



CHAPTER 88

An Act to incorporate The Association of Professional Chemists of Quebec

[Assented to, the 11th of March, 1926]

WHEREAS by their petition Doctor George Baril, William R. Allen, William C. Lodge, Doctor R. F. Rut- Preamble.
tan, Harold J. Roast, Doctor G. S. Whitby, of Montreal,
and Reverend Father Alexander Vachon, of Quebec, all
chemists, have represented:

That they wish to be incorporated under the name of
"The Association of Professional Chemists of Quebec";

That such association already exists and has many mem-
bers;

That the object of the association is to give a legal exis-
tence to the said association;

That it is necessary to develop the study and teaching
of chemistry in the Province of Quebec;

Whereas in order to carry out their work, the persons
above mentioned have prayed to be incorporated with
other members of their association under the name of "The
Association of Professional Chemists of Quebec"; and

Whereas it is expedient to grant their prayer;

Therefore, His Majesty, with the advice and consent of
the Legislative Council and of the Legislative Assembly of
Quebec, enacts as follows:

1. This act may be cited as the "Chemical Profession Short title.
Act".

2. The said Doctor George Baril, William R. Allen, Wil- Incorpora-
liam C. Lodge, Doctor R. F. Rut- tion.
tan, Harold J. Roast,
Doctor G. S. Whitby, and Reverend Father Alexandre
Vachon, and such other persons as are now or may here-
after become members of the association, are constituted
a corporation under the name of "The Association of Pro- Name.
fessional Chemists of Quebec".

Interpreta-
tion.

3. 1. The following expressions used in this act shall have the meaning given herebelow, unless the text contains something inconsistent with such interpretation:

a. "Professional chemist" means any person registered as a professional chemist under the provisions of this act;

b. The "practice of professional chemistry" means the practice for hire, gain, or hope of reward of any branch of chemistry, including organic, inorganic, metallurgical, biological and analytical chemistry;

c. The "association" means The Association of Professional Chemists of Quebec;

d. "Council" means the executive council of the association;

e. "President" means the president of the association;

f. "Registrar" means the registrar of the association;

g. "Secretary" means the secretary-treasurer of the association;

h. "Board" means the board of examiners of the association;

i. "Registration" means the admission of a chemist to membership in the association and the enrolment of his name in the register; and "certificate of registration" means the official certificate under the seal of the association evidencing the same;

j. "Licensed" means that permission has been given to a non-resident chemist to temporarily practise professional chemistry under the title of "professional chemist".

Title of
"profes-
sional
chemist".

2. Only those forming part of the present association under the provisions of this act shall be entitled to use the title of "professional chemist".

Succession
and seal.

4. The Association of Professional Chemists of Quebec, constituted under the provisions of this act, shall be a body politic and corporate with perpetual succession and a common seal.

Head office.

The head office of the association shall be at Montreal.

Powers of
association.

5. The association shall have the power:

a. To acquire and hold real property not producing at any time an annual income in excess of ten thousand dollars, and personal property, and to alienate, mortgage, lease or otherwise charge or dispose of the same or any part thereof, as occasion may require, and to sue and be sued;

b. To pass by-laws not inconsistent with the provisions of this act for the election of the executive council of the association, the government, administration, discipline and honour of the members, the maintenance of the association and management of its property, the fixing of an annual fee not in excess of fifteen dollars and other fees, the fixing

of a tariff with the approbation of the Lieutenant-Governor in Council, the levying, remission and collecting of annual and other fees, the examination and admission of candidates to the study and practice of professional chemistry, the calling and conduct of meetings, voting, quorum, and general business, banking, borrowing and credits, and all other purposes reasonably necessary for the management of the association;

c. All by-laws or amendments thereto shall become effective only after ratification by two-thirds majority of the votes received from the members of the association in good standing, providing that thirty days' notice of such by-laws or amendments has been given. The registrar shall file with the Lieutenant-Governor in Council a copy of each by-law or any amendment thereto, immediately the same is ratified, certified under the seal of the association as a true copy.

6. 1. Only such persons who are members of the association and registered as such under the provisions of this act, or who have received a license from the council of the association as hereinafter provided, shall be entitled within the Province of Quebec to take and use the title of "professional chemist", or any abbreviation thereof.

Use of title of "professional chemist".

2. Any person residing in the Province of Quebec at the date of the passing of this act, who is at that date, and has been for five years previously practising the profession of chemistry in a responsible position, shall be entitled to be duly registered as a member of the association without examination; provided that such person shall produce to the council, on or before the first day of April, 1927, satisfactory credentials of his qualifications.

Admission of certain members.

3. Those persons who were practising chemistry in a responsible position previous to the late war and who were accepted for services in the forces of the British Empire, or any of its Allies, shall be entitled to all the rights and privileges conferred under subsection 2 of this section.

Idem.

4. Any person who may hereafter come to the Province of Quebec, and who shall produce to the council a satisfactory certificate signed by the proper officers evidencing the fact that he is a duly registered member in good standing of an association of chemists in the Dominion of Canada, having equivalent standards of qualification for membership to this association, together with an application for registration in this association endorsed by the registrar of such other association, may, upon a favorable report of the board of examiners and at the discretion of the council, become a duly registered member of the association without

Idem.

the payment of the annual fee for the year in which he joins, but he shall pay a fee of five dollars for such registration.

Admission by examination, etc. 5. Any person not otherwise qualified as hereinbefore mentioned, before being admitted as a registered member of the association, shall make application to the council, and shall produce credentials satisfactory to the board of examiners, or in lieu thereof pass the prescribed examination, and shall pay the prescribed fees.

Assistant to professional chemist. 6. Any person acting as an assistant to a professional chemist where such person is directly responsible for the technical quality of work must be a professional chemist. Any person may otherwise act as an assistant to a professional chemist, and shall not be deemed to be practising professional chemistry when so engaged.

Provisions not applicable. 7. The provisions of this act shall not apply to any member of His Majesty's naval, military or aerial forces while actually employed on duty with such force.

Joint stock companies. 7. Joint stock companies shall not be members of the association nor take the title of "professional chemist" or any abbreviation thereof.

Executive council. 8. The powers conferred on the association shall be exercised by an executive council of eleven members, which shall consist of a president, a vice-president, the retiring-president and eight councillors to be chosen from registered members of the association, and who shall hold office as hereinafter provided:

President; a. The president shall be elected annually in accordance with the by-laws of the association and shall hold office until his successor is elected. He shall act as presiding officer at the meetings of the council and of the association, voting only when votes are evenly divided;

Vice-president; b. The vice-president shall be elected annually in conformity with the by-laws of the association and shall have all the powers of the president during the absence of the latter;

Councillors; c. Four councillors shall be elected annually by ballot, the four having the highest number of votes cast shall be declared duly elected, and four councillors shall be appointed by the following universities: one by Laval University; one by McGill University; one by Montreal University; and one by the Polytechnic School;

Registrar and secretary; d. The registrar and the secretary, the former of whom must be a professional chemist, shall be appointed by the council within one month after its assumption of office;

Idem. e. The same person may be appointed to the office of both registrar and secretary;

f. The secretary of the association shall also be the Secretary;
secretary of the council;

g. The secretary of the association shall, on his assumption of office, lodge in the hands of the president of the council a bond for one thousand dollars in some guarantee company satisfactory to the council. All the expenses arising from the furnishing of such bond shall be borne by the association;

h. In case of the resignation or death of any member of the council, the other members of the council shall have power to fill all vacancies so caused until the time of the holding of the next annual meeting; provided that each of the above-mentioned universities and the Polytechnic School are still represented. Vacancies.

9. The council shall appoint annually a board of examiners for each branch of chemistry as set out in sub-paragraph b of subsection 1 of section 3, and shall fill the vacancies in the same as they occur. Such board shall be composed of not more than seven members, of whom there shall be a representative from and appointed by each of the universities of McGill, Laval and Montreal and the Polytechnic School. Board of examiners. Composition.

The duties of the board shall be to examine all candidates for admission to membership by examination or otherwise. As soon as possible, and not later than twenty-one days after the close of each examination, the board shall make and file with the registrar a certificate showing the results of such examination, whereupon the council shall notify each candidate of the result of the examination and of their decision upon his application. The members of the board shall also file with the registrar the examination papers submitted to each and every candidate, together with the answers of the respective candidates thereto, and shall attach thereto a certified copy of their report, with the marks awarded to each candidate in each subject of such examination, and such documents shall remain on file in the office of the registrar. Duties.

Regular examinations of candidates for registration or license shall be held at Montreal or such other place or places and at such times as the council may direct. Holding of examinations.

10. The board shall follow the rules hereinafter:

a. Special examinations may be granted, provided the candidate or candidates for such special examination deposit in advance with the registrar a sum sufficient to defray the expenses of such examination and the prescribed examination fees. Any balance remaining over shall be returned to such candidate or candidates; Rules governing examinations.

b. The scope of the examination and the methods of procedure shall be prescribed by the council, provided that such examinations be not lower than the standard of those held by the universities of this Province;

c. All candidates applying for examination shall submit evidence of preliminary education equivalent to that required for entrance to the universities of the Province of Quebec;

d. Every candidate for examination shall give at least one month's notice in writing to the registrar of his intention to present himself for examination, and, with such notice, shall forward a fee of five dollars, and, before undergoing examination, shall pay to the association twenty-five dollars as a fee, and, before receiving his certificate of registration, shall pay the annual fee set out in the by-laws and a sum of not more than five dollars for the publication of his name in the *Quebec Official Gazette*;

e. In case the candidate should fail in his examination, he may present himself at any subsequent regular examination by paying a fee of not more than ten dollars;

f. All examinations shall be conducted in French or English at the option of the candidate.

Registra-
tion with-
out exam-
ination.

11. The council may consider an application for registration without examination from any person who submits to the board of examiners proof of qualifications possessed by such person by virtue of experience, training or examination by another examining body of recognized standing, and, if found satisfactory, may grant a certificate of registration; the degree of Laval University, of McGill University or of Montreal University in pure or applied science with chemistry as the principal subject, being considered as entitling the graduate to a certificate of registration under this section. The degree of chemical engineer shall be considered as having chemistry as the principal subject.

Fees.

Any person, who, without examination, is registered as a professional chemist, shall pay to the association before being so registered the sum of fifteen dollars for examination of credentials and the annual fee set out in the by-laws and a sum of not more than five dollars for the publication of his name in the *Quebec Official Gazette*;

Examina-
tion of docu-
ments and
credentials.

The board shall examine all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining registration or license to practise, and may require the holder of such credentials to attest by oath or by statutory declaration any matter involved in his application, and shall report the result of its investigation to the secretary. The board shall not be

bound by the documents and credentials presented and may require the candidate to undergo the examination.

12. The council shall have power to establish conjointly with any council of any other association similarly constituted, in one or more of the provinces of Canada, a central examining board, and to delegate to such central examining board all or any of the powers possessed by the board respecting the examinations of candidates for admission to practise; provided that any examination conducted by such central examining board shall be held in one place at least within this Province and provided that the majority of the members of such board be appointed by Canadian Universities.

Central
examining
board.

13. The registrar:

Duties of
registrar.

a. Shall keep a register of all professional chemists, showing the dates of their certificates, and shall cause a list of professional chemists in good standing, who are authorized to practise, to be published in the *Quebec Official Gazette* within thirty days of a date set by the council. Should a professional chemist omit to pay the prescribed fee his name shall be erased from the register, and should he wish to resume practice he may be again placed on the register by paying the prescribed annual fees and a further sum sufficient to meet the expenses of having his name published in one issue of the *Quebec Official Gazette*;

b. Shall issue a certificate of registration to all professional chemists registered under this act, and to any person entitled thereto upon written instructions from the council, and upon payment in advance of the prescribed fees. All certificates shall be signed by the president and by the registrar, and bear the seal of the association, and shall specify the branch or branches of chemistry in which the professional chemist has been examined or otherwise accepted, and shall operate as a permit to practise under the title of "professional chemist" for the remainder of the year in which issued, and upon payment of the annual fee in each subsequent year he shall issue an annual certificate, which will operate as a renewal of such permit for that year;

c. Shall issue a license to practise under the title of "professional chemist", specifying the period for which it is issued, to any non-resident practitioner entitled to such license, upon the payment of the prescribed fee;

d. Shall keep his register correct, in accordance with the provisions of this act, and the rules, orders and regulations of the council.

Qualifica-
tions for re-
gistration.

14. 1. Notwithstanding any other provision of this act, no person shall be registered unless at least twenty-one years of age, and unless he has been engaged for four years in some branch of chemistry, except in the case of a holder of a diploma from a school of chemistry recognized by the association, in which case the period of engagement in chemical work shall include his term of instruction.

Id., for
practice.

2. Candidates for admission to practise, who, for any reason, have been unable to take advantage of an academic chemical course, must have served at least six years under a professional chemist or chemists or a chemist or chemists whose standing is recognized by the council, and must pass an examination satisfactory to the board.

Annual fees.

15. Each person who is registered or licensed to practise under the title of "professional chemist" shall pay in advance to the secretary-treasurer, or any person deputed by the council to receive it, such annual fee as may be determined by the by-laws of the association, which fee shall be deemed to be a debt due by the practitioner and to be recoverable with the costs of same in the name of the council in any court of competent jurisdiction.

Loss of
rights, etc.,
for failure to
register.

16. 1. No person entitled to be registered under this act who shall neglect or omit to be so registered shall be entitled to any of the rights or privileges conferred by the provisions of this act so long as such neglect or omission shall continue, and any person not registered or licensed under this act who practises, acts or advertises himself as a professional chemist, save and except as hereinbefore provided, or assumes verbally or otherwise the title of "professional chemist", or any abbreviation thereof, shall incur a penalty of not less than fifty dollars, and not more than three hundred dollars for every such offence.

Breach of
act.

Penalty.

False de-
claration.

2. If any person wilfully procures or attempts to procure himself to be registered under this act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person so doing, and every person knowingly aiding and assisting him therein, shall incur a penalty of not less than twenty dollars nor more than five hundred dollars.

Penalty.

Falsifica-
tion by
registrar.
Penalty.

3. If the registrar makes or causes to be made any wilful falsification in any matters relating to the register, he shall incur a penalty of not less than twenty dollars nor more than five hundred dollars.

Laying of
information.

4. Any information for the recovery of any such penalty or forfeiture may be laid by any member of the association, or by any person appointed by the council.

5. No prosecution shall be commenced for any offence ^{Prescrip-} against this act after two years from the date of committing ^{tion.} the offence.

17. 1. The council may, and upon application of any ^{Inquiry by} three members shall, cause inquiry to be made into matters ^{council into} respecting any fraudulent or incorrect entry in the register, ^{unprofes-} or the unprofessional conduct, negligence or misconduct in ^{sional con-} the execution of the duties of his office, or the conviction on ^{duct, etc.} a criminal offence of any registered member, and may in its discretion order the erasure or correction of any entry in the register, or may reprimand, censure, suspend or expel from the association any member found guilty as aforesaid; ^{Proviso.} provided that the name of a member shall not be erased from the register on account of a conviction for a political offence outside His Majesty's Dominions, nor on account of a conviction for an offence which, though within the provisions of this act, ought not, in the opinion of the council, either from the trivial nature of the offence or from the circumstances in which it was committed, to disqualify a person from practising professional chemistry.

2. The council may, for the purpose of the execution of ^{Legal assist-} its duties under this act, employ at the expense of the asso- ^{ance.} ciation such legal or other assessor or assistant as the council may think necessary or proper; and any person whose status or conduct is the subject of inquiry shall also have the right to be represented by counsel.

3. At least one week before the first meeting of the coun- ^{Notice of} cil to be held for taking evidence or otherwise ascertaining ^{hearing.} facts, a notice shall be served upon the person whose status or conduct is the subject of inquiry, and such notice shall embody a copy of the charges made against him, or a state- ^{Contents.} ment of the subject-matter of the inquiry, and shall also specify the place and time of the meeting. The testimony ^{Taking of} of witnesses shall be taken under oath, which the presiding ^{testimony.} officer is hereby authorized to administer, and there shall be right to cross-examine all witnesses called, and to call evidence in defence and reply. In the event of the non-attendance of the person whose status or conduct is the ^{Non-} subject of such inquiry, the council may, upon proof of ^{attendance} the personal service of the notice aforesaid, in accordance ^{of person.} with the provisions of this section, which proof of service may be by statutory declaration, proceed with the subject-matter of the inquiry in his absence, and make its report of the facts without further notice to such person.

4. To assure the presence of any witness or witnesses, the ^{Attendance} council may issue an ordinance, or any person interested in ^{of witnesses.} the proceedings on any such inquiry may make application to the council in order to have an ordinance issued, for the

appearance of such witness or witnesses and for the production of books, papers and documents by such witness or witnesses at such inquiry, in form similar to that prescribed in the Superior Court, and such ordinance shall have the same force and effect as that issued out of the said Superior Court, and the fees therefor and the rules governing the same shall be such as are in force in the said Court.

Proof of registration.

18. In all cases where proof of registration under this act is required to be made, the production of the last annual list published in the *Quebec Official Gazette* as herein provided, or of a certificate bearing a date subsequent to the issue of the said *Gazette* containing said annual list, showing that the person or persons therein named is or are duly registered, certified under the hand of the registrar for the time being and the seal of the association, shall be sufficient evidence of such registration in lieu of the production of the original register; and any such certificate purporting to be signed by any person in the capacity of registrar shall be *prima facie* evidence that such person is such registrar, without any proof of his signature or of his being in fact such registrar; provided, always, that the evidence herein aforesaid may be displaced by any certificate of the registrar under seal of the association, showing the fact of erasure of any name or suspension or revocation of any license to practise.

Recovery of penalties.

19. Any penalty recoverable under this act may be recovered before any court of justice having jurisdiction in the locality in which the offence was committed, and every such penalty may, together with the costs of conviction, be levied by distress and sale of the goods and chattels of the offender.

First council.

20. The persons named in section 2 shall constitute the first council and shall remain in office until their successors shall have been regularly appointed.

Duties of provisional council.

21. The duties of the provisional council shall be to provide the register called for by this act, to enter therein the names of those and those only who are entitled to registration under the provisions of section 6, subsection 2, and who apply in writing to be registered and pay the prescribed fees, and to call within six months from the coming into force of this act the first general meeting of the association, for the purpose of electing the regular council and any other organization purposes of the association, and shall have the powers conferred in this act on the coun-

cil of the association. Their powers shall cease on the election of the regular council of the association.

22. Every person registered under this act may have ^{Seal.} a seal, the impression of which shall contain the name of the chemist, and the words "Professional Chemist, of Quebec", with which he may stamp any official estimates, specifications, reports and documents connected with chemistry.

23. No provisions of this act restricting the practice of ^{Coming into} the profession or imposing penalties shall take effect until ^{force of pro-} the first day of September, 1926. ^{visions re-}
^{stricting}
^{practice, etc.}

24. Nothing in this act contained shall be construed as ^{Provisions} altering or affecting any provisions of the Coal Mines Reg- ^{not affected.} ulation Act, Metalliferous Mines Inspection Act or the Quebec Pharmacy Act.

25. Nothing contained in this act shall be construed as ^{Rights, etc.,} affecting any rights or privileges granted to members of ^{not affected.} the Corporation of Professional Engineers of Quebec, to the holders of diplomas from the Polytechnic School and from the Faculty of Applied Science of McGill University, to the holders of diplomas in pharmacy and medicine and members of these two professions, who may, as in the past, practise chemistry under any name they may choose, provided that they do not take the title of "professional chemist".

26. This act shall not prevent any one from practising ^{Practice of} chemistry, provided he does not assume the title of "pro- ^{chemistry.} fessional chemist" or any abbreviation thereof. ^{Proviso.}

27. No person practising the profession of chemist un- ^{No legal re-} der the title of "professional chemist", and not entitled to ^{course by} do so under this or any other act, shall recover before any ^{person not} court of justice any sum of money for the professional ^{entitled to} services rendered in such capacity. ^{practise.}

28. All references to members of ^{The Association of} Professional Chemists of the Province of Quebec shall be ^{Inclusion of} deemed to include persons of both sexes and personal pro- ^{both sexes.} nouns used shall be deemed as inclusive of both sexes.

29. This act shall come into force on the day of its ^{Coming into} sanction. ^{force.}
