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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 662.

11 April 1984

No. 662.

11 April 1984

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:—

o. 40 van 1984: Wet op Professionele Landmeters en Tegniese Opmeters, 1984.

No. 40 of 1984: Professional Land Surveyors' and Technical Surveyors' Act, 1984.

PROFESSIONAL LAND SURVEYORS' AND TECHNICAL
SURVEYORS' ACT, 1984

Act No. 40, 1984

ACT

To provide for the establishment of a South African Council for Professional Land Surveyors and Technical Surveyors, for the registration of professional land surveyors, professional land surveyors in training, surveyors, survey technicians and survey technicians in training, and for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 20 March 1984.)

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

1. In this Act, unless the context otherwise indicates—

- 5 (i) "annual fees" means the annual fees or portion thereof determined by the council under section 7 (1) (g); (vii)
- (ii) "Chief Director" means the Chief Director of Surveys and Mapping appointed in terms of section 1 of the Land Survey Act, 1927 (Act No. 9 of 1927); (v)
- 10 (iii) "council" means the South African Council for Professional Land Surveyors and Technical Surveyors established by section 2; (xvi)
- (iv) "department" means the Department of Community Development; (ii)
- 15 (v) "Director-General" means the Director-General: Community Development; (iii)
- (vi) "education advisory committee" means the Education Advisory Committee established by section 11; (i)
- 20 (vii) "in the service of the State" means in the full-time employment of the Government, including any provincial administration, the South African Transport Services and the Department of Posts and Telecommunications; (vi)
- (viii) "Minister" means the Minister of Community Development; (viii)
- 25 (ix) "personal supervision" has the meaning assigned thereto in section 49 of the Land Survey Act, 1927 (Act No. 9 of 1927), and, in relation to a survey technician and a survey technician in training, means supervision as prescribed; (xii)
- 30 (x) "practise" means the performance of work prescribed under section 7 (2) (a), but including cadastral surveys, as well as teaching in relation to all such work or the performance of administrative functions in connection with that work, where any person undertaking that teaching or performing those administrative functions does so by virtue of being registered in terms of this Act; (xiii)
- 35 (xi) "prescribe" means prescribe by rule made by the council under section 34, and "prescribed" has a corresponding meaning; (xxi)
- 40 (xii) "professional land surveyor" means a person registered as such in terms of subsection (2) of section 20 or

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- deemed to be registered as such in terms of subsection (3) of the said section 20; (xiv)
- (xiii) "professional land surveyor in training" means a person registered as such in terms of section 21; (xv)
- 5 (xiv) "register" means a register mentioned in section 7 (4); (xvii)
- (xv) "registrar" means the person appointed as registrar under section 7 (1) (a); (xix)
- (xvi) "registration fees" means the registration fees determined by the council under section 7 (1) (g); (xviii)
- 10 (xvii) "surveyor" means a person registered as such in terms of section 22 (2) or (3); (ix)
- (xviii) "survey technician" means a person registered as such in terms of section 22 (2) or (3); (x)
- 15 (xix) "survey technician in training" means a person registered as such in terms of section 23; (xi)
- (xx) "technical surveyor" means a person registered in terms of section 22 and who is either a surveyor or a survey technician; (xx)
- 20 (xxi) "this Act" includes any notice or rule issued or made under this Act. (iv)

2. There is hereby established a juristic person to be known as the South African Council for Professional Land Surveyors and Technical Surveyors.

Establishment of South African Council for Professional Land Surveyors and Technical Surveyors.

- 25 3. (1) For the period from the commencement of this Act until a date determined by the State President by proclamation in the *Gazette*, the council shall consist of the persons who were members of the Central Council of Land Surveyors established by section 2 of the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950), as constituted immediately before that commencement, and three additional persons, co-opted by the first-mentioned persons from the members of the Institute of Topographical and Engineering Surveyors of South Africa, as members of the council.
- 30 (2) After the date so determined the council shall consist of the following members appointed by the Minister, namely—
- (a) one professional land surveyor nominated by the Institute of Professional Land Surveyors of the Eastern Cape mentioned in section 40 (a);
- 40 (b) one professional land surveyor nominated by the Institute of Professional Land Surveyors of the Western Cape mentioned in section 40 (b);
- (c) one professional land surveyor nominated by the Institute of Land Surveyors of Natal established by Act No. 28 of 1905, as amended by Act No. 24 of 1908, of Natal;
- 45 (d) one professional land surveyor nominated by the Institute of Land Surveyors of the Orange Free State;
- (e) two professional land surveyors nominated by the Institute of Land Surveyors of the Transvaal established by the Institute of Land Surveyors Incorporation Ordinance, 1904 (Ordinance No. 11 (Private) of 1904), of Transvaal;
- 50 (f) one professional land surveyor nominated by the education advisory committee, who shall be a professor or lecturer in surveying at a university which offers a degree course in surveying;
- (g) two professional land surveyors selected by the Minister from among persons in the service of the State;
- 60 (h) one professional land surveyor nominated by the Association of Air Survey Companies;
- (i) three persons, each of whom shall be a professional land surveyor or a technical surveyor, nominated by the Institute of Topographical and Engineering Surveyors of South Africa who ordinarily are resident and practise in the Republic; and
- 65 (j) one person nominated, after the election of the president of the council in terms of section 6 (1), by the body mentioned in paragraph (a), (b), (c), (d), (e), (f), (h)

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or (i) of this subsection which had nominated the member so elected, or, if the president was appointed as a member of the council in terms of paragraph (g) of this subsection, one professional land surveyor in the service of the State.

(3) When any nomination in terms of subsection (2) (a), (b), (c), (d), (e), (f), (h), (i) or (j) becomes necessary, the body concerned shall at the request of the Director-General furnish the nomination or nominations required for appointment to the council, within a period of 60 days from the date of such request, failing which the Minister may appoint to be a member or members of the council in terms of that subsection any suitable person or persons in the place of the person or persons he would have appointed if the said body had not so failed to nominate a person or persons.

(4) For every member of the council there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed shall act in the place of the member in respect of whom he has been appointed as alternate member, during such member's absence or inability to act as a member of the council: Provided that—

(a) such alternate member may with the consent of the council attend any meeting of the council and participate in the proceedings there when the member in respect of whom he has been appointed as an alternate member is present at that meeting, but shall not have the power to vote at such meeting; and

(b) where the member of the council in respect of whom such alternate member has been appointed is the president or vice-president of the council, and the president or the vice-president, as the case may be, is not able to preside at any meeting of the council, the provisions of section 6 (4) shall apply in respect of that meeting.

(5) Every member of the council (excluding a member appointed in terms of paragraph (g) of subsection (2), who shall hold office for such period as the Minister may determine at the time of his appointment) shall be appointed for a period of two years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(6) If a member of the council dies or vacates his office before the expiration of his period of office, the Minister may, subject to the provisions of subsection (2) of this section and section 4 (1), appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.

(7) Any member of the council whose period of office as a member of the council has expired, shall be eligible for re-appointment.

(8) (a) The first meeting of the council shall be held at such time and place as the Minister may determine, and all subsequent meetings shall be held at such times and places as the council may determine: Provided that the council shall meet at least once in every year.

(b) The president of the council may at any time, and shall when requested to do so by a majority of the members of the council, call a special meeting of the council to be held at such time and place as the president may direct.

(9) No action or decision taken by the council in the period between the election of the president and the appointment of the member mentioned in subsection (2) (j), shall be invalidated by reason only of the fact that the said member had not yet been appointed.

4. (1) No person shall be appointed as a member of the council—

(a) in terms of section 3 (2), or as an alternate to any such member in terms of section 3 (4), unless he is a South African citizen;

Qualifications of members of council and circumstances under which they vacate office.

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- (b) in terms of section 3 (2) (a), (b), (c), (d), (e), (h) or (i), or as an alternate to any such member in terms of section 3 (4), unless he is a member of the body which nominated him;
- 5 (c) in terms of section 3 (2) (j); or as an alternate to any such member in terms of section 3 (4), unless he is a professional land surveyor or, in the case of a person nominated by the body mentioned in section 3 (2) (i), a professional land surveyor or a technical surveyor.
- 10 (2) A member of the council or an alternate to such a member, as the case may be, shall vacate his office—
- (a) if he resigns by written notice addressed to the registrar;
- (b) if he becomes insolvent or assigns his estate for the benefit of, or compounds with, his creditors;
- 15 (c) if he is according to the law detained as a mentally ill person;
- (d) if he is convicted of an offence and sentenced in respect thereof to imprisonment without the option of a fine;
- 20 (e) if he is removed from an office of trust on account of improper conduct or if he has been guilty of conduct by reason of which he is in the opinion of the Minister, after consultation with the council, not a fit person to be a member of the council;
- 25 (f) if he is disqualified for registration in terms of this Act;
- (g) if he, as a member, has been absent from three consecutive meetings of the council without its leave;
- (h) if he was appointed in terms of section 3 (2) (a), (b), (c), (d), (e), (h), (i) or (j) and he ceases to be a member of the body which nominated him;
- 30 (i) if he ceases to be a professional land surveyor or, in the case of a person nominated by the body mentioned in section 3 (2) (i), ceases to be a professional land surveyor or technical surveyor, as the case may be;
- 35 (j) if he was appointed by virtue of the fact that he is a professional land surveyor in the service of the State and he ceases to be in such service;
- (k) if he was appointed in terms of section 3 (2) (f) and he ceases to be a professor or lecturer in surveying at a university;
- 40 (l) if he was appointed in terms of section 3 (2) (a), (b), (c), (d), (e), (f), (h), (i) or (j) and the Minister terminates his appointment on the recommendation of the body which nominated him;
- 45 (m) if he was appointed in terms of section 3 (2) (g) and the Minister terminates his appointment.
- (3) (a) If the president vacates the office of president, he shall remain a member of the council, but the member nominated and appointed in terms of section 3 (2) (j) shall vacate his office as from the date on which the president so vacates his office.
- 50 (b) If the president, when vacating the office of president, also resigns as a member of the council, the member appointed in terms of section 3 (2) (j) shall remain a member of the council for the unexpired portion of the period for which such member was appointed.
- 55 (c) The provisions of this subsection shall apply *mutatis mutandis* to any relevant alternate member appointed in terms of section 3 (4).
- 60 5. (1) Nine members of the council shall form a quorum for any meeting thereof.
- (2) A decision of a majority of the members of the council present at any meeting of the council shall constitute a decision

Decisions of council
and quorum.

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of the council, and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote: Provided that for any decision to the effect that this Act be amended, a majority of two-thirds of the 5 number of members of the council shall be required.

(3) No decision taken by the council or act performed under authority of the council shall be invalid by reason only of a vacancy on the council or of the fact that a person who was not entitled to sit as a member of the council sat as a member at the 10 time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

(4) A decision of the council contained in a writing and signed 15 by at least two-thirds of the members of the council shall be valid although no meeting was held to pass that decision.

6. (1) The members of the council shall at the first meeting of the council and thereafter as the occasion arises, out of their number elect a president and a vice-president of the council, 20 who shall hold office for a period of two years.

President and vice-president of council.

(2) (a) If the president or the vice-president vacates his office before the expiration of the period for which he was elected, another member of the council shall be elected as president or vice-president, as the case may be, for 25 the unexpired portion of the period for which the president or vice-president was elected.

(b) Such an election shall take place at the first meeting of the council held after any vacancy in the office of the president or vice-president, as the case may be, has occurred. 30

(3) If for any reason the president is not able to act as president, the vice-president; if able to do so, or, if not so able, any member of the council designated by the Minister, shall act in his stead.

(4) If the president and the vice-president and the member so designated are all absent from any meeting of the council or not able to preside, the members present shall elect one out of their 35 number to preside at that meeting, and the person so elected shall preside at that meeting.

7. (1) The council may— 40

(a) appoint and remunerate a registrar and such other persons as the council may deem necessary for the performance of its functions, and may determine their functions; 45

(b) determine the procedure at meetings of the council or any committee of the council and the manner in which minutes of the proceedings at such meetings shall be kept; 50

(c) subject to the provisions of section 10 (2), consider and give its final decisions on recommendations of a committee of the council or the education advisory committee; 55

(d) acquire or hire such movable or immovable property as it may deem necessary for the effective performance of its functions, and dispose of property so acquired or hired; 60

(e) enter into contracts and decide the manner in which contracts shall be entered into on behalf of the council; 65

(f) collect the funds of the council and, subject to the provisions of paragraph (d), deal with them by—

(i) investing them or any portion thereof by means of a deposit with the National Finance Corporation of South Africa, a banking institution registered in terms of the Banks Act, 1965 (Act No. 23 of 1965), a building society registered in terms of the Building Societies Act, 1965 (Act No. 24 of 1965), or the General Post Office;

(ii) depositing them or any portion thereof in a savings account with such a banking institution or building society or with the General Post Office;

General powers of council and powers of Minister relating to certain matters in respect of which the council has made recommendations.

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- (iii) depositing them or any portion thereof in a current account with such a banking institution;
- 5 (g) determine the manner in which an applicant shall apply for registration as a professional land surveyor, a professional land surveyor in training, a technical surveyor or a survey technician in training, determine the fees which shall be payable to the council in respect of any such registration and the annual fees which shall be payable to the council by any person as long as he remains registered as a professional land surveyor, as a professional land surveyor in training, as a technical surveyor or as a survey technician in training, determine the portion of such annual fees which shall be payable in respect of any part of a year and determine the date on which such annual fees or portion thereof shall become due and payable, and grant such exemption from payment of such annual fees or portion thereof as the circumstances of any particular case in the opinion of the council may justify;
- 10
- 15
- 20 (h) subject to the provisions of this Act, consider and decide upon any application for registration as a professional land surveyor, as a professional land surveyor in training, as a technical surveyor or as a survey technician in training;
- 25 (i) decide upon the form of the registers and certificates to be kept, maintained or issued in terms of this Act, the reviewing thereof and the manner in which alterations thereto may be effected, and determine the fees payable in respect of the issue of such certificates;
- 30 (j) recommend to the Minister the work of a kind in connection with projects, undertakings or services of a survey nature (excluding cadastral surveys and surveys which may or are required to be performed in terms of any law governing mines and works or surveys which are performed in, on or in relation to a mine) to be reserved for professional land surveyors, technical surveyors, or any category of professional land surveyors or technical surveyors referred to in subsection (4) (b);
- 35
- 40 (k) recommend to the Minister the tariff of fees to be charged for the work of a kind referred to in paragraph (j);
- (l) subject to the provisions of this Act, determine the manner of inquiry according to which any case of alleged improper conduct is to be inquired into against any person who is or was registered in terms of this Act;
- 45
- (m) take any steps which it may consider expedient for the protection of members of the public in their dealings with persons registered in terms of this Act, the maintenance of the integrity and the enhancement of the status of such registered persons and the improvement of the standards of their qualifications;
- 50
- (n) encourage research into matters relating to surveying, and advise, or render financial or other assistance to, any university, technikon, college or other body for the purposes of education or training in surveying;
- 55
- (o) finance, print, distribute and administer the publication of, and generally take any steps necessary to publish, any publication relating to surveying or related matters;
- 60 (p) advise the Minister on matters relating to surveying or related matters;
- (q) assist with or organize conferences, seminars and lectures for the furtherance of surveying and related matters;

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- (r) render financial assistance to students at a university, technikon or college, and collect and administer funds for such purpose; and
- (s) take such other action and do such other things as may be required for the proper performance of its functions in terms of this Act.
- (2) The Minister may, after consideration and approval of a relevant recommendation made by the council under subsection (1) (j) and (k)—
- (a) prescribe the work of a kind in connection with projects, undertakings or services of a survey nature (excluding cadastral surveys and surveys which may or are required to be performed in terms of any law governing mines and works or surveys which are performed in, on or in relation to a mine) which shall be reserved for professional land surveyors, technical surveyors, and any category of professional land surveyors and technical surveyors referred to in subsection (4) (b);
- (b) prescribe the tariff of fees to which any person registered in terms of this Act is entitled in respect of services rendered by him in connection with work prescribed under paragraph (a), the manner in which and the person by whom such fees may be taxed, the costs payable in respect of such taxation and the manner of payment of those costs.
- (3) Before any provision is made under subsection (2) (a), a notice setting forth the proposed provision shall be published by the Minister in the *Gazette*, together with a notice intimating that it is proposed to make such provision under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed provisions: Provided that, if the Minister thereafter decides, after consultation with the council, to effect any alteration to the provision so published as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under this section.
- (4) Subject to the provisions of this Act, the council shall keep and maintain a register of—
- (a) professional land surveyors qualified to perform the surveys referred to in section 27 (1) (a); and
- (b) the other categories of professional land surveyors, of professional land surveyors in training, of technical surveyors and of survey technicians in training as may be prescribed,
- and such register shall at all reasonable times be open for inspection by any person upon payment of such fees as the council may determine.
- (5) Provisions made under subsection (2) (a) may provide for the exclusion therefrom of work done under specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas.
- (6) Any provision made under subsection (2) shall be made known by the Minister by notice in the *Gazette*.

8. (1) The funds of the council shall consist of the fees received by it by virtue of the provisions of sections 7, 20, 21, 22 and 23 and such other moneys, including advances mentioned in subsection (4) of this section, as may in terms of this Act from time to time become payable to the council.

Funds of council and keeping and auditing of accounts.

(2) The council shall cause full and correct account to be kept of all moneys received or expended by it.

(3) (a) The council shall cause to be prepared in each year a statement of its income and expenditure during its last

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preceding financial year and a balance sheet showing its financial position at the end of that financial year.

5 (b) The council shall cause such statement and balance sheet to be audited by an accountant and auditor registered and engaged in public practice as contemplated in the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and appointed by the council.

10 (c) The council shall cause copies of such statement and balance sheet, so audited, to be transmitted to every member of the council and cause a copy thereof to be open for inspection at its office by any professional land surveyor or technical surveyor.

15 (4) (a) The Minister may, with the concurrence of the Minister of Finance, advance to the council out of moneys appropriated by Parliament such amounts as he may deem necessary in order to enable the council to perform its functions.

20 (b) Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may, with the concurrence of the Minister of Finance, determine.

9. (1) The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in connection with its functions during that financial year, together with a copy of the audited statement of income and expenditure and balance sheet referred to in section 8 (3) in respect of that financial year. Reports to Minister.

(2) The president of the council shall from time to time submit to the Minister reports on matters relating to the functions of the council which in the opinion of the council should be brought to the Minister's notice.

35 (3) The council shall at the request of the Minister or the Director-General advise the Minister or Director-General on matters in connection with land surveying or related matters, and shall communicate to the Minister information acquired by it in the course of its functions, in connection with matters deemed by it as being of public interest.

40 10. (1) (a) The council may establish committees to assist it in the performance of its functions and may appoint such of its members or such of its members and such other persons as it may deem fit to be members of any such committee. Committees of council.

45 (b) One of the members of any such committee shall be designated by the council as chairman of the committee.

(2) The council may assign to a committee so established such of its powers as it may deem fit, but shall not be divested of any power which it may have so assigned to such a committee, and may amend or withdraw any decision of any such committee: Provided that, if the council has assigned to a committee the power to inquire into any case of alleged improper conduct, to impose a punishment in respect thereof and to make an order regarding the costs of the inquiry in accordance with the provisions of section 29, the council shall not amend or withdraw any decision arrived at or anything done by such committee under the powers so assigned.

60 (3) A committee to which the council has assigned the power to inquire into any case of alleged improper conduct and to impose a punishment in respect thereof in accordance with the provisions of section 29 may, notwithstanding the expiration of the tenure of office of the members of that council, continue to exercise such powers until such inquiry is concluded, and such powers shall for the purposes of the proviso to subsection (2) of this section be deemed to have been assigned to the committee by the newly constituted council.

65 (4) Any reference in this Act to the council or the president of the council in relation to the exercise of any power which the

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council has assigned to any such committee, shall be construed as including a reference to that committee or to the chairman of that committee, as the case may be.

(5) The provisions of section 5 (3) shall apply *mutatis mutandis* in respect of a committee of the council.

11. (1) There is hereby established a committee to be known as the Education Advisory Committee for Professional Land Surveyors and Technical Surveyors. Establishment of education advisory committee.

(2) Until such time as the members of the education advisory committee have been appointed in terms of section 12, the education advisory committee shall consist of the persons who were members of the Board for the Recognition of Land Surveyors' Examinations established by section 16 (b) of the Universities Act, 1955 (Act No. 61 of 1955), on the date immediately preceding the commencement of this Act.

12. (1) The education advisory committee shall consist of the following members appointed by the Minister, namely— Constitution of education advisory committee.

- (a) one person nominated by the senate of each university which offers a degree course in surveying, who shall be a professional land surveyor and a professor or lecturer in surveying at such university;
- (b) one person nominated by the Minister of National Education from persons in the full-time service of every technikon or college providing instruction in surveying;
- (c) one person nominated by the Minister of National Education from persons in the service of the State;
- (d) one member of the council appointed in terms of section 3 (2) (a), (b), (c), (d) or (e), nominated by the council;
- (e) one member of the council appointed in terms of section 3 (2) (i), nominated by the council;
- (f) the president of the council; and
- (g) one professional land surveyor selected by the Minister from among persons in the service of the State.

(2) For every member of the education advisory committee there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed shall act in the place of the member in respect of whom he has been appointed as an alternate member, during such member's absence or inability to act as a member of the education advisory committee.

(3) The provisions of section 3 (3) shall apply *mutatis mutandis* in respect of the appointment of a member of the education advisory committee referred to in subsection (1) (a), (d) and (e) of this section.

(4) Subsection (1) (a), (d) and (e) shall come into operation six months after the commencement of this Act.

13. (1) (a) A member of the education advisory committee mentioned in section 12 (1) (c) or (g) shall be appointed for such period as the Minister may determine at the time of his appointment. Tenure of office of members of education advisory committee.

(b) Any other member shall be appointed for a period of two years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(2) Any member of the education advisory committee whose period of office as a member of the education advisory committee has expired, shall be eligible for reappointment.

14. A member of the education advisory committee or an alternate to such a member, as the case may be, shall vacate his office— Circumstances under which members of education advisory committee vacate office.

(a) if he was appointed in terms of section 12 (1) (a) and

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- ceases to be a professor or lecturer at the university concerned or to be a professional land surveyor;
- 5 (b) if he was appointed in terms of section 12 (1) (b) and ceases to be a person in the service of the technikon or college concerned;
- (c) if he was appointed in terms of section 12 (1) (c) or (g) and ceases to be a person in the service of the State;
- (d) if he was appointed in terms of section 12 (1) (d) or (e) and ceases to be a member of the council;
- 10 (e) if he was appointed in terms of section 12 (1) (f) and ceases to be president of the council,
- and the provisions of section 4 (2) (a) to (g) shall apply *mutatis mutandis* in respect of any such member or alternate to such a member.

- 15 15. (1) The members of the education advisory committee shall at the first meeting of that committee and thereafter as the occasion arises, out of their number elect a chairman of the committee, who shall hold office for a period of two years. Chairman of education advisory committee.
- (2) (a) If the chairman of the education advisory committee vacates his office before the expiration of the period for which he was elected, another member of the committee shall be elected as chairman for the unexpired portion of the period for which the chairman was elected.
- 20 (b) Such election shall take place at the first meeting of the committee held after the vacancy in the office of chairman has occurred.
- 25 (3) If the chairman is absent from any meeting of the education advisory committee or is not able to preside, the members present shall elect one out of their number to preside at that meeting, and the person so elected shall preside at that meeting.
- 30

16. (1) (a) The first meeting of the education advisory committee shall be held at such time and place as the Minister may determine and all subsequent meetings shall be held at such times and places as the chairman of that committee may determine: Provided that the committee shall meet at least once in every year. Meetings of education advisory committee and rules of procedure.
- 35 (b) The chairman or, if he is not available or there is no chairman, the president of the council may at any time and shall, when requested thereto by the council or by not less than four members of the education advisory committee, call a special meeting of the education advisory committee to be held at such time within one month after the date of such request and at such place as the chairman or president, as the case may be, may determine.
- 40 (2) Seven members of the education advisory committee shall form a quorum for any meeting thereof.
- (3) The decision of a majority of the members of the education advisory committee present at any meeting thereof shall constitute a decision of that committee, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.
- 45 (4) The education advisory committee may determine the procedure at its meetings.
- 55 (5) A resolution of the education advisory committee contained in a writing and signed by at least two-thirds of the members of the committee shall be valid although no meeting was held to pass that resolution.

17. The administrative and secretarial work incidental to the performance by the education advisory committee of its functions shall be performed by officers of the department designated for this purpose by the Director-General. Secretarial and administrative work of education advisory committee.
- 60

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18. The members of the education advisory committee who are not in the full-time employment of the State shall be paid by the department such travelling and subsistence allowances while engaged on the business of the committee as the Minister may, with the concurrence of the Minister of Finance, from time to time determine.

Allowances payable to members of education advisory committee.

19. (1) The functions of the education advisory committee shall be to—

Functions of education advisory committee.

(a) investigate whether the syllabuses of instruction prescribed and the standard of training provided by any university, technikon or college for—

(i) the examinations for a degree or a diploma in surveying;

(ii) any other examination conducted by that university, technikon or college in lieu of any examination mentioned in subparagraph (i),

comply with the requirements for registration as professional land surveyors, as professional land surveyors in training, as technical surveyors and as survey technicians in training and for the respective posts, professions or callings for the appointment to or pursuit of which the passing of any such examination is in terms of any law a qualification; and

(b) make recommendations to the council that recognition be granted by the council to any such examination conducted by a university, technikon or college, as the case may be, if in the opinion of the said committee the syllabus of instruction prescribed and the standard of training provided in respect of it by that university,

technikon or college comply with such requirements; or

(c) assist the council generally in the performance of its functions in terms of this Act and to inquire into and advise upon or make recommendations in regard to any matter which the council in the performance of its functions in terms of this Act may refer to the said committee or which the committee may of its own accord raise.

(2) If in the opinion of the education advisory committee any examination other than an examination mentioned in subsection (1) (a) (i), conducted by any university, technikon or college, within or outside the Republic, as the case may be, is at least equivalent to any examination so mentioned, it may recommend to the council that, subject to such conditions as the council may deem fit, recognition be granted by the council to such examination as being so equivalent.

(3) The education advisory committee may at any time recommend to the council that such recognition of any examination be withdrawn by the council: Provided that if the withdrawal of any such recognition is contemplated, the council shall furnish its reasons for the proposed withdrawal to the university, technikon or college concerned, and afford it a reasonable opportunity to furnish reasons as to why such recognition should not be withdrawn: Provided further that any recognition of any examination conducted prior to the withdrawal of such recognition shall be deemed to be valid.

20. (1) The requirements for registration as a professional land surveyor of any person, other than a person referred to in subsection (3) or (4), shall be as follows, namely—

Registration of professional land surveyors.

(a) attainment of the age of 21 years;

(b) the passing of any examination to which the council has granted recognition for the purposes of registration as a professional land surveyor as contemplated in section 19 (1) (b) or (2);

(c) the passing of an examination, approved by the Chief Director, regarding laws concerning surveying and related matters;

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- (d) training for such period; whether within or outside the Republic, and in such practical survey work as may be prescribed in relation to professional land surveyors;
- 5 (e) the carrying out, to the satisfaction of the Chief Director, of such trial surveys as the Chief Director may, with the concurrence of the council, determine; and
- (f) the making of a professional oath or affirmation in the prescribed form in relation to the practising of his profession or calling.

10 (2) The council shall, subject to the provisions of section 24 (1), on application in the prescribed form by any person who in the opinion of the council, after consultation with the Chief Director, complies with the requirements mentioned in subsection (1), and upon payment of the registration and annual fees,

15 register any such person as a professional land surveyor and cause such person's name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him.

(3) Any person who was registered as a land surveyor in terms of the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950), immediately prior to the commencement of this Act shall be deemed to have been registered as a professional land surveyor in terms of this section, and the council shall cause any such person's name to be entered in the appropriate register

25 and, on application in writing by any such person, a certificate of registration in the prescribed form to be issued to him free of charge.

(4) Any person to whom a certificate was issued in terms of section 12 (2) of the Land Survey Act, 1927 (Act No. 9 of 1927), immediately prior to the commencement of this Act shall be deemed to have complied with the requirements for registration mentioned in this section, and the council shall, subject to the provisions of section 24 (1), on application by any such person and upon payment of the registration and annual fees,

35 register such person as a professional land surveyor and cause any such person's name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him.

(5) A professional land surveyor shall, if he has paid the annual fee, be entitled—

- 40 (a) to describe himself as a professional land surveyor;
- (b) to carry on his profession or calling in any part of the Republic; and
- 45 (c) to indicate his profession or calling or make it known by using the prescribed title after his name.

21. (1) Any person who desires to be registered as a professional land surveyor in training and who complies with the requirements of section 20 (1) (b), may apply in the prescribed form to the council to be registered as a professional land surveyor in training, and the council shall, subject to the provisions of section 24 (1), upon payment of the registration and annual fees, register any such person as a professional land surveyor in training and cause any such person's name to be entered in the appropriate register.

55 (2) When any professional land surveyor in training complies with the requirements mentioned in section 20 (1), the council shall, subject to the provisions of section 24 (1), on application in the prescribed form and upon payment of the registration and annual fees, cancel the registration of such person as a professional land surveyor in training and register him as a professional land surveyor in terms of section 20 (2).

60 (3) Any period of training in practical survey work undergone before the commencement of this Act and of the same kind as that prescribed, shall for the purposes of subsection (2) be deemed to be a period of training in practical survey work as so prescribed, provided such former training is continued within

65 three months, or within such further period as the council may allow, after the said commencement, by means of training in practical survey work as so prescribed.

Registration of professional land surveyors in training.

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(4) Any professional land surveyor in training may describe himself as a professional land surveyor in training, but he shall not be entitled to perform any survey work, except under the personal supervision of a professional land surveyor or in such other circumstances as may be prescribed.

22. (1) The requirements for registration as a technical surveyor of any person other than a person referred to in subsection (3) shall be as follows, namely—

Registration of
technical surveyors.

- (a) in the case of a surveyor—
- 10 (i) the passing of any examination to which the council has granted recognition for the purposes of registration as a surveyor as contemplated in section 19 (1) (b);
 - 15 (ii) training for such period, whether within or outside the Republic, and in such practical survey work as may be prescribed in relation to surveyors;
 - 20 (iii) the carrying out, to the satisfaction of the Chief Director, of such trial surveys as the Chief Director may, with the concurrence of the council, determine; and
 - (iv) the making of an oath or affirmation in the prescribed form in relation to the practising of his calling; or
- (b) in the case of a survey technician—
- 25 (i) the passing of any examination to which the council has granted recognition for the purposes of registration as a survey technician as contemplated in section 19 (1) (b);
 - 30 (ii) training for such period, whether within or outside the Republic, and in such practical survey work as may be prescribed in relation to survey technicians;
 - 35 (iii) the carrying out, to the satisfaction of the Chief Director, or such trial surveys as the Chief Director may, with the concurrence of the council, determine; and
 - (iv) the making of an oath or affirmation in the prescribed form in relation to the practising of his calling.

40 (2) The council shall, subject to the provisions of section 24 (1), on application in the prescribed form by any person who in the opinion of the council complies with the requirements mentioned in subsection (1) (a) or (b), and upon payment of the registration and annual fees, register such person as a surveyor or survey technician, as the case may be, and cause such a person's name to be entered in the appropriate register and a registration certificate in the prescribed form to be issued to him.

(3) Any person who—

- 50 (a) has not passed the examination referred to in subsection (1) (a) and who at the commencement of this Act—
- 55 (i) is a full member of the Institute of Topographical and Engineering Surveyors of South Africa and after he has passed the examination for the tenth standard or an equivalent examination, has gained at least 10 years' practical experience in such survey work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; or
 - 60 (ii) is not such a member and after he has passed the examination for the tenth standard or an equivalent examination, has gained at least 15 years' practical experience in such survey work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard,
 - 65 and who complies with the requirements as provided in subsection (1) (a) (iii) and (iv); or
- (b) has not passed the examination referred to in subsection (1) (b) and who at the commencement of this Act—

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- (i) is a full member or an associate member of the Institute of Topographical and Engineering Surveyors of South Africa 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 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
- (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 examination 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,
- and who complies with the requirements as provided in subsection (1) (b) (iii) and (iv),
- may, within one year from the commencement of this Act, 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.
- (4) Any person who has paid the annual fees shall be entitled—
- (a) in the case of a surveyor—
- (i) to describe himself as a surveyor;
- (ii) to carry on his calling in any part of the Republic; and
- (iii) to indicate his calling and make it known by using the prescribed title after his name.
- (b) in the case of a survey technician—
- (i) to describe himself as a survey technician;
- (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 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;
- (iii) to indicate his calling and make it known by using the prescribed title after his name.

23. (1) Any person who desires to be registered as a survey technician in training may apply to the council in the prescribed form to be registered as a survey technician in training, and the council shall, subject to the provisions of section 24 (1), upon payment of the registration and annual fees, register any such person as a survey technician in training and cause any such person's name to be entered in the appropriate register.

Registration of survey technicians in training.

(2) When a survey technician in training complies with the requirements mentioned in section 22 (1) (b), the council shall,

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subject to the provisions of section 24 (1), on application in the prescribed form and upon payment of the registration and annual fees, cancel the registration of such person as a survey technician in training and register him as a survey technician in terms of section 22 (2).

(3) Any period of training in practical survey work undergone before the commencement of this Act and of the same kind as that prescribed, shall for the purposes of subsection (2) be deemed to be a period of training in practical survey work as so prescribed, provided such former training is continued within three months, or within such further period as the council may allow, after the said commencement, by means of training in practical survey work as so prescribed.

(4) A survey technician in training may describe himself as a survey technician in training, but shall not be entitled to perform any survey work, except under the personal supervision of a professional land surveyor, a technical surveyor or such other person as may be prescribed.

24. (1) The council shall not register any person in terms of this Act—

Refusal or cancellation of registration.

- (a) if he is according to the law detained as a mentally ill person;
- (b) if he has at any time been convicted of an offence and sentenced in respect thereof to imprisonment without the option of a fine;
- (c) if he has at any time been removed from an office of trust on account of improper conduct; or
- (d) if he is disqualified for registration in terms of this Act or, before the commencement of this Act, was so disqualified in terms of any other law governing the registration of land surveyors,

and may refuse so to register any person who is insolvent or who has assigned his estate for the benefit of, or compounded with, his creditors.

(2) The council shall cancel the registration of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in subsection (1) or who has been registered in error or on information subsequently proved to be false, or whose right to practise as a professional land surveyor has been cancelled by the court in terms of section 14 of the Land Survey Act, 1927 (Act No. 9 of 1927), and may cancel the registration of a person who subsequent to his registration becomes insolvent or assigns his estate for the benefit of, or compounds with, his creditors, and his name shall then be removed from the register.

(3) The registration of any person shall lapse if such person—

- (a) fails to pay any annual fees payable by him, within three months after such fees or portion thereof become due or within such further period as the council may in any particular case allow; or
- (b) being a person registered in terms of section 21 (1) or 23 (1), has for at least 90 consecutive days failed to undergo training referred to in section 20 (1) (d) or 22 (1) (a) (ii) or (b) (ii), as the case may be, unless any break in training has been condoned by the Chief Director,

and such person's name shall be removed from the register.

(4) The council shall at the written request of any person registered in terms of this Act, cancel his registration and remove his name from the register, but such cancellation shall not affect any liability incurred by such person prior to the date of such removal.

(5) Subject to the provisions of subsection (1), the council—

- (a) shall on application made to it by any person whose registration has lapsed in terms of subsection (3) (a) or has been cancelled in terms of subsection (4);

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- (b) may on application made to it by any person, other than a person mentioned in paragraph (a), whose registration has been cancelled or has lapsed in terms of this section,
- 5 and upon payment of the registration fees and any arrear annual fees (if any) that the council may determine, restore such person's registration.

25. (1) Any person whose registration has been cancelled in terms of section 24 (2) or (4) or has lapsed in terms of section 10 24 (3) shall return to the registrar his certificate of registration within 30 days from the date upon which he is directed by the registrar by notice in writing by registered post to do so, unless he satisfies the registrar that the certificate has been lost or destroyed, if such is the case, or his registration has been restored 15 under section 24 (5).

Return of certificates of registration and issue of copies thereof.

(2) Any person who fails to comply with any direction referred to in subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R200.

(3) The council shall on the application of any person who satisfies it that the relevant certificate of registration issued to him has been lost or destroyed, issue a copy of the certificate on payment of the prescribed fee.

26. The registrar shall furnish the Chief Director and every Institute mentioned in section 3 (2) (a), (b), (c), (d), (e) and (i) in 25 writing with the name, address, qualifications and date of registration of every person—

Registrar to give information to Chief Director and Institutes.

- (a) who is registered in terms of this Act;
- 30 (b) whose registration has been cancelled in terms of section 24 (2) or (4) or has been restored in terms of section 24 (5), together with the date of such cancellation or restoration, as the case may be;
- 35 (c) upon whom any penalty referred to in section 29 (1) has been imposed or whose suspension has been ordered under section 31 (2), together with the date and nature of the penalty or suspension, as the case may be;
- (d) whose suspension under section 29 (1) or 31 (2) has been extended or withdrawn under section 31 (3) or terminated in terms of section 33;
- 40 (e) whose penalty or suspension under section 29 (1) or 31 (2) has been set aside or varied by the court in terms of section 32 (2).

27. (1) Subject to any exemption granted under this Act, any person—

- 45 (a) whose name is not entered in the register for professional land surveyors referred to in section 7 (4) (a) and who—
- (i) performs any survey for the purpose of preparing any diagram or general plan to be filed or registered in terms of any law governing the registration of any land or rights in land or mentioned in any manner whatsoever in any other document to be so filed or registered; or
- 50 (ii) performs any survey affecting the delimitation of the boundaries or the location of the beacons of any land so registered or to be so registered;
- 55 (b) who is not registered as a professional land surveyor and who performs any kind of work reserved for professional land surveyors under section 7 (2) (a);
- 60 (c) who is not registered as a professional land surveyor or as a surveyor or as a survey technician and who performs any kind of work reserved for technical surveyors under section 7 (2) (a);

Prohibition of practice as professional land surveyor or technical surveyor by unregistered person.

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(d) who is not registered as a professional land surveyor or as a surveyor or as a survey technician and pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a professional land surveyor or a surveyor or a survey technician or uses the name of professional land surveyor or technical surveyor or surveyor or survey technician or uses any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as a professional land surveyor or surveyor or survey technician in terms of this Act,
shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.

(2) Subject to any exemption granted under this Act, any company or other juristic person which—

(a) performs or causes to be performed for any other person, whether a natural or juristic person, by any person, whether registered in terms of this Act as a professional land surveyor or as a surveyor or as a survey technician or not, any kind of work reserved for professional land surveyors or technical surveyors, respectively, under section 7 (2) (a); or

(b) pretends to be or by any means whatsoever holds itself out or allows itself to be held out as a company or other juristic person performing any kind of work reserved for professional land surveyors or technical surveyors under section 7 (2) (a), or uses any name, title, description or symbol indicating or calculated to lead persons to infer that it is a company or other juristic person performing any kind of work so reserved for professional land surveyors or technical surveyors,

shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.

28. (1) Any professional land surveyor shall be guilty of improper conduct if he—

(a) except with the consent of the council or in terms of any exemption granted under this Act knowingly entrusts to any person other than a professional land surveyor work of a kind reserved for professional land surveyors under section 7 (2) (a); or

(b) performs work of a kind reserved for professional land surveyors under section 7 (2) (a) in connection with any matter which is the subject of a dispute or litigation, on condition that payment for such work will be made only if such dispute or litigation ends favourably for the party for whom such work is performed; or

(c) accepts remuneration from any person other than his client or employer for the performance of work of a kind reserved for professional land surveyors under section 7 (2) (a); or

(d) performs work of a kind reserved for professional land surveyors under section 7 (2) (a) during any period in respect of which he has been suspended under this Act.

(2) Any surveyor shall be guilty of improper conduct if he—

(a) except with the consent of the council or in terms of any exemption granted under this Act knowingly entrusts to any person other than a surveyor work of a kind reserved for surveyors under section 7 (2) (a); or

(b) performs work of a kind reserved for surveyors under section 7 (2) (a) in connection with any matter which is the subject of a dispute or litigation, on condition that

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- payment for such work will be made only if such dispute or litigation ends favourably for the party for whom such work is performed; or
- (c) accepts remuneration from any person other than his client or employer, for performing work of a kind reserved for surveyors under section 7 (2) (a); or
- (d) performs work of a kind reserved for surveyors under section 7 (2) (a) during any period in respect of which he has been suspended under this Act.
- 10 (3) Any professional land surveyor or surveyor or survey technician shall be guilty of improper conduct if he—
- (a) commits an offence in the exercise of his profession or calling; or
- (b) contravenes or fails to comply with any rule made under section 34 (1) (e); or
- 15 (c) brings his profession or calling or the council, or any of its members or persons in its employment, into disrepute; or
- (d) conducts himself in a manner which, when regard is had to his profession or calling, is improper.
- 20 (4) The acquittal or conviction of a professional land surveyor or surveyor or survey technician by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or any other offence of which he might have been convicted at his trial on the said criminal charge.
- 25 (5) If the improper conduct with which the professional land surveyor or surveyor or survey technician is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such professional land surveyor or surveyor or survey technician as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the professional land surveyor or surveyor or survey technician charged to adduce evidence that he was in fact wrongly convicted.
- 30 (6) When in the course of any proceedings before any court of law or in the course of an investigation in terms of any law it appears to the court or to the person in charge of the investigation, as the case may be, that there is *prima facie* evidence of improper conduct on the part of a professional land surveyor or surveyor or survey technician, or conduct which, regard being had to the profession or calling of a professional land surveyor or surveyor or survey technician, is improper, the court or the person in charge of the investigation, as the case may be, shall direct that a copy of the record of the proceedings or the investigation or such part thereof as is material to the issue, be transmitted to the council.
- 35 50 (7) The council may inquire into cases of improper conduct of which a person who is or was registered in terms of this Act is alleged to have been guilty while so registered and if proved make an order in relation to the costs of such inquiry and impose in respect of any such case of improper conduct any of the following penalties, namely—
- (a) a fine not exceeding R500; or
- (b) a caution or a reprimand or a caution and a reprimand; or
- 60 (c) suspension from practising in the Republic for a specified period not exceeding one year; or
- (d) cancellation of his registration in terms of this Act and the removal of his name from the register; or

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(e) disqualification for registration in terms of this Act for a specified or an indefinite period:

Provided that in a case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council shall postpone the inquiry until such proceedings have been concluded.

(2) When any punishment imposed under subsection (1) consists of, or includes, any fine, or any order is made in relation to the costs of the inquiry, the amount thereof shall be recovered by the council from the person concerned, and any amount so recovered shall be paid into the funds of the council.

(3) When an inquiry is held in respect of any matter referred to the council by the Director-General or a person duly authorized by him in terms of section 14 of the Land Survey Act, 1927 (Act No. 9 of 1927), one half of the cost of such inquiry shall be paid from the State Revenue Fund.

30. (1) For the purpose of any inquiry under section 29 the council may— Inquiry by council.

20 (a) summon any person who in its opinion is able to give information of material interest concerning the subject which is being investigated or who is presumed to have in his possession or custody or under his control any book, document or thing which relates to the subject which is being investigated, to appear before the council at a time and place specified in the summons to be interrogated or to produce that book, document or thing, and may retain for examination any book, document or thing so produced;

30 (b) call and by way of its president administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been summoned under paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control;

35 (c) appoint any person to advise the council at such inquiry on matters relating to law, procedure or evidence.

(2) A summons requiring any person to appear before the council or to produce any book, document or thing, shall be in the form determined by the council, be signed by the president of the council or a person authorized thereto by it and served in the same manner as a summons in a criminal case issued by a magistrate's court.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to appear at the time and place specified in the summons or to remain in attendance until excused from further attendance by the president of the council, or if any person called under subsection (1) (b) refuses to be sworn or to accept an affirmation as a witness or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject which is being investigated or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the laws relating to privilege, as applicable to a witness summoned to give evidence or to produce any book, document or thing before a court of law, shall apply.

60 (4) Any witness who, after having been duly sworn or having accepted an affirmation, gives a false answer to any question lawfully put to him or makes a false statement on any matter,

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knowing such answer or statement to be false, shall be guilty of an offence.

(5) Any person who wilfully hinders the president or any member or person in the employment of the council in the exercise of any power conferred upon him by or under this section, shall be guilty of an offence.

(6) A person whose conduct is being inquired into by the council shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by any other person duly authorized in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(7) Any person convicted of an offence under subsection (3), (4) or (5) shall be liable to a fine not exceeding R200.

31. (1) When it appears to the council from information on oath that a professional land surveyor or a technical surveyor is mentally ill to such an extent that it would be contrary to the public interest to allow him to continue to practise, the council may, if it deems fit, hold an inquiry *mutatis mutandis* in accordance with the provisions of section 30 in respect of such person.

Suspension from practising of registered persons who have become of unsound mind.

(2) If the council finds that such professional land surveyor or technical surveyor has so become mentally ill, it may order his suspension for a specified period from practising his profession or calling.

(3) The council may extend for any period determined by it the period of operation of, or withdraw, any order made under this section.

32. (1) Any person aggrieved at any decision of the council in terms of section 29 or 31 or any penalty imposed by it under section 29, may within 30 days after the council has given its decision or imposed the penalty, appeal against that decision or penalty by way of notice of motion to the provincial or local division of the Supreme Court of South Africa having jurisdiction in the area in which any such person ordinarily practises or works as a professional land surveyor or technical surveyor.

Appeals against decisions of council.

(2) The said division of the Supreme Court shall inquire into and consider the matter and may confirm, vary or set aside the decision of, or the penalty imposed by, the council or give such other decision or impose such other penalty as in its opinion the council should have given or imposed, and may make such order as to costs as it may deem fit: Provided that the decision of the council shall not be set aside by reason only of an irregularity which did not embarrass or prejudice the appellant in answering the charge or in the conduct of his defence.

33. The council may on application by any person who has, in terms of section 29 (1), been suspended from practising in the Republic for a specified period, terminate such suspension before the expiration of such period.

Council may terminate suspension of any person.

34. (1) The council may by notice in the *Gazette* make rules—

Rules.

(a) in relation to any matter which is required to be or may be prescribed by the council under this Act;

(b) in relation to the calling of and procedure at meetings of the council or of a committee of the council or of the education advisory committee;

(c) in relation to the remuneration and allowances payable from the funds of the council to members of the council or of a committee of the council;

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- (d) in relation to the keeping and custody of registers of persons registered in terms of this Act;
- (e) prescribing the requirements with which persons registered in terms of this Act shall comply in carrying on their profession or calling;
- (f) prescribing conduct (in addition to conduct referred to in section 28) constituting improper conduct for a person registered in terms of this Act;
- (g) prescribing the manner and circumstances in which a professional land surveyor or a technical surveyor may form a partnership with any member of a related profession or calling;
- (h) prescribing the method of inquiry into allegations of improper conduct;
- (i) prescribing the nature, form and period (not exceeding two years) of training in practical survey work to be undergone by a professional land surveyor in training;
- (j) prescribing the nature, form and period (not exceeding two years) of training in practical survey work to be undergone by a survey technician in training;
- (k) prescribing the form of the contract of training between any person and a professional land surveyor in training or a survey technician in training who wishes to undergo practical training with such person, before qualifying for registration as a professional land surveyor or a survey technician, and the manner in which such a contract shall be registered;
- (l) in relation to, generally, all matters which it considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Different rules may be made in relation to different categories of professional land surveyors, of professional land surveyors in training, of technical surveyors and of survey technicians in training.

35 35. (1) The register shall be *prima facie* proof of all matters required to be or that may be entered therein by or under this Act. Procedure and evidence.

(2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing which may be done by or under this Act has or has not been done, shall be *prima facie* proof of the matters mentioned in that certificate.

(3) A copy of—

- (a) an entry in the register or of a document in the custody of the registrar, or of an extract from the register or from any such document, purporting to be certified by the registrar; or
- (b) any record or an extract from any such record appertaining to a survey and preserved by the Chief Director or a Surveyor-General, purporting to be certified by the Chief Director or the Surveyor-General in question,

shall be admitted in evidence in all courts of law without further proof or production of the original.

55 36. When anything which is required to be done or performed in terms of this Act on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that such failure was due to an error or oversight, and that it is in the interest of the surveying profession to do so, authorize such thing to be done or performed on or before any other day or at any other time or during any other period, as he may direct, and anything so done or performed shall be of full force and effect and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Act. Rectification of errors.

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37. No legal proceedings, whether civil or criminal, shall lie against the council or any member thereof or any person in its employment in respect of any act or duty performed in accordance with the provisions of this Act. Liability of council.
38. (1) The Minister may in writing delegate to the Director-General, or to any other officer of the department, any or all of the powers conferred upon him under this Act, except the powers conferred upon him by section 7 (2) and (3). Delegation of powers.
 (2) Any person to whom any power has been delegated under subsection (1) shall exercise that power subject to the directions of the Minister.
 (3) The Minister may at any time revoke in writing any such delegation, and the delegation of any power shall not prevent the exercise of that power by the Minister himself.
39. (1) The Minister may, after consultation with the council, by notice in the *Gazette* and subject to such conditions as he may determine, exempt any person, including any company or other juristic person or class of such persons, specified in the notice, either generally or under such circumstances as may be specified in the notice and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of this Act, excluding section 27 (1) (a). Exemption from operation of provisions of Act.
 (2) Before any provision relating to section 27 (2) is made under subsection (1) of this section, a notice setting forth the proposed provision shall be published by the Minister in the *Gazette*, together with a notice intimating that it is proposed to make such provision under subsection (1) of this section within a stated period, but not less than four weeks as from the date of such publication, and inviting interested persons to submit any objections to or representations concerning the proposed provision: Provided that, if the Minister thereafter decides on any alteration in the provision so published as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under subsection (1) of this section.
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 provided for the establishment of two juristic persons under the names of— Construction of Act 22 of 1904 of Cape of Good Hope.
 (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
 (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 as if the said section 1 had provided for the establishment of the said two Institutes.
41. The laws specified in the Schedule are hereby repealed or amended to the extent set out in the third column of that Schedule. Repeal and amendment of laws.
42. Any inquiry not concluded by the Central Council of Land Surveyors before the commencement of this Act shall be con- Completion of certain inquiries.

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cluded in accordance with the provisions of the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950), as if that Act had not been repealed by this Act.

43. As from the commencement of this Act all the assets, rights, liabilities and obligations of the Central Council of Land Surveyors established by section 2 of the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950), shall, subject to the provisions of this Act and without the payment of any transfer duty, stamp duty or other fees, become the assets, rights, liabilities and obligations of the council, and any reference in any law or document to the said Central Council of Land Surveyors shall be construed as a reference to the council.

Transfer of assets and liabilities to council.

44. (1) This Act shall be called the Professional Land Surveyors' and Technical Surveyors' Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

(2) Different dates may be so fixed in respect of different provisions of this Act.

(3) A reference in this Act to its commencement shall be construed as a reference to the applicable date so fixed.

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Schedule

LAWS REPEALED OR AMENDED

No. and year of law	Short title	Extent of repeal or amendment
Act No. 9 of 1927	Land Survey Act, 1927	<p>(a) The amendment of section 6—</p> <p>(i) by the substitution for subsection (2) of the following subsection: “(2) The board shall consist of the following members, namely—</p> <p>(a) the Chief Director, who shall be the chairman of the board;</p> <p>(b) three land surveyors appointed by the Minister who shall be officers in the service of the State;</p> <p>(c) three land surveyors nominated by the South African Council for Professional Land Surveyors and Technical Surveyors established by section 2 of the Professional Land Surveyors' and Technical Surveyors' Act, 1984.”;</p> <p>(ii) by the insertion after subsection (2) of the following subsection: “(2A) If the South African Council for Professional Land Surveyors and Technical Surveyors referred to in paragraph (c) of subsection (2), fails to nominate a member under the said paragraph (c), the Minister shall appoint a land surveyor as a member, and a member so appointed shall be deemed to have been nominated in terms of the said paragraph.”;</p> <p>(iii) by the substitution for subsection (3) of the following subsection: “(3) (a) The board shall meet at such times and places as the Chief Director may determine. (b) The board shall meet at least once in every year.”;</p> <p>(iv) by the substitution in subsection (4) for the words preceding the proviso of the following words: “Four members of the board shall form a quorum at its meetings, and a decision of the majority of the members present at any meeting shall be a decision of the board.”;</p> <p>(b) the amendment of section 7—</p> <p>(i) by the deletion of paragraphs (l) and (m) of subsection (1); and</p> <p>(ii) by the substitution in the said subsection (1) for the words following on paragraph (m) of the following words: “and generally as to any matter appertaining to the surveying and charting of land, and for carrying out the objects and purposes of this Act, and the circumstances in which the Chief Director or a Surveyor-General may authorize a departure from a regulation framed in terms of paragraphs (b), (c), (d), (g) and (i) when compliance with any such regulation is found to be impossible or impracticable.”;</p> <p>(c) the repeal of sections 11 and 12;</p> <p>(d) the amendment of section 14 by the substitution for the words following on paragraph (g) of the following words: “and the Director-General: Community Development or any person authorized by him may apply to the Court by way of motion for the suspension or cancellation of the right of such land surveyor to practise as such, and the Court may thereupon suspend or cancel such right or make such other order as it thinks fit, or the said Director-General or person authorized by him may refer any complaint, charge or allegation of improper conduct to the South African Council for Professional Land Surveyors and Technical Surveyors established by section 2 of the Professional Land Surveyors' and Technical Surveyors' Act, 1984.”;</p>

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No. and year of law	Short title	Extent of repeal or amendment
		<p>(e) the repeal of sections 15 and 15A; and</p> <p>(f) the amendment of section 49—</p> <p>(i) by the substitution for the definition of "land surveyor" of the following definition: "land surveyor" means a person registered as a professional land surveyor in terms of the Professional Land Surveyors' and Technical Surveyors' Act, 1984, and whose name is entered in the register referred to in section 7 (4) (a) of the said Act;"; and</p> <p>(ii) by the substitution for the proviso to the definition of "personal supervision" of the following proviso: "Provided that the land surveyor shall not be obliged to be present or to participate when any such beacons which were previously connected to or based upon reference marks or (except in a township) trigonometrical stations are inspected by any person registered in terms of the Professional Land Surveyors' and Technical Surveyors' Act, 1984;";</p>
Act No. 14 of 1950	Land Surveyors' Registration Act, 1950	The repeal of the whole
Act No. 61 of 1955	Universities Act, 1955	<p>(a) The amendment of section 16 by the deletion of paragraph (b);</p> <p>(b) the amendment of section 16bis—</p> <p>(i) by the deletion of subsection (2); and</p> <p>(ii) by the substitution for paragraph (a) of subsection (3) of the following paragraph: "(a) Any person who appoints a member of the recognition board under subsection (1) may appoint an alternate member to such member, and any member of the recognition board referred to in paragraph (e), (f) or (g) of subsection (1) may designate a person in the full-time service of the State to act in his stead as an alternate member of the said board.";</p> <p>(c) the amendment of section 16duodec—</p> <p>(i) by the deletion of subparagraph (iv) of paragraph (a) of subsection (1);</p> <p>(ii) by the substitution for subparagraph (vi) of the said paragraph (a) of the following subparagraph: "(vi) any other examination conducted by that university in lieu of any examination mentioned in subparagraph (i), (ii) or (iii);";</p> <p>(iii) by the substitution for subsection (2) of the following subsection: "(2) If in the opinion of the recognition board any examination other than an examination mentioned in subparagraph (i), (ii) or (iii) of paragraph (a) of subsection (1), conducted by any university is equivalent or superior to any examination so mentioned, it may certify such examination to be so equivalent or superior."; and</p> <p>(iv) by the substitution for subsection (4) of the following subsection: "(4) Any examination referred to in subparagraph (i), (ii) or (iii) of paragraph (a) of subsection (1), the Public Service Lower Law Examination or the Public Service Higher Law Examination conducted prior to the date of commencement of this section by the Joint Committee for Professional Examinations which was prior to the said date in existence and known as the Joint Committee, or a university in the Republic, and any examination conducted prior to that date and certified by the said Committee to be equivalent or superior to any such examination, shall be deemed to have been recognized by the recognition board in terms of subsection (1)."; and</p> <p>(d) the amendment of section 16tredec by the substitution for subsection (1) of the following subsection: "(1) If any person satisfies the recognition board that he, prior to the date of commence-</p>

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No. and year of law	Short title	Extent of repeal or amendment
Act No. 36 of 1963	Land Surveyors' Registration Amendment Act, 1963	ment of this section, commenced to study for any examination mentioned in subparagraph (i), (ii) or (iii) of paragraph (a) of subsection (1) of section 16 <i>duodec</i> , the recognition board shall, at the request of such person, until a date to be prescribed by regulation under section 28, conduct such an examination in respect of such person in the same manner as the Joint Committee referred to in subsection (4) of the said section would have conducted such an examination if the Universities Amendment Act, 1959, had not been passed." The repeal of the whole
Act No. 65 of 1970	Land Surveyors' Registration Amendment Act, 1970	The repeal of the whole
Act No. 71 of 1972	Land Survey Amendment Act, 1972	The repeal of sections 18, 19, 20, 21, 22, 23 and 24
Act No. 21 of 1977	Land Surveyors' Registration Amendment Act, 1977	The repeal of the whole
Act No. 34 of 1979	Land Surveyors' Registration Amendment Act, 1979	The repeal of the whole