

THE LAND SURVEYORS ACT

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SCHEDULES

THE LAND SURVEYORS ACT

[1st August, 1944.]

Cap. 211.
Law
12 of 1957
Acts
4 of 1969,
25 of 1979,
16 of 2005.
Short title.

1. This Act may be cited as the Land Surveyors Act.

PART I. *Interpretation*

2. In this Act—

“approved surveyor” means a surveyor who—

Interpreta-
tion.
16/2005
S. 2(a).

- (a) has been in full-time practice for a period of not less than five years from the date of his commission;
- (b) possesses a valid practising certificate;
- (c) has a diversified land surveying practice that includes cadastral, engineering and topographic surveys; and
- (d) is not in the service of the Government (other than as an authorized officer) or any Local Authority;

“authorized officer” means an officer in the service of Government for the time being authorized by the Minister by instrument in writing to take trainees;

4/1969
S. 2(b).
16/2005
S. 2(b).

“the Board” means the Land Surveyors Board constituted by section 10;

“the certificate” means the certificate referred to in section 13;

“Chief Executive Officer” means the Chief Executive Officer of the National Works Agency;

16/2005
S. 2(c).

“the Committee” means the Land Surveyors Disciplinary Committee constituted by section 20;

“final examination” means the examination referred to in section 11;

4/1969
S. 2(a).

“government surveyor” means any officer, whether permanent or acting, in the Survey Department or the Lands and Survey branch in the charge of the Chief Technical Director, possessing such qualification as would entitle him to become a surveyor;

“land” includes land covered with water;

4/1969
S. 2(b).

“Land Surveyors Association” means the Land Surveyors Association of Jamaica constituted under the Deed of Settlement of the Land Surveyors Association of Jamaica dated the 12th day of November, 1928, and registered at the Record Office (liber new series 340 folio 315) or any body representing land surveyors which may from time to time have succeeded to the functions of the aforesaid Association;

4/1969
S. 2(b).

“local Authority” means the Kingston and St. Andrew Corporation, or any Parish Council or the Jamaica Railway Corporation;

“notice” means notice of survey;

“plan” includes a map, plat, or diagram;

16/2005
S. 2(d).

“practice” in relation to the science of land surveying means the execution of cadastral surveys and of topographical surveys of registered lands;

“preliminary examination” means the examination referred to in sub-paragraph (i) of paragraph (c) of subsection (1) of section 3;

“prescribed” means prescribed by regulations made under this Act;

16/2005
S. 2(e).

“student surveyor” means—

(a) a trainee;

- (b) a person who holds a diploma in land surveying from the University of Technology, Jamaica, and is studying and practising the science of surveying as an assistant to a surveyor; or
- (c) a person who is acting as an assistant to a surveyor in accordance with a requirement pursuant to paragraph (i) of the proviso to section 3(1);

“survey technician” means a person who—

16/2005
S. 2(e).

- (a) holds a certificate in land surveying from the University of Technology, Jamaica; or
 - (b) possesses any other educational qualification or training approved by the Board,
- and is practising the science of surveying as an assistant to a surveyor;

“surveyor” means any person commissioned to act as a surveyor of land under this Act;

“trainee” means a person who—

16/2005
S. 2(f).

- (a) holds a diploma in land surveying from the University of Technology, Jamaica; or
 - (b) possesses any other qualification approved by the Board,
- and is attached to an approved surveyor or an authorized officer, for a period determined by the Board, in order to acquire practical experience;

“traverse” means measurements of angles or bearings, and distances, between points on the ground.

PART II. *Qualifications for and Control of trainees and surveyors*

16/2005
S. 3.

Qualification
for surveyors.
25/1979
S. 3(a).

3.—(1) No person shall receive a commission under this Act as a land surveyor unless such person is at least eighteen years of age and produces satisfactory evidence of character and either—

4/1969
S. 3(a).
16/2005
S. 4(a).

(a) is a member of the Royal Institute of Chartered Surveyors having passed the examination in respect of such qualification in the subdivision relating to Land Surveying, or its equivalent;

25/1979
S. 3(b).
16/2005
S. 4(b).

(b) holds a diploma in Land Surveying from the University of Technology, Jamaica and has studied and practised the science of surveying as an assistant to a surveyor for not less than one year in accordance with specifications laid down by the Board with the approval of the Minister and has satisfied the Board in an oral examination and in such other examination (if any) as may be prescribed that he has gained the necessary practical experience in surveying;

25/1979
S. 3(c).

(c) possesses such other qualifications as may be approved by the Board; or

25/1979
S. 3(c).

(d) (i) has passed such preliminary examination as may be prescribed and subsequently thereto been bound by attachment to serve and has served for a term of four years as a trainee to an authorized officer or to a surveyor in this Island and throughout such term has studied and practised the science of surveying; and

4/1969
S. 3(b) & (c).
16/2005
S. 4(d).

(ii) has, after the expiration of such term of service or within twelve months prior to such expiration, passed the final examination:

4/1969
S. 3(d).

Provided that—

25/1979
S. 3(d).

(i) any person qualified under paragraph (a) or (c) of this subsection shall not be entitled to practise as a surveyor until he has passed such examination in local law as

may be prescribed and, if so required by the Board, has carried out cadastral surveys as an assistant to a surveyor for a minimum period of six months, and has gained the necessary practical experience; 16/2005 S. 4(e).

- (ii) any person who, prior to the coming into operation of this Act, has passed either a preliminary or intermediate examination for any degree or diploma which would have entitled such person, subject to any other conditions, to receive a commission as a land surveyor under any Law in force in the Island immediately prior to the coming into operation of this Act shall, on such person obtaining such degree or diploma and otherwise complying with the provisions of this Act, be entitled to receive a commission as a land surveyor under this Act;
- (iii) [*Deleted by Act 16 of 2005.*]
- (iv) any person who has practised the science of surveying in the prescribed service for a period of not less than five years may take the final examination in surveying or such parts thereof as the Board may direct, and such person shall, on the passing of such examination and on payment of the sum prescribed in section 14, be entitled to receive a commission.

(2) Every person who, immediately prior to the 1st August, 1944, was commissioned to act as a surveyor of land under any previous Law of the Island shall be deemed to be commissioned to act as a surveyor under this Act.

(3) Every person who being a public works surveyor was employed in the prescribed service for a continuous period of not less than fifteen years immediately prior to the 1st June, 1971, shall be deemed for the purposes of this Act to be qualified to receive a commission on payment of the sum prescribed in section 14. 4/1969 S. 3(f).

(4) For the purposes of this section—

“prescribed service” means service in the Survey Branch of the Public Works Department or service in the Lands and Survey Branch in the charge of the Chief Technical Director or service partly in the one and partly in the other;

“public works surveyor” means a person—

- (a) who practised surveying in the Survey Branch of the Public Works Department for a period of not less than three years immediately prior to the 1st August, 1944; or
- (b) who prior to the 1st June, 1971, spent not less than three years in the prescribed service and passed the examination for public works surveyors set by the Board.

Service prior to preliminary examination or attaining eighteen years.
4/1969

S. 4.
16/2005
S. 5(a), (b) & (c).

No surveyor to have more than three trainees.
16/2005
S. 6(a)(b)(c).

Conditions for surveyor taking trainee.
16/2005
S. 7.
4/1969
S. 6(a).

4/1969
S. 6(b).

16/2005
S. 7.

4. No service as a trainee by any person prior to such person passing the preliminary examination or attaining the age of eighteen years shall be of any force or effect under this Act.

5.—(1) Subject to subsection (2), no surveyor shall have more than three trainees at one and the same time.

(2) An authorized officer may have attached to him such number of trainees as the Board may approve.

6.—(1) No surveyor shall—

(a) take any trainee, unless such surveyor has himself been in actual practice as a surveyor for a period of not less than five years from the date of his commission, and is not in the service of Government (other than as an authorized officer) or any local Authority;

(b) take or retain any trainee after such surveyor has retired from the practice, or profession, of a surveyor.

(2) No service by a trainee in contravention of the provisions of this section shall be of any force or effect under this Act.

7. Every attachment of a trainee shall—

- (a) be impressed with a stamp of a value of five hundred dollars, which sum shall be paid by the trainee;
- (b) within six months after its execution, be recorded in the office of the Director of Surveys; and
- (c) be open to inspection by any member of the public at all reasonable times.

Stamping and recording of attachment. 16/2005 S. 8.

8. In case of the death, imprisonment, insanity, retirement, removal from the Island or cancellation or suspension of the commission of any approved surveyor with whom a trainee is attached, or on the acceptance of any employment (permanent or temporary) in the service of the Government or of any local Authority by such surveyor, or by the mutual consent of such surveyor and trainee, any other surveyor may, subject to the approval of the Board pursuant to section 9, receive a transfer of the attachment of the trainee, and in such case such trainee may continue to serve with such other surveyor the unexpired term of his attachment in like manner, and under similar obligations as with the first surveyor with whom he was attached.

Transfer of articles. 4/1969 S. 7. 16/2005 S. 9(a), (b), (c) & (d).

9. Every transfer of attachment of a trainee shall as soon as possible be submitted to the Board for approval and if approved shall be recorded in the office of the Chairman of the Board within one month of the date of the approval.

Transfer to be recorded. 4/1969 S. 8. 16/2005 S. 10(a), (b).

10.—(1) For the purposes of this Act, the Land Surveyors Board shall consist of—

- (a) the Director of Surveys;
- (b) the Registrar of Titles;
- (c) three practising surveyors, to be appointed by the Land Surveyors Association of Jamaica;
- (d) a life member of the Land Surveyors Association of Jamaica, to be appointed by the Land Surveyors Association of Jamaica;

Constitution of Land Surveyors Board. 16/2005 S. 11(a).

- (e) a representative of the Faculty of the Built Environment of the University of Technology, Jamaica; and
- (f) a member of the public appointed by the Minister from among persons who appear to the Minister to be qualified as having had experience of and shown capacity in matters relating to land surveying or such other matter as the Minister considers appropriate for appointment under this paragraph,

and five members thereof shall form a quorum.

(2) The Director of Surveys shall be the Chairman of the Board and shall have a casting as well as a deliberative vote.

(3) The Board shall have power to regulate its own procedure and shall meet whenever necessary for the performance of its duties, but not fewer than six times per annum.

16/2005
S. 11(b).

(4) The office of a member becomes vacant where that member—

16/2005
S. 11(c).

- (a) dies;
- (b) resigns by written notice to the Board; or
- (c) is removed by the Board on any of the following grounds—
 - (i) his inability to function because of physical or mental illness;
 - (ii) his absence from three consecutive meetings of the Board without the permission of the Chairman;
 - (iii) that he is found guilty by the Board of misconduct in respect of his duties;
 - (iv) that he is convicted of an indictable offence;
 - (v) that he is declared bankrupt in accordance with the laws of Jamaica or any other country;

(vi) that he is disqualified or suspended from practising his profession in Jamaica or in any other country by an order of any competent authority;

(vii) that he contravenes any provision of this Act.

11.—(1) The Board shall—

- (a) issue a practising certificate, in the form set out in the First Schedule, to an applicant surveyor upon his satisfactory application and payment of the prescribed annual fee;
- (b) appoint an examiner to hold a final examination whenever necessary, but no more than two such examinations shall be held in any year;
- (c) ensure the maintenance of a proper standard of professional conduct for surveyors; and
- (d) appoint, on such terms and conditions as it thinks fit, any officer as it may think necessary for the proper carrying out of its functions.

Functions of Board.
First Schedule.
16/2005
S. 12.

(2) Subject to the provisions of this Act, the Board shall be responsible for the management and control of all examinations and professional education under this Act.

12. Any trainee may, after the expiration of the term of service mentioned in paragraph (d) (i) of subsection (1) of the section 3, or within twelve months prior to such expiration, apply to the Board to be examined under the provisions of this Act, and the Board may, on being furnished in the prescribed form and manner with satisfactory evidence that—

Application by trainee to be examined.
4/1969
S. 9.
25/1979
S. 4(a).
16/2005
S. 13(a), (b) & (c).

- (a) the trainee is at least eighteen years of age and is of good character; and
- (b) the attachment has been duly executed and recorded; and

(c) the requirements of this Act have been duly complied with,

make an order directing that such trainee may sit for his final examination:

Provided that any person referred to in proviso (iii) of subsection (1) of section 3 may take such final examination as if he had complied with the provisions of paragraphs (a), (b) and (c).

Application
for certificate.
16/2005
S. 14.

13.—(1) Where any trainee passes his final examination he may apply to the Board for, and the Board shall issue, a certificate in the prescribed form setting out that such trainee is qualified to receive a commission as a land surveyor.

(2) If any person claims to be entitled to become a surveyor by reason of possessing any of the qualifications mentioned in subsection (1) of section 3, that person may apply to the Board for a certificate in the prescribed form setting out that such person is qualified to receive a commission as a land surveyor and the Board shall, if satisfied that such person—

(a) possesses such qualifications; and

(b) is at least eighteen years of age; and

(c) is of good character,

issue the certificate.

25/1979
S. 5.

Issue of
commission.
16/2005
S. 15.

14.—(1) The Commissioner of Inland Revenue shall, upon payment of the prescribed fee by a person qualified to receive a commission, affix on the commission a stamp signifying payment of the fee.

(2) Upon presentation of the certificate to the Board, such person shall receive a commission as a land surveyor, which shall be issued by the Board and signed by the chairman of the Board and the Minister.

15.—(1) There shall be kept in the office of the Board, in the prescribed form—

Registers.
16/2005
S. 15.

- (a) a register of all student surveyors and survey technicians; and
- (b) a register of all surveyors.

(2) Each register shall contain such particulars as may be prescribed and shall be open to inspection by any member of the public during office hours.

(3) A copy of each register shall be published annually in the *Gazette* by the secretary of the Board.

16. [*Repealed by Act 16 of 2005.*]

17.—(1) No surveyor shall—

Surveyor's
signature on
plan.

- (a) permit his name to be signed or subscribed to any plan by any other person; or
- (b) sign any plan the result of a survey not actually made by him or under his personal and direct supervision; or
- (c) contract or arrange with any person, other than another surveyor, student surveyor or a survey technician, for that person to undertake the practice of land surveying; or
- (d) practise professional land surveying without possessing a valid practising certificate.

16/2005
S. 17(a)(i).
25/1979
S. 8(b).
16/2005
S. 17(a)(ii).
16/2005
S. 17(a)(iii).

(2) If any surveyor contravenes or fails to comply with the provisions of this section he shall be liable to have his practising certificate withdrawn or his commission cancelled or suspended by the Board.

6/2005
S. 17(b).

18. If it appears that any surveyor has issued any incorrect plan, the Land Surveyors Disciplinary Committee may call upon such surveyor to explain, either in person or in writing, the reason for such incorrect plan and thereafter the Board may, if

Incorrect
plan.
4/1969
S. 12(a) &
(b).

16/2005

S. 18(a) & (b).

satisfied that such incorrect plan was occasioned either intentionally, negligently or carelessly, withdraw his practising certificate, cancel the commission of the surveyor or suspend such commission for such time as it may deem fit, or take any other action it may consider appropriate.

Apprentice not
to open line
alone.

4/1969

S. 13

25/1979

S. 8(c).

19.—(1) No student surveyor shall open or run any boundary line on behalf of any surveyor save in the presence of such surveyor, so, however, that the student surveyor may, after such work has duly begun, continue to carry it out, notwithstanding the absence of the surveyor, if authorized by him so to do.

16/2005

S. 19 (b).

(2) No survey technician shall open or run any boundary line, except the surveying of internal subdivision lines carried out under the supervision of a surveyor for the preparation of a subdivision plan, and that surveyor shall be responsible for the work and conduct of any survey technician in his employ.

16/2005

S. 19 (b).

(3) No student surveyor or survey technician shall be permitted to map any land parcel boundaries in the compilation and maintenance of a cadastral map, except under the supervision of a surveyor who is responsible for undertaking the adjudication and demarcation of the boundaries.

16/2005

S. 19 (b).

(4) The Board may, in relation to a surveyor who contravenes subsection (1), (2) or (3), suspend the surveyor's commission for a period not exceeding two years.

(5) The Board may refuse to issue a commission to any student surveyor who contravenes the provisions of this section.

Constitution
of Land
Surveyors
Disciplinary
Committee.

4/1969

S. 14(a).

16/2005

S. 20(a).

20.—(1) There shall be constituted a Land Surveyors Disciplinary Committee consisting of five practising surveyors who are holders of valid practising certificates and have not less than five years practice in the profession of land surveying, appointed by the Minister on the nomination of the Land Surveyors Association, so, however, that a member of the Board shall not be eligible for appointment to the Committee.

(2) Every surveyor so appointed shall hold office for three years and for such additional period thereafter as may be necessary, until new appointments are made, and shall also be eligible for reappointment. 16/2005
S. 20(b).

(3) Three members shall form a quorum, and the Committee shall have power to regulate its own procedure and to elect one of its members as chairman. 16/2005
S. 20 (d).

(4) Notwithstanding anything to the contrary, where the occasion arises for the appointment of one or more members of the Committee or of a person to act temporarily in place of any such member and the Association— 4/1969
S. 14(c).

(a) refuses; or

(b) fails within such reasonable time not being less than three weeks as may be specified by the Minister,

to comply with a request in writing made by the Minister to nominate a member or members, as the case may be, the Minister may, in his discretion, make any such appointment from among practising surveyors and thereupon the provisions of this Act shall apply to any person so appointed as if he had been nominated by the Land Surveyors Association.

(5) If any vacancy occurs in the membership of the Committee such vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed.

(6) The Minister may, on the application of the chairman or any other member of the Committee, grant to the chairman or such other member, as the case may be, leave of absence for any period.

(7) Where any member of the Committee is granted leave of absence under subsection (5) of this section or is unable to act, the Minister may appoint any practising surveyor as a member of the Committee to act temporarily in the place of such member.

(8) Any member of the Committee, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Committee.

(9) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

(10) The Minister may at any time revoke the appointment of any member of the Committee if he thinks it expedient so to do.

Powers of the
Committee.
25/1979
S. 6(a).
16/2005
S. 21(a)(i) &
(ii).

21.—(1) The Committee shall enquire into and hear all charges of professional misconduct, incompetence or negligence against a surveyor, and all charges against a student surveyor for breach of any of his articles of attachment (if he is a trainee) or of conduct which, if such student surveyor were a surveyor, would amount to professional misconduct, incompetence or negligence, and may for the purposes of such inquiry summon the surveyor or student surveyor against whom the charges are made to appear before it and may hear such witnesses, upon oath or otherwise, as it may consider necessary.

25/1979
S. 1979
S. 6(b).

(2) The Committee shall—

- (a) carry out its functions in accordance with the procedures set out in the Second Schedule;
- (b) inform the Board in writing of any complaint received against a surveyor or student surveyor, within thirty days of receipt of such complaint; and
- (c) submit to the Board, every three months, progress reports on any matter being investigated.

16/2005
S. 21(c).

Second
Schedule.

(3) The Committee may find a surveyor or student surveyor to be incompetent if, in its opinion, the surveyor or student surveyor is suffering from a physical or mental condition or disorder of a nature and extent making it desirable, in the interest of the public, that he should no longer be permitted to engage in the practice of professional land surveying.

16/2005
S. 21(c).

(4) The Committee, if it finds the surveyor or student surveyor guilty of the charge, shall report its findings of fact to the Board and may forward with such report such recommendations as it may see fit to make.

25/1979
S. 6(c).
16/2005
S. 21(b).

22.—(1) The Board may, on receiving the report referred to in subsection (4) of section 21, together with such recommendations, if any, as may be forwarded therewith, take such action, including the withdrawal of or refusal to issue, for a stated period, a practising certificate, to the surveyor, the cancellation or suspension of the surveyor's commission or the refusal to issue a commission to a student surveyor, as it may consider fit and just.

Powers of Board on receipt of report.
16/2005
S. 22(a) (b).
25/1979
S. 8(b).

(2) On proof to the satisfaction of the Board that any surveyor or student surveyor has been convicted within two years of any offence against this Act, or of any offence involving dishonesty or moral turpitude, the Board may take such action as is provided for in subsection (1).

23. The grant, cancellation or suspension of any surveyor's commission shall be published in the *Gazette*.

Publication of grant, cancellation or suspension.

24. In any proceedings against a surveyor or a student surveyor before the Board or the Committee, the surveyor or student surveyor, by leave of the Board or Committee, as the case may be, may be represented by an attorney-at-law.

Legal representation.
25/1979
S. 8(b).
16/2005
S. 23.

25. Any surveyor or student surveyor may appeal to the Court of Appeal from any order of the Board cancelling or suspending his commission, withdrawing or refusing to issue his practising certificate, or refusing to issue his commission, as

Appeal.
25/1979
S. 8(c).
16/2005
S. 24.

the case may be. Such appeal shall be made within such time and in such form and shall be heard in such manner as may be prescribed from time to time by rules of court.

PART III. *Powers of surveyor and procedure for survey*

Power to enter
land.
25/1979
S. 8(a).
16/2005
S. 25(a), (b) &
(c).

26. Subject to the provisions of section 27 any surveyor upon production of a Certificate of Identity may, with or without his student surveyors, servants and workmen, enter upon any land which it is his duty, or which he has been appointed, to survey or identify and, so far as may be necessary for such survey, upon all other lands immediately abutting upon such land for the purposes of such survey.

Notice of
survey.
4/1969
S. 15(a).

27.—(1) No surveyor shall enter upon any land for the purpose of surveying it until the owners or occupiers of all adjoining lands which may be affected by the survey have been served, in the prescribed manner, not less than ten days prior to the date of such entry with a notice of survey, in the prescribed form:

4/1969
S. 15(b).

Provided that the parties interested in such survey may, by agreement in writing stating the date and place at which such agreement is entered into and witnessed by one person, agree to such survey being carried out notwithstanding the omission of, or incorrect statement of, or departure from, any particular requirement in such notice, or notwithstanding the lack of service of such notice. Any plan made as the result of a survey held under any such agreement shall set out the fact that the plan was so made and the date on which such agreement was entered into.

(2) The service of notice on any person shall not affect, nor be deemed to be an acknowledgment of, the right of that person or of any other person to any interest in or over any land.

16/2005
S. 26.

(3) No surveyor shall execute a survey without first producing his Certificate of Identity to all interested parties present.

28. Any surveyor who—Fresh
notices.

- (a) does not commence the survey on the date mentioned in the notice; or
- (b) having commenced such survey, allows a lapse of ten days without doing any survey work on the land in respect of which notice was served,

shall cause fresh notices to be served in accordance with the provisions of section 27 before entering upon such land for the purposes of the survey.

29. Where the survey is undertaken by appointment of the owner of any land then every owner of any land upon whom notice has been served, and any person interested in and affected by the survey of such land, may cause to be served upon the surveyor, prior to the completion of the survey, notice of objection, in the prescribed form, to such survey. Upon service of such notice of objection the surveyor shall not proceed with the survey in so far as it affects the land in respect of which notice was given until notice of withdrawal, in the prescribed form, is served upon such surveyor.

Notice of
objection.

30.—(1) If notice of withdrawal is not served upon the surveyor within ten days of the date of service of notice of objection, the matter may, with the consent of the objector and of the owner of the land to be surveyed, be referred to the Director of Surveys for arbitration in a summary manner:

Power of
Director of
Surveys to
arbitrate.

Provided that nothing in this subsection shall be deemed to prejudice the right of any person to take proceedings before any court of competent jurisdiction.

(2) The Director of Surveys may, upon such reference and on hearing such evidence that may be placed before him, order the objection to be withdrawn, in which event the survey may be proceeded with, or he may uphold the objection, and order that the survey, in so far as it affects the objector, shall be

discontinued. Every such order shall, unless proceedings are taken before a court of competent jurisdiction within six months of the date of such order, be final and conclusive.

Power to make
traverses.
25/1979
S. 7(a).
16/2005
S. 27(a).

31.—(1) Notwithstanding any notice of objection, a surveyor and a student surveyor or survey technician, working under the supervision of that surveyor may, after due service of notice and prior to the date of commencement of the survey, enter upon any land and make traverses, or perform such other works as may be necessary, for the purpose of gaining information in relation to the survey:

25/1979
S. 7(b).
16/2005
S. 27(b).

Provided that such surveyor, student surveyor or survey technician shall not run or mark any boundary line.

(2) No such traverse or other work shall affect in any way whatsoever the rights of any person to any interest in or over such land.

Surveys and
plans to be in
accordance
with
regulations.

32.—(1) Every survey, and every plan made as a result of such survey, which is made for the purpose of any conveyance, deed, or document of transfer, or for the registration of any title, or by order of any court, shall be made by a surveyor and in accordance with the regulations made under this Act.

16/2005
S. 28.

(2) Every cadastral map shall be made by a surveyor through the compilation of surveys carried out in accordance with the regulations made hereunder, together with the mapping of the legal boundaries of unsurveyed land parcels, done in accordance with guidelines for executing cadastral mapping, provided by the Director of Surveys.

Plans to be
checked.
4/1969
S. 16(a).

33.—(1) Every plan, made from a survey, for the purpose of registration or transfer of any title under the Registration of Titles Act, shall, prior to such registration or transfer, be forwarded to the Director of Surveys for the purpose of being checked.

(2) A plan, made from a survey, which is attached to any conveyance, deed, or document of transfer other

than one to which subsection (1) applies shall, if any party to such conveyance, deed, or document of transfer so requests, be forwarded to the Director of Surveys for the purpose of being checked.

(3) On receipt of any such plan the Director of Surveys shall cause the plan to be checked and—

- (a) if that plan is not found to be incorrect the Director of Surveys shall certify on the plan that such plan has been checked;
- (b) if that plan is found to be incorrect the Director of Surveys shall not so certify on the plan,

and, in either such case, shall return the plan to the person from whom it was received :

Provided that where a plan is checked and certified by the Director of Surveys, the checking and certification of such plan shall not relieve a surveyor of his responsibility for the correctness of such plan. 4/1969
S. 16(b).

(4) No conveyance, deed, or document of transfer, to which is attached any uncertified plan, made after the 1st August, 1944, shall be recorded or registered, and no title based on any such uncertified plan shall be registered.

(5) For the purposes of a check under this section, any government surveyor may, upon production of his surveyor's warrant, enter upon any lands delineated in the plan.

(6) There shall be paid to the Director of Surveys in respect of such check the prescribed fees.

(7) The Director of Surveys may make a copy of any such plan.

(8) The Director of Surveys may record without checking, any plan of a survey, if so requested by the surveyor or any other person; so, however, that no title based on any such uncertified plan shall be registered without first being checked. 16/2005
S. 29.

16/2005
S. 29.

(9) Every cadastral map prepared for the purpose of registration or transfer of title under the Registration of Titles Act, shall, prior to such registration or transfer, be certified by a commissioned land surveyor and approved by the Director of Surveys.

16/2005
S. 29

(10) The Director of Surveys may make a copy of any such map.

PART IV. *Miscellaneous*

Unavoidable
damage.

34.—(1) No surveyor shall be personally responsible for any necessary and unavoidable damage caused as a result of making any survey.

(2) Any loss occasioned by any such necessary and unavoidable damage caused by a surveyor employed by the owner of any land may be recovered from such owner.

Fees.

35. Every surveyor shall, subject to any special agreement to the contrary, be entitled to recover such fees as may be prescribed.

Use of the
designation
“Commis-
sioned Land
Surveyor”.
16/2005
S. 30.

35A.—(1) A corporation whose name includes the title “Commissioned Land Surveyor” or the initials “CLS” which ceases to hold a practising certificate shall remove the title “Commissioned Land Surveyor” or the initials “CLS” from the name of the corporation.

(2) A corporation referred to in subsection (1) may not carry on land surveying business in respect of which a commission is required.

(3) Subsection (1) shall not prevent a corporation from carrying on an activity necessary for the winding up of the corporation.

Duty as to
secrecy.
16/2005
S. 30.

35B. Every person carrying out an investigation under section 21 shall regard as secret all information that comes to his knowledge in the course of such investigation and shall not communicate any such information to any other person except—

- (a) as may be required in connection with the administration of this Act or any regulations made hereunder, or any proceedings under this Act or the regulations;
- (b) his attorney-at-law; or
- (c) with the written consent of the person to whom the information relates.

35C.—(1) Every surveyor shall maintain in a good state of calibration any distance meter to be used by him in the practice of surveying by having the distance meter checked by the Director of Surveys against a standard base.

Inspection
of distance
meters, etc.
16/2005
S. 30.

(2) Every surveyor shall submit any tape or any other measuring device for inspection upon the request of the Director of Surveys at such intervals as the Director may see fit.

(3) On first inspection, the Director of Surveys shall give to each distance meter, tape or other measuring device an identification number or record the serial number of each component part of the distance meter, tape or other measuring device as the case may be.

(4) Where any distance meter, tape or other measuring device is submitted pursuant to subsections (1) and (2), the Director of Surveys shall cause such distance meter, tape or other measuring device to be checked and where such distance meter, tape or other measuring device is found to be—

- (a) accurate, approve of the return of such distance meter, tape or other measuring device to the surveyor with a certificate of accuracy; or
- (b) inaccurate, condemn such distance meter, tape or other measuring device, by notice in writing to the surveyor.

(5) Any person who, having been notified under subsection (4)(b), uses in the practice of surveying, any distance meter, tape or other measuring device to which the notice relates commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding nine months.

Accuracy of
distance
meter, etc.
16/2005
S. 30.

35D.—(1) A distance meter, used for the purpose of cadastral mapping, shall be considered inaccurate if, when compared against any line in the National Calibration Network, that distance meter is plus or minus 0.1 metre from that line.

(2) Any Electronic Distance Measuring equipment, used for the purpose of cadastral mapping shall be considered inaccurate, if the distance it has measured for a line in the National Calibration Network differs by more than plus or minus 0.1 metre from the listed distance on the Jamaica Datum 1969 (JAD 69) or World Geodetic System 1984 (WGS 84), available in the records of the Surveys and Mapping Division, National Land Agency.

(3) Any Global Positioning System equipment used for the purpose of cadastral mapping, shall be considered inaccurate, if the position it has determined for a point in the National Calibration Network differs by more than plus or minus 0.5 metre from the listed position on the Jamaica Datum 1969 (JAD 69), Jamaica Datum 2001 (JAD 2001) or World Geodetic System 1984 (WGS 84) available in the records of the Surveys and Mapping Division, National Land Agency.

PART V. *Penalties*

Falsely
holding out to
be surveyor,
etc.
16/2005
S. 31.

36.—(1) Every person who—

- (a) falsely describes himself to be, or holds himself out as, a surveyor;
- (b) falsely practises land surveying in Jamaica;
- (c) assumes, uses or advertises any title or designation tending to convey the impression that he is a surveyor;
- (d) buys, sells, or fraudulently obtains, any practising certificate or commission;
- (e) aids or abets the buying, selling or fraudulent obtaining of any practising certificate or commission; or
- (f) impersonates any surveyor,

commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding six months.

(2) Every person who, not being a member of the Land Surveyors Association, uses the logo of the association or the initial "LSAJ" or the words "Land Surveyors Association of Jamaica" as an occupation designation commits an offence and shall be liable on conviction to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding sixty days.

(3) Every person who obstructs a person appointed to carry out an investigation under section 21 in the course of that person's duties commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding thirty days.

37. Every person who wilfully defaces, destroys, or removes— Destroying marks, etc.

(a) any line upon earth, land mark, marked tree, pillar, post or concrete monument, which is recognized as a boundary mark; or

(b) any control survey mark,

4/1969
S. 17(a).
16/2005
S. 32.
4/1969
S. 17(b).
4/1969
S. 17(c).

shall be guilty of an offence against this Act and, on conviction, shall be liable to a fine not exceeding fifty thousand dollars or to imprisonment with hard labour for any term not exceeding three months, and in addition thereto such person may be ordered to pay the cost of replacement of any such boundary mark or control survey mark and in default of payment of such cost, to be imprisoned with hard labour for a further term not exceeding three months.

38. Every person who wilfully damages, destroys, or conceals, any instrument, or any part of the apparatus or equipment of a surveyor, government surveyor, student surveyor or survey Damaging instruments.
16/2005
S. 33(a), (b), (c) & (d).

4/1969
S. 18(a).
25/1979
S. 8(c).
4/1969
S. 18(b).
25/1969
S. 8(b).

technician, shall be guilty of an offence against this Act and, on conviction, shall be liable to a fine not exceeding one hundred thousand dollars or to imprisonment with hard labour for a term not exceeding nine months, and in addition thereto such person may be ordered to pay to such surveyor, student surveyor or survey technician (as the case may be) the cost of any such damage or loss, or in default of payment of such cost, to be imprisoned with hard labour for a further term not exceeding six months.

Obstructing
surveyor.
4/1969
S. 19(a).
25/1979
S. 8(c).
4/1969
S. 19(b).
16/2005
S. 34(a) & (b).

39. Every person who unlawfully obstructs any surveyor, government surveyor, student surveyor or survey technician while making any traverse or carrying out any survey shall be guilty of an offence against this Act and, on conviction, shall be liable to a fine not exceeding fifty thousand dollars or to imprisonment with hard labour for any term not exceeding three months.

Falsifying a
survey.
4/1969
S. 20(a).
4/1969
S. 20(b).
16/2005
S. 35.

40. Every person who wilfully and fraudulently makes any wrong measurement, moves any mark, or does any other act, with intent to falsify any survey or plan shall be guilty of an offence against this Act and, on conviction, shall be liable to a fine not exceeding one hundred thousand dollars or to imprisonment with hard labour for any term not exceeding six months.

Frivolous
notices of
objection.
4/1969
S. 21(a).

4/1969
S. 21(b).
16/2005
S. 36.

41. Every person who, under section 29, causes to be served upon any surveyor any notice of objection which, to the knowledge of that person, is not founded upon any interest, or a *bona fide* claim to any interest, in any land affected by the survey, shall be guilty of an offence against this Act and, on conviction, shall be liable to a fine not exceeding seventy-five thousand dollars or, in default of payment of such fine, to imprisonment with hard labour for any term not exceeding three months.

42. Every person guilty of an offence against this Act may be tried in a summary manner before a Resident Magistrate. Recovery of penalties.

PART VI. *Regulations*

43. The Board with the approval of the Minister may make regulations generally for giving effect to the provisions of this Act and, without prejudice to such general power, may make regulations with respect to the following matters— Regulations.

- (a) the standard of the examinations held by the Board. 16/2005
S. 37(a).
- (b) the subjects for, and the mode of conducting, the final examination or any other examination held by the Board, the appointment, removal and remuneration of the examiners, and the fees payable for sitting for such examination;
- (c) the form of any notice, order, certificate or other document referred to in this Act;
- (d) the manner of service of any document required to be served under this Act;
- (e) the form of any register to be kept under this Act, and the particulars to be inserted therein;
- (f) the form and requirements of any plan, made from a survey, which is required to be recorded or registered;
- (g) the manner and method of making any survey;
- (h) the scale of surveyors' fees;
- (i) procedures of the Disciplinary Committee; 16/2005
S. 37(b) &
(c).
- (j) the prescribing of all things required by this Act to be prescribed.

PART VII. *Government*

44. In this Part—

Interpreta-
tion.

“boundary mark” includes any post, stone, monument, or object, used as a boundary mark;

“government surveyor” means any officer, whether permanent or acting, in the Survey Department, or the Lands and Survey Branch in the charge of the Chief Executive Officer and includes all necessary assistants of such officer.

4/1969
S. 22.
16/2005
S. 38(a) & (b).

Power of government surveyor, etc., to enter upon land for certain purposes.

4/1969
S. 23(a).
16/2005
S. 39(a) & (b).
4/1969
S. 23(b).

4/1969
S. 23(c).

4/1969
S. 23(d).

45.—(1) Subject to the provisions of this section, a government surveyor, or any surveyor authorized in that behalf by the Director of Surveys or by the Chief Executive Officer, upon production of a surveyor’s warrant, may enter upon any land with or without his assistants for the purpose of—

- (a) reconnaissance in relation to his official duties;
- (b) taking measurements or angles from any control survey mark;
- (c) clearing any site for the purpose of the erection thereon of any control survey mark, and may erect thereon any such mark;
- (d) examining any boundary marks, and field checking any surveyor’s plan;
- (e) making a survey of the boundaries of any parish or town or any subdivision thereof;
- (f) making any topographical or geological survey of the Island, or any part thereof, or any hydrographical survey.

(2) A government surveyor, or any surveyor authorized in that behalf by the Director of Surveys or the Chief Executive Officer shall, before entering upon any land under subsection (1), first serve notice in writing of his intention so to do upon the owner or occupier of that land, and such notice shall specify the day or days on which such entry is intended to be made and such day, or the first of such days, as the case may be, shall not be sooner than three days after the date of such service:

4/1969
S. 23(e).
16/2005
S. 39(a).

Provided that it shall not be necessary to serve such notice in relation to any entry for any of the purposes specified in paragraphs (a), (b) and (d) of subsection (1), so, however, that such entry is made in a reasonable manner.

4/1969
S. 23(f).

(3) Any surveyor may, in a reasonable manner and at all reasonable hours in the day-time or as otherwise agreed, enter upon any land on which a control survey mark is situated for the purpose of taking measurements or angles from such mark.

16/2005
S. 39(c).
4/1969
S. 23(h).

46. The Director of Surveys or the Chief Executive Officer, as the case may be, shall pay compensation for any damage done to any land in the exercise of any power under section 45, and where such compensation is not determined in accordance with the provisions of sections 25 to 29 of the Lands Clauses Act, and the costs of any such proceedings shall be in the discretion of the Resident Magistrate.

Compensation for entry.
4/1969
S. 24.
16/2005
S. 40.

47. All expenses incurred by the Director of Surveys or the Chief Executive Officer, as the case may be, under this Part shall be paid out of the Consolidated Fund.

Expenditure to be met from Consolidated Fund.
4/1969
S. 25.
16/2005
S. 40.

48. Where any person wilfully obstructs or hinders in any way the Director of Surveys or a government surveyor, or a surveyor authorized in that behalf by the Director of Surveys or the Chief Executive Officer in the exercise of his duty, or in the exercise of any power under this Part, he shall be guilty of an offence against section 45 and liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or in default of payment to imprisonment with hard labour for any term not exceeding three months.

Offences.
4/1969
S. 26(a).
16/2005
S. 41(a).
4/1969
S. 26(b).
16/2005
S. 41(b).

THE LAND SURVEYORS ACT

Practising Certificate

I hereby certify that:

(Name and Address) _____

whose name is registered in the register of all surveyors at the Office of the Land Surveyors Board is entitled to practise as a land surveyor in the year ending 31st day of December, 20 _____

Dated this _____ day _____ 20 ____.

Chairman
Land Surveyors Board

*Procedures of the Disciplinary
Committee*

1.—(1) The chairman shall preside at meetings of the Committee or, in his absence, a member having no less than ten years experience in the practice of land surveying shall assume the chairmanship.

(2) Each member of the Committee shall be entitled to one vote on a matter arising for determination and in addition to an original vote the chairman or member who has assumed the chairmanship in accordance with paragraph (1) at a meeting shall have a casting vote in any case in which the vote is equal.

(3) A decision carried by a majority of the members of the Committee shall be a decision of the Committee.

2. No member of the Committee shall be personally liable in any action or proceeding for or in respect of any act or matter done or permitted to be done in good faith in the exercise or purported exercise of the powers or the discharge or purported discharge of any duty under this Act.

3. For the purposes of the Act, the following conduct is deemed unprofessional and unbecoming of a surveyor—

- (a) acting as a professional agent of a person not qualified to practise as a surveyor and using or permitting his name to be used in any such agency;
- (b) doing any act that is calculated to make or makes a person believe that a person who is not a surveyor is entitled, by law, to practise land surveying, and charge fees accordingly;
- (c) falsely certifying as to the service and practical experience of a trainee;
- (d) failing or neglecting to—
 - (i) instruct a trainee in the practice of land surveying;
 - (ii) supervise the work of a trainee; or
 - (iii) ensure that a trainee obtains practical experience in land surveying in the manner prescribed;
- (e) failing to answer promptly correspondence received from the Board or from the Committee; or
- (f) doing any other act which under this Act is considered to be unbecoming and unprofessional conduct.

4. Meetings of the Committee shall be held in private.

5. The Committee shall hear all charges made against a surveyor or student surveyor.

6.—(1) The Committee shall give not less than thirty days notice to a surveyor or student surveyor against whom a hearing is to be held, and any person or persons making the complaint against the surveyor or student surveyor stating the time and place at which the hearing will be held.

(2) The notice shall be served by registered post, bailiff or any recognized delivery service and shall contain a copy of the charge and any other relevant documents that form the subject of the hearing.

7.—(1) A person to whom a notice has been served in accordance with paragraph 6(2) may be represented by an attorney-at-law at the hearing and shall be afforded reasonable opportunity to call or give evidence, to examine or cross examine witnesses, and to make submissions to the Committee.

(2) If a person to whom notice has been served does not attend the hearing, the Committee may hold the hearing in his absence.

8. For the purpose of the hearing, the Committee may—

- (a) by summons signed on behalf of the Committee, by a member of the Committee, require—

- (i) the attendance of any person whom the Committee thinks fit to appear before it;
 - (ii) any person to produce any books, papers or other documents which may assist the Committee in its investigation;
- (b) inspect any books, papers or other documents produced before it, and retain them for such reasonable period, and make such copies as it thinks fit;
 - (c) require any person appearing before the Committee to answer any relevant questions put to him by any member of the Committee or by any other person appearing before the Committee.

9.—(1) Any person who—

- (a) having been served with a summons to attend a hearing of the Committee, neglects or fails to so attend;
- (b) having been served with a summons to produce any books, papers or other documents, neglects or fails to comply with the summons;
- (c) refuses to answer any relevant question put to him by any member of the Committee or by any other person appearing before the Committee; or
- (d) wilfully insults the Committee or any member thereof or interrupts the proceedings of the Committee, or in any other way misconducts himself before the Committee,

commits an offence, and shall be liable on summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding one month.

(2) Where the person committing the acts referred to in paragraph (1) is a surveyor or student surveyor, that person shall be deemed to be guilty of professional misconduct.