

## CHAPTER 370

### LAND SURVEYORS

1980-3

This Act came into operation on 1st July, 1980 by Proclamation (S.I. 1980 No. 88).

#### **Amended by:**

*1993-18*

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1985

1995

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



**CHAPTER 370**

**LAND SURVEYORS  
1980-3**

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*LAWS OF BARBADOS*

**THE LAWS OF BARBADOS**

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**BARBADOS****LAND SURVEYORS  
1980-3**

*An Act to provide for the registration and control of land surveyors in Barbados.*

[Commencement: 1st July, 1980]

**PART I  
CITATION****Short title**

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

**INTERPRETATION****Definitions**

2. For the purposes of this Act,  
“Association” means the Barbados Land Surveyors’ Association registered in accordance with the *Companies Act*, Cap. 308;  
“Board” means the Land Surveyors’ Board established by section 3;  
“Chief Surveyor” means the Chief Surveyor, Lands and Surveys Department;

“Department” means the Lands and Surveys Department;

“Disciplinary Committee” means the Disciplinary Committee of the Barbados Land Surveyors’ Association;

“land surveyor” means a land surveyor licensed under this Act;

“licensing fee” means the fee prescribed by order by the Minister;

“Minister” means the Minister responsible for Lands;

“plan” means a demarcation plan prepared by the Chief Surveyor for the purposes of the *Land (Adjudication of Rights and Interests) Act*, Cap. 228A, and includes a plan prepared by a land surveyor in accordance with regulations made under the *Land Boundaries Act*, Cap. 228B;

“prescribed qualifications” means the qualifications prescribed by the Board under section 15;

“Registrar” means the Registrar of the Supreme Court and includes a Deputy Registrar;

“registration fee” means the first registration fee or the annual registration fee, as the case may be, payable in accordance with the *Profession, Trade and Business Registration Act*, Cap. 373;

“Roll” means the land surveyors’ roll prepared and retained by the Registrar in accordance with section 8.

## PART II

### ESTABLISHMENT OF LAND SURVEYORS’ BOARD

#### **Establishment of Land Surveyors’ Board**

**3.(1)** A Board to be known as the Land Surveyors’ Board is established by this Act.

(2) The *First Schedule* has effect in relation to the constitution of the Board and otherwise in relation thereto.

#### **Appointment of Secretary to Board**

4. The Minister shall appoint a fit and proper person to perform the functions of Secretary to the Board.

#### **Duties of Board**

5. The duties of the Board are,
- (a) to provide examinations to be taken by student land surveyors and applicants for licences under this Act;
  - (b) to appoint examiners and fix dates and places for all examinations relating to land surveying;
  - (c) to consider all applications from persons who desire to practise as land surveyors and to make recommendations to the Minister in respect of such applications; and
  - (d) to institute disciplinary proceedings against land surveyors in accordance with this Act.

### PART III

#### LICENSING AND REGISTRATION OF LAND SURVEYORS

#### **Conditions for issue of licence**

6.(1) Subject to subsections (2) and (3), a person who satisfies the Board that,

- (a) he is of good character;
- (b) he has attained the age of 21 years;
- (c) he has obtained the prescribed qualifications; and

(d) he has paid the Accountant-General the licensing fee,  
is entitled to be issued a licence by the Minister.

(2) Any person who, immediately before 1st July, 1980, was by law licensed to practise as a land surveyor is deemed to possess the prescribed qualifications and is entitled to be issued a licence without the payment of a licence fee.

(3) A land surveyor licensed under this Act may perform any of the traditional functions of a land surveyor as prescribed by the Board.

(4) The licence to be issued to a land surveyor shall be in the form set out in the Second Schedule.

### **Power to issue licences**

7.(1) The Minister shall, in accordance with the recommendations of the Board, issue licences to all persons qualified to practise as land surveyors in Barbados.

(2) Where the Minister refuses to issue a licence under subsection (1), he shall, within 7 days of such refusal, inform the person affected thereby.

### **Land Surveyors' Roll**

8.(1) The Registrar shall, after 1st July, 1980, prepare a list of all persons entitled to practise as land surveyors in Barbados according to the dates upon which they respectively were admitted to practise.

(2) The Registrar shall enter the list prepared in accordance with subsection (1) in a suitable book of record to be kept in his office and to be known as the Land Surveyors' Roll.

(3) The name of every person thereafter admitted to practise as a land surveyor shall, upon payment of the registration fee, be entered by the Registrar in the Roll together with the date of his admission.

**Land Surveyors to register annually**

- 9.(1) Every person who is licensed to practise as a land surveyor and who desires to practise as such in Barbados shall register annually with the Registrar in the month of January in each year.
- (2) The Registrar shall, on payment of the registration fee by a person licensed to practise as a land surveyor, issue him a certificate of registration.
- (3) Every person registered under this section, and who is issued a certificate of registration, is entitled to practise during that year and in the month of January in the next ensuing year.

PART IV  
DISCIPLINE

**Disciplinary proceedings**

10. A land surveyor who,
- (a) is convicted of an offence outside of Barbados which if committed in Barbados would be punishable on indictment;
  - (b) is convicted of such an offence in Barbados; or
  - (c) is alleged to be guilty of professional misconduct,
- shall be subject to disciplinary proceedings.

**Procedure regarding allegations of professional misconduct**

11. A person alleging himself aggrieved by an act of professional misconduct by a land surveyor may apply to the Board to require that land surveyor to answer allegations contained in an affidavit made by such person.

**Board and Disciplinary Committee may enquire into allegations of professional misconduct**

**12.(1)** The Board may enquire into and hear all charges of professional misconduct made against a land surveyor, and after due enquiry make recommendations to the Minister.

(2) The Board may, in carrying out enquiries under subsection (1), have regard to any provision of any code of conduct of the Association in force at the time in so far as the provisions of that code are not inconsistent with this Act.

(3) Without prejudice to subsection (1), the Disciplinary Committee may enquire into and hear any charge of professional misconduct made against a land surveyor, and after due enquiry, report its findings and make recommendations to the Board.

(4) Where recommendations are made to the Board in accordance with subsection (3), it may, after ensuring that adequate procedures for due enquiry have been adhered to, submit those recommendations to the Minister with or without further enquiry.

**Disciplinary powers of Minister**

**13.(1)** If the Minister is satisfied that a land surveyor is convicted of an offence specified in paragraph (a) or (b) of section 10 or is found guilty of professional misconduct he may, in accordance with the recommendations of the Board,

(a) censure him; or

(b) suspend his licence for a period not exceeding 3 years; or

(c) cancel his licence.

(2) Where the Minister exercises any of his disciplinary powers under subsection (1), he shall, within 7 days thereof,

(a) give written notice to the land surveyor affected; and

- (b) cause the suspension or cancellation of the licence to be notified in the *Official Gazette*.

PART V  
APPEALS

**Appeals**

**14.(1)** A person who is aggrieved by the refusal of the Minister to issue him a licence, under this Act or by his decision to censure him, or to suspend or cancel his licence, may, within 1 month of receipt by him of a notice to that effect, appeal to a Judge in chambers.

(2) The Minister may, pending an appeal under subsection (1) of any person aggrieved by his decision to suspend or cancel his licence, on the application of that person, suspend the operation of any such decision until the appeal is finally determined.

(3) In an appeal under subsection (1), the Judge may,

(a) at the hearing of an appeal against the refusal of the Minister to issue a licence, dismiss the appeal, or allow the appeal and direct the Minister to issue a licence;

(b) at the hearing of any appeal, other than an appeal against the refusal to issue a licence,

(i) dismiss the appeal and confirm the decision of the Minister, or

(ii) allow the appeal and set aside the decision of the Minister, or

(iii) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the Minister was made be reconducted by the Board.

(4) Where a land surveyor is aggrieved by the effects of the application of any rule made under section 15, he may appeal against that rule by stating his

grievance to the Minister in writing signed by not less than 4 other land surveyors.

(5) Where an appeal is submitted to the Minister under subsection (4), he shall cause the matter to be investigated and may issue such directions to the Board as he determines.

(6) A person who is aggrieved by a decision of the Minister under subsection (5), may, within 1 month after the date of the decision, appeal to a Judge in chambers.

(7) An appeal lies to the Court of Appeal on a point of law arising from a decision of a Judge or the Minister under this Act.

## PART VI MISCELLANEOUS

### **Rules**

**15.(1)** The Board may, with the approval of the Minister, make rules for any of the following purposes:

- (a) the regulation of procedures under this Act;
- (b) the determination of standards of professional conduct and etiquette of land surveyors;
- (c) the manner in which disciplinary proceedings are to be conducted under section 12;
- (d) prescribing the traditional functions of land surveyors;
- (e) prescribing syllabuses of study and programme training to be followed by student land surveyors;
- (f) the conduct of all examinations provided by the Board under this Act;

- (g) prescribing the qualifications for the licensing of persons who desire to practise as land surveyors;
  - (h) prescribing the fees and expenses that may be appropriated for the purposes of paragraphs (e) and (f);
  - (i) prescribing the fees payable to its officers and members; and
  - (j) prescribing the fees payable to land surveyors.
- (2) Rules made for the purposes of paragraphs (a) and (b) of subsection (1), shall be subject to negative resolution of the House of Assembly.

### **Offences**

- 16.** Any person who,
- (a) acts or practises as a land surveyor;
  - (b) holds himself out in any manner whatsoever as being a land surveyor; or
  - (c) performs any survey or does any similar act affecting or calculated or purporting to affect the delineation of the boundaries or the location of the boundaries or the location of the beacons or marks on any land, the boundaries of which have been or are to be described in any deed or in any instrument dealing with the transfer of land or any estate or interest in land, without being licensed under this Act is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 12 months or both.

### **Validation**

- 17.(1)** Any person who, after the 28th day of May, 1985
- (a) received a Degree of Bachelor of Science in Land Surveying from the University of the West Indies; or

- (b) received any qualification in Land Surveying from an institution approved by the Board but not listed in Part I of the Second Schedule to the *Land Surveyors' Rules, 1985*  
[1985/111]

and who by virtue of having received the degree referred to in paragraph (a) or having received the qualification referred to in paragraph (b), as the case may be, has been issued with a licence by the Minister which states that the person has passed the final examination of the Land Surveyors Board, shall be deemed to be as validly and lawfully licensed as if he had in fact passed that final examination.

- (2) All acts or things done by, plans drawn by and fees paid by or to any person referred to in subsection (1) before the commencement of this Act shall be deemed to have been validly and lawfully done, drawn and paid.

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[1993-18]

### **Expenses**

- 18.** All expenses incurred in the administration of this Act shall be defrayed out of moneys voted for the purpose by Parliament.

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**FIRST SCHEDULE***(Section 3(2))*

1. The Board shall consist of,
  - (a) the Chief Surveyor, *ex officio*;
  - (b) the President of the Association, or his nominee;
  - (c) two land surveyors appointed by the Minister on the nomination of the Association;
  - (d) one land surveyor appointed by the Minister; and
  - (e) one other person, not being a land surveyor, appointed by the Minister.
2. Every member of the Board appointed by the Minister shall hold office for 2 years but shall be eligible for re-appointment.
3. The Minister shall cause the appointment, removal, resignation or death of the Secretary to the Board and the chairman, deputy chairman or any other Board member to be notified in the *Official Gazette*.
4. The Chief Surveyor shall be chairman of the Board.
5. The President of the Association or his nominee shall be deputy chairman of the Board.
6. Four members of the Board shall form a quorum.
7. All decisions of the Board shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the chairman or deputy chairman presiding at the meeting, shall have a casting vote.
8. Subject to this Schedule, the Board shall regulate its own proceedings.

- 9.** The Board shall meet at such times and places as may be necessary or expedient for the transaction of its business.

