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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 725.

23 April 1986

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Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 37 van 1986: Wysigingswet op Professionele Landmeters en Tegnieese Opmeters, 1986.

No. 37 of 1986: Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1986.

PROFESSIONAL LAND SURVEYORS' AND TECHNICAL
SURVEYORS' AMENDMENT ACT, 1986

Act No. 37, 1986

GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Professional Land Surveyors' and Technical Surveyors' Act, 1984, so as to replace certain obsolete designations; to provide for the filling of a vacancy in the Education Advisory Committee for Professional Land Surveyors and Technical Surveyors; to make further provision for the registration of technical surveyors; and to repeal certain obsolete laws; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 9 April 1986.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

1. Section 1 of the Professional Land Surveyors' and Technical Surveyors' Act, 1984 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 1 of Act 40 of 1984.
- 5 (a) by the substitution for the definition of "department" of the following definition:
"department" means the Department of **[Community Development]** Public Works and Land Affairs;"
- 10 (b) by the substitution for the definition of "Director-General" of the following definition:
"Director-General" means the Director-General: **[Community Development]** Public Works and Land Affairs;" and
- 15 (c) by the substitution for the definition of "Minister" of the following definition:
"Minister" means the Minister of **[Community Development]** Communications and of Public Works;"
2. Section 3 of the principal Act is hereby amended— Amendment of section 3 of Act 40 of 1984.
- 20 (a) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
"(c) one professional land surveyor nominated by the Institute of Professional Land Surveyors of Natal **[established by Act No. 28 of 1905, as amended by Act No. 24 of 1908, of Natal]**;"
- 25 (b) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
"(d) one professional land surveyor nominated by the Institute of Professional Land Surveyors of the Orange Free State;" and
- 30 (c) by the substitution for paragraph (e) of subsection (2) of the following paragraph:
"(e) two professional land surveyors nominated by the Institute of Professional Land Surveyors of the

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Transvaal [established by the Institute of Land Surveyors' Incorporation Ordinance, 1904 (Ordinance No. 11 (Private) of 1904), of Transvaal];”.

3. Section 13 of the principal Act is hereby amended by the
5 addition to subsection (1) of the following paragraph: Amendment of
section 13 of
Act 40 of 1984.

10 “(c) If a member of the education advisory committee dies
or vacates his office before the expiration of his period
of office, the Minister may, subject to the provisions of
section 12, appoint a person to fill the vacancy for the
unexpired portion of the period for which such member
was appointed.”

4. Section 22 of the principal Act is hereby amended— Amendment of
section 22 of
Act 40 of 1984.

15 (a) by the substitution for subsection (3) of the following
subsection:

20 “(3) Any person who—
(a) has not passed the examination referred to in sub-
section (1) (a) and who at the commencement of
this Act—

25 (i) is a full member of the Institute of Topogra-
phical and Engineering Surveyors of South
Africa and after he has passed the exami-
nation for the tenth standard or an equivalent
examination or such other examination as the
council may accept or determine, has gained
at least 10 years' practical experience in such
survey work which in the opinion of the coun-
cil is of sufficient variety and of a satisfactory
nature and standard; or

30 (ii) is not such a member and after he has passed
the examination for the tenth standard or an
equivalent examination or such other exami-
nation as the council may accept or determine,
has gained at least 15 years' practical experi-
ence in such survey work which in the opinion
of the council is of sufficient variety and of a
satisfactory nature and standard; or

35 **[and who complies with the requirements as pro-
vided in subsection (1) (a) (iii) and (iv); or]**

40 (b) has not passed the examination referred to in sub-
section (1) (b) and who at the commencement of
this Act—

45 (i) is a full member or an associate member of
the Institute of Topographical and Engi-
neering Surveyors of South Africa and was en-
gaged in the performance of survey work
which in the opinion of the council is of suf-
ficient variety and of a satisfactory nature and
standard and had been so engaged for a
period of not less than five years, if he has
passed the examination for the tenth standard
or an equivalent examination, or seven years,
if he has passed the examination for the eighth
standard or an equivalent examination; or

55 (ii) is not such a member and was engaged in the
performance of survey work which in the
opinion of the council is of sufficient variety
and of a satisfactory nature and standard and
had been so engaged for a period of not less
than seven years, if he has passed the exami-
nation for the tenth standard or an equivalent
examination, or nine years, if he has passed
the examination for the eighth standard or an
equivalent examination,

65 **[and who complies with the requirements as pro-
vided in subsection (1) (b) (iii) and (iv),**

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5 may, within one year from the commencement of this Act] and who within two years or such further period as the Minister, after consultation with the council, may determine by notice in the *Gazette*, after the commencement of this Act applies to the Chief Director to carry out a trial survey contemplated in subsection (1) (a) (iii) or (b) (iii), and who carries out that survey to the satisfaction of the Chief Director within the period determined by him, and who within six months after the Chief Director has indicated in writing that such survey has been so carried out, complies with the requirements contemplated in subsection (1) (a) (iv) or (b) (iv), may before the expiry of the said period of six months apply in the prescribed form to the council to be registered as a surveyor or a survey technician, as the case may be, and the council shall, subject to the provisions of section 24 (1), register any such person as a surveyor or a survey technician, as the case may be, and cause his name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him free of charge.”; and

10 (b) by the substitution for subparagraph (ii) of paragraph (b) of subsection (4) of the following subparagraph:

15 “(ii) to carry on his calling in any part of the Republic but only under the personal supervision of such professional land surveyor, surveyor or other suitably qualified person as may be prescribed: Provided that the provisions of this subparagraph relating to personal supervision shall, subject to such conditions as the council may determine, not apply in respect of any person who, within [one year] two years or such further period as the Minister, after consultation with the council, may determine

20 by notice in the *Gazette*, from the commencement of this Act, submits to the council proof that he has, unsupervised, performed for such period as the council may deem sufficient, survey work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and”.

5. The following section is hereby substituted for section 40 of the principal Act:

Substitution of section 40 of Act 40 of 1984.

45 “Construction of Act 22 of 1904 of Cape of Good Hope. 40. The Institute of Government Land Surveyors’ Incorporation Act, 1904 (Act No. 22 of 1904), of the Cape of Good Hope, shall be construed as if it had at all relevant times before the repeal thereof by section 6 of the Professional Land Surveyors’ and Technical Surveyors’ Amendment Act, 1986, provided for the establishment of two juristic persons under the names of—

50 (a) the Institute of Professional Land Surveyors of the Eastern Cape, representing professional land surveyors practising within the area consisting of the area of jurisdiction of the Eastern Cape Division of the Supreme Court of South Africa on the date of commencement of this Act; and

55 (b) the Institute of Professional Land Surveyors of the Western Cape, representing professional land surveyors practising within any part of the province of the Cape of Good Hope other than the area mentioned in paragraph (a), to which the provisions of the said Act, except section 1 thereof, accordingly [apply] applied as if the said section 1 had provided for the establishment of the said two Institutes.”.

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6. The laws mentioned in the Schedule are hereby repealed to the extent set out in the third column of that Schedule. Repeal of laws.

7. This Act is called the Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1986. Short title.

Schedule

LAWS REPEALED

Number and year of law	Short title	Extent of repeal
Ordinance No. 11 (Private) of 1904	Institute of Land Surveyors' Incorporation Ordinance, 1904 (Transvaal)	The whole
Act No. 22 of 1904	The Institute of Government Land Surveyors' Incorporation Act, 1904 (Cape of Good Hope)	The whole
Act No. 28 of 1905	Act to Incorporate the Natal Institute of Land Surveyors, 1905	The whole
Act No. 24 of 1908	Act to amend No. 28, 1905, entitled "Act to Incorporate the Natal Institute of Land Surveyors", 1908	The whole