



# **THE STATUTES OF THE REPUBLIC OF SINGAPORE**

## **LAND SURVEYORS ACT**

### **(CHAPTER 156)**

**Act**

**24 of 1991**

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Amended by

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# Land Surveyors Act

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An Act to establish the Land Surveyors Board, to provide for the registration of land surveyors, to regulate the qualifications and practice of land surveyors and to regulate corporations which supply survey services in Singapore.

[30th August 1991]

## PART I

### PRELIMINARY

#### **Short title**

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

#### **Interpretation**

2. In this Act, unless the context otherwise requires —

“allied professional” means —

- (a) an architect who is registered under the Architects Act (Cap. 12); or
- (b) a professional engineer who is registered under the Professional Engineers Act (Cap. 253);

“authorised surveyor” means a surveyor who is employed by the Authority, whether or not registered under section 12;

“Authority” means the Singapore Land Authority established under the Singapore Land Authority Act (Cap. 301);

“Board” means the Land Surveyors Board established under section 4;

“cadastral survey” means any survey relating to the recording of land boundaries, subdivision lines, buildings and related details;

“certificate of registration” means the certificate of registration issued under section 14;

“Chief Surveyor” means the Chief Surveyor appointed under section 3 (1) of the Boundaries and Survey Maps Act (Cap. 25);

“Investigation Committee” means an Investigation Committee appointed under section 24 (1);

“licence” means a licence to supply survey services in Singapore granted under section 17;

“licensed”, in relation to a corporation or partnership, means a corporation or partnership which has in force a licence;

“manager”, in relation to a corporation or partnership, means the principal executive officer of the corporation or partnership for the time being by whatever name called and whether or not he is a director or partner thereof;

“nominee”, in relation to any person, means a person who is accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of the first-mentioned person, except that a person shall not be regarded as a nominee of another person by reason only that he acts on advice given by that other person in a professional capacity;

“practising certificate” means an annual practising certificate issued under section 15 authorising the holder thereof to engage in survey work in Singapore;

“President” means the President of the Board;

“register of licensees” means the annual register of licensed corporations and partnerships kept by the Board under section 9 (1) (c);

“register of practitioners” means the annual register of practitioners kept by the Board under section 9 (1) (b);

“register of surveyors” means the register of surveyors kept by the Board under section 9 (1) (a);

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

“Registrar” means the Registrar of the Board appointed under section 8;

“survey” means the act or process of —

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

(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

(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;

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

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

“unlimited corporation” means a corporation formed on the principle of having no limit placed on the liability of its members.

[35/98; 34/99; 17/2001; 37/2004]

### **Act not to apply to Government, etc.**

**3.—**(1) Nothing in this Act shall apply to anything done or omitted to be done by the Government.

(2) This Act shall not be construed as requiring any public authority which supplies survey services in Singapore under the provisions of any written law to obtain a licence.

[34/99]

(3) In subsection (2), “public authority” means any body established by or under any written law and exercising powers vested therein by written law for a public purpose.

[35/98]

## **PART II**

### **LAND SURVEYORS BOARD**

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

**4.—**(1) There is hereby established a body to be known as the Land Surveyors Board which shall be a body corporate with perpetual succession and a common seal, with power, subject to the provisions of this Act —

(a) to sue and be sued in its corporate name;

(b) to acquire and dispose of property, both movable and immovable; and

- (c) to do and perform such other acts as bodies corporate may by law perform.

(2) The Board shall consist of the following members to be appointed by the Minister:

- (a) a President who shall be appointed from amongst the registered surveyors;
- (b) 3 registered surveyors selected from a list of not less than 4 registered surveyors submitted by the Singapore Institute of Surveyors and Valuers; and
- (c) such other registered surveyors, not being more than 3, as the Minister may determine.

[37/2004]

(3) A member of the Board shall be appointed for a term not exceeding 2 years but may from time to time be reappointed, and may at any time be removed from office by the Minister.

[37/2004]

(4) A person shall not be qualified to be appointed as a member of the Board under subsection (2) if —

- (a) he is not a citizen or a permanent resident of Singapore;
- (b) he is an undischarged bankrupt or has made any arrangement or composition with his creditors;
- (c) he has been convicted of any offence involving fraud, dishonesty or moral turpitude, or of any other offence implying a defect in character which makes him unfit for the surveying profession; or
- (d) he is of unsound mind or incapacitated by physical illness.

[37/2004]

(5) The office of any appointed member of the Board shall become vacant if the member —

- (a) dies;
- (b) resigns or is removed from office; or
- (c) becomes in any manner disqualified for office within the meaning of subsection (4).

(6) The vacancy created under subsection (5) 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.

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

(8) Any question as to whether a person has ceased to be a member of the Board appointed under subsection (2) shall be determined by the Board whose decision shall be final.

[37/2004]

### **Meetings of Board and quorum**

**5.—**(1) The Board shall meet at such times and such places as the President may appoint.

(2) At any meeting of the Board, 3 members present 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 President shall preside and in his absence the members present shall elect from among themselves one member to preside over the meeting.

(4) The member presiding at any meeting of the Board shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(5) Subject to the provisions of this Act, the Board may determine its own procedure.

### **Common seal of Board**

**6.—**(1) The common seal of the Board shall bear such 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 thinks fit.

(2) The common seal shall be kept in the custody of the President and shall be authenticated by the President or other member acting in the absence of the President.

(3) Any document purporting to be sealed and authenticated under subsection (2) shall, until the contrary is proved, be deemed to be validly executed.

### **Functions of Board and committees**

**7.—**(1) The functions of the Board shall be —

- (a) to keep and maintain a register of surveyors, an annual register of practitioners and an annual register of licensees;



- (b) to hold or arrange for the holding of such examinations as the Board considers necessary for the purpose of enabling persons to qualify for registration under this Act;
- (c) to approve or reject applications for registration under section 12 or to approve any such applications subject to such restrictions as it thinks fit to impose;
- (d) to establish, maintain and develop the standard of professional conduct and ethics of the surveying profession;
- (e) to promote learning and education in connection with the profession of surveying;
- (f) to hear and determine disputes relating to professional conduct or ethics of registered surveyors or licensed corporations or partnerships;
- (g) to appoint arbitrators for the purpose of hearing and determining disputes between registered surveyors, licensed corporations or partnerships and other persons;
- (h) to license corporations and partnerships which supply survey services in Singapore; and
- (i) generally to do all such acts, matters and things as are necessary to be carried out under the provisions of this Act.

[35/98; 34/99]

(2) The Board may appoint such committees from among its members or other persons (whether or not they are registered surveyors) as it thinks fit to assist or advise the Board on such matters arising out of its functions under this Act as are referred to them by the Board.

### **Registrar, officers and employees**

**8.—**(1) The Board may appoint a Registrar and such other officers and employees as it thinks necessary.

(2) The Registrar shall —

- (a) be under the general direction of the Board;
- (b) sign all certificates of registration, practising certificates and licences; and
- (c) record all entries of registration, cancellations and reinstatements in the register of surveyors, annual register of practitioners and annual register of licensees.

- (3) The Registrar shall —
  - (a) attend all meetings of the Board and record the proceedings thereof; and
  - (b) conduct the correspondence and deal with such matters as may be assigned to him by the President or by the Board.
- (4) The Registrar shall —
  - (a) as soon as possible after 1st January in each year, prepare and publish in the *Gazette* a list of the names of all registered surveyors who have in force a practising certificate and the principal business address at which the person practises in Singapore; and
  - (b) from time to time publish in the *Gazette* such supplementary lists of the names of persons added to or removed from the register of practitioners as may be required.

## Registers

- 9.—(1) The Board shall keep and maintain —
- (a) a register of surveyors in which shall be entered the names of all persons registered under this Act, the qualifications by virtue of which they are so registered and such other particulars in relation thereto as may from time to time be determined by the Board;
  - (b) an annual register of practitioners in which shall be entered the particulars as contained in the declaration delivered under section 15 (3) (a); and
  - (c) an annual register of licensees in which shall be entered the names of all licensed corporations and partnerships and such other particulars in relation thereto as may from time to time be determined by the Board.
- (2) Any person may, on payment of the prescribed fee, inspect any register mentioned in subsection (1) at any time during the office hours of the Board.
- (3) A copy of any entry in any register kept and maintained under this section purporting to be certified by the Registrar as a true copy thereof shall in all proceedings be prima facie evidence of the matters specified therein.

**PART III****PRIVILEGES OF LAND SURVEYORS****Illegal practice**

**10.**—(1) Subject to the provisions of this Act, no person shall certify to the correctness or accuracy of any survey unless he is an authorised surveyor or a registered surveyor, and has in force a practising certificate.

[37/2004]

(2) Subject to the provisions of this Act, no person shall —

- (a) use or cause or permit 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 authorised to supply survey services in Singapore; or
- (b) advertise or hold himself out or conduct himself in any way or by any means as a person authorised to supply survey services in Singapore,

unless at the time of so doing the person is a registered surveyor who has in force a practising certificate, or is a licensed corporation, a licensed partnership or a partnership consisting wholly of registered surveyors.

[35/98; 34/99]

(3) Subject to the provisions of this Act, no person shall be entitled to recover in any court any charge, fee or remuneration for any survey services rendered in Singapore, unless the person rendering such services is —

- (a) a registered surveyor who has in force a practising certificate and is doing so on his own account or as a partner in a licensed partnership or a partnership consisting wholly of registered surveyors;
- (b) an allied professional and is doing so only by reason of being a partner in a licensed partnership; or
- (c) a licensed corporation.

[35/98; 34/99]

(4) Subject to the provisions of this Act, no person shall perform or execute any survey or engage in any survey work in Singapore unless he is —

- (a) a registered surveyor who has in force a practising certificate;

(b) an authorised surveyor who has in force a practising certificate; or

(c) under the direction or supervision of any of the persons mentioned in paragraphs (a) and (b).

[35/98; 34/99; 17/2001; 37/2004]

(5) Any person who contravenes subsection (1), (2) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000.

### **Saving for winding up of corporation**

**11.** Nothing in section 10 (2) (a) shall apply to prevent a corporation that ceases to have in force a licence from carrying on any activity necessary to the winding up of the corporation.

## **PART IV**

### **REGISTRATION OF SURVEYORS**

#### **Persons entitled to be registered**

**12.—**(1) Subject to the provisions of this Act, every person who is 21 years of age and above shall, on payment of the prescribed fee, be entitled to be registered under this Act if he satisfies the Board that —

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

(b) 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; or

(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.

[34/99]

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

#### **Application for registration**

**13.** Every application for registration under this Act shall be made to the Board in such form and manner as may be prescribed.

**Certificate of registration**

**14.** 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.

**PART V****PRACTISING CERTIFICATES****Practising certificates**

**15.—(1)** Where a registered surveyor desires to engage in survey work in Singapore after 31st December of any year, he shall, not later than 1st December of that year, make an application in the prescribed form and manner for a practising certificate authorising him to engage in such survey work in the ensuing year.

[35/98; 34/99]

(2) Notwithstanding subsection (1), where a registered surveyor applies for a practising certificate for the first time after registration under section 12, the application shall be in the prescribed form and may be made at any time during the year and the registered surveyor may be issued a practising certificate for the remainder of the year in which the application is made.

(3) Any application by a registered surveyor under this section shall be addressed to the Board and be accompanied by —

(a) a declaration in writing stating —

- (i) his full name;
- (ii) the name under which he practises if different from his own name, or the name of the corporation or partnership employing him; and
- (iii) the principal and any other address or addresses at which he practises in Singapore;

(b) such evidence as the Board may require that the applicant has complied with or is exempt from the rules relating to —

- (i) insurance against professional liability; and
- (ii) continuing professional development; and

(c) the prescribed fee,

and the Board shall, subject to subsection (4), thereupon issue to the registered surveyor a practising certificate.

[37/2004]

(4) The Board may refuse to issue a practising certificate if —

- (a) the applicant is an undischarged bankrupt;
- (b) the applicant has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors;
- (c) the applicant does not intend to practise either on his own account or in partnership, or is not or not about to be employed by any person lawfully supplying survey services in Singapore;
- (d) the declaration under subsection (3) (a) contains a statement that to its knowledge is false in a material particular; or
- (e) the conduct of the applicant affords reasonable grounds for believing that he will not engage in survey work in Singapore in accordance with the written law and with honesty and integrity.

*[15/95; 35/98; 34/99; 37/2004]*

(5) Any registered surveyor (not being a registered surveyor who is applying for a practising certificate for the first time) who fails to apply for a practising certificate in the manner and within the period laid down in subsection (1) may, on the making of an application in such form and on payment of such additional fee as may be prescribed, be issued a practising certificate for —

- (a) the ensuing year if the application is made during the month of December of any year; or
- (b) the remainder of the year if the application is made on or after 1st January of any year.

(6) Subject to subsection (9), a practising certificate shall, unless earlier cancelled, be in force from the date of its issue until 31st December of the year in respect of which it is issued.

(7) A practising certificate shall specify the address of the principal place of practice and all other places of practice of the registered surveyor in respect of whom the practising certificate was issued.

(8) Any change in such address shall be notified by the registered surveyor concerned to the Registrar within 2 weeks of such change and an endorsement of such change on the practising certificate shall be obtained from the Registrar.

(9) Where the registration of a surveyor is cancelled under section 16, the practising certificate, if any, of that surveyor for the

time being in force shall expire immediately and the date of such expiration shall be entered by the Registrar on the register of practitioners.

(10) Any person whose application for a practising certificate has been refused by the Board may, within 30 days after being notified of such refusal, appeal to the High Court whose decision shall be final.

### **Cancellation of practising certificates**

**16.—**(1) The Board may cancel a practising certificate of any registered surveyor on any ground specified in section 15 (4) which applies to the registered surveyor, whether or not such ground existed at the time when the practising certificate was issued.

(2) The Board shall not cancel any practising certificate under subsection (1) unless an opportunity of being heard either personally or by counsel has been given to the person concerned.

(3) Any person whose practising certificate has been cancelled by the Board under this section may, within 30 days after being notified of such cancellation, appeal to the High Court whose decision shall be final.

## **PART VI**

### **MULTI-DISCIPLINE AND CORPORATE PRACTICE**

#### **Licence for multi-discipline and corporate practice**

**17.—**(1) Subject to the provisions of this Act, the Board may grant a licence to any limited corporation to supply survey services in Singapore if —

- (a) the memorandum of association of the corporation provides that a primary object of the corporation is to supply survey services;
- (b) it has a paid-up capital of at least \$1 million;
- (c) the articles of association of the corporation provide that a prescribed number or proportion of the directors of the corporation shall be registered surveyors or allied professionals;

- (d) the business of the corporation, so far as it relates to survey work in Singapore, will be under the control and management of a director of the corporation who —
  - (i) is a registered surveyor who has in force a practising certificate; and
  - (ii) is authorised under a resolution of the board of directors of the corporation to make all final survey decisions on behalf of the corporation with respect to the requirements of this Act or any other law relating to the supply of survey services by the corporation; and
- (e) the corporation is insured against professional liability in accordance with section 21 and the rules made under section 38.

[35/98; 34/99; 37/2004; 21/2005]

(2) Subject to the provisions of this Act, the Board may grant a licence to any unlimited corporation to supply survey services in Singapore if —

- (a) the memorandum of association of the corporation provides that a primary object of the corporation is to supply survey services;
- (b) the articles of association of the corporation provide that —
  - (i) no person shall be a director of the corporation unless he is either a registered surveyor or an allied professional; and
  - (ii) no person shall be registered as a member of the corporation unless he is —
    - (A) a registered surveyor or an allied professional, or a nominee of such a person; and
    - (B) a director, a manager or an employee of the corporation; and
- (c) the business of the corporation, so far as it relates to survey work in Singapore, will be under the control and management of a director of the corporation who —
  - (i) is a registered surveyor who has in force a practising certificate;
  - (ii) is a member, or a registered owner of at least one share, of the corporation; and



- (iii) is authorised under a resolution of the board of directors of the corporation to make all final survey decisions on behalf of the corporation with respect to the requirements of this Act or any other law relating to the supply of survey services by the corporation.

[37/2004]

(3) Subject to the provisions of this Act, the Board may grant a licence to any partnership not consisting wholly of registered surveyors to supply survey services in Singapore if —

- (a) the partnership is one in which only registered surveyors, each of whom shall have in force a practising certificate, and allied professionals have a beneficial interest in the capital assets and profits of the partnership; and
- (b) the business of the partnership, so far as it relates to survey work in Singapore, will be under the control and management of a partner who is a registered surveyor and has in force a practising certificate.

[35/98; 34/99; 37/2004]

(4) Subject to the provisions of this Act, the Board may grant a licence to any corporation or partnership to supply survey services in Singapore if the corporation or partnership has in force a licence granted under section 20 of the Architects Act (Cap. 12) or section 20 of the Professional Engineers Act (Cap. 253) and —

- (a) in the case of an unlimited corporation, the corporation complies with the requirements set out in subsection (2) (b) and (c);
- (b) in the case of any other corporation, the corporation complies with the requirements set out in subsection (1) (b), (c), (d) and (e); or
- (c) in the case of a partnership, the partnership complies with the requirements set out in subsection (3).

[35/98; 34/99; 37/2004]

(5) Any application for a licence under this section shall be in such form and shall be made in such manner as may be prescribed.

(6) The Board may refuse to grant a licence under this section to any corporation (whether unlimited or not) or partnership if, in the opinion of the Board, the past conduct of any director, manager or employee of the corporation, or any partner, manager or employee of the partnership, affords reasonable grounds for believing that the

corporation or partnership, as the case may be, will not supply survey services in Singapore in accordance with the written law and with honesty and integrity.

[35/98; 34/99]

(7) Every licence granted under this section shall, unless earlier revoked, be valid for such period as may be specified therein.

(8) Any person whose application for a licence has been refused by the Board may, within 30 days after being notified of such refusal, appeal to the Minister whose decision shall be final.

(9) In subsection (1), “prescribed number or proportion of the directors” means —

- (a) a majority of the directors, where no number or proportion is specified under paragraph (b); or
- (b) such number or proportion of the directors as the Minister may, by notification in the *Gazette*, specify for the purposes of subsection (1).

[22

[37/2004]

### Conditions of licence

**18.—**(1) It shall be a condition of every licence granted to any corporation or partnership that the corporation or partnership shall supply survey services in Singapore only under the control and management of a registered surveyor who has in force a practising certificate and who is —

- (a) in the case of a limited corporation, a director or an employee of the corporation;
- (b) in the case of an unlimited corporation which has a share capital, either a director or an employee of the corporation who is a registered owner of at least one share of the corporation;
- (c) in the case of an unlimited corporation which does not have any share capital, either a director or an employee of the corporation who is a member of the corporation; or
- (d) in the case of a partnership, a partner thereof.

[37/2004]

(2) It shall be a condition of every licence granted to any corporation (other than an unlimited corporation) that the corporation shall not supply survey services in Singapore unless the

corporation is insured in respect of professional liability in accordance with section 21 and the rules made under section 38.

[37/2004]

(3) Without prejudice to subsections (1) and (2), the Board may —

- (a) grant a licence subject to such other conditions as it thinks fit; and
- (b) at any time vary any existing conditions (other than those specified in subsections (1) and (2)) of such a licence or impose additional conditions thereto.

(4) Where a licence is granted by the Board to a corporation or partnership subject to conditions (other than those specified in subsections (1) and (2)), the corporation or partnership may, if aggrieved by the decision of the Board, appeal in the prescribed manner to the Minister whose decision shall be final.

[23]

### **Change in composition of board of directors, members, etc.**

**19.—**(1) Any licensed corporation shall, within 30 days of the occurrence of —

- (a) any alteration of its memorandum or articles of association to remove the restrictions, limitations or prohibitions of the kind specified in section 17 (1), (2) or (4), whichever is applicable;
- (b) any change in the composition of its board of directors, members or shareholders; or
- (c) any revocation of any resolution passed by the board of directors under section 17 (1) (d) (ii) or (2) (c) (iii),

furnish the Board a true report in writing giving full particulars of the alteration, change or revocation, as the case may be.

[37/2004]

(2) Any licensed partnership shall, within 30 days of the occurrence of any change in the composition of its members, furnish the Board a true report in writing giving full particulars of the change.

[24]

### **Application of Companies Act**

**20.—**(1) Sections 162, 163 and 197 of and the Eighth Schedule to the Companies Act (Cap. 50) shall apply to a licensed corporation which is an exempt private company subject to the modification that

any reference in those sections and that Schedule to an exempt private company shall not include a reference to the licensed corporation.

(2) Every such licensed corporation shall —

- (a) comply with the prohibitions in section 162 (relating to loans to its directors) and section 163 (relating to loans to persons connected with the directors of the lending company) of the Companies Act (Cap. 50) as if it were not an exempt private company; and
- (b) forward annually to the Registrar of Companies, together with the annual return required by section 197 of the Companies Act, such copies of documents as are required to be included in the annual return and such certificates and particulars in accordance with the prescribed form referred to in section 197 (2) of that Act as if it were not an exempt private company.

[12/2002]

(3) In this section, “exempt private company” has the same meaning as in the Companies Act.

[25]

### **Liability insurance**

**21.** Every licensed corporation which is not an unlimited corporation shall be insured against liability for any breach of professional duty arising out of the conduct of its business of supplying survey services as a direct result of any negligent act, error or omission committed by the corporation or its directors, managers, secretaries or employees.

[26]

[35/98; 34/99]

### **Relationship between client and corporation**

**22.** A licensed corporation shall have the same rights and shall be subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation that exist at law between a registered surveyor and his client.

[27]

### **Professional responsibility of supervising surveyor**

**23.** A registered surveyor who has the control and management of the business of a licensed corporation or licensed partnership relating to the supply of survey services in Singapore shall be subject to the

same standards of professional conduct and competence in respect of the business as if the survey services were personally supplied by the registered surveyor.

[28

[35/98; 34/99]

## PART VII

### DISCIPLINARY PROCEEDINGS AND REVOCATION OF LICENCES

#### **Appointment of Investigation Committees**

**24.**—(1) Without prejudice to the generality of section 7 (2), the Board may appoint one or more Investigation Committees, consisting of such number of members (which may include members of the Board) as the Board may determine, for the purpose of investigating into any complaint against a registered surveyor or a licensed corporation or partnership.

(2) An Investigation Committee shall, after investigating into any complaint, report to the Board on the matter and the report shall, amongst other things, deal with the question of the necessity or otherwise of a hearing by the Board under section 25 or 27.

(3) An Investigation Committee shall meet from time to time for the despatch of business and, subject to the provisions of this Act, may regulate its own procedure.

(4) Any member of the Board who is a member of an Investigation Committee investigating into any complaint against a registered surveyor or a licensed corporation or partnership —

(a) shall not take part in any deliberation of the Board under section 25 or 27, as the case may be, with respect to that registered surveyor, corporation or partnership; and

(b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or decision.

[29]

#### **Cancellation of registration or suspension from practice**

**25.**—(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 12 months under any of the following circumstances:

- (a) if he is convicted of any offence involving fraud, dishonesty or moral turpitude;
- (b) if his registration under section 12 or practising certificate was obtained by fraud or misrepresentation;
- (c) if his qualification for registration under section 12 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;
- (e) if it appears to the Board that he has contravened any provision of the prescribed code of professional conduct and ethics;
- (f) if it appears to the Board that he is no longer in a position to carry out the duties of a registered surveyor effectively;
- (g) if it appears to the Board that the registered surveyor, while being a director, manager, or an employee of a corporation, or a partner, manager or an employee of a partnership, had failed to take reasonable steps to prevent the corporation or partnership from acting in a manner (other than as described in section 27 (1) (e)) which would warrant the Board revoking any licence granted to the corporation or partnership or imposing a penalty under section 27;
- (h) if he has been adjudicated a bankrupt;
- (i) if he has been convicted of any offence under this Act;
- (j) if he refuses or fails to comply with any order of the Board made under subsection (2) (a) or (c); or
- (k) if he refuses or fails to pay the cost of any correction to his cadastral survey within 14 days of the receipt of a statement issued to him under section 11E (4) of the Boundaries and Survey Maps Act (Cap. 25).

[35/98; 37/2004]

(2) The Board may, in any case in which it considers that no cause of sufficient gravity for cancellation of registration or suspension from practice exists —

- (a) by order impose on the registered surveyor a penalty not exceeding \$10,000;
- (b) by writing under the hand of the President censure the registered surveyor; or

- (c) order the registered surveyor to pay the cost of any correction to his cadastral survey incurred by the Chief Surveyor.

[35/98]

(3) The Board shall not exercise its powers under subsection (1) or (2) unless —

- (a) an opportunity of being heard either personally or by counsel has been given to the registered surveyor against whom the Board intends to exercise its powers; and
- (b) there has been a hearing at which at least 3 members of the Board are present.

(4) Every penalty imposed by the Board under subsection (2) (a) shall be recoverable as a debt due to the Board.

(5) While any order of suspension from practice made under this section remains in force, the person concerned shall not for the purposes of this Act be regarded as having in force a practising certificate but immediately on the expiry or annulment of such order, his privileges as a registered surveyor shall be revived as from the date of expiry or annulment.

(6) Any order of cancellation of registration or suspension from practice shall not take effect until the expiration of a period of 30 days after the Board has informed the person concerned, but if within that period the person concerned gives due notice of appeal to the High Court, the order shall not take effect unless the order is confirmed by the Court or the appeal is for any reason dismissed by the Court.

(7) For the purposes of subsection (1) (g), a registered surveyor shall not be deemed to have taken reasonable steps to prevent the doing of any act by a corporation or partnership unless he satisfies the Board that —

- (a) the act was done without his knowledge;
- (b) he was not in a position to influence the conduct of the corporation or partnership in relation to its action; or
- (c) he, being in such a position, exercised all due diligence to prevent the corporation or partnership from so acting.

(8) In this section, references to acts done include references to omissions to act and to a series of acts or omissions to act.

**Removal from registers**

**26.**—(1) There shall be removed from the register of surveyors and register of practitioners the name and other particulars of any registered surveyor —

- (a) who has died;
- (b) whose registration has been cancelled under section 25; or
- (c) who has not renewed his practising certificate for a continuous period of not less than 10 years.

(2) Any registered surveyor may apply to the Board to have his name removed from the register of surveyors.

(3) Every application under subsection (2) shall be made in the prescribed form and shall be supported by an affidavit served on the Board not less than 2 months before the application is heard.

(4) The Board may for good cause require the applicant to advertise his intention to make the application in such manner as the Board shall direct.

(5) Subject to subsection (6), the Board may after hearing the application direct the Registrar to remove the name of the applicant from the register of surveyors.

(6) No order shall be made on an application under subsection (2) if the Board is satisfied that —

- (a) disciplinary action is pending against the applicant; or
- (b) the conduct of the applicant is the subject of inquiry or investigation by an Investigation Committee.

[31

**Revocation of licence**

**27.**—(1) Subject to subsection (3), the Board may by order revoke any licence granted to a corporation or partnership if in the opinion of the Board —

- (a) the corporation or partnership has failed to comply with any of the conditions imposed by the Board under section 18;
- (b) the memorandum or articles of association of the corporation have been so altered that they no longer include the restrictions, limitations or prohibitions of the kind specified in section 17 (1), (2) or (4), whichever is applicable;
- (c) a person who is neither —



- (i) a registered surveyor who has in force a practising certificate; nor
- (ii) an allied professional,  
has a beneficial interest in the capital assets and profits of the partnership;
- (d) the licence had been obtained by fraud or misrepresentation;
- (e) the corporation or partnership has ceased to supply survey services in Singapore;
- (f) the corporation or partnership has contravened section 19, 20 or 21, or has been convicted of an offence under this Act;
- (g) the corporation or partnership has contravened any provision of the prescribed code of professional conduct and ethics;
- (h) the conduct of any director, manager or employee of the corporation, or any partner, manager or employee of the partnership, affords grounds for believing that the corporation or partnership, as the case may be, will not engage in survey work in Singapore in accordance with the written law and with honesty and integrity;
- (i) the corporation or partnership has refused or failed to comply with an order of the Board made under subsection (2); or
- (j) the corporation or partnership refuses or fails to pay the cost of any correction to its cadastral survey within 14 days of the receipt of a statement issued to it under section 11E (4) of the Boundaries and Survey Maps Act (Cap. 25).

[35/98; 34/99; 37/2004]

(2) The Board may, in any case in which it considers that no cause of sufficient gravity for revoking a licence exists —

- (a) by order impose on the corporation or partnership concerned a penalty not exceeding \$20,000 and every such penalty shall be recoverable as a debt due to the Board; or
- (b) order the corporation or partnership to pay the cost of any correction to its cadastral survey incurred by the Chief Surveyor.

[35/98]

(3) The Board shall not exercise its powers under subsection (1) or (2) unless —

- (a) an opportunity of being heard by a representative in writing or by counsel had been given to the corporation or

partnership against whom the Board intends to exercise its powers; and

(b) at least 3 members of the Board are present at the hearing.

(4) Where the Board has revoked a licence under this section, it shall immediately inform the corporation or partnership concerned.

(5) Any order of revocation made by the Board shall not take effect until the expiration of 30 days after the Board has informed the corporation or partnership concerned and if within that period the corporation or partnership gives due notice of appeal to the High Court, the order shall not take effect unless the order is confirmed by the Court or the appeal is for any reason dismissed by the Court.

(6) Where an order of revocation becomes effective —

(a) the Registrar shall cause notice of the revocation to be published in the *Gazette* and shall cancel the entry in the register of licensees relating to the corporation or partnership concerned; and

(b) the corporation or partnership concerned shall, as from the date of the notice, cease to supply survey services in Singapore except as may be approved by the Board for the purpose of winding up its business.

[35/98; 34/99]

(7) Subsection (6) (b) shall not prejudice the enforcement by any person of any right or claim against the corporation or partnership or by the corporation or partnership of any right or claim against any person.

[32]

## Appeals

**28.** Where the Board has made —

(a) an order of cancellation of registration or suspension from practice under section 25 against a registered surveyor;

(b) an order of revocation of a licence under section 27 against a corporation or partnership; or

(c) an order imposing any pecuniary penalty on a registered surveyor under section 25 (2) or on a corporation or partnership under section 27 (2),

the registered surveyor, corporation or partnership concerned may, within 30 days after the order or penalty has been communicated to him or it, appeal to the High Court whose decision shall be final.

[33]

**Reinstatement of registration**

**29.** 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 the provisions of Part IV.

[34]

**Powers to require attendance of witnesses, etc.**

**30.—**(1) For the purposes of any investigation by an Investigation Committee or any hearing under section 25 or 27 by the Board, the Investigation Committee or the Board may —

- (a) require evidence to be given on oath and for that purpose the Chairman of the Investigation Committee or any member of the Board, as the case may be, may administer an oath; and
  - (b) require any person to attend and give evidence before it and to produce all books, documents and papers in the custody of that person or under his control relating to the subject-matter of the investigation or hearing.
- (2) Every person who, without lawful excuse, refuses or fails —
- (a) to attend and give evidence when required to do so by the Investigation Committee or the Board;
  - (b) to answer truly and fully any question put to him by a member of the Investigation Committee or the Board; or
  - (c) to produce to the Investigation Committee or the Board any book, document or paper required of him,

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

[35]

**Board may appoint legal counsel**

**31.** For the purposes of any investigation by an Investigation Committee, any hearing under section 25 or 27 by the Board or any appeal to the High Court under section 28, the Investigation Committee or the Board, as the case may be, may appoint an advocate and solicitor and pay him such remuneration as the Board may determine.

[35A

[37/2004]

**Costs and expenses**

**32.—**(1) Where the Board has made —

- (a) an order of cancellation of registration or suspension from practice under section 25 against a registered surveyor;
- (b) an order of revocation of a licence under section 27 against a corporation or partnership; or
- (c) an order imposing any pecuniary penalty on a registered surveyor under section 25 (2) or on a corporation or partnership under section 27 (2),

the Board may order the registered surveyor, corporation or partnership, as the case may be, to pay to the Board such sum as it thinks fit in respect of costs and expenses incurred by the Board.

[37/2004]

(2) The High Court shall have the jurisdiction to tax any sum ordered by the Board under subsection (1), and such order shall be enforceable as if it were ordered in connection with a civil action in the High Court.

[37/2004]

(3) The costs and expenses referred to in subsection (1) shall include —

- (a) the costs and expenses of any advocate and solicitor appointed under section 31;
- (b) such reasonable expenses as the Board may pay to witnesses; and
- (c) such reasonable expenses as may be incurred by the Board in respect of the investigation by the Investigation Committee or in the conduct of proceedings before the Board or any appeal to the High Court.

[35B

[37/2004]

**PART VIII****GENERAL****Application of fees, etc., received by Board**

**33.—**(1) All fees, penalties and other moneys payable under this Act shall be paid to the Board to be applied —

- (a) in the first place to defraying the expenses incurred by the Board in the administration of this Act, including the

remuneration of the Registrar and other officers and employees of the Board; and

- (b) thereafter to providing scholarships and the promotion of learning and education in connection with the surveying profession.

[17/2001; 37/2004]

(2) The Registrar 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 immediately 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.

[42]

**Penalty for wilful falsification of register and for wrongfully procuring registration, etc.**

**34.** Any person who —

- (a) wilfully makes or causes to be made any false entry in or falsification of any register kept and maintained under this Act;
- (b) wilfully procures or attempts to procure —
  - (i) for any corporation or partnership any licence; or
  - (ii) for himself or any other person a practising certificate or 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, or by intentionally suppressing any material fact and furnishing information which is misleading; or
- (c) knowingly aids or assists in any of the acts mentioned in paragraph (a) or (b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000.

[43]

[34/99; 37/2004]

### **Offences by bodies corporate, etc.**

**35.** Where a corporation, partnership or an unincorporated association of persons is guilty of an offence under this Act and that offence is proved to have been committed with the authority, consent or connivance of any director, manager, partner, secretary or other similar officer of the corporation, partnership or association or any person who was purporting to act in any such capacity, he, as well as the corporation, partnership or association, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

[44]

### **No action or proceedings in absence of bad faith or malice**

**36.** No action or proceedings shall lie against the Board, an Investigation Committee or any member thereof for any act or thing done under this Act unless it is proved to the court that the act or thing was done in bad faith or with malice.

[45]

### **Exemption**

**37.—(1)** The Minister may, by order and subject to such conditions as he thinks fit, exempt any person or class of persons from all or any of the provisions of this Act.

(2) Any order made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[46]

### **Rules**

**38.—(1)** The Board may, with the approval of the Minister, make rules for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without prejudice to the generality of subsection (1), the Board may, with the approval of the Minister, make rules —

- (a) prescribing forms of applications under this Act and certificates of registration, practising certificates and licences;
- (b) prescribing the requirements relating to continuing professional development to be satisfied under this Act;

- (c) prescribing the fees payable to the Board under this Act;
- (d) prescribing the subject-matter of examinations to be conducted by or under the direction of the Board in the case of applicants or class of applicants for registration;
- (e) prescribing the form of the register of surveyors, register of practitioners and register of licensees to be kept and the particulars to be entered therein;
- (f) prescribing a code of professional conduct and ethics;
- (g) requiring all or any of the following to take out and maintain insurance against liability for breach of professional duty in the course of supplying survey services:
  - (i) any partnership consisting wholly of registered surveyors;
  - (ii) any partnership or unlimited corporation applying for a licence;
  - (iii) any registered surveyor applying for a practising certificate for the purpose of engaging in survey practice on his own account;
  - (iv) any registered surveyor applying for a practising certificate who is employed or about to be employed by any person or body referred to in sub-paragraphs (i), (ii) and (iii);
  - (v) any other registered surveyor applying for a practising certificate;
- (h) prescribing the terms and conditions of insurance against professional liability under this Act, including a minimum limit of indemnity; and
- (i) regulating the proceedings of an Investigation Committee.

*[35/98; 34/99; 17/2001; 37/2004]*

(3) All rules made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

## LEGISLATIVE HISTORY

### LAND SURVEYORS ACT (CHAPTER 156)

This Legislative History is provided for the convenience of users of the Land Surveyors Act. It is not part of the Act.

#### **1. Act 24 of 1991 — Land Surveyors Act 1991**

Date of First Reading	: 27 February 1991 (Bill No. 11/91 published on 28 February 1991)
Date of Second and Third Readings	: 28 June 1991
Date of commencement	: 30 August 1991

#### **2. 1992 Revised Edition — Land Surveyors Act (Chapter 156)**

Date of operation	: 9 March 1992
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#### **3. Act 15 of 1995 — Bankruptcy Act 1995**

(Consequential amendments made to Act by)

Date of First Reading	: 25 July 1994 (Bill No. 16/94 published on 29 July 1994)
Date of Second Reading	: 25 August 1994
Date Committed to Select Committee	: 25 August 1994
Date of Presentation of Select Committee Report	: 7 March 1995 (Parl 1 of 1995)
Date of Third Reading	: 23 March 1995
Date of commencement	: 15 July 1995

#### **4. Act 3 of 1998 — Planning Act 1998**

(Consequential amendments made to Act by)

Date of First Reading	: 19 November 1997 (Bill No. 18/97 published on 20 November 1997)
Date of Second and Third Readings	: 14 January 1998
Date of commencement	: 1 April 1998



**5. Act 35 of 1998 — Boundaries and Survey Maps Act 1998**

(Consequential amendments made to Act by)

- Date of First Reading : 31 July 1998  
(Bill No. 32/98 published on 1 August 1998)
- Date of Second and Third Readings : 4 September 1998
- Date of commencement : 16 October 1998

**6. Act 34 of 1999 — Land Surveyors (Amendment) Act 1999**

- Date of First Reading : 6 July 1999  
(Bill No. 21/99 published on 7 July 1999)
- Date of Second and Third Readings : 17 August 1999
- Date of commencement : 1 March 2000

**7. Act 17 of 2001 — Singapore Land Authority Act 2001**

(Consequential amendments made to Act by)

- Date of First Reading : 5 March 2001  
(Bill No. 17/2001 published on 7 March 2001)
- Date of Second and Third Readings : 19 April 2001
- Date of commencement : 1 June 2001

**8. 2002 Revised Edition — Land Surveyors Act (Chapter 156)**

- Date of operation : 31 December 2002

**9. Act 12 of 2002 — Companies (Amendment) Act 2002**

(Consequential amendments made to Act by)

- Date of First Reading : 23 May 2002  
(Bill No. 16/2002 published on 24 May 2002)
- Date of Second and Third Readings : 8 July 2002
- Date of commencement : 15 August 2002 (sections 2 (a) and 36)  
1 January 2003 (sections 37 to 41, 55 (b) and (c) and 61)  
13 January 2003 (sections 2 (b), 3 to 35, 42 to 54, 55 (a), 56 to 60, 62, 63 and 64)

**10. Act 30 of 2003 — Planning (Amendment) Act 2003**

(Consequential amendments made to Act by)

Date of First Reading	: 16 October 2003 (Bill No. 27/2003 published on 17 October 2003)
Date of Second and Third Readings	: 11 November 2003
Date of commencement	: 10 December 2003

**11. Act 37 of 2004 — Land Surveyors (Amendment) Act 2004**

Date of First Reading	: 1 September 2004 (Bill No. 36/2004 published on 2 September 2004)
Date of Second and Third Readings	: 21 September 2004
Date of commencement	: 31 March 2005

**12. Act 21 of 2005 — Companies (Amendment) Act 2005**

(Consequential amendments made to Act by)

Date of First Reading	: 18 April 2005 (Bill No. 11/2005 published on 19 April 2005)
Date of Second and Third Readings	: 16 May 2005
Date of commencement	: 30 January 2006

## COMPARATIVE TABLE

### LAND SURVEYORS ACT (CHAPTER 156)

The following provisions in the 2002 Revised Edition of the Land Surveyors Act have been renumbered by the Law Revision Commissioners in this 2006 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Land Surveyors Act.

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<b>2006 Ed.</b>	<b>2002 Ed.</b>
—	PART IX — CONDUCT OF CADASTRAL SURVEYS <i>(Repealed by Act 37/2004)</i>
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