

LAND SURVEYORS BILL, 2001
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A BILL

intituled

An Ordinance to regulate and license persons undertaking cadastral land surveys and matters incidental thereto.

Enacted by the Legislature of Sarawak

PART I PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Land Surveyors Ordinance, 2001, and shall come into force on such date as the Minister may, by notification in the Gazette, appoint.

Interpretation

2. In this Ordinance -

"Board" means the Land Surveyors Board, Sarawak, established under section 3;

"boundary mark" means any mark authorized by the Code or any other written law for the purpose of identifying or determining the boundary of any parcel of land;

"cadastral land survey" means any survey undertaken to mark, identify or determine the extent or boundary or the measurement, of any parcel or area of land, and includes title survey;

"Chairman" means Chairman of the Board and includes any person temporarily discharging the duties or functions of the Chairman;

"Code" means the Land Code [Cap. 81 (1958 Ed.)];

"Director" means the Director of Lands and Surveys, Sarawak;

"document of title" shall have the same meaning as assigned to that expression by the Code;

"Government" means the Government of the State of Sarawak;

"Government surveyor" means any officer in the Department of Land and Survey authorized by the Director to undertake a cadastral land survey;

"land surveyor" means a person whose name has been entered in the Register and to whom a licence to practise as a land surveyor has been issued by the Board;

"licence" means a licence issued by the Board pursuant to section 12 to practise as a land surveyor in Sarawak;

"member" means a member of the Board, including its Chairman and Deputy Chairman;

"Minister" means the Minister in the Government of Sarawak, having responsibility for land;

"Register" means the Register of land surveyors kept in accordance with section 8;

"Registrar" means the Registrar of land surveyors appointed under section 10(1);

"Secretary" means the Secretary of the Board appointed in the manner stipulated in section 7;

"Subsidiary Register" means a register of surveying assistants kept in accordance with rules made under section 31;

"surveying assistant" means a person whose name has been entered in the Subsidiary Register under section 30;

"survey plan" means a plan prepared and signed by a land surveyor or a Government surveyor, recording the survey work done or undertaken by him;

"title survey" means any survey which by the Code or any other written law is required for the purpose of or in connection with the issuance or registration of any document of title or any instrument affecting or evidencing title to land or parcels within a building subdivided under the Strata Titles Ordinance, 1995 [Cap. 18] and includes in connection there-with-

- (a) the delimitation of the boundaries of any land, including State land and any land lawfully held under native customary rights;
- (b) the development and subdivision of land under Part X of the Code;
- (c) the fixing, replacement and removal of boundary marks;
- (d) any survey required for the correct inter-relation of boundaries or boundary marks; and
- (e) the making and recording of all measurements and calculations relevant thereto and the drawing and reproduction of plans therefrom.

PART II BOARD OF LAND SURVEYORS

Establishment of Board

3:

- (1) There shall be established a Board to be called the Land Surveyors Board, Sarawak, with an office in the State of Sarawak.
- (2) The Board shall be a body corporate with perpetual succession and may sue and be sued and have a Corporate Seal.
- (3) The Corporate Seal may be affixed to any document or instrument, executed or issued by the Board which is required to be sealed, in the presence of the Chairman or any other member of the Board and the Secretary.

Functions of the Board

4:

- (1) The functions of the Board shall be-
 - i. to formulate and review from time to time, and to enforce, the standards or requirements for the conduct of cadastral land surveys in the State of Sarawak, including determining the qualification for registration as land surveyors under this Ordinance;
 - ii. to keep and maintain a Register of land surveyors qualified to be registered and licensed, and a Subsidiary Register of surveying assistants to be registered, under this Ordinance;
 - iii. to approve or reject applications for registration under this Ordinance or to approve any such application subject to such conditions or restrictions as it may deem fit to impose;
 - iv. to order the issuance of a written reprimand, the imposition of a fine not exceeding five thousand ringgit, the suspension for a period not exceeding three years, or the cancellation of registration, the removal from or the reinstatement into the Register in accordance with this Ordinance;
 - v. to fix, from time to time, with the approval of the Minister, the scale of fees to be charged by land surveyors for professional advice or service rendered;
 - vi. to hear and determine disputes relating to professional conduct or ethics of land surveyors and to appoint a committee or an arbitrator or arbitrators to hear and determine such disputes;
 - vii. to represent the profession of land surveyors in any matter in which it may be necessary or expedient and to examine and if thought fit to report upon current legislations and any other professional matters submitted to it or to make recommendations to the Government or any institute, body or society for the time being representing the profession;
 - viii. to provide scholarships, loans, grants and other facilities for the promotion of learning, training, research and education in connection with cadastral land surveys; and
 - ix. generally, to do all such acts, matters and things as are necessary to carry out the provisions of this Ordinance.
- (2) Without prejudice to the general powers conferred by subsection (1), the Board shall have power-
 - (a) to purchase or lease any land or building required for any of the purposes of the Board;
 - (b) from time to time to borrow or raise money by bank overdraft or otherwise for the purposes specified in paragraph (a);

- (c) to lease out, dispose of, or otherwise deal in, any immovable property of the Board; and
- (d) to form or constitute such committees, comprising members of the Board and any land surveyors, as the Board deems necessary to assist the Board in the discharge of its duties and functions.

Composition of Board

5:

- (1) The Board shall consist of the following members:
 - (a) a Chairman who shall be the Director of Lands and Surveys;
 - (b) a Deputy Chairman who shall be the Assistant Director of Lands and Surveys in charge of surveys; and
 - (c) not less than three and not more than seven other members registered under section 8, the majority of whom shall be land surveyors, to be appointed by the Majlis Mesyuarat Kerajaan Negeri.
- (2) The members appointed under subsection (1)(c) shall hold office for three years or for such shorter period as the Majlis Mesyuarat Kerajaan Negeri may specify and shall be eligible for re-appointment.
- (3) Notwithstanding the provisions of subsection (2), members appointed under subsection (1)(c) shall cease to hold office and be deemed to have their appointment terminated-
 - (a) if he is convicted of an offence relating to fraud, dishonesty or corruption;
 - (b) if he has been adjudged a bankrupt;
 - (c) if he is of unsound mind or is otherwise incapable of performing his duties;
 - (d) if he absents himself from three consecutive meetings of the Board without the prior written consent of the Chairman; or
 - (e) if his resignation as a member of the Board is accepted by the Majlis Mesyuarat Kerajaan Negeri.
- (4) On a vacancy occurring in the Board, the Chairman shall notify the Minister who, with the approval of the Majlis Mesyuarat Kerajaan Negeri, may fill such vacancy.
- (5) The Board may, with the approval of the Minister, pay members such allowances, remuneration and expenses as the Board may deem fit and proper.

Meetings and other proceedings of the Board

6:

- (1) The Board shall meet at such times and places as the Chairman may approve.
- (2) The Chairman or in his absence, the Deputy Chairman, shall preside over any meeting of the Board.
- (3) The quorum at all meetings of the Board shall be three members, including the Chairman or Deputy Chairman.
- (4) The Board, with the approval of the Minister, may by order make rules for the conduct of its proceedings.

Power to appoint Secretary and other staff

7:

- (1) The Board may appoint a Secretary and such other staff, on such terms and conditions as it deems fit, as shall be necessary for the discharge of its duties and functions.
- (2) The Secretary shall not be a member of the Board and shall not have any vote in its deliberations.
- (3) The Secretary shall keep and have custody of all records, minutes of meetings of the Board and any committee formed by the Board, and shall also have custody of its Corporate Seal.

PART III REGISTRATION OF LAND SURVEYORS

Register 8:

- (1) The Register of land surveyors shall contain the names, business addresses, qualifications and other particulars of land surveyors.
- (2) All persons whose names appear in the Register may, subject to the provisions of this Ordinance and any rules made hereunder, be issued with a licence to practise as a land surveyor.
- (3) Every person who is registered in the Register as land surveyor shall notify the Registrar in writing of any change in his address or qualifications, and the Registrar upon receipt thereof, shall make appropriate alterations to the Register.

Eligibility and qualifications for registration

9:

- (1) No person shall be eligible for registration as a land surveyor unless-
 - (a) he is a Malaysian citizen who is permanently residing in Sarawak; and
 - (b) he has attained the age of 21 years,provided that the Board may in its discretion grant to any person exemption from any of the requirements in paragraph (a) or (b) on such terms and conditions as it deems fit.
- (2) No person who is eligible for registration under subsection (1) shall be registered unless he-
 - (a)
 - i. possesses a degree or equivalent qualification in land surveying from a list of universities or educational institutions published in the Gazette by the Board; or
 - ii. has passed the examinations prescribed by the Board; or
 - iii. has passed the professional examination recognized by the Board as carrying exemption from the Board's examinations and has passed such further examination as the Board may prescribe; and
 - (c) has obtained a Certificate of Competency issued by the Board as provided for under rules made under section 31; and
 - (d) has duly paid the fees for registration as set out in the Second Schedule.
- (3) The name of any Government surveyor who is otherwise eligible for registration under this section may be placed upon the Register without payment of the fees for registration as set out in the Second Schedule.

Appointment and duties of Registrar

10:

- (1) The Secretary of the Board, appointed under section 7, shall be the Registrar of land surveyors who shall be under the general direction of the Board and who shall sign all licences and record all entries of registration, cancellations and reinstatements in the Register.
- (2) The Registrar shall-
 - (a) as soon as may be convenient after the first day of January of each year, prepare and publish in the Gazette a list containing the names and addresses of all land surveyors whose names appear in the Register; and
 - (b) from time to time publish in the Gazette the names and addresses of land surveyors added to or removed from the Register.
- (3) In any proceedings, a list published under subsection (2) shall be prima facie proof that the persons whose names appear therein are land surveyors; and the absence of the name of any person from such list shall be prima facie proof that the person is not a land surveyor.
- (4) The Registrar may annually publish and offer for sale copies of the Register.

Application for registration

11:

- (1) Application for registration shall be made to the Board through the Registrar, in such form as may be prescribed from time to time by the Board.
- (2) Without prejudice to the provisions of subsection (1), the form to be prescribed by the Board shall contain a declaration as set out in the First Schedule, to be made in accordance with the Statutory Declarations Act, 1960 [Act 13].
- (3) The Board shall cause to be registered in the Register any person whose application complies with the requirements of this section and who possesses the qualifications for registration stipulated in section 9.

Licence

12:

- (1) The Registrar shall, upon receipt of the fees prescribed in the Second Schedule, issue to any person whose name is registered in the Register, a licence to practise as a licensed land surveyor in the form prescribed in the Third Schedule.
- (2) Every licence issued under subsection (1) shall be for a period expiring on the 31st day of December of the year in which it is issued.

- (3) Unless the registration of the land surveyor has been cancelled or suspended or has become null and void under section 13, the licence issued under subsection (1) may be renewed annually, before the 31 st day of January of each year, upon payment of the renewal fees prescribed in the Second Schedule.

Registration to be null and void

13. The registration of any land surveyor shall be null and void and have no legal effect under any of the following conditions-

- (a) if he is convicted of any offence relating to fraud, dishonesty or corruption in Malaysia or elsewhere;
- (b) if his qualification as registered in the Register has been withdrawn or cancelled for whatever reason by the authority or institution conferring or awarding such qualification on him;
- (c) if a qualified medical practitioner has certified to the Board that he is a person of unsound mind or is otherwise incapable of performing his professional duties as a land surveyor; or
- (d) if he has been adjudged a bankrupt by a court of competent jurisdiction.

Removal from and reinstatement to Register

14:

(1) The Registrar shall remove from the Register the name and other particulars of any land surveyor-

- (a) who has died; or
- (b) who, not being a Government surveyor, fails to renew his licence to practise under section 12(3) within one month after the expiry thereof; or whose registration has become null and void under section 13; or
- (c) whose registration has been ordered by the Board to be cancelled.

(2) Any land surveyor whose name has been removed from the Register may apply to the Registrar for reinstatement if-

- (a) the Registrar has agreed to renew his licence; or
- (b) the Board has ordered his reinstatement,

and the Registrar shall, upon payment of the fees prescribed in ~ the Second Schedule, reinstate his name in the Register.

(3) Notice of removal or reinstatement to the Register shall be published in the Gazette by the Registrar as soon as practicable.

Return of licence

15:

- (1) Any land surveyor whose name has been removed from the Register under section 14(1), or whose licence has expired without renewal under section 12(3), shall within fourteen days after receipt of written notification from the Registrar return the licence to the Registrar.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment not exceeding one year or to both.

Offences and penalties

16. Any person who-

- (a) procures or attempts to procure registration as a land surveyor or surveying assistant or the issue of a licence under this Part by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation whether in writing or otherwise;
- (b) wilfully makes or causes to be made any falsification in any Register kept and maintained under this Part;
- (c) forges, alters or counterfeits any licence or Register under this Part;
- (d) utters or uses any forged, altered or counterfeited licence under this Part knowing the same to have been forged, altered or counterfeited;
- (e) impersonates a licensed land surveyor or a surveying assistant;
- (f) buys or fraudulently obtains a licence under this Part issued to another person; or
- (g) sells or assigns any licence issued under this Part, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment not exceeding two years or to both.

**PART IV
PRACTICE OF LAND SURVEYORS, ETC.**

Right to practise as land surveyors

17. Without prejudice to section 104 of the Code, no person shall, unless he is a land surveyor

- (a) practise or carry on business or take up employment as a licensed land surveyor or undertake any cadastral land survey in the State of Sarawak; or
- (b) practise or carry on business under any name, style or title-
 - i. bearing the description "land surveyor" or the equivalent thereto in any other language; or
 - ii. bearing any other word whatsoever implying or which may reasonably be construed to imply that he is a land surveyor; or
- (c) use or display any signboard, card or other devices representing or implying that he is a land surveyor; or
- (d) be entitled to recover in any court or arbitration proceedings any fee, remuneration or expenses for professional advice or services purportedly rendered as a land surveyor.

Entitlement of land surveyor

18:

(1) A land surveyor shall be entitled to practise his profession in Sarawak and is authorized to undertake cadastral land survey and to prepare and sign survey plan or other data or measurements required for submission to a government authority in Sarawak under the Code or any other written law:

Provided always that before carrying out any survey job, a land surveyor shall obtain the instruction from the Director or any person duly authorized by him, on the standards or requirements set out in rules made under section 31, to be followed in regard to that survey job.

(2) Nothing in this Ordinance shall affect the rights of the Director or any officer in the Department of Land and Survey, Sarawak appointed by him to carry out cadastral land surveys.

Lodge of survey plans

19. On completion of a cadastral land survey, the survey plan of which is to be lodged with the Department of Land and Survey, Sarawak, the land surveyor who prepares and signs the survey plan thereof shall lodge such plan together with the relevant field books, calculation sheets and survey data with the Department of Land and Survey, Sarawak and all such documents shall, if such plan is approved by the Director or any other officer authorized by him to approve the same on his behalf, become the property of the Government and shall be filed as permanent survey records.

Approval of cadastral land surveys

20. No cadastral land survey or survey plan thereof shall _ be accepted or adopted for the purpose of the Code or any other ~ written law unless it has been approved by the Director of Lands and Surveys or by other officer authorized by him to approve survey plans on his behalf.

Right of entry and to information

21:

(1) A land surveyor or surveying assistant may, for the purpose of carrying out a cadastral land survey, at any reasonable time during the hours of daylight enter upon any land which he is employed to survey, and upon any neighbouring land and any building on such lands, and may emplace any boundary mark in or upon such land and may dig up any ground for the purpose of emplacing such boundary mark and may cut down and remove any timber or other growth which may obstruct any survey line or any boundary causing as little damage as possible thereby:

Provided that nothing in this section shall exempt such land surveyor or surveying assistant from liability for any damage which he may cause in the exercise of the powers conferred by this subsection.

(2) For the purpose of obtaining data for a cadastral land survey, a land surveyor may at all reasonable times be permitted to inspect relevant official maps and plans and to take copies of such information therefrom as he may require on payment of such search fees as may be prescribed by the Director, but he must not remove any such maps and plans from departmental custody and he shall be held pecuniarily liable for any damage which he may cause to them while they are under his control.

Correction of errors'

22:

- (1) The Director or any Government surveyor so authorized by him may at any time undertake such field and office checks on the survey work of a land surveyor as he thinks fit.
- (2) The Director or any other person authorized by him to approve survey plans may, by notice in writing, instruct any land surveyor to correct at his own expense within a time specified in such notice any error made by him:

Provided that such notice is sent not more than twenty-four months after the date on which the relevant survey plan or data was deposited with the Department of Land and Survey or any other government authority.

- (3) In the event of such land surveyor refusing or neglecting within the time specified to correct such error, it shall be lawful for the Director to undertake such correction and to recover the whole cost of such correction from the land surveyor concerned.
- (4) If any land surveyor refuses or neglects to pay the cost of the correction survey referred to in subsection (3) within fourteen days of the receipt of the statement of costs, the Director may report the facts to the Board for disciplinary action, and after due enquiry the Board may order such land surveyor to pay the cost of correction of his work or to pay his client such sum by way of compensation as the Board thinks fit; and if such land surveyor refuses or neglects to comply with such order within one month of the date of such decision, the Board may suspend such land surveyor from practice as a land surveyor for a period not exceeding three years until the cost of such correction survey has been paid.

Illegal practice

23. Any person who, not being a land surveyor, wilfully and falsely pretends or takes or uses any name or title implying that he is a land surveyor, or not being a land surveyor or a Government surveyor certifies as to the accuracy of any cadastral land survey or signs or initials any survey plan, or not being a surveying assistant acting under the immediate personal direction and supervision of a land surveyor, carries out or undertakes to ~ carry out any work, in connection with a cadastral land survey, ' shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment not exceeding three years or to both for each offence, and to a further penalty of one thousand ringgit for each day during the continuance of such offence.

PART V

DISCIPLINARY CONTROL

Rules of practice

24. The Board may, with the approval of the Minister, make rules regulating the professional practice of land surveyors and prescribe penalties for the breach of such rules.

Appointment and powers of Investigation and Disciplinary Committees

- (1) The Board shall appoint-
 - (a) an Investigation Committee, comprising two members of the Board, to investigate into any complaint made against any land surveyor;
 - (b) a Disciplinary Committee, comprising three members of the Board and a person appointed by the Minister, not being members of the Investigation Committee, to enquire into any complaint referred to it by the Investigation Committee.
- (2) The Disciplinary Committee may order the issuance of a written reprimand to, the imposition of a fine not exceeding five thousand ringgit on, the suspension for a period not exceeding three years of, or the cancellation of the registration of, any land surveyor, or any combination of two or more of the aforesaid, under any of the following circumstances:
 - (a) if he is in breach of any rules of practice made by the Board under section 24;
 - (b) if he offers or accepts any commission which in the opinion of the Disciplinary Committee is an illicit commission;
 - (c) if whilst acting in his professional capacity, he at the same time without disclosing the fact in writing to his client, is a director or member of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business or has any financial interest in that company or firm or business with which he deals on behalf of his client;

- (d) if his registration or licence under this Ordinance has been obtained by fraud or misrepresentation or by reason of any mistake or error made by the Board in considering the application for registration or the Registrar in issuing the licence;
- (e) if he is found guilty by the Disciplinary Committee ' of any act or conduct which in the opinion of the Disciplinary Committee is infamous or disgraceful;
- (f) if he is found by the Disciplinary Committee to have contravened or failed to comply with any of the provisions of this Ordinance or any rules made hereunder;
- (g) if he fails to observe any condition or restriction subject to which he is registered; or
- (h) if he conceals or assists in concealing from the Board the existence of any fact or circumstances which, if known, would entitle the Board to withdraw or cancel his registration.

(3) The Disciplinary Committee shall not make any order under subsection (2) unless an opportunity of being heard either personally or by an advocate has been given to the land surveyor against whom the Disciplinary Committee intends to make the order.

Appeal

26:

- (1) Any person who is aggrieved with the decision of the Disciplinary Committee may, within thirty days from the date of such decision, appeal against the same to the High Court.
- (2) The rules of court governing appeal from the Subordinate Courts to the High Court shall apply to such appeal.

PART VI MISCELLANEOUS

Board of Land Surveyors Fund

27:

- (1) For the purposes of the discharge of its duties and functions under this Ordinance, the Board shall keep and maintain a fund to be known as the Board of Land Surveyors Fund (hereinafter called "the Fund").
- (2) The Fund shall be kept and maintained in any licensed bank or other financial institution within Sarawak as the Board deems fit.
- (3) The Board shall pay into or credit to the Fund
 - (a) all fees collected for the registration and licensing of land surveyors;
 - (b) all fees collected for the registration of surveying assistants;
 - (c) all donations, contributions and monetary gifts received from land surveyors, surveying assistants or any other persons, institutions or organizations;
 - (d) fines imposed by the Board or Disciplinary Committee pursuant to the provisions of this Ordinance; and
 - (e) such monies, including fees or any part of fees charged for professional services undertaken or rendered by a land surveyor, as the Board may direct, from time to time.

Proceeds derived from any activities, functions or events organized by the Board

28. Monies from the Fund shall be used only for the purposes of enabling the Board to discharge its duties and functions under this Ordinance or any rules made hereunder or in relation to any activity, function or event connected therewith.

Existing Government surveyors and authorized land surveyors

29. Notwithstanding sections 9 and 11, the name of every person who immediately before the coming into force of this Ordinance-

- (a) was a Government surveyor in the Department of Land and Survey, Sarawak and who has met the minimum prerequisites as decided by the Director to seek authorization under sections 104 and 109 of the Code shall, upon application in the prescribed form by such person, be registered as a land surveyor in the Register without payment of the prescribed registration fee; or
- (b) was permanently residing and practising in the State of Sarawak and who has been authorized to undertake cadastral land surveys under sections 104 and 109 of the Code shall be registered as a land surveyor in the Register upon application by such person and payment of the prescribed registration fee.

Surveying assistant

30:

- (1) Every surveying assistant who is employed by a land surveyor shall be registered in a Subsidiary Register in accordance with rules made under section 31.
- (2) The Registrar shall remove from the Subsidiary Register the names and other particulars of any surveying assistant who ceases to be employed by a land surveyor.
- (3) Any person who is registered as a surveying assistant shall not undertake any cadastral land survey except under the direct supervision, control or direction of a land surveyor.
- (4) A surveying assistant shall not sign or approve any survey plan required to be submitted to any government authority under the Code or any other written law.

Rules

31:

- (1) Subject to this Ordinance, the Board may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, make rules to prescribe anything which under this Ordinance is required to be prescribed and generally to carry out the objects and purposes of this Ordinance.
- (2) In particular and without prejudice to the generality of the foregoing, such rules may-
 - (a) prescribe the conditions under which persons desirous of becoming land surveyors under this Ordinance may so qualify;
 - (b) regulate the practice and conduct of land surveyors and surveying assistants;
 - (c) prescribe a scale of fees and remuneration which land surveyors may charge or impose for professional services or advice rendered and contributions to be made by a land surveyor to the Fund maintained under section 27;
 - (d) prescribe fees for registration, annual licences, examinations and other purposes under this Ordinance;
 - (e) regulate the disciplinary proceedings of the Investigation and Disciplinary Committees formed under Part V;
 - (f) prescribe forms of application and of the annual licence;
 - (g) prescribe the form of the Register of land surveyors and particulars to be entered therein;
 - (h) prescribe the form of the Subsidiary Register of surveying assistants and particulars to be entered therein; and
 - (i) regulate the management and administration of the Fund, including the auditing thereof.

Amendment of the Code

32. Section 104 of the Code is amended by substituting the words "any fit and proper person authorized in writing on that behalf by a Superintendent" with the words "any person who has been issued with a licence to practise as a land surveyor in the State of Sarawak under the Land Surveyors Ordinance, 2001".

**FIRST SCHEDULE
(Section 11 (2))**

I do hereby solemnly and sincerely declare that I will to the best of my ability, without partiality or favour, correctly carry out any cadastral land survey that I may be instructed to do, in accordance with such instructions and strict compliance with the provisions of the Land Surveyors Ordinance, 2001 and the rules made thereunder.

**SECOND SCHEDULE
(Section 12(I))**

	FEES	
Nature		Amount
(1) For application for registration of:		
(a) land surveyor		RM200.00
(b) surveying assistant		RM100.00
(2) For annual licence (including renewal)		RM300.00 per annum or renewal
(3) For duplicate or replacement of licence		RM50.00
(4) For reinstatement under section 14(2)		RM500.00
(5) For certified copy of Order of Disciplinary Committee		RM100.00
(6) For certified copy of any document to be issued by Board or Disciplinary Committee		RM2.50 per folio

(The Board may in any case exempt in part or in whole the amount of fees payable under this Schedule.)

**THIRD SCHEDULE
(Section 12(1))
LICENCE TO PRACTISE AS A LICENSED LAND SURVEYOR**

No.

This is to certify that
(name)

(I.C. No. :) of
(Business address)

being registered as a licensed land surveyor under Part III of the Land Surveyors Ordinance, 2001, is licensed to practise as a licensed land surveyor in the State of Sarawak in accordance with and subject to the provisions of the said Ordinance and the rules made thereunder.

This Licence is valid from the date hereof till 31 December,

Date:..... Registrar

Licence fees RM..... paid vide Receipt No.....

*(This Licence replaces Licence No. which expired on)

*Delete if inapplicable.

EXPLANATORY STATEMENT

1. Presently, there is no law in force in Sarawak to regulate the practice of land surveyors. Survey of land is carried out by Government surveyors or settlement officers of the Land and Survey Department or may be undertaken by any fit and proper person authorized in writing by a Superintendent of Lands and Surveys under section 104 of the Land Code [Cap. 81 (1958 Ed.)].
2. The primary object of this Bill is therefore to enact a legislation to make comprehensive provisions to regulate and license persons undertaking cadastral land surveys in Sarawak, to establish a regulatory Board which would oversee the practice of land surveyors and also to regulate the activities and conduct of surveying assistants.
3. Part I of the Bill deals with preliminary matters. Clause 1 provides the short title and empowers the Minister to appoint a date for the coming into force of the proposed Ordinance. Clause 2 provides the interpretation of various words and terms used in the Bill.
4. Part II of the Bill deals with the Land Surveyors Board, Sarawak. Clause 3 provides for the establishment of the Board, which shall be a body corporate. Clauses 4 and 5 stipulate the functions and composition of members of the Board. It is proposed that the Board shall be headed by the Director of Lands and Surveys and would comprise representatives of the land surveying profession who would be appointed by the Majlis Mesyuarat Kerajaan Negeri. Clause 6 seeks to regulate the meetings and other proceedings of the Board. Clause 7 empowers the Board to appoint a Secretary and other officers to enable the Board to discharge its duties and functions.
5. Part III of the Bill deals with the registration of land surveyors. Clause 8 provides for the keeping of a Register of land surveyors. Any person whose name appears in the Register may be issued with a licence to practise as a land surveyor. Clause 9 stipulates the eligibility and qualifications of persons who may be registered as land surveyors. However, Government surveyors are not required to be registered under the proposed Ordinance: Clause 10 provides for the appointment and duties of the Registrar of land surveyors, who shall be the Secretary of the Board. Clause 11 deals with the application for registration as a land surveyor. Clause 12 provides for the form and duration of a licence to practise as a land surveyor. The fees to be paid are specified in the Second Schedule. Clause 13 stipulates the conditions under which the registration of a land surveyor shall become null and void. Clause 14 empowers the Registrar to remove particulars of a land surveyor from the Register in specific situations and also provide for the reinstatement of any land surveyor whose name has been removed from the Register. Clause 15 requires a land surveyor to return his licence to practise to the Registrar where such licence has expired and is not renewed.
6. Part IV of the Bill deals with the practice of land surveyors. Clauses 17 and 18 provide that a licensed land surveyor would be entitled to practise his profession in Sarawak and is authorized to undertake cadastral land survey and to sign survey plans for submission to a government authority. However, before undertaking any survey job, a land surveyor must obtain instruction from the Director of Lands and Surveys or any person authorized by him on the standards or requirements (which will be set out in rules made under clause 31) to be followed in regard to any particular survey job. Clause 19 requires the land surveyor who prepares and signs the survey plans to lodge such plans to the Land and Survey Department. Clause 20 provides that all cadastral land survey plans have to be approved by the Director of Lands and Surveys or any officer authorized by him before such plans can be accepted for the purpose of the Land Code or any other written law. Clause 21 empowers a land surveyor or a surveying assistant to enter at all reasonable times upon any land or building and to inspect any relevant maps or plans for the purpose of carrying out a cadastral land survey. Clause 22 provides for the correction of errors on the survey work of any land surveyor. Clause 23 provides for the offence and penalty for any person who carries out an illegal practice as a land surveyor.
7. Part V of the Bill deals with disciplinary control over land surveyors. Clause 24 empowers the Board to make rules to regulate the professional practice of land surveyors. Clause 25 empowers the Board to appoint an Investigation Committee to investigate into any complaint made against any land surveyor and a Disciplinary Committee to enquire into any such complaint. Clause 26 makes provision for appeal against any decision of the Disciplinary Committee.
8. Part VI of the Bill deals with miscellaneous matters. Clause 27 provides for the Board to keep and maintain a Board of Land Surveyors Fund into which shall be credited all fees collected, donations, contributions and monetary gifts received, all fines imposed by the Board and such monies as the Board may direct. Clause 28 provides that the monies from the Fund shall be used to enable the Board to discharge its duties and functions under the Ordinance. Clause 29 makes provision to deal with existing Government surveyors and authorized land surveyors. Clause 30 provides for the registration of all surveying assistants employed by land surveyors. Clause 31 empowers the Board, with the approval of the Majlis Mesyuarat Kerajaan Negeri, to make rules which may be necessary for carrying out the objects and purposes of the Ordinance. Clause 32 provides for amendment to section 104 of the Land Code.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

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