

Land Surveyors (Amendment) Bill

Bill No. 21/99.

Read the first time on 6th July 1999.

A BILL

intituled

An Act to amend the Land Surveyors Act (Chapter 156 of the 1992 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Land Surveyors (Amendment) Act
5 1999 and shall come into operation on such date as the Minister may,
by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Land Surveyors Act (referred to in this Act as the principal Act) is amended —

- (a) by inserting, immediately after the definition of “allied professional”, the following definitions: 5

““approved assistant surveyor” means a person approved to be employed as an assistant surveyor under Part VA;

“assistant surveyor” means a person who performs or executes any survey or engages in any survey work under the direction or supervision of a registered surveyor;” 10

- (b) by deleting the definition of “cadastral survey services”;

- (c) by deleting the definition of “Chief Surveyor” and substituting the following definition: 15

““Chief Surveyor” means the Chief Surveyor appointed under section 3 (1) of the Boundaries and Survey Maps Act 1998 (Act 35 of 1998);”;

- (d) by deleting the word “cadastral” in the definition of “licence”; and 20

- (e) by inserting, immediately after the definition of “rules”, the following definitions:

““survey” means the act or process of —

- (a) determining the form, contour, position, area, height, depth or any other particulars of — 25

(i) the earth’s surface, whether of land or water; or

(ii) any natural or artificial features on, below or above any part of the earth’s surface; or 30

- (b) planning the position or the boundary lines of any part of the earth’s surface, or of any natural or artificial features referred to in paragraph (a) (ii),

and includes the act or process of making or obtaining any plan therefrom; 35

“survey services” means the supply for gain or reward of any services, or any plan, certificate or other document, relating to any survey;

5 “survey work” means any work which is part of or related to a survey;”.

Amendment of section 12

3. Section 12 (1) of the principal Act is amended —

(a) by deleting the word “or” at the end of paragraph (a); and
 (b) by deleting the full-stop at the end of paragraph (b) and
 10 substituting the word “; or” and, by inserting immediately thereafter the following paragraph:

“(c) he is otherwise qualified by having proper training in surveying recognised by the Board and has passed such other examinations as the Board may require.”.

15 **New Part VA**

4. The principal Act is amended by inserting, immediately after Part V, the following Part:

“PART VA

APPROVED ASSISTANT SURVEYORS

20 **Registered surveyor to employ approved assistant surveyor**

16A.—(1) No registered surveyor shall employ any person as his assistant surveyor unless that person is approved by the Board and the approval has not been revoked or suspended.

(2) A registered surveyor who desires to employ any person
 25 as his assistant surveyor shall apply to the Board for approval in such form and manner as the Board may prescribe.

(3) The Board may approve, for such period as may be prescribed, an application under subsection (2) if the Board is satisfied that the person to be employed as an assistant surveyor
 30 possesses the necessary qualifications recognised by the Board.

(4) The Board shall not approve an application under subsection (2) if the registered surveyor does not have in force a practising certificate.

(5) Every application under subsection (2) shall be accompanied by a prescribed fee.

(6) For the purposes of this section, “employ” means to engage or use the service of any person, whether under a contract of service or otherwise, with or without salary.

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Register to be kept

16B. The Board shall keep and maintain a register in which shall be entered the names and such particulars of the approved assistant surveyors as the Board may determine.

Registered surveyor to notify Board of cessation in employment

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16C.—(1) A registered surveyor shall forthwith notify the Board in writing if an approved assistant surveyor ceases to be employed by him.

(2) The approval granted under section 16A (3) in respect of an assistant surveyor shall be deemed to be revoked upon the cessation of his employment.

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Approval may be revoked or suspended

16D.—(1) The Board may revoke or suspend, for such period as the Board thinks fit, any approval granted under section 16A (3) if an approved assistant surveyor is, in the opinion of the Board, unfit to carry out survey work.

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(2) Any person who is aggrieved by the decision of the Board under subsection (1) may appeal to the Minister whose decision shall be final.

Penalty under this Part

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16E. Any registered surveyor who contravenes or fails to comply with section 16A (1) or 16C (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.”.

Amendment of heading to Part VIII

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5. The heading to Part VIII of the principal Act is amended by inserting, immediately after the words “CONDUCT OF”, the word “CADASTRAL”.

Amendment of section 32

6. Section 32 of the principal Act is amended by deleting the words “without payment of search fees” in the 8th and 9th lines and substituting the words “upon payment of a prescribed fee”.

Amendment of section 38

7. Section 38 of the principal Act is amended —

(a) by deleting the word “or” at the end of paragraph (b) (i); and

(b) by deleting the comma at the end of sub-paragraph (ii) of paragraph (b) and substituting the word “; or” and, by inserting immediately thereafter the following sub-paragraph:

“(iii) for any person to be approved as an assistant surveyor under this Act,”.

Amendment of section 40

8. Section 40 (2) of the principal Act is amended —

(a) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) prescribing the form and manner of application for approval of any person to be employed as an assistant surveyor and the duration of such approval;”; and

(b) by inserting, immediately after the words “register of surveyors,” in paragraph (d), the words “register of approved assistant surveyors,”.

Miscellaneous amendments

9. The principal Act is amended —

(a) by deleting the word “cadastral” wherever it appears in the following provisions:

Sections 3 (2) (2nd line), 7 (1) (h), 10 (1) (2nd line), (2) (b), (3) and (4), 15 (1) (2nd and 6th lines), (4) (d) and (f) (3rd line), 17 (1), (1) (a) and (e), (2) and (2) (c), (3) and (3) (b) (2nd line), (4) (3rd line) and (6) (7th line), 18 (1) (3rd line) and (2), 21 (4th line), 23 (3rd and 6th lines),

- 27 (1) (e) and (h) (5th line) and (6) (b) (2nd line) and
40 (2) (h) and (h) (iii);
- (b) by deleting the words “professional of cadastral surveying”
in section 7 (1) (e) and substituting the words “profession of
surveying”; and 5
- (c) by deleting the words “survey cadastral” in the 5th line of
section 10 (2) (a) and substituting the word “supply”.

Transitional provision

10. Notwithstanding anything in this Act, every person who,
immediately before the date of commencement of this Act, had been 10
practising as a land surveyor in respect of surveys other than cadastral
surveys, shall be entitled to practise as a land surveyor in respect of
surveys other than cadastral surveys, as if this Act had not been
enacted, for a period of 4 years from that date.

EXPLANATORY STATEMENT

This Bill seeks to amend the Land Surveyors Act (Cap. 156) to provide, inter alia, for the following matters:

- (a) to require every land surveyor (and not only land surveyors who conduct cadastral surveys) to be registered under the Act;
- (b) to prohibit any person from being employed by a registered surveyor as an assistant surveyor without approval from the Land Surveyors Board (the Board); and
- (c) to provide the procedure for application for approval of an assistant surveyor and the maintenance of the register of approved assistant surveyors.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to redefine the term “Chief Surveyor” and to insert new definitions for the terms “approved assistant surveyor”, “assistant surveyor”, “survey”, “survey services” and “survey work”, and to delete the existing definition of “cadastral survey services” as it is obsolete.

Clause 3 amends section 12 to enable a person who has proper training in surveying and has passed examinations recognised by the Board to be registered as a registered surveyor under the Act.

Clause 4 inserts a new Part VA to regulate the employment of assistant surveyors.

The new section 16A prohibits a registered surveyor from employing a person to be an assistant surveyor unless that person has been approved for such employment by the Board.

The new section 16B provides for a register of approved assistant surveyors to be kept and maintained by the Board.

The new section 16C makes it a requirement for a registered surveyor to notify the Board if an approved assistant surveyor ceases to be employed by him.

The new section 16D empowers the Board to revoke or suspend the approval of any assistant surveyor who is unfit to carry out survey work.

The new section 16E creates a penalty for a registered surveyor who contravenes or fails to comply with the new section 16A (1) or 16C (1).

Clause 5 amends the heading of Part VIII to clarify that the Part applies only to cadastral surveys.

Clause 6 amends section 32 to provide for the payment of fees for searches of survey plans lodged with the Survey Department.

Clause 7 amends section 38 (b) to make it an offence if any person wilfully procures, by false or fraudulent representation or declaration, or by intentionally suppressing any material fact or furnishing misleading information, the approval of any person as an approved assistant surveyor.

Clause 8 amends section 40 (2) to allow the Board to make rules to prescribe the form and manner of application for approval as an assistant surveyor and the duration of such approval, and to prescribe the form of the register of approved assistant surveyors and the particulars to be entered therein.

Clause 9 amends certain provisions in the Act to delete the word “cadastral” before the words “survey”, “survey work”, “survey services” and “surveying” so as to extend the scope of application of the Act to all land surveys and surveyors. This clause also makes certain technical amendments.

Clause 10 provides a transitional provision to allow all land surveyors who conduct surveys other than cadastral surveys to continue to carry out such surveys for a period of 4 years from the date of commencement of the Land Surveyors (Amendment) Act 1999.

EXPENDITURE OF PUBLIC MONEY

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