

LAWS OF BRUNEI

REVISED EDITION 1984

CHAPTER 100

LICENSED LAND SURVEYORS

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SCHEDULES

LICENSED LAND SURVEYORS ACT

An Act to make provision for the licensing and control of land surveyors and for matters connected therewith 6 of 1980

Commencement: 1st July 1980 S.54/80

1. This Act may be cited as the Licensed Land Surveyors Act. Short title

2. In this Act, unless the context otherwise requires — Interpretation

“Board” means the Land Surveyors Board established under section 3;

“boundary mark” means any mark authorised by law for the purpose of making boundaries;

“Government surveyor” means any public officer who is authorised for the time being by the Surveyor General to undertake any title survey;

“licence to practise” means licence to practise as a licensed land surveyor issued under the provisions of section 7;

“licensed land surveyor” means a person whose name has been placed upon the Register and to whom a licence to practice has been issued by the Board;

“Register” means the register of licensed land surveyors kept in accordance with section 4;

“Surveyor General” means the officer for the time being performing the duties of the head of the Survey Department;

“Survey plan” means a plan signed by a licensed land surveyor recording the work carried out by

him on a title survey, or a plan signed by an officer authorised by the Surveyor General to do so and recording the work of a Government surveyor;

“title survey” means any survey which by any written law is required for the purpose of or in connection with the registration of any title to land or of assurance or instrument affecting or purporting to affect title to land and includes in connection herewith —

(a) the delimitation of the boundaries of any land whether privately owned or not;

(b) the emplacement, replacement and removal of boundary marks;

(c) surveys required for the correct interrelation of boundaries or of boundary marks;

(d) the marking and recording of all measurements and calculations relevant thereto and the drawing and reproduction of plans therefrom.

Appointment
of Board for
the purposes
of this Act

3. (1) For the purposes of this Act there shall be established a Board, to be known as the Land Surveyors Board, which shall consist of the Surveyor General as Chairman and not less than 4 such other members as His Majesty the Sultan and Yang Di-Pertuan in Council may from time to time appoint.

(2) The Chairman, if present, or in his absence the Senior Government surveyor present, shall preside at meetings of the Board.

(3) The Chairman together with 2 other members shall form a quorum but subject thereto the Board may act notwithstanding any vacancy in their number and may regulate their own procedure.

(4) All appointments to the Board shall be notified in the *Gazette*.

4. The Board shall cause a Register to be kept in the form prescribed in the First Schedule and a fee of \$100 shall be charged for each registration. Register to be kept

5. (1) The Surveyor General shall be the Registrar of Licensed Land Surveyors, and shall cause to be published — Surveyor General to be Registrar

(a) in the *Gazette* next following the date of registration, the name of each licensed land surveyor duly registered;

(b) in the January *Gazette* in each year a list containing the names of all licensed land surveyors remaining on the Register at the close of the previous year.

(2) The Registrar shall —

(a) keep the Register correctly in accordance with the provisions of this Act;

(b) cause an entry to be made in the Register in the event of cancellation or suspension of any licence to practise;

(c) remove from the Register the name of any person not being a Government surveyor, whose licence to practise has not been renewed before the first day of February in any year;

(d) restore to the Register any name removed therefrom with or without the payment of the prescribed fees.

Persons
entitled to be
registered

6. (1) In this section the expression “eligible person” means a person who —

(a) has attained the age of 21 years;

(b) is of good character; and

(c) has passed a professional examination recognised by the Board.

(2) Any person who claims to be an eligible person may apply to the Board to have his name placed upon the Register and shall annex to his application —

(a) his birth certificate or other proof that he has attained the age of 21 years;

(b) 2 recent testimonials as to his good character; and

(c) proof that he has passed a professional examination recognised by the Board.

(3) The Board, upon being satisfied that any applicant under subsection (2) is an eligible person and that he is a person who may properly have his name placed on the Register, shall inform the applicant in writing that his application is granted; and in any other case the Board shall inform the applicant that his application is refused.

(4) An applicant whose application has been granted under subsection (3) and who has paid the prescribed registration fee may make and subscribe, before the Registrar, a solemn declaration in the form prescribed in the Second Schedule, and thereupon the Registrar shall place the name of the applicant on the Register.

(5) Notwithstanding anything contained in the foregoing provisions of this section, the Registrar may place the

name of any Government surveyor upon the Register by virtue of his office and no registration fee shall be payable in respect of such registration.

7. (1) The Board shall, upon payment of the prescribed licence fee by any person (other than a Government surveyor) upon his registration under section 6 or at any time during the year of his registration, issue to such person a licence to practise in the prescribed form and valid for the year of his registration. Licence to practice

(2) Every such person intending to continue to practise as a licensed land surveyor thereafter shall apply annually in the prescribed manner for a licence to practise and shall pay the prescribed fee in respect thereof.

(3) A licence to practise under subsection (2) shall be issued by the Registrar and shall be valid from the date of issue to the end of the year:

Provided that any such licence issued during the month of January shall be deemed to have been in force from the first day of that month.

8. (1) Subject to the provisions of this Act, a licensed land surveyor whose name appears on the Register and who has paid the annual licence fee in respect of the current year shall be entitled to practise his profession as a land surveyor and shall be authorised to undertake title surveys. Powers of a licensed land surveyor

(2) Nothing in this Act shall affect the right of the Surveyor General to employ Government surveyors, whether licensed land surveyors or not, on any type of title survey whatsoever.

(3) Nothing in this Act shall affect the right of any person, not being a licensed land surveyor to undertake surveys other than title surveys.

(4) A licensed land surveyor and his assistants may, for the purpose of carrying out a title survey, at any reasonable time during the hours of daylight enter upon all lands which he is employed to survey, and upon any neighbouring lands and may emplace any boundary mark in or upon such lands and may dig up any ground mark 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 licensed surveyor or his assistant from liability for any damage which he may cause in the exercise of the powers conferred by this subsection.

(5) For the purpose of obtaining data for a title survey, a licensed land surveyor may at all reasonable times be permitted to inspect relevant Survey Department maps and plans and to take copies of such information therefrom as he may require without payment of search fees:

Provided that he shall, by virtue of this Act, be liable to keep Government fully and effectually indemnified in respect of any loss of, damage or expense whatsoever incurred by or on behalf of Government by reason of any loss of or damage to any such maps or plans occurring at any time when they are under his control.

Deposit of
survey plans

9. On completion of a title survey, the licensed land surveyor who signs the survey plan thereof shall deposit such plan together with the relevant field books, calculation sheets and survey data with the Survey Department and all such documents shall, if such plan is approved by the Surveyor General or officer appointed by him to approve the same on his behalf, become the property of Government and shall be filed as permanent survey records.

10. No title survey or survey plan thereof shall be accepted or adopted for the purpose of any written law unless it has been approved by the Surveyor General or other officer appointed by him to approve survey plans on his behalf.

Approval of
title surveys

11. (1) The Surveyor General or any Government surveyor so authorised by him may at any time undertake such field and office checks on the title survey work of a licensed land surveyor as he thinks fit.

Correction of
errors

(2) The Surveyor General or other person authorised by him to approve survey plans, may by notice in writing instruct any licensed land surveyor to correct at his own expense within a time specified in such notice any error made by him:

Provided that such notice shall be sent not more than 12 months after the date on which the relevant survey plan was deposited with the Survey Department as provided in section 9.

(3) In the event of such licensed land surveyor refusing or neglecting within the time specified to correct such error it shall be lawful for the Surveyor General to undertake such correction and to recover the whole cost of such correction from the licensed land surveyor concerned.

(4) If such licensed land surveyor refuses or neglects to refund the cost of the correction survey referred to in subsection (3) within 14 days of the receipt of the statement of cost the Surveyor General may report the facts to the Board for Disciplinary action and after due enquiry the Board may order such licensed 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 licensed land surveyor refuses or neglects to comply with such order within one month of the date of such decision the Board may, subject to the provisions of section 13, suspend

such licensed land surveyor from practice as a licensed land surveyor until the cost of such correction survey has been paid, or for a period not exceeding 3 years.

Disciplinary powers of the Board

12. Where after due enquiry by the Board, a licensed land surveyor has been found by the Board to have been guilty of professional misconduct, or having been convicted of a criminal offence, if found by the Board to be unfit to practise, the Board may —

(a) strike off the name of such licensed land surveyor from the Register; or

(b) suspend such licensed land surveyor from practice as a licensed land surveyor for a period not exceeding 3 years; or

(c) impose a fine on such licensed land surveyor not exceeding \$1,000; or

(d) reprimand such licensed land surveyor.

Appeal to His Majesty in Council

13. (1) Any person aggrieved by any refusal by the Board of an application under section 6(3) or by any decision of the Board under section 11(4) or 12 may, within one month of the date of such refusal or decision, appeal to His Majesty in Council against such refusal or decision.

(2) On any such appeal His Majesty in Council may give such decisions and directions in the matter as His Majesty in Council thinks fit.

(3) His Majesty in Council shall not be required to assign any reason for any decision or direction under subsection (2) and such decisions and directions shall not be subject to appeal to or review in any court.

Illegal practice

14. Any person who, not being a licensed land surveyor or a Government surveyor, certifies to the accuracy of any

title survey or signs or initials any survey plan or, not being a person acting under immediate personal direction and supervision of a licensed land surveyor, carries out any work in connection with a title survey shall be guilty of an offence: Penalty, a fine of \$5,000 for each offence and \$50 for each day during the continuance of such offence.

15. (1) Subject to the provisions of this Act, the Board Regulations may make regulations to prescribe anything which under this Act is required to be prescribed and generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing, such regulations may —

(a) regulate the practice and conduct of licensed land surveyors;

(b) prescribe fees for registration, annual licenses and other purposes under this Act; and

(c) prescribe forms of application and of annual licence.

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Licensed Land Surveyors

FIRST SCHEDULE

Section 4

REGISTER OF LICENSED LAND SURVEYORS

Name in full	Address	Date of Registration	Qualification

SECOND SCHEDULE

Section 6(4)

I, _____ do hereby solemnly
and sincerely declare that I will to the best of my ability,
without partiality or favour, correctly survey and delineate
the boundaries of any lands I may be instructed to survey, in
strict compliance with the regulations and instructions, for
the time being in force, of the Board constituted by the
Licensed Land Surveyors Act, Cap. 100.

Subscribed and solemnly }
declared by the above- }
name this day } Signature of Declarant
of 19 }

Before me,

*Registrar of Licensed
Land Surveyors*