

THE STATUTES OF THE REPUBLIC OF SINGAPORE

LAND SURVEYORS ACT
(CHAPTER 156)

1970 Ed. Cap. 216
Act
46 of 1970

REVISED EDITION 1985

Land Surveyors Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Constitution of Board.
4. Meetings of Board and quorum.
5. Common seal of Board.
6. Power to appoint officers.
7. Register.
8. Persons entitled to be registered.
9. Application for registration.
10. Certificate of registration.
11. Notification of change of address.
12. Disciplinary powers of Board and cancellation of registration.
13. Appeals from decisions of Board.
14. Removal from register.
15. Reinstatement.
16. Penalty for wilful falsification of register and for wrongfully procuring registration.
17. Illegal practice.
18. Powers of a registered surveyor.
19. Payment of title survey fees to registered surveyors.
20. Deposit of plans.
21. Approval of title surveys and assurance plans.
22. Duty of registered surveyor to complete title survey.
23. Correction of errors.
24. Application of fees, etc., received by Board.
25. Rules.
26. Transitional provision.

An Act to provide for the registration and control of land surveyors and for matters connected therewith.

[1st September 1972]

1. This Act may be cited as the Land Surveyors Act. Short title.
2. In this Act, unless the context otherwise requires — Inter-pretation.
 “assurance plan” means any plan showing approximate boundaries or dimensions and areas for the

purpose of identifying land which has not been surveyed to the satisfaction of the Chief Surveyor but requires to be surveyed under the provisions of any written law;

“Board” means the Land Surveyors Board constituted by section 3;

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

“member” means a member of the Board;

“registered” means registered under this Act and cognate expressions shall be construed accordingly;

“Secretary” means the Secretary of the Board;

“surveyor” means a land surveyor and cognate expressions shall be construed accordingly;

“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 building or any assurance or instrument affecting or purporting to affect title to land or building, and includes in connection therewith —

(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; and

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

Constitution
of Board.

3.—(1) There is hereby constituted a Board to be called the Land Surveyors Board which is a body corporate having perpetual succession and a common seal and which may sue and be sued.

(2) The Board shall consist of —

(a) the Chief Surveyor, who shall be the Chairman;

(b) the Deputy Chief Surveyor;

- (c) a Government surveyor appointed by the Minister; and
- (d) three surveyors appointed by the Minister, of whom one shall be appointed on the nomination of the Singapore Institute of Surveyors.

(3) A member of the Board (other than the Chief Surveyor or the Deputy Chief Surveyor) shall be appointed for a term not exceeding two years but may from time to time be reappointed, or may at any time be removed from office by the Minister.

(4) If any vacancy occurs by death, resignation or removal from office of any appointed member, the vacancy shall, as soon as practicable, be filled in the manner in which the appointment to the vacant office was made; and every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(5) The powers of the Board shall not be affected by any vacancy in the membership thereof.

4.—(1) The Board shall meet at such times and such places as the Chairman may appoint.

Meetings of Board and quorum.

(2) At any meeting of the Board 3 members thereof shall form a quorum and no business shall be transacted at any meeting unless a quorum is present.

(3) At any meeting of the Board the Chairman shall preside and in his absence the members present shall elect one of their number to preside over the meeting.

(4) The member presiding at any meeting of the Board has a deliberative vote, and, in any case where the votes are evenly divided, a casting vote.

(5) Subject to the provisions of this Act and of any regulations made thereunder the Board may determine its own procedure.

5.—(1) The common seal of the Board shall bear such a device as the Board may approve and the seal may from time to time be broken, changed, altered or made anew by the Board as it may think fit.

Common seal of Board.

(2) The common seal shall be kept in the custody of the Chairman and shall be authenticated by the Chairman or

other member acting in the absence of the Chairman and any document purporting to be sealed by that seal and so authenticated shall, until the contrary is proved, be deemed to be validly executed.

Power to
appoint
officers.

6. The Board may appoint a Secretary and such other officers and employees as it thinks necessary.

Register.

7.—(1) The Board shall cause a register to be kept which shall contain the names, addresses and qualifications of all registered surveyors, and all such other matters as may be prescribed.

(2) The register shall be maintained and kept by the Secretary at the office of the Board and shall be open to inspection by any person on payment of the prescribed fee.

(3) The Board shall, before 31st March in each year, publish in the *Gazette* a list of the names of all registered surveyors and shall from time to time publish in the *Gazette* the names of persons added to or removed from the register.

(4) A copy of any entry in the register purporting to be certified by the Chairman or the Secretary as a true copy shall in all proceedings whatsoever be prima facie evidence of the matters therein specified.

Persons
entitled
to be
registered.

8.—(1) Subject to the provisions of this Act, every person who is not less than 21 years of age and who is resident in Singapore shall, on payment of the prescribed fee, be entitled to be registered under this Act if he satisfies the Board that —

(a) immediately before the commencement of this Act he was a licensed surveyor under the repealed Surveyors Ordinance;

(b) he has obtained a certificate of competency issued by the Board after passing the prescribed examination; or

(c) he has passed a professional examination recognised by the Board and has passed such further examination and has had such practical experience in surveying in Singapore as the Board may prescribe.

(2) The Board may register any Government surveyor entitled to registration under this section without payment of the prescribed fee.

(3) Notwithstanding anything in subsections (1) and (2), the Board may refuse to register any person who is not, in the opinion of the Board, of good character and reputation.

9. Every application for registration under this Act shall be made to the Board in such form or manner as may be prescribed. Application for registration.

10.—(1) The Board shall issue to each registered surveyor, upon application by the surveyor in the prescribed form and on payment of the prescribed fee, a certificate of registration. Certificate of registration.

(2) Subject to the provisions of this Act, every such certificate of registration shall expire on 31st December of the year in which it is issued and shall thereafter be renewable annually upon payment of the prescribed fee.

(3) This section shall not apply to a Government surveyor registered under this Act.

11. Every registered surveyor shall notify the Secretary of any change in his residential or business address. Notification of change of address.

12.—(1) Subject to this section, the Board may by order cancel the registration of any registered surveyor or suspend him from practice for a period not exceeding one year under any of the following circumstances: Disciplinary powers of Board and cancellation of registration.

- (a) if he is convicted of any offence involving fraud or dishonesty or moral turpitude;
- (b) if his registration under this Act was obtained by fraud or misrepresentation;
- (c) if his qualification for registration has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;
- (d) if he has been guilty of such improper conduct as renders him, in the opinion of the Board, unfit to be a registered surveyor.

(2) The Board shall not make any order under subsection (1) unless an opportunity of being heard either

personally or by counsel has been given to the registered surveyor against whom the Board intends to make the order.

Appeals from decisions of Board.

13. Every person who is dissatisfied with any decision of the Board relating to an application by him for registration, or to the removal of his name from the register, or to his suspension from practice, may, within 30 days after notice of the decision has been communicated to him by the Secretary, appeal to the High Court whose decision shall be final.

Removal from register.

14. There shall be removed from the register the name and other particulars of any registered surveyor —

- (a) who has died;
- (b) who has failed to renew his certificate of registration within one month of the date of expiry thereof; or
- (c) whose registration has been cancelled under section 12.

Rein-statement.

15.—(1) Any person whose name has been removed from the register under section 14 (b) shall be reinstated as soon as possible after he has notified the Secretary of his desire to be reinstated and upon payment of the prescribed fee.

(2) Any person whose name has been removed from the register under section 14 (c) shall, if his appeal to the High Court is allowed, be forthwith reinstated without payment of any fee.

(3) The Board may in its discretion, after the expiration of not less than one year from the cancellation of registration of any person, consider any application for registration by that person in accordance with sections 8 and 9.

Penalty for wilful falsification of register and for wrongfully procuring registration.

16. Any person who wilfully makes or causes to be made any false entry in or falsification of the register, or wilfully procures or attempts to procure for himself or any other person to be registered as a surveyor under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, and any person who knowingly aids or assists therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

17. Any person who, not being a registered surveyor — Illegal practice.
- (a) uses or causes or permits to be used any written words, titles or initials or any abbreviation thereof which are intended to cause or may reasonably cause any person to believe that the person using them is a registered surveyor or is entitled to practise as such;
 - (b) advertises or holds himself out or conducts himself in any way or by any means as a registered surveyor;
 - (c) certifies to the correctness or accuracy of any title survey; or
 - (d) performs or executes, or undertakes to perform or execute any work in connection with a title survey,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 for each offence.

18.—(1) Subject to the provisions of this Act a registered surveyor is entitled to practise as a land surveyor and to undertake title surveys. Powers of a registered surveyor.

(2) Nothing in this Act affects the right of the Chief Surveyor to employ any person who is not a registered surveyor on title surveys.

(3) A registered surveyor or his assistants may, for the purpose of carrying out a title survey, at any reasonable time during the hours of daylight and on production of the Chief Surveyor's authority in writing, enter upon all lands which he is employed to survey, and upon any neighbouring lands and any buildings on those lands and may emplace any boundary mark in or upon those lands and may dig up any ground for the purpose of emplacing the 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.

(4) Nothing in this section shall exempt such a registered surveyor or his assistants from liability for any damage caused in the exercise of the powers conferred by subsection (3).

(5) For the purpose of obtaining data for a title survey, the survey plan of which is to be lodged with the Survey

Department, a registered surveyor may at all reasonable times be permitted to inspect the relevant maps and plans in the Department and to take copies of such information therefrom as he may require without payment of search fees, but he shall not remove any such maps and plans and is liable for any damage which he may cause to them while they are under his control.

Payment
of title
survey fees
to registered
surveyors.

Cap. 232.

19.—(1) Subject to subsection (2), a registered surveyor who is engaged on the title survey of any land in relation to which a deposit for survey fees has been made by an applicant for subdivision of the land under section 9 (3) of the Planning Act shall be paid the prescribed fees by the Chief Surveyor from that deposit in accordance with any rules made under this Act.

(2) Where, before the commencement of this Act, a deposit for survey fees has been made under section 9 (3) of the Planning Act in relation to any land, that land shall be surveyed and demarcated by the Chief Surveyor.

Deposit of
plans.

20. On completion of a title survey the registered surveyor who signs the survey plan thereof shall deposit that plan together with the relevant field books, calculation sheets and survey data with the Survey Department and if the plan is approved by the Chief Surveyor or other officer appointed by him to approve it on his behalf all those documents shall become the property of the Government and shall be filed as permanent survey records.

Approval
of title
surveys and
assurance
plans.

21.—(1) 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 Chief Surveyor or other officer appointed by him to approve survey plans on his behalf.

(2) No assurance plan shall be lodged in the Registry of Titles and Deeds unless the plan is signed by a registered surveyor and approved by the Chief Surveyor or other officer appointed by him to approve assurance plans on his behalf, and bears a caution to the effect that the boundaries or dimensions and areas are inconclusive.

(3) The Chief Surveyor may withhold approval of any plan under this section where the written permission of the competent authority as required by section 9 (3) of the

Planning Act has not been obtained or where the appropriate survey fees have not been paid. Cap. 232.

22.—(1) A registered surveyor who prepares and signs an assurance plan shall carry out and complete the title survey of the land described and shown in the plan within 6 months from the date of approval of the plan by the Chief Surveyor or such extended period as the Board may allow. Duty of registered surveyor to complete title survey.

(2) Where the title survey has not been carried out within the period specified in subsection (1) or any extended period allowed by the Board, the Board may suspend that registered surveyor from practice for a period not exceeding 3 years.

(3) Where a registered surveyor has commenced work on title survey but has not been able to complete the title survey within the period specified in subsection (1) or any extended period allowed by the Board, the Board may order the surveyor to complete the title survey within such period as may be specified by the Board and may exercise the disciplinary powers vested in the Board under this Act.

(4) The Board may, in any case referred to in subsection (2) or (3), order the title survey to be carried out or completed by a Government surveyor or another registered surveyor and the cost of completing the title survey shall be paid in accordance with section 19.

(5) This section shall not apply to registered surveyors in the employment of statutory boards.

23.—(1) The Chief Surveyor or any Government surveyor authorised by him may at any time undertake field and office checks on the title survey work of a registered surveyor. Correction of errors.

(2) The Chief Surveyor or any person authorised by him may, within 12 months after the date on which any survey plan is deposited with the Survey Department, by notice in writing, direct any registered surveyor to correct at that surveyor's expense within a period specified in the notice any error in the survey made by that surveyor.

(3) If that registered surveyor fails to comply with the notice given under subsection (2), it shall be lawful for the Chief Surveyor to undertake the correction of the survey

and to recover the cost of the correction from the registered surveyor.

(4) If the registered surveyor refuses to refund the cost of the correction of his survey referred to in subsection (3) within 14 days of the receipt of the statement of cost, the Chief Surveyor may refer the matter to the Board for disciplinary action, and after due inquiry, the Board may order the registered surveyor to pay that cost.

(5) If the registered surveyor refuses or neglects to comply with the order of the Board under subsection (4) within one month of the date of the order, the Board may, subject to section 13, cancel the registration of the registered surveyor or suspend him from practice for a period not exceeding one year.

(6) Subsections (2), (3) and (4) shall not apply to an assurance plan.

Application
of fees,
etc., received
by Board.

24.—(1) All fees, penalties and other moneys payable under this Act shall be paid to the Board to be applied in the first place to defraying the expenses incurred by the Board in respect of its functions under this Act, including the remuneration of the Secretary and other officers and employees of the Board, and thereafter to providing scholarships and the promotion of learning and education in connection with the profession of surveying.

(2) The Secretary shall take and receive all moneys payable to the Board under this Act.

(3) All fees and other moneys payable to the Board under this Act shall be paid forthwith into a bank account approved by the Minister.

(4) The Board may from time to time invest any moneys not immediately required by the Board in such trustees' securities as the Board may determine.

(5) The Board shall keep full and proper accounts of all moneys received and expended by it and the accounts shall be audited by an auditor approved by the Minister.

Rules.

25. The Board may, with the approval of the Minister, make rules —

(a) prescribing forms of application and certificates of registration under this Act;

- (b) prescribing the fees payable under this Act;
- (c) prescribing the subject-matter of examinations to be conducted by or under the direction of the Board in the case of applicants or classes of applicants for registration;
- (d) prescribing the form of the register to be kept and the particulars to be entered therein;
- (e) prescribing the fees to be charged in connection with title survey and the time for payment of those fees;
- (f) regulating the preparation and making of title survey;
- (g) prescribing a code of professional conduct and ethics;
- (h) regulating the disciplinary proceedings of the Board; and
- (i) generally providing for such other matters as may be necessary or expedient for carrying out the provisions of this Act.

26. All references in any written law to licensed surveyors shall after the commencement of this Act be read as references to registered surveyors within the meaning of this Act. Transitional provision.