



Province of Alberta

PRIVATE VOCATIONAL TRAINING ACT

Revised Statutes of Alberta 2000
Chapter P-24

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Private Vocational Training Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Private Vocational Training Act		
Private Vocational Training	341/2003	296/2006, 68/2008, 349/2009, 31/2012, 62/2013, 179/2013, 149/2016

PRIVATE VOCATIONAL TRAINING ACT

Chapter P-24

Table of Contents

1	Definitions
2	Application of Act
3	Director, staff, etc.
11	Licence required
12	Application and licence
13	Licence to operate school
15	Powers of inspector
16	Order of Director
17	Suspension or cancellation of licence
17.1	Request for cancellation of licence
20	Stop orders
21	Service of documents
22	Offences
23	Enforcement of stop order
24	Regulations

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

- 1** In this Act,
- (a) repealed 2004 c30 s3;
 - (b) “Court” means the Court of Queen’s Bench;
 - (c) “Director” means the Director of Private Vocational Training;

- (d) “inspector” means a person appointed under section 3(1) as an inspector and includes the Director or a person whose services are engaged under section 3(2);
- (e) “instructor” means a person who is authorized by a licensee to provide vocational training;
- (f) “licence” means a licence issued under section 12;
- (g) “licensee” means the holder of a licence;
- (h) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (i) “student” means a person who has entered into a student contract;
- (j) “student contract” means an agreement between a licensee and a student respecting the provision of vocational training;
- (k) “vocation” means an occupation, calling, trade or pursuit that is determined, in accordance with the regulations, to be a vocation;
- (l) “vocational training” means a program of instruction in a vocation and includes instruction provided by correspondence.

RSA 2000 cP-24 s1;2004 c30 s3;2007 c38 s3

Application of Act

2 This Act does not apply to

- (a) a vocation,
- (b) vocational training, or
- (c) an institution that provides vocational training

that is exempt under the regulations from the operation of this Act.

RSA 1980 cP-17 s2;RSA 1980 cL-1.1 s180;1981 c75 s14;
1983 cD-11.1 s15;1988 cL-1.2 s207;1990 c1 s3

Director, staff, etc.

3(1) In accordance with the *Public Service Act*, there may be appointed a Director of Private Vocational Training, inspectors and other employees necessary for the administration of this Act.

(2) The Director may engage the services of persons who are not employees of the Government and who have special technical skills or knowledge to act as inspectors or to advise the Director on matters that are under the Director's administration.

(3) The Director may authorize in writing

- (a) an employee of the Government under the administration of the Minister, or
- (b) a person engaged under subsection (2)

to do any act or thing required or permitted to be done by the Director under this Act or the regulations.

(4) A written authorization made under subsection (3) may be

- (a) general or applicable to a particular case, and
- (b) conditional or unconditional.

(5) A written authorization made under subsection (3)

- (a) purporting to be signed by the Director, and
- (b) stating that the person named in it is authorized under this section to do the act or thing set out in the written authorization,

or a copy of it, shall be admitted in evidence as proof, in the absence of evidence to the contrary, of that person's authorization to do the act or thing without proof of the signature or official character of the person appearing to have signed the written authorization.

RSA 2000 cP-24 s3;2007 c38 s4

4 to 10 Repealed 2004 c30 s3.

Licence required

11 No person shall provide vocational training to students unless the person is a licensee or is an instructor.

RSA 1980 cP-17 s11;1990 c1 s3

Application and licence

12(1) A person who wishes to provide vocational training to students shall apply to the Director, in the form prescribed by the Director, for a licence.

- (2) The Director may, in accordance with the regulations, issue or refuse to issue a licence in respect of one or more programs of instruction that the applicant wishes to provide.
- (3) A licence authorizes the licensee to provide only the programs of instruction that are stated on the licence.
- (4) The Director may issue a licence with or without conditions and may, at any time, cancel a condition or add a condition restricting the number of students that may be enrolled in a program of instruction.
- (5) A licensee must comply with the conditions stated on the licence.
- (6) Repealed 2007 c38 s5.

RSA 2000 cP-24 s12;2007 c38 s5.

Licence to operate school

- 13(1)** A licence shall state
- (a) repealed 2007 c38 s6,
 - (b) the name of the licensee,
 - (c) the programs of instruction that the licensee is authorized by the licence to provide,
 - (d) the premises at which each program of instruction will be provided, or if a program of instruction will not be provided at premises, the business address of the licensee, and
 - (e) repealed 2007 c38 s6,
 - (f) the conditions to which the licence is subject, if any.
- (2) A licensee shall post a copy of the licence in a prominent place at the premises at which each program of instruction authorized by the licence is provided.
- (3) No person shall
- (a) cover up, mutilate or deface a licence, or
 - (b) without the written permission of the Director, remove a licence,

posted under subsection (2).

RSA 2000 cP-24 s13;2007 c38 s6

14 Repealed 2007 c38 s7.

Powers of inspector

15(1) In this section, “records” means textbooks, lesson plans, equipment, student assignments, instructional materials, student contracts, attendance records, financial files and books of account.

(2) An inspector may, on reasonable notice, at any reasonable time and for the purpose of determining whether this Act, the regulations, a licence or a student contract is being complied with,

- (a) enter any premises at which vocational training is provided or any premises at which a licensee keeps records relating to a program of instruction, other than a private dwelling,
- (b) require the production of any records and examine them, make copies of them or remove them temporarily for the purpose of making copies, and
- (c) perform tests, take photographs, make recordings and observe instructors.

(3) An inspector who removes any records under subsection (2) shall

- (a) give to the person from whom the records were taken a receipt for the records, and
- (b) make copies of the records and return them to the person from whom they were taken within a reasonable time after removing them.

(4) If a person refuses to allow an inspector to exercise any powers under this section or interferes or attempts to interfere with the inspector in the exercise of those powers, the Director may apply to the Court for an order restraining that person from preventing or interfering in any manner with the inspector in the exercise of those powers.

(5) An application under subsection (4) may be made ex parte, if the Court considers it proper to do so.

RSA 2000 cP-24 s15;2009 c53 s140

Order of Director

16(1) If the Director has reason to believe that this Act, the regulations, a licence or a student contract is not being complied with, the Director may in writing order a refund of fees for

vocational training or order a licensee to take the measures specified in the order within the time specified in the order.

(2) If the Director has reason to believe that the financial position of a licensee may be inadequate, the Director may in writing order the licensee to make and furnish to the Director full and correct statements showing the financial position of the licensee and may require the statements to be made on oath or verified by statutory declaration.

RSA 1980 cP-17 s17;1990 c1 s3;1997 c18 s25

Suspension or cancellation of licence

17(1) If the Director is of the opinion that

- (a) vocational training is not being provided in a competent manner,
- (b) the premises at which vocational training is provided are unsuitable,
- (c) the financial resources of a licensee are inadequate for the continued effective provision of a program of instruction, or
- (d) this Act, the regulations, a licence, a student contract, an order made under section 16 or a stop order made under section 20 is not being complied with,

the Director may, on 30 days' notice in writing to the licensee, cancel or suspend the licence insofar as it relates to one or more programs of instruction.

(2) On receiving a notice under subsection (1), the licensee shall forthwith provide to the Director a list of the names and addresses of the students registered in a program of instruction affected by the notice.

(3) On a notice being given under subsection (1), the Director shall

- (a) post a notice of the cancellation or suspension in a prominent place at the premises at which a program of instruction that is affected by the notice is provided, or
- (b) if a program of instruction that is affected by the notice is not provided at premises, on receiving the list referred to in subsection (2), notify in writing those persons shown on the list of the cancellation or suspension of the licence.

(4) No person shall

- (a) cover up, mutilate or deface a notice posted under subsection (3)(a), or
- (b) without the written permission of the Director, remove a notice posted under subsection (3)(a).

RSA 2000 cP-24 s17;2007 c38 s8

Request for cancellation of licence

17.1(1) A licensee may request cancellation of a licence insofar as it relates to one or more programs of instruction by submitting a written request to the Director.

(2) If a licensee requests that a licence be cancelled in respect of a program of instruction, the licensee shall provide to the Director a list of the names and addresses of the students registered in that program of instruction.

(3) If the Director is satisfied that the licensee has fulfilled the licensee's obligations under the student contracts with the students registered in a program of instruction, the Director may, on notice in writing to the licensee, cancel the licence insofar as it relates to that program of instruction.

2007 c38 s9

18 and 19 Repealed 2004 c30 s3.

Stop orders

20(1) The Director may issue a stop order directing a licensee to cease the activity specified in the stop order within the time specified in the stop order if the Director has reason to believe that

- (a) this Act, the regulations, a licence, a student contract or an order made under section 16 is not being complied with, or
- (b) the financial resources of the licensee are inadequate for the continued effective provision of a program of instruction.

(2) A stop order

- (a) shall set out the reasons for which it was made, and
- (b) may specify a period of time that the stop order remains in force.

- (3) The Director shall cause a copy of the stop order to be served on the person to whom it is issued within 48 hours of the stop order being made.
- (4) A person to whom a stop order is issued may appeal the making of the stop order by filing an application with the Court within 15 days after being served with the stop order.
- (5) The Court may hear an application made under this section not less than 2 days after the application has been served on the Director.
- (6) On an appeal under subsection (4), the Court shall
- (a) inquire into all matters leading to the making of the stop order,
 - (b) determine whether, in its opinion, there were sufficient grounds for the making of the stop order, and
 - (c) confirm, amend or revoke the stop order.

RSA 2000 cP-24 s20;2009 c53 s140

Service of documents

21 An order, stop order or notice made or given under this Act may be served

- (a) by personal service on the person to whom it is made,
- (b) by any form of mail for which the addressee or a person on behalf of the addressee is required to acknowledge receipt of the mail by providing a signature,
- (c) by posting it in a prominent place at the premises at which a program of instruction that is affected by the order, stop order or notice is provided, or
- (d) as directed by a judge of the Court.

RSA 2000 cP-24 s21;2007 c38 s10

Offences

22 A person who contravenes this Act, the regulations, a licence or a stop order is guilty of an offence and liable to a fine of not more than \$2000, and in the case of a continuing offence, to a further fine of not more than \$500 for each day or part of a day during which the offence continues after the first day.

RSA 1980 cP-17 s24

Enforcement of stop order

23 If a person does not comply with a stop order, the Director may, whether or not that person has been prosecuted under this Act, apply to the Court for an order of the Court directing that person to comply with the stop order.

RSA 2000 cP-24 s23;2009 c53 s140

Regulations

24 The Lieutenant Governor in Council may make regulations

- (a) prescribing criteria to be used to determine if an occupation, calling, trade or pursuit is a vocation;
- (b) respecting the licensing of persons under this Act, describing the criteria that must be met to enable the Director to issue a licence and prescribing restrictions on the number of licences that may be issued;
- (c) respecting the enrolment of students;
- (d) respecting premises at which vocational training may be provided;
- (e) respecting the provision of vocational training by correspondence;
- (f) respecting qualifications of instructors;
- (g) respecting examinations;
- (h) respecting certificates, diplomas or other documents that may be issued to students;
- (i) respecting fees for vocational training and refunds of fees;
- (j) respecting the security to be given by licensees and the forfeiture of the security;
- (k) respecting the records that must be kept by licensees;
- (l) respecting the returns that must be filed with the Director by licensees;
- (m) respecting advertising by licensees and the consequences of false or misleading advertising;
- (n) respecting the mediation of disputes between licensees and students;

- (o) exempting a vocation, vocational training or an institution that provides vocational training from the operation of this Act or any part of this Act.

RSA 2000 cP-24 s24;2007 c38 s11



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