



By-Laws of the
College of Licensed Practical Nurses of Manitoba

June 2024

Article 1 – Interpretation

1.1 Interpretation

In the interpretation of these By-Laws, words in singular include words in the plural and vice versa and words in one gender include all genders. Words defined in *The Licensed Practical Nurses Act* (“the Act”) have the same meaning when used in these By-Laws.

Article 2 – Corporate Matters

2.1 Name

The name of the organization is the College of Licensed Practical Nurses of Manitoba, hereinafter known as “the College.”

2.2 Head Office

The head office of the College shall be located in the City of Winnipeg wherein the business of the College may be conducted.

2.3 Seal and Certification

- a] The seal of the College shall remain in the head office of the College.
- b] Any person authorized to sign any document on behalf of the College, which requires the College’s seal, may affix the seal to the document.

2.4 Signing Authorities

The signing authorities of the College shall be the President, Executive Director, Accountant and one other Board Member as appointed by the Board.

2.5 Fiscal Year

The fiscal year of the College shall commence on the first day of January and terminate on the 31st day of December.

2.6 Financial Dealings

- a] All cheques, drafts or orders for payment of money and all notes and acceptance and bills of exchange shall be signed only by the persons so designated in 2.4 of these By-Laws.

- b] All securities owned by the College shall be lodged with a chartered bank or trust company or in a safety deposit box, if so authorized by resolution of the Board, with such other depositories or in such other manner as may be determined by the Board.
- c] The books of account of the College shall be kept at the head office of the College or at such other places in the Province of Manitoba as determined or approved by the Board.

2.7 Remuneration

Board Directors attending meetings of the Board or of any committee of the Board may be paid an honorarium, in accordance with such policies established by the Board.

2.8 Financial Auditor

An auditor for the College shall be as determined and appointed by the Board.

Article 3 –Rights and Obligations of Members and Applicants

3.1 Licensed Practical Nurses

- a] Shall be entitled to notice of annual and special general meetings and have full voice, voting rights and privileges as per College By-Laws.
- b] Shall be entitled to hold office on the Board, pursuant to the Act, these By-Laws and College policy.
- c] Shall be entitled to serve as an appointed member of a College committee pursuant to the Act, these By-Laws and College policy.
- d] Shall report to the College, within 30 days:
 - i. Any name change.
 - ii. Any change in any personal contact information including email address, mailing address and phone number.
 - iii. Any change in nursing employment including business name, address, phone number and email address.
 - iv. If he or she is under investigation or has been charged or convicted of an offence:
 - under the *Criminal Code*, *Controlled Drugs and Substances Act*, or the *Food and Drugs Act*, or any similar statute in a jurisdiction outside of Canada,
 - related to impaired driving, under any statute, and/or
 - related to an act that resulted in injury or death, under any statute.
 - v. If his or her name has been entered on the adult abuse and/or child abuse registry.
- e] Shall answer all correspondence from the College in which a reply is requested or directed, within thirty (30) days or by the deadline specified in the correspondence, whichever is earliest, unless an extension is granted by the College.
- f] Shall accurately complete and submit the required registration and registration renewal applications by providing such information as may be requested and required in the manner prescribed by the College, shall pay such fees as determined

in accordance with these By-Laws, and shall pay or make reasonable arrangements acceptable to the College to pay any outstanding costs and fines owed to the College.

- g] Shall adhere to any signed undertaking agreement as it constitutes a binding commitment, a breach of which constitutes professional misconduct.

3.2 Graduate Practical Nurses

- a] Shall be entitled to notice of annual and special general meetings of the College, to have voice at annual or special meetings, but shall not be entitled to vote or hold office in the College.
- b] Are entitled to use the title graduate practical nurse and GPN and shall practise only under the supervision of a licensed practical nurse (who is authorized to practise in Manitoba without restrictions), a registered nurse or a registered psychiatric nurse.
- c] Shall report to the College, within 30 days:
 - i. Any name change.
 - ii. Any change in personal contact information including email address, mailing address and phone number.
 - iii. Any change to nursing employment including business name, address, phone number and email address
 - iv. If he or she is under investigation or has been charged or convicted of an offence:
 - under the *Criminal Code*, *Controlled Drugs and Substances Act*, or the *Food and Drugs Act*, or any similar statute in a jurisdiction outside of Canada,
 - related to impaired driving, under any statute, and/or
 - related to an act that resulted in injury or death, under any statute.
 - v. If his or her name has been entered on the adult abuse and/or child abuse registry.
- d] Shall answer all correspondence from the College in which a reply is requested or directed, within thirty (30) days or by the deadline specified in the correspondence, whichever is earliest, unless an extension is granted by the College.
- e] Shall accurately complete and submit the required graduate practical nurse registration and registration renewal applications by providing such information as may be requested and required in the manner prescribed by the College, shall pay such fees as determined in accordance with these By-Laws, and shall pay or make reasonable arrangements acceptable to the College to pay any outstanding costs and fines owed to the College.
- f] Shall adhere to any signed undertaking agreement as it constitutes a binding commitment, a breach of which constitutes professional misconduct.

3.3 Student Practical Nurses

- a] Shall be entitled to notice of annual and special meetings of the College, to have voice at annual or special meetings, but shall not be entitled to vote or hold office in the College.

- b] Are entitled to use the title student practical nurse and SPN only when actively enrolled in a Board-approved practical nursing education program.
- c] Shall practise as a student practical nurse only while actively enrolled in a Board-approved practical nursing education program and only under the supervision of a licensed practical nurse (who is authorized to practise in Manitoba without restrictions), a registered nurse or a registered psychiatric nurse.
- d] Shall report to the College, within 30 days:
 - i. Any name change.
 - ii. Any change in any personal contact information including email address, mailing address and phone number.
 - iii. Any change to nursing education status including school name and address, phone number, email address, student number and expected graduation date.
 - iv. If he or she is under investigation or has been charged or convicted of an offence:
 - under the *Criminal Code, Controlled Drugs and Substances Act, or the Food and Drugs Act*, or any similar statute in a jurisdiction outside of Canada,
 - related to impaired driving, under any statute, and/or
 - related to an act that resulted in injury or death, under any statute.
 - v. If his or her name has been entered on the adult abuse and/or child abuse registry.
- e] Shall answer all correspondence from the College in which a reply is requested or directed, within thirty (30) days or by the deadline specified in the correspondence, whichever is earliest, unless an extension is granted by the College.
- f] Shall accurately complete and submit the required student practical nurse registration and registration renewal applications by providing such information as may be requested and required in the manner prescribed by the College and pay such fees as determined in accordance with these By-Laws and shall pay, or make reasonable arrangements acceptable to the College for payment of, any outstanding costs and fines owed to the College.
- g] Shall adhere to any signed undertaking agreement as it constitutes a binding commitment, a breach of which constitutes professional misconduct.

3.4 Applications to Registers

Recognizing the changing dynamics and complexities of health care, the practice environment and the resulting need for flexibility in establishing minimum registration standards that are in the public interest, the Board shall establish, in policies that shall have the same effect as By-Law, the period of time a person may be absent from nursing practice, beyond which he or she must complete an approved entry-level practical nursing education program and pass the approved registration exam in order to be eligible to apply for registration. The amount of time reflected in policy shall not be less than four consecutive years.

3.5 Appeals

A person who has not submitted a complete application in the manner and within the timeline prescribed by the College, and along with the fees, and the documentation,

evidence, and information required to demonstrate eligibility for registration with the College, is not entitled to a registration decision, and under section 10(1) of the Act, has no standing to appeal.

3.6 General Rights

Any person not addressed specifically in these By-Laws, including any former member, honorary member or member of the public, is entitled to voice at an annual or special general meeting, but does not have voting rights or privileges.

3.7 Notice

Whenever, under these By-Laws, notice or other documents are required to be given by the College, such notice or other documents shall be held to be given at the time when the same are either published online, sent electronically, served in person, or five days after being posted by mail. In the event that notice or other documents are sent both electronically and by mail, the earliest date is considered the date the notice was given. For the purpose of sending any notice or other documents by any means, the address utilized shall be as recorded on the registers or books of the College.

Article 4 – Board of Directors

4.1 Board Size

The affairs of the College shall be governed by a Board of not more than 12 people.

4.2 Composition

- a] Subject to these By-Laws, the Board shall consist of the following people:
 - i. six licensed practical nurses
 - ii. five public representatives, and
 - iii. one President.

- b] The Board shall elect the President from the licensed practical nurse Board members referred to in clause [a][i]. Filling the vacancy left by the President shall be handled in the manner outlined in Article 8 of these By-Laws.

- c] A Vice-President may be appointed by the Board any time that the Board considers the appointment of a Vice-President appropriate. The Vice-President shall be appointed from the elected licensed practical nurse Board members referred to in clause [a][i]. The appointment of a Vice-President will not give rise to a by-election, an increase in the total number of Board members, or any other alteration to the composition of the Board.

- d] Two public representatives shall be appointed by the Board in accordance with these By-Laws and policies approved by the Board for the appointment of public representatives.

- e] Three public representatives shall be appointed by the Minister of Health.

4.3 Term of Office

- a] Subject to subsection 4.4 and 4.5, the term of office of all Board members, including the President, shall be two years; however, an incumbent Board member may continue to hold office upon completion of a term until a successor is elected, or if required and subject to Article 8, until a successor is appointed by the Board.
- b] All Board members, including the President, may serve more than one term but not more than three consecutive terms.
- c] A Board member who has served three consecutive terms may once again seek election or appointment after at least one year has elapsed since the expiry of their last term.
- d] Before the end of the two-year term, and before the spring meeting, the incumbent President shall provide written notice of his/her intent to seek re-election or intent to resign.
- e] The Vice-President's term of office will be determined by the Board upon appointment but shall not exceed the member's elected term.

4.4 Eligibility Requirements for Members of the College

- a] Subject to these By-Laws, members of the College on the register of practising licensed practical nurses who are in good standing are eligible for nomination, election, appointment and/or to hold office on the Board, except:
 - i. employees of the College; or
 - ii. individuals with any union affiliation, other than that required for employment; or
 - iii. individuals who are board members, committee members, or employed by a professional nursing association; or
 - iv. individuals who are members of a regulated health profession, other than the legislated membership required for licensed practical nurses in Canada; or
 - v. members who are the subject of an ongoing College investigation or disciplinary proceeding, members in an undertaking agreement with the College to resolve a concern about their practice or conduct, and/or members who have been the subject of a finding under the Act; or
 - vi. members who have been convicted of an indictable offence.
- b] If a member of the College on the register of practising licensed practical nurses ceases to meet the eligibility criteria for Board membership, he or she shall cease to be a member of the Board.

4.5 Eligibility Requirements for Public Representatives

- a] Subject to these By-Laws, members of the public are eligible for appointment and/or to hold office on the Board, except:
 - i. employees of the College; or

- ii. individuals with any union affiliation, other than that required for employment;
 - iii. individuals who are board members, committee members, or employed by a professional nursing association, or
 - iv. individuals who hold employment positions as managers of LPNs and who are responsible for employee hiring, evaluations, discipline or terminations; or
 - v. individuals who are members of a regulated health profession; or
 - vi. individuals who have been convicted of an indictable offence.
- b] If an appointed Board member ceases to meet the eligibility criteria outlined in College By-Laws and policy, he or she shall cease to be a member of the Board.

Article 5 - Elections to the Board

5.1 Election of Directors

- a] Election of the Board of Directors shall be held by May 1 of each year for elected Directors in the second year of their two-year term.
- b] The nomination of a candidate for election requires the signatures of at least three other members of the College who are on the register of practising licensed practical nurses, who are in good standing with the College.
- c] The nomination requires, from the nominee, a written declaration of eligibility and a signed consent.
- d] Nominations received for election to the Board of Directors shall be on the prescribed form and submitted in the manner prescribed and approved by the Board.
- e] The Board shall establish, in policy, rules regarding the nomination of candidates for election and the manner of voting
- f] The College, following receipt of the election results, shall provide written notice to the nominated candidates of the results.
- g] The elected Board member shall be announced at the annual meeting of the College.
- h] All Board members must sign an Oath of Office upon election, acclamation and/or appointment and annually thereafter.

5.2 Eligibility to Vote

Each member on the register of practising licensed practical nurses is entitled to vote in an election of Board members.

5.3 Election by Acclamation

Where the number of eligible candidate nominations equals the number of vacancies, the candidate(s) shall be declared duly elected.

5.4 Insufficient Number of Nomination Candidates

If the number of eligible nomination candidates is less than the number of vacancies, the Board shall appoint an eligible person to the Board in the manner outlined in these By-Laws.

Article 6 - Election of President

6.1 Board members seeking election to the position of President shall:

- i. submit to the Board by the spring meeting, a written declaration of their intention to run for the office;
- ii. submit a resume to the Board; and
- iii. provide evidence that their nomination has been supported by at least three other Board members.

Article 7 - Board of Directors Quorum

7.1 A majority of the Board, at least one of whom is a public representative and at least one of whom is a licensed practical nurse, constitutes a quorum for the transaction of business.

Article 8 - Vacancies on the Board

8.1 If a Board member resigns, dies, is removed from the Board or otherwise ceases to be an eligible Board member, the Board shall declare the office vacated and may appoint a successor, in the manner hereinafter set out, to hold office until the end of the current term of office.

8.2 Vacancies on the Board, so long as a quorum of Board members remains in office, shall be filled in the manner hereinafter set out:

- a] A vacancy among officers of the Board including the President, prior to the end of a term, shall be filled by appointment by the Board of a then incumbent Board member.
- b] A vacancy among the directors in the first year of the vacating director's term shall be filled by calling a by-election.
- c] A vacancy among the directors in the second year of the vacating director's term shall be filled by appointment, for the remainder of the term, by the Board. Appointments are subject to eligibility requirements as described in these By-Laws.
- d] If a director is elected to the office of President, the Board shall declare the director's position vacant. If the resulting vacancy occurs during the first year of the vacating director's term a by-election shall be called. If the resulting vacancy occurs during

the second year of the vacating director's term, the Board shall appoint a licensed practical nurse from the membership to the remainder of the term. Appointments are subject to eligibility requirements as described in these By-Laws.

8.3 Vacancies that Cannot be Filled

When a vacancy cannot be filled by election, the Board shall fill that vacancy by appointment. Appointments are subject to eligibility requirements described in these By-Laws.

8.4 Vacancies and Quorum

If vacancies on the Board number such that there is not a quorum of Directors remaining, the remaining Board Directors shall forthwith call an election to fill the vacancies. If the election does not result in a sufficient number of Directors to achieve quorum, quorum will be suspended for the purposes of filling the remaining vacancies by appointment, in accordance with these By-Laws.

8.5 Vacancy of President Position

In the event that the President position becomes vacant before the end of a term, if there is a Vice-President appointed, the Vice-President shall assume the role of President until such time as the Board convenes a meeting to appoint a new President. Any vacancies arising out of this appointment shall be dealt with as described in these By-Laws.

Article 9 - Removal from the Board

- 9.1 A Director may be removed from the Board if the Director:
- i. is absent from more than two regular meetings in any one year in which case he/she will be considered to have resigned unless an exception is granted by the Board, or
 - ii. fails or refuses to adhere to the By-Laws, Regulations, Policies of the College, the Oath of Office, or fails to fulfill Board duties.
- 9.2 If, while holding office, an elected or appointed Board member does not meet all of the eligibility requirements described in these By-Laws, they shall immediately cease to be a member of the Board.
- 9.3 Any Board member under investigation or charged with and indictable offence must immediately provide notice to the Executive Director.

Article 10 – Board Meetings

- 10.1 Regular, special and emergency Board meetings may be called by the President and shall be held in accordance with these By-Laws and Board policy.
- 10.2 A minimum of four (4) regular meetings of the Board shall be held per year at a time, location and in a manner as determined by the Board.
- 10.3 The President may convene a special meeting of the Board at any time. Such business as is stated in the notice of the meeting shall only be considered.
- 10.4 A meeting of the Board shall be held, following the annual general meeting, at a time, location and in a manner as determined by the Board.
- 10.5 Written notice of meetings of the Board, stating the business to be transacted, and whether the meeting is to take place in person or by virtual means, shall be given to each Director not less than fourteen (14) calendar days before the meeting. Notice of any meeting or any irregularity in any meeting notice may be waived by any Director.
- 10.6 A resolution in writing signed by all Directors shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.

Article 11 – Annual and Special General Meetings

11.1 Annual General Meeting

The College shall hold an annual general meeting in each calendar year. The meeting shall be held at such a date, time and place as may be determined by the Board and may be held in person or by virtual means as determined by the Board. The agenda shall be set by the Board.

11.2 Special General Meeting

A special general meeting may be called in accordance with provisions stated in Part 3, section 4(5) Meetings in the Act.

11.3 Notice of General Meetings

Notice setting out the business for an annual general or special general meeting shall be published not less than thirty (30) days before the meeting is to take place. The notice shall state whether the meeting will be held in person or by virtual means.

11.4 Quorum at General Meetings

- a] A majority of those College members who are present and eligible to vote at the meeting shall be needed for the adoption of any business, unless otherwise stated in these By-Laws.
- b] A quorum for any annual general meeting or special general meeting of the College shall be the number of members on the register of practising licensed practical nurses who attend the meeting.

11.5 Scrutineers at General Meetings

- a] Before any vote is taken at a general meeting, the meeting Chair shall appoint scrutineers, who are not voting members of the College.
- b] The Chair shall name a head scrutineer and provide them with the total number of eligible voters at the meeting.
- c] In the event of a ballot vote, the scrutineers shall distribute, collect and count the ballots and report the results in writing to the Chair. In the event of a vote by voting flag, the scrutineers will assist the Chair with the count of votes for and against the motion, if the Chair directs them to do so.

11.6 Voting at Annual General Meetings and Special General Meetings

- a] Voting at annual and special meetings of the College shall be in accordance with Part 3, section 4(7) Entitlement to Vote in the Act.
- b] As evidence of entitlement to vote, members are required to present their registration number and photo identification in the form and manner directed by Board policy.
- c] Voting shall be by a show of hands for those who are present and voting in the room, and by electronic voting for those who are present and voting online, provided that at any time before a vote is taken, the Chair may order, or a member with the right to vote may move, that a ballot vote be held.
- d] In any voting by a show of hands, the Chair, with the assistance of the scrutineers if necessary, shall make such count of the votes given by a show of hands as they may consider necessary and shall decide the results. The Chair's decision shall be final.
- e] In the event of a tie vote, either by a show of hands, electronic voting or ballot vote, the Chair of the meeting shall cast the deciding vote.

Article 12 – Parliamentary Authority

- 12.1 The most recent edition of Robert's Rules of Order Newly Revised shall apply on all questions of procedure and parliamentary law not specified in these By-Laws.

Article 13 – Duties of Officers

13.1 The President

- a] The President shall preside at all meetings of the Board and the annual or special meetings, within the term elected. The President shall see that all orders and resolutions of the Board are carried into effect.
- b] The President shall submit a report for the year to the College members at the annual meeting, and report to the Board, matters which in the interest of the College may be required to be brought to the Board's attention.
- c] An elected Director could fulfill the President's duties in his/her absence.

13.2 The Vice-President

- a] The Vice-President is voted by and from the Board when required by the Board.
- b] The Vice-President works under the direction of the President.
- c] The Vice-President performs the duties in the absence or inability of the President.
- d] The Vice-President performs such duties as may be assigned by the President or the Board.

13.3 The Executive Director

- a] The Executive Director shall be a licensed practical nurse appointed by and responsible to the Board.
- b] The Executive Director shall:
 - i. Be an ex officio, non-voting member of the Board.
 - ii. Be an ex officio, non-voting member of the College.
 - iii. Be an ex officio, non-voting member of all committees of the College with the exception of the Investigation Committee and the Discipline Committee.
- c] The Executive Director shall act as treasurer of the College, including:
 - i. Keeping all records of the College, including a record of all meetings of the College and of the Board.
 - ii. Issuing all notices required by statute, by the By-Laws, or by resolution of the Board.
 - iii. Having custody of the seal of the College.

- e] The Executive Director is authorized to prescribe such forms, certificates or other documents as may be required for the purposes of the Act, Regulations, or the By-Laws.
- f] In accordance with 6(6) of the Act, the Executive Director may appoint any other staff necessary to perform the work of the College. The Executive Director shall set out the duties and remuneration for these staff in accordance with the policies and guidelines set by the Board.

Article 14 – Fees

14.1 Initial Fees

- a] Candidates applying for the registration examination approved by the College shall pay an examination fee as determined by the Board.
- b] Candidates applying for initial enrollment and registration on one of the registers of the College shall pay a fee in such amounts as may be determined by the Board.
- c] Initial enrollment fees shall be paid in advance, upon filing the application for enrollment and registration to the College.
- d] The College from the initial enrollment fee paid by an individual whose application is refused or withdrawn shall retain a processing fee as determined by the Board.

14.2 Registration Fees

- a] The Board shall determine annual registration fees for student, graduate, practising, and temporary practising registrants; and such fees shall be ratified by voting registrants at an annual or special meeting of the College.
- b] Fees shall be accompanied by the prescribed renewal form, duly completed, and must be received by the College before the 1st day of December in each year.
- c] Subject to d] below, a registrant who fails, refuses or neglects to apply on the prescribed form, provide the required information, pay such fees prescribed for the ensuing year, and pay or make reasonable arrangements to pay any outstanding costs and fines owed to the College, before December 1st in any year, is not eligible for renewal of registration.
- d] If, on December 1st, an individual's only outstanding requirement for renewal of registration is payment of the prescribed fees for the ensuing year, then as per Section 22 of the Licensed Practical Nurses Regulation (the Regulation), the individual's registration will be in default. The individual will be advised of such penalty fees as determined by the Board.

- f] If the default is not remedied pursuant to Section 22(1) of the Regulation, the registration of the member shall be cancelled pursuant to Section 22(1) and 22(2) of the Regulation until such time as the individual makes application for reinstatement and pays such fees as determined by the Board.
- g] The Executive Director shall notify College registrants of the fees payable for the ensuing year at least two months prior to the day upon which such fees are due.
- h] The fees payable to the College for registration and certificates of practice shall exclude the fees required for the registrant to obtain liability insurance or protection that complies with the requirements in the Act.

14.3 Reinstatement

- a] An individual who does not apply to renew their registration, does not complete their renewal, or is not deemed eligible for registration renewal or for a registration decision, within the renewal timeframe as per 14.2 b] c] d] and e] above, must meet the requirements for reinstatement and pay the fees for reinstatement prescribed by the Board, before being authorized to return to active practice.
- b] Pursuant to Section 23 and 24 of the Regulation, applicants applying for reinstatement shall pay such administrative and late fees as prescribed by the Board.

14.4 Other Fees

Processing, administrative and other fees shall be determined by the Board.

14.5 Interest

All costs and fines ordered by the Investigation Committee, Discipline Committee, or the Board may be subject to interest, at a rate determined by the Board.

Article 15 - Committees

15.1 Board Established Committees

The Board shall establish Public Representatives, Education Approval, Governance, Investigation and Discipline committees. Terms of reference, membership, terms of appointment, chairperson, policies and budget allocation shall be established and reviewed by the Board.

- a] Public Representatives Committee:

The Board shall establish a standing committee for the purpose of recruiting and selecting public representatives to serve on the Board and committees of the College.

b] Education Approval Committee:

The Board shall establish a standing committee for the purpose of approving and reviewing practical nursing education programs.

c] Governance Committee

The Board shall establish a standing committee for the purpose of monitoring and advising the Board on financial matters and the achievement of end statements.

d] Investigation Committee:

The Board shall establish a standing committee for the purposes of administering the statutory provisions of Part 6 [17.1 to 31 inclusive] of the Act.

e] Discipline Committee:

The Board shall establish a standing committee for the purposes of administering the statutory provisions of Part 6 [32.1 to 49 inclusive] of the Act.

15.2 Committee Meetings

The procedures to be followed at committee meetings and voting rights shall be in accordance with such policies as determined by the Board.

15.3 Term of Office

The term of office of committee members, the revocation of committee membership and appointment of members to fill vacancies on committees shall be in accordance with such policies as determined by the Board.

15.4 Duties and Functions

All committees shall perform duties and functions in accordance with the Act, the Regulations and the terms of reference set by the Board.

15.5 Special Committees and Ad Hoc Committees

a] Special Committees may be appointed by the Board at any time to carry out the objectives of the College and may be dissolved by a motion of the Board.

b] Ad Hoc Committees may be appointed by the Board for a specific purpose on precise terms of reference which state that the committee shall cease to function upon completion of the specific task.

- c] The Board shall for all Special Committees or Ad Hoc Committees establish:
 - i. terms of reference,
 - ii. membership and term of appointment,
 - iii. chairperson, and
 - iv. budget allocation.

Article 16 – Amendment

16.1 These By-Laws may be amended under the terms set forth in the provision of the Act.