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ALBERTA REGULATION 86/2003
Land Surveyors Act
EXAMINATION AND TRAINING REGULATION

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Definitions

1 In this Regulation,

- (a) **Act** means the Land Surveyors Act;
- (b) **Affidavit of service** means an affidavit of service prescribed in the General Bylaws;
- (c) **Articles** means articles of service entered into between an individual seeking to become an Alberta land surveyor and an Alberta land surveyor permitted to accept pupils, and, for the purposes of section 3, includes a transfer of articles;
- (d) **Examination Board** means the Western Canadian Board of Examiners for Land Surveyors established by agreement between the Corporation of Land Surveyors of the Province of British Columbia, the Alberta Land Surveyors Association, the Saskatchewan Land Surveyors Association and the Association of Manitoba Land Surveyors in association with the Department of Geomatics Engineering of The University of Calgary or such other Board as may from time to time be designated by the Council;
- (e) **General Bylaws** means the General Bylaws of the Association;
- (f) **Principal** means an Alberta land surveyor to whom a pupil is articulated;
- (g) **Professional practice examinations** means the oral and written examinations prescribed by the Registration Committee on legislation, survey law, practical surveying and any other matters considered necessary;
- (h) **Pupil** means an individual who has entered into articles with a principal;
- (i) **Transfer of articles** means a transfer of articles described in section 7.

PART 1 ARTICLES

Prerequisites for articles

2 An individual may enter into articles with an Alberta land surveyor if

- (a) the individual
 - (i) holds a Certificate of Completion issued by the Examination Board, and
 - (ii) pays to the Association the required fees prescribed in the General Bylaws,
- (b) the Alberta land surveyor
 - (i) has been engaged in the active practice of surveying as an Alberta land surveyor for at least the two years immediately preceding the date the articles are proposed to be entered into, and
 - (ii) unless the Registration Committee otherwise permits, is a resident of Alberta,
- (c) the articles are in the form prescribed in the General Bylaws, and
- (d) the articles have been approved by the Registration Committee or, on review, by the Council.

Approval of articles

3(1) The Registration Committee may not approve articles unless it is satisfied that

- (a) the Alberta land surveyor will provide the individual with sufficient practical training and experience or, if the Alberta land surveyor is not able to personally provide it, is able to satisfactorily arrange that training and experience,

- (b) the individual will be under the direct personal supervision of
 - (i) the Alberta land surveyor or,
 - (ii) if during any part of the articling period the Alberta land surveyor will not be able to personally supervise the individual, another person satisfactory to the Registration Committee,
- (c) the relationship between the Alberta land surveyor and the individual is such that the Alberta land surveyor will not, through employment arrangements or otherwise, be subservient to the individual, and
- (d) the Alberta land surveyor will be personally responsible for the training given and experience received by the individual.

(2) An individual and the Alberta land surveyor with whom the individual wishes to enter into articles must have such interviews with the Registration Committee as the Committee requires before it approves the articles.

(3) If the Registration Committee refuses to approve the articles, it must send written reasons to the Alberta land surveyor and the individual.

(4) An individual whose articles are refused by the Registration Committee may, within 30 days of receiving a notice of refusal and the reasons for it, request the Council to review the articles by serving on the Registrar a written request for review by the Council setting out the reasons why, in the individual's opinion, the articles should be approved.

(5) The Council must, after receipt of a request for review under this section, review the articles.

(6) An individual who requests a review

- (a) must be notified in writing by the Registrar of the date, place and time that the Council will review the articles, and
- (b) is entitled to appear and make representations to the Council when it reviews the articles.

(7) A member of the Registration Committee who is also a member of the Council may participate at a review by the Council under this section but may not vote in a decision of the Council.

(8) On considering a review under this section, the Council may make any decision the Registration Committee may make under this section.

Length of articulated service

4(1) A pupil must complete at least 2 years of articulated service.

(2) Except as otherwise permitted by the Registration Committee, the 2 years of articulated service referred to in subsection (1) must consist of

- (a) at least 18 months of field practice, and
- (b) at least 6 months of office practice.

(3) If a pupil has completed the term of articulated service, but has not passed the professional practice examinations, the pupil must, unless the Registration Committee otherwise permits, continue to serve under the articles until the pupil has passed the examinations.

Number of pupils

5 Unless the Registration Committee otherwise permits, a principal may not accept more than one pupil in any one calendar year.

Filing of articles

6(1) A pupil must, within 2 months after the articles are entered into, file one copy of the articles with the Registrar together with the fees referred to in section 2(a)(ii).

(2) Subject to subsection (3), the term of articulated service begins on the date that the articles are entered into.

(3) If a pupil fails to comply with subsection (1), the term of articulated service begins on the date on which the articles and the required fees are received by the Registrar.

Transfer of articles

7 Articles may be transferred from the service of a pupil's principal to another Alberta land surveyor if

- (a) the pupil
 - (i) files with the Registrar a transfer of articles and an affidavit of service for the period of articles served to date, and
 - (ii) pays to the Association the required fees prescribed in the General Bylaws,
- (b) the Alberta land surveyor
 - (i) has been engaged in the active practice of surveying as an Alberta land surveyor for at least the 2 years immediately preceding the date the transfer of articles are proposed to be entered into, and
 - (ii) unless the Registration Committee otherwise permits, is a resident of Alberta,
- (c) the transfer of articles is in the form prescribed in the General Bylaws, and
- (d) the transfer of articles has been approved by the Registration Committee.

Filing of transfer of articles

8(1) A pupil must, within 2 months after the transfer of articles is entered into, file one copy of the transfer of articles with the Registrar together with the fees referred to in section 7(a)(ii).

(2) Subject to subsection (3), the term of articulated service begins on the date that the transfer of articles is entered into.

(3) If a pupil fails to comply with subsection (1), the term of articulated service begins on the date on which the transfer of articles and the required fees are received by the Registrar.

Affidavit of service

9(1) On or before January 15 of each year, a pupil must provide to the Registrar an affidavit of service that

- (a) is signed by the principal, and
- (b) describes the surveying operations in which the pupil was engaged during the preceding calendar year.

(2) After providing an affidavit of service under subsection (1), the pupil must meet with the Registration Committee to review the training and experience obtained by the pupil during the preceding calendar year.

Educational leave

10(1) A pupil may, with permission of the pupil's principal, take educational leave for the purpose of attending a course of study at a university, college or technical school.

(2) A pupil must provide to the Registrar a letter signed by both the pupil and the principal setting out the details of the educational leave.

(3) Any period of time during an educational leave that requires the pupil to be absent from service with the principal may not be considered field practice or office practice for the purposes of section 4(2).

Courses and seminars

11 A pupil must, during the pupil's articulated service, take such courses of study or seminars as are prescribed by the Registration Committee.

Breach of articles

12(1) If a pupil

- (a) leaves the service of the pupil's principal without consent,
- (b) breaches any of the pupil's obligations under the pupil's articles, or
- (c) is involved in conduct that may put in question the pupil's good character, the principal or the Registrar may report the matter to the Registration Committee and request that
- (d) the articles be terminated, or
- (e) the Registration Committee provide direction as to the future conduct of the pupil or the principal, or both.

(2) If a pupil's employment with the principal is terminated by the principal, the pupil or the Registrar may report the matter to the Registration Committee and request that

- (a) the articles be continued, or
- (b) the Registration Committee provide direction as to the future conduct of the pupil or the principal, or both.

(3) On receipt of a report under subsection (1) or (2), and after giving notice to the pupil and the principal, the Registration Committee must hold a hearing into the matter and may

- (a) order the articles terminated,
- (b) suspend the articles,
- (c) permit or order the articles to continue with or without conditions, or
- (d) make an order as to the future conduct of the pupil or the principal, or both.

Termination of articles by mutual consent

13(1) A pupil and the pupil's principal may terminate articles by mutual consent.

(2) If articles are terminated by mutual consent under subsection (1), the principal must provide to the Registrar a letter signed by both the principal and the pupil notifying the Registrar of the termination.

Automatic termination of articles

14(1) If a pupil fails

- (a) to pay annual fees to the Association within the time prescribed in the General Bylaws, or
- (b) to provide the Registrar with an affidavit of service in accordance with section 9, the articles are terminated and the Registrar must notify the pupil and the principal accordingly.

(2) Articles terminated under subsection (1) may be reinstated by the Registration Committee on application to it and after payment of any required reinstatement fees prescribed in the General Bylaws.

(3) If a principal dies or the principal's registration as an Alberta land surveyor is suspended or cancelled, the articles are terminated.

(4) A pupil whose articles are terminated under subsection (3) may apply to the Registration Committee for approval of new articles for the balance of the pupil's term of articulated service.

Transfer of articles required

15(1) Unless otherwise permitted by the Registration Committee, if a principal ceases

- (a) to be a resident of Alberta, or
- (b) to engage in the practice of surveying in Alberta, the principal must transfer the articles of a pupil to another Alberta land surveyor permitted to accept pupils in accordance with section 7.

(2) If a principal fails, refuses or is not able to transfer the articles of a pupil under subsection (1), the pupil may apply to the Registration Committee for termination of the articles and approval of new articles for the balance of the pupil's term of articulated service.

Times when training and examinations must be completed

16(1) Subject to subsection (2), a pupil who commences articles must complete the pupil's required practical training, experience and professional practice examinations within 5 years of the commencement of the articles, whether or not the articles are terminated and subsequent articles are entered into.

(2) The 5-year period referred to in subsection (1) may be extended

- (a) by the same period of time that the pupil is granted educational leave under section 10, or
- (b) by any other period approved by both the pupil's principal and the Registration Committee.

Prior service

17(1) If articles are terminated and subsequently the pupil articles with another principal, the pupil may apply to the Registration Committee for any period of prior service under the articles to be credited as field practice or office practice for the purposes of section 4(2).

(2) If prior service is credited under subsection (1), the Registration Committee may impose any conditions that it considers appropriate with respect to future field practice and office practice.

Termination of articles

18 If a pupil fails to complete the pupil's required practical training, experience and professional practice examinations within the 5-year period under section 16(1) or any longer period extended under section 16(2), the Registrar must terminate the articles of the pupil by notice in writing to the pupil and the principal.

PART 2 QUALIFICATIONS FOR REGISTRATION AS AN ALBERTA LAND SURVEYOR

Alberta applicants

19 An applicant is entitled to be registered as an Alberta land surveyor if the applicant meets the requirements of section 24 and

- (a) the applicant
 - (i) completes the term of articulated service in accordance with Part 1, and
 - (ii) passes the professional practice examinations to the satisfaction of the Registration Committee, or
- (b) the applicant has a combination of education, practice requirements, examinations and other qualifications that demonstrate the competence required for registration to the satisfaction of the Registration Committee.

Canadian land surveyors

20 An applicant is entitled to be registered as an Alberta land surveyor if the applicant meets the requirements of section 24 and

- (a) the applicant
 - (i) is authorized to survey land under the *Canada Lands Surveys Act* or an Act of a province of Canada governing land surveyors,

- (ii) holds a Certificate of Completion issued by the Examination Board,
 - (iii) completes such period of articles prescribed by the Registration Committee, and
 - (iv) passes the professional practice examinations to the satisfaction of the Registration Committee within the applicant's period of articles or within such other period of time prescribed by the Registration Committee, or
- (b) the applicant
- (i) is registered in good standing with a land survey profession in another jurisdiction recognized by the Council as having substantively equivalent competence and practice requirements, and
 - (ii) passes the professional practice examinations to the satisfaction of the Registration Committee.

Retired members

21 A retired member of the Association is entitled to be registered as an Alberta land surveyor if the member meets the requirements of section 24 and the requirements of section 19(b).

Procedure for examinations

22 An individual who wishes to take a professional practice examination under this Part must

- (a) apply to the Registrar at least 6 weeks before the date set for the examination by the Registration Committee,
- (b) satisfy the Registrar that the other requirements of this Regulation have been met, and
- (c) pay to the Association the required fees prescribed in the General Bylaws.

Authority of Registration Committee

23 The Registration Committee must decide any question that arises as to the qualifications of a candidate for examination under this Regulation or as to the candidate's compliance with any requirement of the Registration Committee with respect to professional practice examinations.

Applicants for registration

24(1) In addition to the other requirements of the Act or this Regulation for registration as an Alberta land surveyor, an applicant must

- (a) be at least 18 years old,
- (b) satisfy the Registration Committee that the applicant is of good character,
- (c) pay to the Association the required fees prescribed in the General Bylaws,
- (d) provide the Registrar with a discharge of articles prescribed in the General Bylaws,
- (e) file an affidavit of service for the current year in the form prescribed in the General Bylaws, and
- (f) take and subscribe before a judge of the Court of Queen's Bench or Court of Appeal the oath of office set out in the Schedule.

(2) Subsection (1)(d) and (e) do not apply to an applicant described in section 19(b) or 20(b).

Application referred to Registration Committee

25 The Registrar must refer an application for registration as an Alberta land surveyor to the Registration Committee for its decision on whether to register the applicant as an Alberta land surveyor in accordance with section 20 of the Act.

Transitional

26(1) In this section, Aprevious Regulation@means the *Examination and Training Regulation* (AR 326/82).

(2) A person who immediately before the coming into force of this Regulation was a pupil under the previous Regulation continues as a pupil under this Regulation.

(3) A person who immediately before the coming into force of this Regulation was registered as an Alberta land surveyor under the previous Regulation continues to be registered as an Alberta land surveyor under this Regulation.

Repeal

27 The Examination and Training Regulation (AR 326/82) is repealed.

SCHEDULE OATH OF OFFICE

I, (name) , do swear (or solemnly affirm) that I will diligently, faithfully and to the best of my ability, execute according to law the office of land surveyor; and that I will, as an Alberta land surveyor, conduct all surveys faithfully and to the best of my ability, giving due consideration to the lawful rights of all persons; I will accurately locate and record all evidence of boundary monumentation truly and accurately to the best of my ability, I will measure and record all data truly without prejudice either toward or against any land owner, but in all things conduct myself truly and with integrity; maintaining and upholding the law and the interests of the public.

So help me God

(omit if affirmed)