



CHAPTER 3.

An Act respecting Agrologists.

[Assented to 3rd April, 1947.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Agrologists Act."

Short title.

2. In this Act, unless the context otherwise requires:—

Interpretation.

"Agrologist" means a person registered as an agrologist under the provisions of this Act:

"Agrologist in training" means a person enrolled as an agrologist in training under the provisions of this Act:

"Board" means the Board of Examiners appointed under the provisions of this Act:

"By-law" means a by-law made by the Institute:

"Council" means the Council of the Institute:

"Councillor" means a member of the Council:

"Institute" means the British Columbia Institute of Agrologists:

"Member" means a member of the Institute:

"Agrology" means engaging in a professional capacity in advising on, investigating, experimenting in, teaching, or demonstrating scientific principles and practices relating to:—

(a.) The cultivation, production, improvement, use, or protection of agricultural plants;

(b.) The raising, feeding, improvement, protection, or use of farm animals or poultry;

(c.) The production or protection of milk;

(d.) The classification, cultivation, use, fertilization, conservation, or improvement for agricultural purposes of arable, forest, and range lands;

(e.) The making of economic surveys of any aspect of the agricultural industry;

(f.) The agricultural use of machinery or equipment;

(g.) The identification or control of the pests of agricultural plants and animals:

"Registrar" means the registrar of the Institute:

"Senate" means the Senate of the University of British Columbia.

Incorporation.

Incorporation.

3. (1.) The following persons, namely, John Jex Woods, Saanichton; William Newton, Saanichton; Richard Hugh Spilsbury, Victoria; George Howell Harris, Vancouver; William Henry Hill, Vancouver; John William Hall, Vancouver; James Campbell Hackney, Vancouver; Arthur James Renney, Vancouver; John Carman Wilcox, Summerland; Robert Peter Murray, Penticton; and John Alexander Smith, Oliver, all of whom are graduates in agriculture, are constituted a body corporate under the name of the "British Columbia Institute of Agrologists."

(2.) The Institute shall consist of the persons named in subsection (1) and those who hereafter become members in accordance with the provisions of this Act.

Membership.

Membership.

4. The following persons shall be entitled, upon application and upon payment of the proper fees, to become members of the Institute:—

(a.) Every person:—

(i.) Who is on the thirty-first day of May, 1947, a graduate in agriculture of the University of British Columbia or is the holder of a university degree that is deemed by the Council to be the equivalent of a degree in agriculture of the University of British Columbia; and

(ii.) Who is practising agrology at the time of the coming into force of this Act; and

(iii.) Who, in the opinion of the Council, is qualified to practise agrology within the Province:

(b.) Every person who is a registered member of a professional agricultural body having standards of qualifications for membership similar to those required by section 6.

*Agrologists
in training*

5. (1.) A graduate in agriculture of the University of British Columbia or a holder of a university degree that is deemed by the Council to be the equivalent of a degree in agriculture of the

University of British Columbia may apply to be enrolled as an agrologist in training.

(2.) With his application the applicant shall pay the enrolment fee prescribed by by-law.

(3.) Upon enrolment he shall take such training as is prescribed by by-law.

(4.) He shall thereafter pay the annual fees that are prescribed by by-law.

(5.) The term of training shall be three years.

6. In addition to the persons mentioned in section 4, the following persons shall be eligible for membership in the Institute, namely:—

Further provisions regarding membership.

(a.) Every person who:—

(i.) Is a graduate in agriculture of the University of British Columbia or of a university or college approved for the purposes of this Act by the Council, or is the holder of a degree that is deemed by the Council to be the equivalent of a degree in agriculture of the University of British Columbia; and

(ii.) Subsequent to graduation has had training for three years pursuant to section 5 or similar training or practical experience for three years; and

(iii.) Thereafter passes the examinations referred to in section 8:

(b.) Every person who is resident in the Province and who satisfies the Council that he possesses qualifications that in the opinion of the Council would justify membership in the Institute, and who passes the examinations referred to in section 8.

7. (1.) No person except a member shall, within the Province, use the title of agrologist or any abbreviation thereof.

Persons entitled to use the title agrologist.

(2.) A person who contravenes subsection (1) shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred dollars for the first offence and not exceeding two hundred dollars for every subsequent offence, and he shall be incapable of recovering any fees, rewards, or disbursements for any service rendered as an agrologist.

Offences.

Examinations.

8. (1.) Application for admission to examination shall be made on a form to be supplied on application to the registrar and shall be filed with him at least two weeks before the time fixed for the examination.

Examinations.

(2.) Every application shall be accompanied by the prescribed examination fee and shall contain such information concerning

the applicant's education and course of study as the Council may by resolution prescribe.

(3.) The examination of candidates for admission to the Institute shall be under the control of the Senate.

(4.) The Senate may from time to time, in conjunction with the Council, appoint a Board of Examiners to examine candidates, and may make regulations prescribing the subjects of examination.

(5.) Every examination of candidates for admission to the Institute shall be held at a time and place fixed by the Council.

(6.) The Board of Examiners shall report the result of all examinations to the registrar not later than twenty-one days after the close of the examinations.

(7.) A candidate may appeal to the Council for re-examination of his examination papers.

Administration.

First Council.

9. (1.) There shall be a Council of management of the Institute to be constituted in the manner hereinafter provided.

(2.) The first Council shall consist of the persons named in subsection (1) of section 3, and they shall hold office until the first annual meeting.

Members of Council.

10. (1.) After the expiry of the term of office of the first Councillors, subsequent Councils shall consist of eleven Councillors.

(2.) Of the eleven Councillors, eight shall be elected in such manner as the by-laws provide, two Councillors shall be appointed annually by the Lieutenant-Governor in Council, one of them to be a member of the Faculty of Agriculture of the University of British Columbia, the other to be the Deputy Minister of Agriculture of the Province of British Columbia by virtue of his office, and the eleventh Councillor shall be the immediate past president.

(3.) Retiring Councillors shall be eligible for re-election or reappointment.

(4.) No person shall be eligible for membership of the Council unless he is a member of the Institute and resident in British Columbia.

Elections.

11. The president and vice-president shall be elected by and from Councillors.

Term of office.

12. (1.) The president shall be elected annually and shall hold office until his successor is elected.

(2.) The president shall preside at all meetings of the Council and of the Institute at which he is present.

(3.) The vice-president shall be elected annually and shall have all the powers of the president during his absence.

(4.) Elected Councillors shall hold office for a term of two years or until their successors are elected, four of such Councillors retiring each year: Provided that the four Councillors elected at the first election who receive the lowest number of votes shall hold office for one year only or until their successors are elected.

13. (1.) If an elected Councillor resigns or dies, and if the annual meeting is not to be held within three months after the vacancy occurs, the other Councillors may appoint a member of the Institute to fill the vacancy. Vacancies.

(2.) The term of office of a Councillor appointed pursuant to subsection (1) shall terminate on the date on which the term of the person who resigned or died would have terminated.

(3.) Notwithstanding vacancies, the Council may act if there is a quorum.

14. No person shall be eligible to vote for Councillors unless he is a member of the Institute. Qualifications of voters.

15. In case of a doubt or dispute as to who has been elected a Councillor or as to the legality of the election of a member, the other duly elected Councillors shall be a committee to hold an inquiry and decide the question at issue; and the person, if any, whom they decide to have been elected shall be deemed to be a Councillor legally elected; and if the election is found to have been illegal the committee may order a new election. Inquiry.

16. (1.) The Council shall appoint a registrar and a secretary-treasurer. Officers, appointment, duties and remuneration.

(2.) The registrar and secretary-treasurer shall perform the duties assigned to them by this Act and such further duties as the Council prescribes.

(3.) One person may be appointed both to the office of registrar and to the office of secretary-treasurer.

(4.) The Council shall appoint such other officers and servants as are, in the opinion of the Council, necessary for carrying out the provisions of this Act.

(5.) All officers shall hold office during the pleasure of the Council and shall be officers of the Council as well as officers of the Institute.

(6.) The Council may fix the salaries or fees to be paid to officers and examiners appointed under the provisions of this Act.

Meetings.

17. (1.) The meetings of the Institute and of the Council shall be held at such times and places as are fixed by the by-laws or by resolutions of the Council respectively.

(2.) In the absence of a regulation on the subject, the president, or, in the event of his absence, resignation, or death, the vice-president, may, by a letter mailed to each member of the Institute or of the Council, as the case may require, summon a meeting at such time and place as to him seems meet.

Casting-vote.

18. At all meetings the person presiding for the time being shall have a casting-vote only.

Absence.

19. If the president is absent from a meeting, the vice-president, or, in his absence, a member to be chosen from the members present, shall preside.

Majority.

20. (1.) All questions submitted to the Institute or the Council shall, subject to section 18, be decided by a majority of the members present.

(2.) A quorum shall be not less than fifteen in the case of the Institute and five in the case of the Council.

Fees.

21. There shall be paid to the Councillors such fee for attendance and such reasonable travelling expenses as are fixed by by-law.

Power to hold property.

22. The Institute may acquire by gift, purchase, or otherwise, and alienate, sell, mortgage, lease, or otherwise charge or dispose of, real or personal property for the purpose of carrying into effect and of promoting the objects of the Institute.

Power to pass by-laws.

23. (1.) The Institute may pass by-laws not inconsistent with the provisions of this Act respecting:—

- (a.) The election of the Council:
- (b.) The conduct, discipline, and honour of its members:
- (c.) The management of its property:
- (d.) The appointment of officers and servants of the Institute and the duties of such officers and servants:
- (e.) The maintenance of the Institute by levying annual and other fees and prescribing the same:
- (f.) The time, place, and conduct of the annual and other meetings of the Institute and meetings of the Council:
- (g.) The admission of candidates to membership in the Institute:
- (h.) The enrolment and training of and fees to be paid by agrologists in training:
- (i.) The formation of groups of members throughout British Columbia, to be known as "locals," and, if deemed advisable, the election of Councillors by locals:

- (j.) The making of grants to locals and to any other association or institute of agrologists or of persons with similar qualifications:
- (k.) The licensing of persons who are not resident in the Province to practise agrology for a period of time to be specified in the licence:
- (l.) All other purposes deemed necessary or convenient for the management or welfare of the Institute.

(2.) The secretary-treasurer shall file with the Minister of Agriculture of the Province of British Columbia a certified copy of every by-law and of every amendment of a by-law within seven days after the passing thereof.

(3.) The Lieutenant-Governor in Council may at any time within one month after receipt by the Minister of Agriculture of the Province of British Columbia of a by-law or of an amendment of a by-law disallow such by-law or amendment, and thereupon the by-law or amendment shall be void.

Register.

24. (1.) The Council shall cause to be kept by the registrar a book to be known as the "register" in which shall be entered the names and addresses of all members, and also the names and addresses of all persons who are enrolled as agrologists in training. Register.

(2.) The registrar shall keep the register correctly and strictly in accordance with the provisions of this Act and the by-laws.

(3.) The register shall be open to inspection at all reasonable times free of charge.

25. The registrar shall issue to every member a certificate of membership in the form in the Schedule. Certificate of membership.

26. (1.) The registrar shall issue an annual certificate of registration in such form and subject to such regulations as are prescribed by by-law to all persons whose names have been duly entered in the register as agrologists. Certificates of registration.

(2.) All certificates of registration shall expire on the thirtieth day of April, but shall be renewable from year to year upon payment of the prescribed fee.

(3.) The registrar shall issue to all agrologists in training a certificate of enrolment, in such form as is prescribed by by-law.

27. The registrar may from time to time, under the direction of the Council, cause to be published a list of the names in alphabetical order according to the surnames, with the respective Publication of list of members.

residences, of all persons whose names are in the register as members, and also a like list of all persons who are enrolled as agrologists in training; and if such lists are not published yearly, he shall issue a yearly addendum.

Published list
as evidence.

28. (1.) Such lists or addendum published or purporting to be published by the Institute shall be prima facie evidence in all Courts in the Province and before all Magistrates and Justices of the Peace in and for the Province that the persons therein named are registered or enrolled, as the case may be, according to the provisions of this Act, and, subject to the provisions of subsection (2), the absence of the name of any person from the list or addendum shall be prima facie evidence that such person is not registered or enrolled, as the case may be.

(2.) A certificate of registration purporting to be signed by any person in his capacity as registrar of the Institute shall be prima facie evidence in said Courts that he is such registrar and of the facts certified.

Fees.

Fees

29. (1.) Members shall pay on registration a fee not exceeding fifteen dollars and annually such fees as are prescribed by the by-laws, not in excess of fifty dollars.

(2.) The name of a person in default in payment of his annual fee shall be removed from the register by order of the Council after one month's notice by prepaid registered mail to him, and shall not be reinstated except upon payment of all arrears.

Discipline.

Complaint and
investigations

30. (1.) The Council shall have jurisdiction to hear and determine any complaint made against a member of the Institute for violation of any of the provisions of this Act or of the by-laws or rules of professional ethics of the Institute, or any complaint of improper conduct

(2.) Upon receipt of the complaint the Council shall fix the time and place for hearing the same.

(3.) The Council shall give not less than seven days' notice of the time and place both to the person who is the subject of the complaint and to the complainant.

(4.) The notice to the person who is the subject of the complaint shall give particulars of the complaint.

(5.) At the time and place fixed the Council shall meet and hear the complaint and the evidence adduced.

(6.) The hearing may be adjourned from time to time.

(7.) If the complaint is found to be proven, the Council may, in its discretion, reprimand or censure the member against whom the complaint is proved, or suspend or expel him as it deems just.

(8.) A quorum of the Council may hear a complaint.

(9.) A member suspended or expelled may be reinstated and all his rights and privileges as a member restored in such manner and upon such terms and conditions as the Council deems just.

(10.) The testimony of witnesses shall be taken under oath, which the presiding chairman is authorized to administer, and there shall be a right to examine, cross-examine, and re-examine all witnesses called and to adduce evidence in support of the complaint, defence, and reply.

(11.) If the person whose conduct is the subject of complaint, though duly notified, does not attend, the Council may proceed in his absence, and he shall not be entitled to notice of future meetings or proceedings of the Council.

(12.) The Council may make rules for regulating the making of complaints and the hearing and determination of matters of complaint.

31. The person against whom a complaint is made or the complainant or the Council may obtain from the Registrar of any County Court a subpoena ad testificandum or a subpoena duces tecum requiring the attendance of any witness before the Council at the hearing of a complaint. Witnesses

32. (1.) Any person who has been suspended or expelled, or who feels himself aggrieved or is affected by any order or decision of the Council, may appeal from such order or decision to any County Court at any time within six months from the date of said suspension or expulsion, order or decision, or the publication or express notice thereof, and the presiding Judge, upon the hearing of the appeal, which shall be analogous to an appeal to the County Court under the "Summary Convictions Act," may make an order varying, confirming, or reversing either in whole or in part the order or decision appealed from. Appeal

(2.) Costs of the application shall be in the discretion of the presiding Judge.

Miscellaneous.

33. Any person wilfully procuring or attempting 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, and every person knowingly aiding and assisting him therein shall be guilty of an offence and liable, on summary conviction, to a fine of not less than fifty dollars and not more than two hundred dollars. False and fraudulent representations

34. The registrar shall, whenever required by the Lieutenant-Governor in Council so to do, transmit to the Minister of Agriculture of the Province of British Columbia a certified return Returns to Lieut.-Governor in Council

under the seal of the Institute setting forth all such information and particulars relating to the Institute as he may from time to time require.

Head office.

35. The head office of the Institute shall be at the City of Vancouver, in the Province of British Columbia.

SCHEDULE.

(Section 25.)

CERTIFICATE OF MEMBERSHIP.

The British Columbia Institute of Agrologists, by virtue of the authority vested in it by the Legislature of the Province of British Columbia, awards this certificate to _____, who has complied with all the requirements of the law regarding registration as an agrologist and has been adjudged qualified to practise agrology.

In witness wherof we, the undersigned officers of the Institute, have hereunto signed our names and affixed the corporate seal of the Institute this _____ day of _____, one thousand nine hundred and _____, at the City of Vancouver, in the Province of British Columbia.

President.

Registrar.

VICTORIA, B C :

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