of stamps and seals

22. (1) At the request of a professional member or a permit holder, the registrar shall provide the professional member or permit holder with a stamp or seal.

(2) A professional member or permit holder shall not acquire a stamp or seal from any other source other than the registrar.

(3) A professional member or permit holder shall not modify the stamp or seal provided under subsection (1).

(4) A professional member shall ensure that the professional member's stamp or seal

(a) remains at all times under the direct control of that professional member; and

(b) is not located in a manner that would allow its use by a person other than the professional member to whom it was issued or a person under that professional member's immediate and direct control.

(5) A permit holder shall ensure that the permit holder's stamp or seal

(a) remains at all times under the direct control of the professional member in responsible charge for that permit holder; and

(b) is not located in a manner that would allow its use by a person other than the professional member responsible in charge.

(6) A professional member shall apply the professional member's seal or stamp to all documents of a professional nature that were prepared by

(a) the professional member or under the professional member's supervision and control; or

(b) another person where the professional member has reviewed and for which the professional member accepts professional responsibility.

(7) A stamp or seal shall be accompanied by the signature of the professional member to whom it was issued and the date on which the stamp or seal is applied.

(8) A professional member in responsible charge for a permit holder shall apply the permit holder's stamp or seal to all documents of a professional nature that were prepared by the permit holder along with the year for which the permit is valid.

(9) A stamp or seal may be applied to the cover page or final page of reports and specifications in a manner which clearly indicates acceptance of professional responsibility for the reports and specifications without being applied to each page.

(10) The stamp or seal referred to in subsection (1) shall remain the property of the association and shall be surrendered to the association when demanded by the registrar.

PART V DISCIPLINE

Filing of an allegation

23. (1) Within 30 days of receipt of an allegation under subsection 22(1) or 22(2) of the Act, the registrar shall notify the respondent in writing that an allegation has been received.

(2) A respondent shall have 30 days from the notification of the allegation to respond to the complainant's allegation.

(3) Notwithstanding subsection (2), the complaints authorization committee, or a person appointed by the complaints authorization committee, may request and accept from a respondent a further reply to an allegation.

(4) Within 120 days of the referral of an allegation to the complaints authorization committee, the chairperson of the complaints authorization committee shall inform the respondent and the complainant whether the complaints authorization committee intends to conduct an investigation of the allegation under section 24 of the Act.

(5) Where the complaints authorization committee suspends the registration of a respondent under subsection 24(3) of the Act, the complaints authorization committee shall publish a notice of the suspension in a newspaper of general circulation in or near the community where the respondent practices.

(6) In addition to the notice given under subsection (5), the complaints authorization committee may also give notice to those persons or by other means the complaints authorization committee considers appropriate.

Mediation

24. (1) Where the complaints authorization committee refers an allegation back to the registrar for mediation under paragraph 24(1)(a) of the Act, the registrar shall take the steps required for the mediation to take place.

(2) The complainant and the respondent shall

- (a) participate in the mediation; and
- (b) accept the result.

(3) The mediator shall conduct the mediation in accordance with a mediation agreement acceptable to the complainant, the respondent and the complaints authorization committee.

(4) Where the complaints authorization committee accepts the result of the mediation, the disciplinary process is concluded.

(5) Where the complaints authorization committee does not accept the result of the mediation, it may exercise one or more of the powers given to it under section 24 of the Act.

(6) Where a mediation has not been concluded within 3 months of its commencement or, where, during the 3 month period, the mediator concludes there is no reasonable prospect that the mediation will be concluded satisfactorily, the mediator shall refer the allegation back to the complaints authorization committee and, in that case, the complaints authorization committee may exercise one or more of the powers given it under section 24 of the Act.

(7) The association shall bear the costs of the mediator and the place where the mediation is conducted, and the complainant and the respondent shall bear their costs.

Appointment of adjudication tribunal

25. An adjudication tribunal shall be appointed within 30 days of referral of the complaint by the disciplinary panel.

Adjudication tribunal hearing date

26. (1) An adjudication tribunal shall set a hearing date which shall be the later of

- (a) 120 days after the decision of the complaints authorization committee that grounds exist to start a disciplinary proceeding; or
- (b) 90 days after the complaint is referred to the disciplinary panel.

(2) Notwithstanding subsection (1), the chairperson of the adjudication tribunal may extend the time period prescribed in subsection (1) where the respondent and board agree.

Decision of adjudication tribunal

27. The written decision and orders of an adjudication tribunal shall be provided to the board and the respondent within 90 days of the completion of the hearing of the complaint by the adjudication tribunal.

PART VI GENERAL

Substitution for registrar

28. Where reference is made to the registrar in these regulations, and where the registrar is temporarily unable to fulfil the functions contemplated by these regulations due to illness or other reason, those functions may be carried out by another person designated by the board.

Transitional

29. On the coming into force of these regulations, a person who was registered as a professional member in the practice of engineering – limited licensee or a professional member in the practice of geoscience – limited licensee shall be registered as a professional member in the practice of engineering – limited scope or a professional member in the practice of geoscience – limited scope, as the case may be.

Repeal

30. The *Engineers and Geoscientists Regulations, 2011*, Newfoundland and Labrador Regulation 43/11, are repealed.

©King's Printer