

THE LAND SURVEYORS ACT

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THE LAND SURVEYORS ACT

Cap. 211.
Law
12 of 1957.
Acts
4 of 1969,
25 of 1979.

[1st August, 1944.]

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

PART I. *Interpretation*

2. In this Act—

Interpreta-
tion.

“apprentice” means a person articed by indenture to a surveyor;

“authorized officer” means an officer in the service of Government for the time being authorized by the Minister by instrument in writing to take apprentices; 4/1965
S. 2 (b).

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

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

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

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

“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; 4/1969
S. 2 (a).

“land” includes land covered with water;

“Land Surveyors Association” means the Land Surveyors Association of Jamaica constituted under the Deed of Settlement of the Land Surveyors 4/1969
S. 2 (b).

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;

“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;

25/1/79
S. 2.

“student surveyor” means—

(a) an apprentice;

(b) a person who holds a diploma in Land Surveying from the College of Arts, Science and Technology and is studying and practising the science of surveying as an assistant to a surveyor; and

(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 subsection (1) of section 3;

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

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

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

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—

Qualifica-
tion for
surveyors.
25/1979
S. 3(a).

(a) is a member of the Royal Institute of Chartered Surveyors having passed the examination in respect of such qualification in subdivision V (Land Survey); or

4/1969
S. 3 (a).

(b) holds a diploma in Land Surveying from the College of Arts, Science and Technology 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(b).

(c) possesses such other qualifications as may be approved by the Minister on the recommendation of 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 indenture to serve and has served for a term of four years as an apprentice to an authorized officer or to a surveyor in this Island and throughout such term has studied and practised the science of surveying; and

25/1979
S. 3(c).

4/1969
S. 3
(b) & (c).

(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—

(i) any person qualified under paragraph (a) or (c) of this subsection shall not be entitled to practise as

25/1979
S. 3(d).

a surveyor until he has passed such examination in local law as may be prescribed and, if so required by the Board, has acted for six months as an assistant to a surveyor;

- (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) any person who was bound by indenture under this Act prior to the 1st June, 1971, shall be eligible to take the final examination at any time not earlier than three months prior to the expiration of the term of service specified in such indenture 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 at the expiration of such term of service;
- (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

4/1969
S. 3 (e).

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.

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

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

No surveyor to have more than two apprentices.
4/1969
S. 5.

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

(2) An authorized officer may have indentured to him such number of apprentices as the Minister may prescribe.

Conditions for surveyor taking apprentice.

4/1969
S. 6 (a).

6.—(1) No surveyor shall—

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

4/1969
S. 6 (b).

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

Stamping and recording of indenture.

7. Every indenture of every apprentice shall be impressed with a stamp of the value of two dollars, which sum shall be paid by the apprentice, and shall, within six months after its execution, be recorded in the office of the Director of Surveys. Such indenture shall be open to inspection at all reasonable times.

Transfer of articles.
4/1969
S. 7.

8. In case of the death, imprisonment, insanity, retirement, removal from the Island or cancellation or suspension of the commission of any surveyor with whom an apprentice is indentured, 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 apprentice, any other surveyor may, subject to the approval of the

Board pursuant to section 9, receive a transfer of the indenture of the apprentice, and in such case such apprentice may continue to serve with such other surveyor the unexpired term of his indenture in like manner, and under similar obligations as with the first surveyor with whom he was indentured.

9. Every transfer of indenture of an apprentice shall as soon as possible be submitted to the Board for approval and if approved shall be recorded in the office of the Director of Surveys within one month of the date of the approval.

Transfer to be recorded. 4/1969 S. 8.

10.—(1) For the purposes of this Act the Director of Surveys, the Registrar of Titles and two practising surveyors to be appointed by the Land Surveyors Association of Jamaica shall constitute a Land Surveyors Board, and three members thereof shall form a quorum.

Constitution of Land Surveyors Board.

(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.

11. The Board is hereby required to hold a final examination whenever necessary, but not oftener than twice in any one year, and the Board shall, subject to the provisions of this Act, have the entire management and control of all such examinations.

Power of Board to hold final examination.

12. Any apprentice may, after the expiration of the term of service mentioned in paragraph (d) (i) of subsection (1) of 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

Application by apprentice to be examined. 4/1969 S. 9. 25/1979 S. 4(a).

furnished in the prescribed form and manner with satisfactory evidence that—

4/1969
S. 9.
25/1979
S. 4(b).

- (a) the apprentice is at least seventeen years of age and is of good character; and
- (b) the indenture of apprenticeship has been duly executed and recorded; and
- (c) the requirements of this Act have been duly complied with,

make an order directing that such apprentice 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).

Applica-
tion for
certificate.

13.—(1) Where any apprentice 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 apprentice 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—

25/1979
S. 5.

- (a) possesses such qualifications; and
- (b) is at least eighteen years of age; and
- (c) is of good character,

issue the certificate.

Issue of
commission.
4/1969
S. 10.

14. On payment of a sum of one hundred dollars to the Accountant-General, he shall affix a stamp for that sum

on the commission, and on presentation to the Minister of the certificate the person named therein shall receive a commission, as a land surveyor, issued by the Board and signed by the Minister:

Provided that no apprentice shall be entitled to receive a commission until the expiration of his term of service as an apprentice.

15. The Board shall cause to be kept in the office of the Director of Surveys a register, in the prescribed form, of all student surveyors and a register, in the prescribed form, of all surveyors.

Registers.
25/1979
S. 8(a).

16.—(1) Every government surveyor and every officer employed by the Jamaica Railway Corporation, or by the Kingston and St. Andrew Corporation or by any Parish Council, possessing such qualifications as would entitle him to become a surveyor shall, while holding office, be entitled to act as a surveyor for any purpose rendered necessary by, or arising out of, the performance of the duties of his office, and for such purpose shall have all the powers and privileges of a surveyor.

Government
surveyors
and
certain
officers
to act as
surveyors.
4/1969
S. 11 (a).

(2) Superintendents of Roads and Works in the service of Government and Superintendents of Roads and Works of the Parish Councils shall be deemed to have the power, for the purposes of their offices, to survey the boundaries of Main and Parochial Roads.

4/1969
S. 11 (c).

(3) No person entitled under subsection (1) to act as a surveyor shall exercise such powers until a notice has been published in the *Gazette* setting out that he is so entitled.

17.—(1) No surveyor shall—

(a) permit his name to be signed or subscribed to any plan by any other person; or

Surveyor's
signature
on plan.

- (b) sign any plan the result of a survey not actually made by himself without so stating; or
- (c) contract or arrange with any person, other than another surveyor or a student surveyor, for that person to run any boundary line.

25/1979
S. 8(b).

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

Incorrect
plan.
4/1969
S. 12
(a) (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 satisfied that such incorrect plan was occasioned either intentionally, negligently or carelessly, cancel the commission of the surveyor or suspend such commission for such time as it may deem fit.

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.

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

Constitu-
tion of Land
Surveyors
Disciplinary
Committee.
4/1969
S. 14 (a).

20.—(1) There shall be constituted a Land Surveyors Disciplinary Committee consisting of five practising surveyors 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

two years and shall be eligible for reappointment. 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. 4/1969
S. 14 (b).

(3) 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.

(4) 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.

(5) 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.

(6) 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.

LAND SURVEYORS

(7) 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.

(8) 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.

(9) 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).

21.—(1) The Committee shall enquire into and hear all charges of professional misconduct or negligence against a surveyor, and all charges against a student surveyor for breach of any of his articles of indenture (if he is an apprentice) or of conduct which, if such student surveyor were a surveyor, would amount to professional misconduct 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. 6(b).

25/1979
S. 6(c).

(2) 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^h with such report such recommendations as it may see fit to make.

Powers of
Board on
receipt of
report.

22.—(1) The Board may, on receiving the report referred to in subsection (2) of section 21, together with such recommendations, if any, as may be forwarded there-

with, take such action, including 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. 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 suspen-
sion.

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 counsel or a solicitor. Legal
representa-
tion.
25/1979
S. 8(b).

25. Any surveyor or student surveyor may appeal to the Court of Appeal from any order of the Board cancelling or suspending his commission, or refusing to issue his commission, as 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. Appeal.
25/1979
S. 8(c).

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

26. Subject to the provisions of section 27 any surveyor may, with his student surveyors, servants and workmen, enter upon any land which it is his duty, or which he has been appointed, to survey 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. Power
to enter
land.
25/1979
S. 8(a).

Notice
of survey.

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 (a).

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.

Fresh
notices.

28. Any surveyor who—

(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.

Notice of
objection.

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.

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.

31.—(1) Notwithstanding any notice of objection, every surveyor or student surveyor (so, however, that if he is an apprentice, he has completed not less than two years service as an apprentice) 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:

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

25/1979
S. 7(b).

Provided that such surveyor or student surveyor 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
regula-
tions.

32. 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.

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:

4/1969
S. 16 (b).

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) 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.

PART IV. *Miscellaneous*

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

(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.

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

PART V. *Penalties*

36. Every person, other than a person entitled under section 16 to act as a surveyor, who falsely describes himself to be, or holds himself out as, a surveyor shall be guilty of an offence against this Act and, on conviction, shall be liable to a fine not exceeding one hundred dollars or to Falsely holding out to be a surveyor.

imprisonment with hard labour for any term not exceeding six months.

Destroying
marks, etc.

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

(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,

shall be guilty of an offence against this Act and, on conviction, shall be liable to a fine not exceeding forty 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.

4/1969
S. 17 (a).

4/1969
S. 17 (b).

4/1969
S. 17 (c).

Damaging
instruments.

38. Every person who wilfully damages, destroys, or conceals, any instrument, or any part of the apparatus or equipment of a surveyor, government surveyor or student surveyor, shall be guilty of an offence against this Act and, on conviction, shall be liable to a fine not exceeding forty 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 to such surveyor or student surveyor (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 period not exceeding three months.

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

25/1979
S. 8(c).

Obstructing
surveyor.
4/1969
S. 19 (a).
25/1979
S. 8(c).

39. Every person who unlawfully obstructs any surveyor, government surveyor or student surveyor 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 forty dollars or to imprisonment with hard labour for any term not exceeding three months.

4/1969
S. 19 (b).

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 dollars or to imprisonment with hard labour for any term not exceeding six months.

Falsifying a survey.

4/1969
S. 20 (a).

4/1969
S. 20 (b).

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 forty dollars or, in default of payment of such fine, to imprisonment with hard labour for any term not exceeding three months.

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

4/1969
S. 21 (b).

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 preliminary examination;
- (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) the prescribing of all things required by this Act to be prescribed.

PART VII. *Government Survey*

Interpretation.

44. In this Part—

“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 Technical Director and includes all necessary servants of such officer.

4/1969
S. 22.

Power of government surveyor, etc., to enter upon land for certain purposes.
4/1969
S. 23 (a).

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 Technical Director, upon production of a surveyor's warrant, may enter upon any land with or without his servants 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;

4/1969
S. 23 (b).

4/1969
S. 23 (c).

- (d) examining any boundary marks, and field checking any surveyor's plan; 4/1969
S. 23 (d).
- (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 Technical Director 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).

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, enter upon any land on which a control survey mark is situated for the purpose of taking measurements or angles from such mark. 4/1969
S. 23 (h).

46. The Director of Surveys or the Chief Technical Director, 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 by agreement it may be 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.

Expenditure
to be met
from
Consoli-
dated
Fund.
4/1969
S. 25.

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

Offences.

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 Technical Director in the execution 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 forty dollars or in default of payment to imprisonment with hard labour for any term not exceeding three months.

4/1969
S. 26 (a).

4/1969
S. 26 (b).