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Land Surveyors (Amendment) Bill

Bill No. 21/2024.

Read the first time on 2 July 2024.

A BILL

i n t i t u l e d

An Act to amend the Land Surveyors Act 1991 and to make consequential amendments to certain other Acts.

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 is the Land Surveyors (Amendment) Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. In the Land Surveyors Act 1991 (called in this Act the principal Act), in section 2 —

(a) in the definition of “authorised surveyor”, replace “a surveyor” with “a land surveyor”;

(b) after the definition of “Chief Surveyor”, insert —

““foreign competent authority”, in relation to any country or territory outside Singapore, means the regulatory body or its authorised agency in that country or territory having the function of regulating the practice of surveying and registering or licensing persons in connection with the practice of surveying in that country or territory;

“foreign land surveyor”, in relation to a country or territory outside Singapore, means any person who is permitted to practise as a land surveyor in that country or territory under the law of that country or territory;”;

(c) after the definition of “manager”, insert —

““mutual recognition arrangement” means —

(a) a bilateral agreement or arrangement between Singapore and any other country or territory;

(b) a bilateral agreement or arrangement between the Board and a foreign competent authority of any other country or territory;

(c) a multilateral agreement or arrangement between Singapore and 2 or more other countries or territories; or

(d) a multilateral agreement or arrangement between the Board and the foreign competent authorities of 2 or more other countries or territories, 5

for the mutual recognition of — 10

(e) registered surveyors, and the survey work that may be performed by registered surveyors, in each such country or territory; and

(f) foreign land surveyors of each such country or territory, and the survey work that may be performed by registered foreign surveyors of each such country or territory, in Singapore;” 15 20

(d) after the definition of “president”, insert —

““register of foreign surveyors” means the annual register of foreign land surveyors kept by the Board under section 9(1)(aa);”;

(e) in the definition of “register of surveyors”, replace “the register of surveyors” with “the register of land surveyors”; and 25

(f) after the definition of “register of surveyors”, insert —

““registered foreign surveyor” means a person registered as a foreign land surveyor under section 12A;” 30

Amendment of section 7

3. In the principal Act, in section 7(1) —

(a) in paragraph (a), after “a register of surveyors,”, insert
“a register of foreign surveyors,”;

(b) in paragraph (c), after “section 12”, insert “or 12A”;

(c) in paragraph (h), delete “and” at the end; and

(d) after paragraph (h), insert —

“(ha) to negotiate and implement any mutual
recognition arrangement; and”.

Amendment of section 8

4. In the principal Act, in section 8(3)(c), after “the register of
surveyors,”, insert “register of foreign surveyors,”.

Amendment of section 9

5. In the principal Act, in section 9(1) —

(a) in paragraph (a), replace “this Act” with “section 12”; and

(b) after paragraph (a), insert —

“(aa) an annual register of foreign surveyors
containing the names of all persons
registered under section 12A for the year
and any other particulars in relation thereto
that the Board may determine;”.

Amendment of section 10

6. In the principal Act, in section 10 —

(a) in subsection (2)(a), after “used”, insert “the abbreviation
“RS” as a title before his or her name, or”;

(b) after subsection (2), insert —

“(2A) The Board may allow a registered foreign
surveyor to use such designation to signify his or her
status as a registered foreign surveyor, as may be
approved by the Board.”;

(c) in subsection (4)(b), delete “or” at the end;

(d) in subsection (4), after paragraph (b), insert —

“(ba) a registered foreign surveyor, but only if the performance or execution of the survey, or the engaging in the survey work, is done in a manner permitted by the Board pursuant to a mutual recognition arrangement; or”; and

(e) in subsection (5), replace “\$4,000” with “\$10,000”.

New section 10A

7. In the principal Act, after section 10, insert —

“Recognition of registered surveyor under mutual recognition arrangement

10A.—(1) A registered surveyor who intends to perform or execute any survey or engage in any survey work in a country or territory outside Singapore in accordance with a mutual recognition arrangement may apply to the Board to be recognised for the purposes of that mutual recognition arrangement.

(2) An application under subsection (1) must be accompanied by the prescribed fee.”.

Amendment of section 12

8. In the principal Act, in section 12 —

(a) in the section heading, after “**to be registered**”, insert “**as registered surveyors**”; and

(b) in subsection (1), after “to be registered”, insert “as a registered surveyor”.

New section 12A

9. In the principal Act, after section 12, insert —

“Annual registration for foreign land surveyors

12A.—(1) A foreign land surveyor may apply, on payment of the prescribed fee, to be registered as a registered foreign surveyor.

(2) The Board must register the applicant as a registered foreign surveyor if the Board is satisfied that —

(a) the applicant is a foreign land surveyor of a country or territory to which a mutual recognition arrangement applies; and

(b) all applicable requirements under that mutual recognition arrangement for such registration are met.

(3) The registration under subsection (2) is for the year specified in the application.

(4) The registration under subsection (2) may be subject to such conditions as the Board thinks fit to impose.

(5) The Board may cancel the registration under subsection (2) if —

(a) any information provided to the Board in the application for registration is false when the application is made, or subsequently becomes false;

(b) any condition imposed by the Board under subsection (4) is not met; or

(c) the registered foreign surveyor performs or executes any survey or engages in any survey work in Singapore in a manner not permitted by the Board pursuant to the mutual recognition arrangement.”.

Amendment of section 15

10. In the principal Act, in section 15(9), replace “surveyor” wherever it appears with “registered surveyor”.

Amendment of section 25

11. In the principal Act, in section 25 —

(a) in subsection (2)(a), replace “\$10,000” with “\$20,000”;
and

(b) after subsection (4), insert —

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“(4A) All penalties collected by the Board under subsection (2)(a) must be paid into the Consolidated Fund.”.

Amendment of section 27

12. In the principal Act, in section 27 —

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(a) in subsection (2)(a), replace “\$20,000” with
“\$50,000”; and

(b) after subsection (2), insert —

“(2A) All penalties collected by the Board under subsection (2)(a) must be paid into the Consolidated Fund.”.

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Amendment of section 30

13. In the principal Act, in section 30(2), replace “\$2,000” with “\$5,000”.

Amendment of section 33

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14. In the principal Act, in section 33(1), after “under this Act”, insert “, unless otherwise provided,”.

Amendment of section 34

15. In the principal Act, in section 34 —

(a) in paragraph (b)(ii), replace “surveyor” with “registered
surveyor or registered foreign surveyor”; and

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(b) replace “\$4,000” with “\$10,000”.

Amendment of section 38

16. In the principal Act, in section 38(2)(e), after “register of surveyors,”, insert “register of foreign surveyors,”.

Consequential amendments to other Acts

5 17.—(1) In the Architects Act 1991, in section 2 —

 (a) in the definition of “allied professional”, in paragraph (b),
 replace “registered under” with “a registered surveyor
 under”; and

10 (b) in the definition of “practising certificate”, in
 paragraph (c), replace “land surveyor registered under”
 with “registered surveyor under”.

 (2) In the Boundaries and Survey Maps Act 1998, in section 2(1) —

 (a) in the definition of “authorised surveyor”, replace “a
 surveyor” with “a land surveyor”; and

15 (b) in the definition of “registered surveyor”, replace
 “surveyor registered under” with “registered surveyor
 within the meaning given by”.

 (3) In the Land Titles Act 1993, in section 4(6)(c), replace
20 “surveyor who is registered under the Land Surveyors Act 1991
 and” with “registered surveyor under the Land Surveyors Act 1991
 who”.

 (4) In the Land Titles (Strata) Act 1967, in section 5A(2)(a), replace
 “surveyor who is registered under the Land Surveyors Act 1991 and”
 with “registered surveyor under the Land Surveyors Act 1991 who”.

25 (5) In the Planning Act 1998, in section 2, in the definition of “land
 surveyor”, replace “registered as a surveyor” with “a registered
 surveyor”.

 (6) In the Professional Engineers Act 1991, in section 2 —

30 (a) in the definition of “allied professional”, in paragraph (b),
 replace “registered under” with “a registered surveyor
 under”; and

(b) in the definition of “practising certificate”, in paragraph (c), replace “land surveyor registered under” with “registered surveyor under”.

(7) In the Registration of Deeds Act 1988, in section 2(1), in the definition of “registered surveyor”, replace “person who is registered under the Land Surveyors Act 1991 and” with “registered surveyor under the Land Surveyors Act 1991 who”.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Land Surveyors Act 1991 primarily to allow the mutual recognition of the performance of survey work by land surveyors under any mutual recognition arrangement.

The Bill also makes consequential amendments to certain other Acts.

Clause 1 relates to the short title and commencement.

Clause 2(b), (c), (d) and (f) amends section 2 to define “foreign competent authority”, “foreign land surveyor”, “mutual recognition arrangement”, “register of foreign surveyors” and “registered foreign surveyor”.

A foreign land surveyor is a person who is permitted to practise as a land surveyor in a country or territory outside Singapore under the law of that country or territory.

A mutual recognition arrangement is a bilateral or multilateral agreement or arrangement between Singapore and one or more other countries or territories, or between the Land Surveyors Board (the Board) and a foreign competent authority or authorities of one or more other countries or territories, for the mutual recognition of registered surveyors in each such country or territory and of foreign land surveyors of each such country or territory in Singapore, and the mutual recognition of the survey work that may be performed by registered surveyors in each such country or territory and by registered foreign surveyors in Singapore.

The register of foreign surveyors is an annual register of foreign land surveyors kept by the Board.

A registered foreign surveyor is a foreign land surveyor who is registered with the Board.

Clause 2(a) and (e) makes minor amendments to the definitions of “authorised surveyor” and “register of surveyors” to clarify that the references to “surveyor” should be references to “land surveyor”.

Clause 3(a) amends section 7(1) to include as a function of the Board the keeping and maintaining of the register of foreign surveyors under section 9(1)(aa) (as inserted by clause 5(b)).

Clause 3(b) amends section 7(1) to include as a function of the Board the approval or rejection of applications for registration under the new section 12A (as inserted by clause 9).

Clause 3(d) amends section 7(1) to include as a function of the Board the negotiation and implementation of any mutual recognition arrangement.

Clause 4 amends section 8(3)(c) to require the Registrar of the Board to record all registrations, cancellations and reinstatements in the register of foreign surveyors.

Clause 5(b) amends section 9(1) to require the Board to keep and maintain an annual register of foreign surveyors.

Clause 6(a) amends section 10(2) to provide for the privilege of a registered surveyor to use the abbreviation “RS” in his or her title and designation.

Clause 6(b) amends section 10 to allow a registered foreign surveyor to use such designation to signify his or her status as a registered foreign surveyor, as may be approved by the Board.

Clause 6(d) amends section 10(4) to allow a registered foreign surveyor to perform or execute surveys, or to engage in survey work, in Singapore, but only in a manner permitted by the Board pursuant to a mutual recognition arrangement.

Clause 6(e) increases the maximum fine for an offence under section 10(5) from \$4,000 to \$10,000.

Clause 7 inserts a new section 10A to allow a registered surveyor who intends to perform or execute any survey, or to engage in any survey work, in a country or territory outside Singapore in accordance with a mutual recognition arrangement, to apply to the Board to be recognised for the purposes of that arrangement.

Clause 8 makes a consequential amendment to section 12 to clarify that the registration under section 12 is of registered surveyors (and not registered foreign surveyors who are registered under the new section 12A as inserted by clause 9).

Clause 9 inserts a new section 12A to require the Board to register a foreign land surveyor who applies to be registered for the purposes of a mutual recognition arrangement. The registration is subject to such conditions as the Board thinks fit to impose. The application for registration must be made annually and the registration of a registered foreign surveyor is on an annual basis. The new section 12A also provides the grounds on which the Board may cancel the registration.

Clause 10 amends section 15(9) to change the references to “surveyor” to “registered surveyor”.

Clause 11 increases the maximum penalty that may be imposed by the Board under section 25(2)(a) from \$10,000 to \$20,000. All penalties collected by the Board must be paid into the Consolidated Fund.

Clause 12 increases the maximum penalty that may be imposed by the Board under section 27(2)(a) from \$20,000 to \$50,000. All penalties collected by the Board must be paid into the Consolidated Fund.

Clause 13 increases the maximum fine for an offence under section 30(2) from \$2,000 to \$5,000.

Clause 14 amends section 33(1) as a consequence of the amendments made by clauses 11 and 12 for the penalties to be paid into the Consolidated Fund.

Clause 15 increases the maximum fine for an offence under section 34 from \$4,000 to \$10,000, and makes an amendment to change the reference to “surveyor” to “registered surveyor or registered foreign surveyor”.

Clause 16 amends section 38(2) to enable rules to be made to prescribe the form of the register of foreign surveyors and the particulars to be entered in it.

Clause 17 makes consequential amendments to certain other Acts arising from the insertion of the new section 12A in the Land Surveyors Act 1991 that will allow foreign land surveyors to be registered. Hence, if a provision is not intended to refer to a registered foreign surveyor, the term “registered surveyor” is used so that the provision only applies to the land surveyors registered under section 12 of that Act.

Clause 17(2)(a) also makes an amendment to the definition of “authorised surveyor” in the Boundaries and Survey Maps Act 1998 similar to the amendment in clause 2(a).

EXPENDITURE OF PUBLIC MONEY

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