

**BILL No. 16 of 2013**

*Wednesday 26<sup>th</sup> June, 2013*

PARLIAMENT OFFICE  
Public Buildings,  
Georgetown,  
Guyana.

26<sup>th</sup> June, 2013.

The following Bill which will be introduced in the National Assembly is published for general information.

*S.E. Isaacs,*  
Clerk of the National Assembly.



**GUYANA**

**BILL NO. 16 OF 2013**

**LAND SURVEYORS (PROFESSION) BILL 2013**

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**A BILL**  
**Intituled**

**AN ACT** to make provision for the establishment of a Board of Land Surveyors, the registration and licensing of land surveyors, the regulation of the practice of land surveying and for connected matters.

A.D. 2010

Enacted by the Parliament of Guyana:-

**PART I**  
**PRELIMINARY**

Short title and commencement.

1. This Act may be cited as the Land Surveyors (Profession) Act 2013 and shall come into operation on a date as the Minister may by order appoint.

Interpretation.

2. In this Act –

- (a) “Board” means the Board of Land Surveyors established by section 3;
- (b) “Chairperson” means the Chairperson of the Board;
- (c) “Commission” means the Guyana Lands and Surveys Commission established by the Guyana Lands and Surveys Commission Act 1999;
- (d) “content” in relation to land includes permanent structures, cemeteries and graves, utility poles and other fixtures;
- (e) “former Act” means the Land Surveyors Act;
- (f) “good character” means a personal history of honesty, fairness and respect for the rights of others and for the laws of Guyana;
- (g) “land” includes land covered by water and the seabed under Guyana’s jurisdiction;
- (h) “land surveyor” means a person who has taken the oath of land surveyor and holds a Certificate of Land Surveyor, registered and issued under section 13;
- (i) “land surveys” includes hydro-graphic surveys in which the topography of a river, lake, ocean, creek, conservancy or canal bed is determined;
- (j) “practice of land surveying” includes, but is not limited to, the performance of one or more of the following activities –

- (i) direct or remote measurement of land to determine the position of any boundary mark, paal or reference point which marks a property line, boundary or corner, for the purpose of determining the area, content or description of the land;
  - (ii) location, relocation, establishment, re-establishment, placing or replacing of boundary marks, paals or reference points which identify land boundaries, rights-of-way or easements;
  - (iii) plotting or laying-out land for the purpose of subdivision and setting out civil works;
  - (iv) direct or remote measurement of natural or man-made features in the air, on the surface and immediate sub-surface of the earth, within underground workings, and on the bed or surface of bodies of water, by angles, distances and elevations, for the purpose of determining or establishing their location, size, shape, volumes, topography, grades, contours, or water surface or depth, and the preparation and perpetuation of field notes, records, reports and maps depicting these features; and
  - (v) the preparation of description for use in legal instruments for property transactions;
- (k) "Registrar" means the registrar of the Board appointed under section 5;
- (l) "Tribunal" means a Disciplinary Tribunal of the Board established under section 21.



**PART II**  
**BOARD OF LAND SURVEYORS**

Establishment  
of Board.

3. (1) There is established a Board to be known as the Board of Land Surveyors.

First  
Schedule

(2) The provisions of the First Schedule shall have effect with respect to the  
Constitution and Procedure of the Board and other related matters.

Functions of  
Board.

4. The functions of the Board are to –

- (a) prescribe any additional qualifications necessary for registration as a Land Surveyor;
- (b) adopt procedures for the review and approval of the courses of study in land surveying at Institutions of higher education in Guyana based on the prescribed educational requirements for land surveying;
- (c) adopt procedures for accreditation of persons with relevant practical experience and qualifications in land surveying awarded by Institutions of higher education or other bodies within and outside of Guyana;
- (d) examine the qualifications of any person holding a Certificate of Competency in Land Surveying and desiring to practise as a Land Surveyor in Guyana;
- (e) keep a register of persons approved by them as duly qualified to be Land Surveyors;
- (f) negotiate and administer reciprocal arrangements with similar authorities in other countries for the purpose of securing uniformity and reciprocity in the recognition of persons engaged in the practice of land surveying;
- (g) prescribe requirements for the continuing professional education of land surveyors and adopt procedures for the approval of providers of continuing professional education;
- (h) promote and maintain high standards of professional conduct among persons engaged in the practice of land surveying in Guyana;
- (i) monitor adherence to and investigate breaches of the Code of Ethics referred to in section 19;
- (j) take disciplinary proceedings against miscreant Land Surveyors in accordance with this Act;
- (k) prescribe the fees to be paid including the fees to be paid for applications, registration and licensing; and

- (1) advise the Minister, after consultation with the professional body representing Land Surveyors, on the need for amendments to the laws relating to land surveying.

Appointment of Registrar.

5. (1) The Minister shall on the recommendation of the Board, appoint a Land Surveyor to be Registrar of the Board.

(2) The Registrar shall *ex officio* be the Secretary to the Board.

Application for registration as Land Surveyor.

6. Any person who desires to register as a Land Surveyor shall apply to the Registrar in writing in a form approved by the Board with

- (a) evidence of the person's qualifications;
- (b) proof of the person's identity; and
- (c) any other information as the Board requires in respect of matters referred to in section 7(b).

Qualifications for registration.

7. A person is qualified to be registered as a Land Surveyor if that person –

- (a) has a Certificate of Competency in Land Surveying awarded by the Board;
- (b) is of good character; and
- (c) has attained the age of twenty-one years or over.

Certificate of Competency in Land Surveying.

8. (1) The Board shall award a Certificate of Competency in Land Surveying to any person who has passed an examination set by the Board.

Second Schedule

(2) The examinations held by the Board and the subjects in relation to the examinations and other connected matters are set out in the Second Schedule.

Practice in addition to academic qualifications.

9. (1) In addition to academic qualifications, the Board may prescribe that, in order to qualify for registration as a Land Surveyor, an applicant shall have served at least one year in practice as a Surveyor-in-training with a Land Surveyor approved by the Board.

(2) Where the Board decides to invoke its powers under subsection (1), it may prescribe the manner in which the records shall be kept in relation to the work performed by persons in practice as surveyors-in-training.

Accreditation of persons with

qualifications  
awarded by  
other bodies.

10. (1) The Board shall examine and may accept, wholly or in part, qualifications in land surveying awarded by an Institution of higher education or other body –

- (a) within Guyana; or
- (b) outside of Guyana which is recognised by a nationally accepted accreditation organisation in the country in which the institution or body is located.

(2) The Board may require an applicant who presents qualifications awarded by an institution or body, referred to in subsection (1), which are accepted in part, to undertake specific courses of study in Guyana to complete the prescribed requirements for education in land surveying, in order to attain the requisite qualifications for registration.

Unqualified  
because of lack  
of good  
character.

11. Where an applicant is found to be unqualified for registration because of a lack of good character, the Board shall furnish the applicant with –

- (a) a statement containing the findings of the Board;
- (b) a complete record of the evidence upon which the determination was made; and
- (c) a notice –
  - (i) giving the applicant an opportunity to be heard by the Board within thirty days after service; and
  - (ii) of the rights of the applicant to appeal the decision of the Board.

Certification of  
courses in  
approved  
institutions.

12. (1) The Board shall review and approve the courses of study in land surveying in approved institutions of higher education based on the prescribed requirements for education in land surveying.

(2) The Board reserves the right to approve the appointment of the external examiners for any course of study in land surveying offered by the approved institution of higher education in Guyana, as a condition for recognition of the academic qualification in land surveying granted by that institution.

(3) The Board shall keep under review the approved courses of study in land surveying in recognised institutions of higher education in Guyana and may revoke the approval granted under subsection (1) if it thinks fit.

Certificate of  
Land Surveyor.



13. (1) Upon approval of an application by the Board and payment of the prescribed fee, the Commissioner shall administer the requisite Oath and issue to the applicant a registered Certificate of Land Surveyor authorising that person to practise land surveying in Guyana.

Third Schedule

(2) The Certificate of Land Surveyor shall be in the Form set out in the Third Schedule.

Register of land surveyors.

14. (1) The Registrar shall keep a register of all persons approved by the Board as Land Surveyors.

(2) The Register shall include the names, signatures, identifying initials, addresses and qualifications of land surveyors, the date of registration and any other particulars as the Board may determine.

(3) Not later than the 30<sup>th</sup> day of March in any year, the Registrar shall prepare a list showing the names and addresses of all persons registered under this Act in the preceding year and cause this list to be published in the *Gazette* and at least a daily newspaper of general circulation.

- (4) (a) The Registrar shall not remove from the register the name of any land surveyor;
- (b) If a land surveyor is deceased, the Registrar shall place beside that name the word 'deceased' and 'date of death';
- (c) If name of a land surveyor has been struck out from the register by the Board, the Registrar shall make the relevant annotation against that name; and
- (d) List of persons removed should be gazetted.

(5) Any person may have access to the register, within business hours, and may, on payment of the prescribed fee, obtain copies of registration records.

Notification of changes in particulars of registration.

15. (1) Where there is a change in any of the particulars recorded in the register, the holder of a Certificate of Land Surveyor shall notify the Registrar of the change within thirty days.

(2) On receipt of notice given under subsection (1), the Registrar shall amend the register as appropriate.

Seal.

16. (1) The Board shall prescribe a form of seal to be used by all Land Surveyors.

(2) Every land surveyor shall obtain an impression-type metal seal in the prescribed form and all final drawings, plans, specifications or reports issued by a land surveyor shall be signed by the land surveyor, dated and stamped with his seal, as evidence of the authenticity of that to which the signature, date and seal are affixed.

(3) Where a land surveyor's certificate of a land surveying has been revoked or suspended by the Board, or where a land surveyor has died or otherwise ceased to practise, the seal shall be surrendered to the Registrar within thirty days after that event.

(4) In the event that a land surveyor's certificate of land surveying has been suspended, the seal shall be returned to the land surveyor on the reinstatement of the certificate.

(5) A land surveyor shall not affix or permit to be affixed the land surveyor's seal or name to any plan, specification, drawing or other document which depicts work not carried out or not supervised by the land surveyor.

#### PART IV REGULATION OF PRACTICE

Licence of  
annual  
registration.

17. (1) A land surveyor shall not practise land surveying in any year unless the land surveyor obtains from the Board a licence of annual registration for that year.

(2) The registrar shall, on application by a land surveyor in the last quarter of the preceding year and payment of the prescribed fee, issue to the land surveyor a licence of annual registration, if the Board is satisfied that the land surveyor –

- (a) has complied with any continuing professional education requirements prescribed by the Board, if any;
- Cap. 88:01 (b) has a valid Practice Certificate issued under section 37 of the Tax Act; and
- (c) has a valid Certificate of Land Surveyor.

(3) Any land surveyor who is in the employ of the Commission or in the service of the Government as a land surveyor, who is not engaged in private practice, is entitled to have a licence of annual registration issued to the land surveyor without charge.

Unregistered

person not to  
practice land  
surveying.

18. (1) A person shall not, unless the person holds a Certificate of Land Surveyor issued under section 13 –

- (a) engage in the practice of land surveying whether or not for a fee or reward; or
- (b) use the name or title “land surveyor” or “Sworn Land Surveyor”.

(2) The provisions of subsection (1)(a) do not apply to any engineer or contractor or any employee or subordinate of a land surveyor, engineer or contractor, performing construction layout, except that, where the layout of major construction works shall be performed from boundaries, horizontal and vertical controls, those boundaries, horizontal and vertical controls shall be established by a land surveyor.

(3) In this section the expression “major construction works” means any works that are deemed to be major construction works by the Commissioner.

(4) A land surveyor employed by the Commission may, without permission from the Commissioner, carry out land surveying services for others outside of his normal working hours with the Commission, for a fee or otherwise, without any aliquot part of the fee being paid to the Commission.

Code of Ethics.

19. (1) The Board shall prepare and publish a Code of Ethics, designed primarily for the protection of the public, comprising standards to which land surveyors shall subscribe and which they shall follow in the practice of land surveying.

(2) In preparing the Code of Ethics, the Board shall consult with the professional body representing land surveyors and any other non-governmental organisations that, in their view, are representative of the interests of members of the public who commission survey work.

Professional  
indemnity  
insurance.

20. (1) A land surveyor shall carry professional liability insurance or provide notice to any person to whom land surveying services are offered that the land surveyor does not carry professional liability insurance.

(2) The notice required by subsection (1) shall be prominently displayed in the reception area of the land surveyor’s place of business and shall consist of a sign and any other written statements provided in a form and frequency as the Board may by regulation prescribe.

Disciplinary



Tribunal.

21. (1) There is established a Disciplinary Tribunal of the Board comprising the following members –

- (a) the members of the Board, other than the Chairperson;
- (b) an attorney-at-law of not less than eight years experience at the Bar who shall be the Chairperson of the Tribunal, appointed by the Board;

(2) The jurisdiction and powers of the Tribunal may be exercised by the Chairperson of the Tribunal and not less than two other members of the Tribunal selected for the purpose by the Chairperson of the Tribunal who shall preside over the hearings of the Tribunal.

(3) Each member of the Tribunal present at any determination shall be entitled to one vote on any matter arising for determination and a decision carried by the votes of a majority of the members of the Tribunal shall be the decision of the Tribunal.

(4) The Tribunal may make rules to regulate its own procedure.

Causes for disciplinary action.

22. The following acts constitute grounds for which disciplinary action may be taken against a land surveyor under this Act –

- (a) procuring registration as a land surveyor or procuring or attempting to procure a licence of annual registration by bribery or fraudulent misrepresentations;
- (b) fraud, deceit, negligence, incompetence or misconduct in the practice of land surveying;
- (c) making or filing a report or record which is to be sealed and signed by a land surveyor that the land surveyor knows to be false, wilfully failing to file a report or record that is required by law, or impeding or obstructing or inducing another to impede or obstruct such filing;
- (d) knowingly giving false or forged evidence to the Board or any court of law;
- (e) using or attempting to use a certificate of land surveyor or licence of annual registration which has been suspended or revoked;
- (f) presenting as that of the land surveyor's the licence of annual registration of another land surveyor;
- (g) advertising services in a manner that is fraudulent, false, deceptive or misleading, in form or content;



- (h) failing to perform any legal obligation placed upon a land surveyor, violating any provision of this Act or any regulations or any lawful order of the Board, or breaching the Code of Ethics;
- (i) being convicted or found guilty, in any jurisdiction, of a crime which relates directly to the practice of land surveying.

Investigation of  
land surveyors.

23. The Board may, of its own motion or upon the complaint of any person, cause the conduct of any land surveyor to be investigated by the Tribunal.

Screening of  
complaints.

24. (1) The Board may appoint the Registrar to make a preliminary investigation of any complaint made against a land surveyor.

(2) Where the Registrar has been appointed to make a preliminary investigation, the Registrar shall –

- (a) undertake the preliminary investigation regarding the complaint; or
- (b) refer the complaint to the Board for their attention and further instructions.

(3) Where the Registrar has carried out a preliminary investigation regarding a complaint, the Registrar shall –

- (a) recommend to the Board that the complaint be heard by the Tribunal; or
- (b) recommend to the Board that no further action be taken, if the Registrar is of the opinion that the complaint is frivolous or without basis or, if proven, would not constitute grounds for which disciplinary action may be taken against a land surveyor.

Laying of  
disciplinary  
charges.

25. If the Board decides that the conduct of any land surveyor should be investigated by the Tribunal, it shall direct the Registrar to lay a charge, containing particulars of the grounds on which disciplinary action is being taken, against that land surveyor.

Hearing  
disciplinary  
matters.

26. (1) The Registrar shall give to a land surveyor in relation to whom a hearing is being held, and to any person upon whose complaint the hearing is being held, not less than fourteen days notice of the time and place at which it intends to conduct the hearing.

(2) The notice required by subsection (1) shall be served by registered mail and shall contain a copy of the charge that forms the subject of the hearing.

(3) If a person to whom, notice has been given under subsection (1) does not appear at the hearing personally or by an attorney-at-law, the Tribunal may hold the hearing in the absence of that person.

(4) For the purposes of a hearing, the Tribunal may –

(a) by summons signed by the Chairperson of the Tribunal, require –

(i) the attendance before it of any person who the Tribunal thinks fit to summon before it;

(ii) the production of any reports, plans or other documents;

(b) retain any reports, plans or other documents before it for any period as is reasonable for their inspection and make copies of any of their contents;

(c) require any person appearing before it –

(i) to take an oath or affirmation, administered by the Registrar, to answer truthfully all questions asked in relation to the matter being heard by the Tribunal; and

(ii) answer any relevant questions asked by any member of the Tribunal or other person appearing before the Tribunal;

(d) employ –

(i) an attorney-at-law to serve as its legal advisor; and

(ii) assessors for the better evaluation of evidence of a technical nature tendered at a hearing.

Right to  
counsel.

27. A person to whom notice has been given under section 26(1) may be represented by the counsel at the hearing and shall be given reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Tribunal.

Contempt.

28. A person who –

(a) is served with a summons to attend a hearing of the Tribunal, neglects or fails to attend;

(b) is served with a summons to produce any reports, plans or other documents to the Tribunal, neglects or fails to comply;

Disposition of  
disciplinary  
matters.

- (c) misbehaves before the Tribunal, wilfully insults any member of the Tribunal or disrupts its proceedings; or
- (d) refuses to be sworn or affirm or to answer any relevant question when required to do so by the Tribunal, is liable, on application made to a Judge of the High Court, to committal for contempt and may be punished for contempt of that Court.

29. (1) When the Tribunal finds that a complaint made against a land surveyor on any of the grounds set out in section 22 is proved, it may impose one or more of the following penalties –

- (a) reprimand the land surveyor;
- (b) place the land surveyor on probation for a period of time and subject to such conditions as it thinks fit;
- (c) restrict the scope of authorized practice of the land surveyor;
- (d) impose upon the land surveyor for each separate instance of misconduct a fine of fifty thousand dollars;
- (e) order that the land surveyor, at the land surveyor's own cost, correct, within the time as the Tribunal directs, any work that was the subject of the complaint which was found at the hearing to be defective, or pay the cost of correction of the work by another land surveyor;
- (f) order that the land surveyor's licence of annual registration be suspended, conditionally or absolutely, or revoke for any part of the year as it thinks fit;
- (g) order that the land surveyor's certificate of land surveying be suspended, conditionally or absolutely, or revoked.

(2) Where the Tribunal makes an order under subsection (1), it is the duty of the Registrar to do all that is necessary to give effect to that order.

(3) Where a land surveyor's licence of annual registration or Certificate of Land Surveyor has been suspended under subsection (1), the Registrar shall reinstate the licence or certificate, as the case may be, upon certification by the Board that the land surveyor has complied with the terms and conditions set forth in the order of the Tribunal.

(4) Where the complaint is dismissed on the grounds that it is frivolous or vexatious, the Tribunal may order the complainant to pay the land surveyor costs that the Tribunal thinks just.



(5) Where the Tribunal has ordered the payment of any amount under this section, that amount may be recovered summarily as a civil debt.

Protection of  
Tribunal from  
personal  
liability.

30. A member of the Tribunal shall not be liable in any action or proceeding for or in respect of any act or matter done or omitted to be done in good faith in the exercise of the powers or the discharge of any duty conferred upon the Tribunal under this Part.

## PART V OFFENCES AND PENALTIES

Land Surveyor  
cannot survey  
in own interest.

31. (1) A Land Surveyor shall not personally survey or layout any land for the purpose of directly or indirectly obtaining a freehold or leasehold interest in the land or otherwise obtaining a benefit or for personal use.

(2) A Land Surveyor who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars.

Unregistered  
person passing  
as surveyor.

32. A person, not being a Land Surveyor, who engages in the practice of land surveying for fee or reward, and uses the name or title "land surveyor", contrary to the provisions of section 18 commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars.

Unlicensed  
Surveyor  
carrying out  
survey.

33. A Land Surveyor who engages in the practice of land surveying for fee or reward without a licence of annual registration which is valid for the year in which the land surveyor engages in such practice, commits an offence and is liable on summary conviction to the fine of one hundred thousand dollars.

Unlawful use of  
seal.

34. (1) A Land Surveyor shall not stamp or seal any document after the land surveyor's certificate of land surveying has been revoked or suspended, unless it is reinstated or reissued.

(2) A Land Surveyor who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to the fine of two hundred thousand dollars.

Failure to notify  
Registrar of



changes.

35. A Land Surveyor who fails to notify the Registrar of changes in particulars on the register commits an offence and is liable on summary conviction to the fine of fifty thousand dollars.

## PART VI MISCELLANEOUS

Funding of  
administration  
of Act.

36. (1) All expenses for the administration of this Act shall be met from the consolidated fund and resources generated from the Guyana Lands and Surveys Commission.

(2) All administrative fees, fines and other monies payable under this Act shall be paid to the Accountant General.

Appeals against  
decisions of  
Board or  
Tribunal.

37. (1) Any person aggrieved by the decision or order of the Board or the Tribunal, made in the exercise or purposed exercise of any powers or functions under this Act, may appeal, within one month of the date of the decision or order, to the High Court against that decision or order.

(2) On any appeal made under subsection (1), the High Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal.

Regulations.

38. (1) Subject to the approval of the Minister, the Board may make regulations for carrying out the purposes of this Act.

(2) Without limiting the general power conferred by subsection (1), the Board may make regulations –

- (a) prescribe any additional qualifications necessary for registration as a land surveyor;
- (b) prescribing any fees, fines or other payments which may be imposed or collected under this Act;
- (c) providing for the continuing professional education of a land surveyor;

- (d) providing for registration of a person in practice as a surveyor-in-training with a land surveyor and the manner in which the records shall be kept in relation to the work performed by the surveyor-in-training;
- (e) prescribing the form of seal to be used by a land surveyor;
- (f) prescribing the form and frequency of any notice or statement to be displayed in the reception area of a land surveyor's place of business in the case of a land surveyor who does not have professional liability insurance; and
- (g) prescribing any other matters which the law requires or authorizes the Board to do.

Amendments.

39. (1) Subject to the approval of the Minister, the Board may by order amend -

- (a) any penalty imposed under this Act;
- (b) the Second Schedule.

(2) Any order made under subsection (1) shall be subject to an affirmative Resolution of the National Assembly.

Transitional.

40. (1) Notwithstanding anything in this Act, a person who had obtained a Certificate as a Land Surveyor under the former Act, and whose name is still on the register on the commencement of this Act, is entitled on application to the Board and payment of the prescribed fee to be registered under this Act as a Land Surveyor.

(2) No defect or irregularity in the form of certificate held or the process by which a land surveyor received a certificate as a land surveyor under the former Act, shall affect the entitlement of a land surveyor to be registered under subsection (1).

CONSTITUTION AND PROCEDURE OF THE BOARD AND OTHER  
RELATED MATTERS

Constitution of  
the Board.

1. The Board shall consist of five members as follows –
  - (a) the Commissioner who shall *ex officio* be the Chairperson except where a matter of a surveying nature is dealt with in which case the Manager of Surveys who shall be a land surveyor employed by the Commission, shall *ex officio* be the Chairperson;
  - (b) three land surveyors, with at least ten years' practice in Guyana, appointed by the Minister after consultation with the professional body representing land surveyors; and
  - (c) one person, other than a land surveyor, who is qualified to serve on the Board by reason of relevant experience in public or professional life, appointed by the Minister.

Names of  
members to be  
published in the  
*Gazette*.

2. The names of the members of the Board as first constituted and every change in the membership shall be published in the *Gazette*.

Term of  
membership.

3. A person appointed to the Board shall hold office for a term of three years but is eligible for reappointment for a maximum of two more years.

Meetings.

4. (1) The Board shall hold meetings at such times as may be necessary or expedient for the purpose of fulfilling its functions and such meetings shall take place not less than once every quarter year.

- (2) Ten days notice in writing of every meeting of the Board shall be given to each member of the Board.

- (3) (a) A quorum of any meeting of the Board shall be three members.  
(b) The Board may regulate its own procedure.

- (4) The Chairperson shall be a member of the quorum and shall have a casting vote.

(5) In the absence of the Chairperson, if three or more persons are present at a meeting, the members present shall decide who among them shall be the Chairperson for the meeting.

(6) The records of meetings of the Board shall be kept by the Secretary of the Board and in the absence of the Secretary at a meeting, the Secretary or the Board shall delegate that function to a staff member of the Commission.

Resignation.

5. A member of the Board other than the Chairperson may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson.

Vacancies.

6. Where a vacancy occurs in the membership of the Board such vacancy may be filled by the Minister on the same basis on which the appointment becoming vacant was made and the new member shall hold office for the remainder of the period for which his predecessor was appointed.

Remuneration.

7. Members of the Board shall be paid the remuneration decided by the Commission.

Liability of  
Board  
members.

8. A member of the Board shall not be personally liable in any action or proceeding for or in respect of any act or thing done or omitted to be done in good faith in the discharge of the member's functions.



EXAMINATION OF BOARD

1. (1) The Board shall hold at least one annual examination in the month of September, and shall examine the candidates in the subjects outlined in this Schedule.

(2) (a) An average of sixty percent overall shall be the passing grade; a grade of less than fifty percent in any one subject shall be a fail; and

(b) A candidate may be referred in two subjects if he gains not less than one hundred and ninety marks in the other three subjects.

(3) Candidates for the examination shall show proof, to the satisfaction of the Board, that they have undergone training for at least two years in land surveying, to be eligible to write the examination.

(4) The Board shall prescribe the amount of the fee for the annual examination, which for the time being shall be twenty-five thousand dollars, payable to the Commission fifteen days prior to the date of the examination.

(5) The Board shall notify each candidate by letter of the date, time and place of the examination, at least thirty days prior to the examination and shall also by public notification in a daily newspaper of general circulation likewise do so.

## EXAMINATION SUBJECTS

2. Examinations held by the Board are based on the following subjects –

**(1) THEORY AND PRACTICE OF LAND SURVEYING INCLUDING THE FOLLOWING:-**

- (a) Geodetic, Cadastral Surveying, Engineering Surveying, Topographic Surveying, Hydrographic and Hydrological Surveying;
- (b) Error theory, statistics for surveying;
- (c) Photogrammetry and Remote sensing;
- (d) Cadastre and Land Management;
- (e) Mapping and Cartography;
- (f) Geographic Information System;
- (g) Introduction to planning;
- (h) Principles of Real Estate or immovable property.

**(2) ASTRONOMY, GEODESY & GLOBAL POSITIONING SYSTEM INCLUDING THE FOLLOWING:-**

- (a) **Astronomy Syllabus:**
  - (i) Determination of Latitude, Longitude and Azimuth;
  - (ii) Astronomical notations, for example celestial sphere, great circles and spherical triangles;
  - (iii) Astronomical coordinates;
  - (iv) Preparation for astronomical observations.
- (b) **Geodesy**
- (c) **Introduction to Datum:**
  - (i) Ellipsoid;
  - (ii) Geoid;
  - (iii) WGS (World Global System);
  - (iv) PSAD (Provisional South American Datum);
  - (v) International Reference Ellipsoids;
  - (vi) Universal traverse Mercator Projection;
  - (vii) Datum transformation;
  - (viii) Transformation/Conversion of Colony coordinates/UTM to Geographic coordinates and vice versa.

- (d) **Global Position Systems:**  
Principles and use in Land Surveying.

**(3) MEASUREMENT SCIENCE – INCLUDING USE AND APPLICATION OF THE FOLLOWING:-**

- (a) Total Station;
- (b) Theodolite;
- (c) Gyro Theodolite;
- (d) Land Surveying Levels;
- (e) GPS;
- (f) Electronic Distance Measuring Instruments;
- (g) Acoustic Systems;
- (h) Measuring Tapes, Chains and Staff;

**(4) MATHEMATICS FOR SURVEYING INCLUDING THE FOLLOWING:**

- (a) Arithmetic;
- (b) Algebra;
- (c) Geometry;
- (d) Trigonometry;
- (e) Calculus;
- (f) Statistics;
- (g) Coordinate geometry;
- (h) Determinants, Complex numbers, Binomial Theorem, Remainder Theorem;
- (i) De Moivre's Theorem, Quadratic Equations, Trigonometrical Equations;
- (j) Logs, areas, volume, indices;
- (k) Arithmetical and Geometrical Progression;
- (l) Logarithms.

**(5) FUNDAMENTALS OF LAW AND LAND LAW INCLUDING THE FOLLOWING:**

- (a) Definition of Law;
- (b) Sources of Law;
- (c) Hierarchy of the Courts;
- (d) Law of Contract;
- (e) Law of Tort;
- (f) Law of Succession;
- (g) Law of Damages - Contract and Tort;
- (h) Definition of Land;
- (i) Definition of Fixtures - degree of annexation;
- (j) Leases;
- (k) Licenses - Bare License, License coupled with interest, License by Estoppel;
- (l) Easements, Right-of-Ways, Servitudes;
- (m) Ownership of land - Tenancy in Common, Joint Tenancy (Principle of *jus accrescendi* - right of survivorship);
- (n) Principles of conveyancing under the Deeds Registry Act, Cap. 5:01 and the Land Registry Act, Cap. 5:02.

**(6) KNOWLEDGE ON SOME RELEVANT ASPECTS OF:**

- (a) The Constitution, Chapter 1:01;
- (b) The Lands Department Act, Chapter 59:01;
- (c) The Guyana Lands and Surveys Commission Act, Chapter 59:05;
- (d) The State Lands Act, Chapter 62:01;
- (e) Acquisition of Land for Public Purposes, Chapter 62:05;
- (f) The Deeds Registry Act, Chapter 5:01;
- (g) The Land Registry Act and Rules, Chapter 5:02;
- (h) The Civil Law Act, Chapter 6:01;
- (i) The Drainage and Irrigation Act, Chapter 64:03;
- (j) The Sea Defence Act, Chapter 64:02;
- (k) Public Health Ordinance, Chapter 145, Section 135 et sequitur;



- (l) Title to Land (Prescription and Limitation) Act, Chapter 60:02, and the Declaration of Title Rules, Chapter 3:02;
- (m) The Land Surveyor's Act;
- (n) The Land Surveyor's Professional Act and its Regulations;
- (o) The Rules governing Land Surveying;
- (p) Precedents and case law in Land Law;
- (q) Basic principles in Alternative Dispute Resolution.

FORM OF CERTIFICATE OF LAND SURVEYOR

**THE GOVERNMENT OF GUYANA**  
**THE LAND SURVEYORS (PROFESSION) ACT 2013**

**CERTIFICATE OF LAND SURVEYOR**

Whereas the Board of Land Surveyors constituted by the above-mentioned Act have reported to me that ..... of ....., has duly satisfied them that he or she is, by virtue of (here state the kind of qualification) qualified to act as a Land Surveyor in Guyana.

Now therefore, I, ....., **COMMISSIONER OF THE GUYANA LANDS AND SURVEYS COMMISSION**, do under and by virtue of the above-mentioned Act, hereby authorise the said .....to act as a Land Surveyor in Guyana.

.....  
Commissioner of Guyana Lands and Surveys Commission

Dated this      day of                      20\_\_

Recorded this      day of                      20\_\_

.....  
Manager of Surveys, Guyana Lands and Surveys Commission

**Registration No. \_\_\_\_**

## EXPLANATORY MEMORANDUM

**Part I (Preliminary)** Clause 1 of the Bill contains the short title and commencement provisions. Clause 2 provides the interpretation provisions.

**Part II (Board of Land Surveyors)** Clause 3 of the Bill establishes the Board of Land Surveyors, the constitution and procedure of which are in the First Schedule. Clause 4 provides the functions of the Board, which functions include prescribing any additional qualifications necessary for registration as a land surveyor and adopting procedures for the review and approval of the courses of study in land surveying at institutions of higher education based on the prescribed educational requirements for land surveying. Clause 5 of the Bill provides for the Minister to appoint, on the recommendation of the Board, a land surveyor to be the Registrar and *ex officio* Secretary of the Board.

**Part III (Registration of Land Surveyors)** deals with the registration and accreditation of land surveyors. Clause 6 provides that anyone desiring to register as a land surveyor shall apply to the Registrar with evidence of qualifications, identity and any other information the Board may require. Clause 7 provides for the requirements for registration. To be qualified for registration, a person must have a certificate of competency awarded by the Board, be of 21 years of age or older and of good character. Clause 8 provides that the Board shall award a certificate of competency in land surveying to any person who passed an examination set by the Board. Clause 9 gives the Board discretion to impose non-academic requirements in the form of practical exercise. Clause 10 provides for the accreditation of persons with land surveying qualifications from an institution within Guyana or outside of Guyana. The Board may require any such person to undertake specific courses of study to complete the minimum academic requirements for registration in Guyana before being authorised to practise here. Clause 11 makes special provision to protect applicants from being refused registration arbitrarily on character grounds. Clause 12 provides for the Board to review and approve of institutions of higher education in Guyana and courses in land surveying in those institutions. Provision is also made for the Board to appoint external examiners for any courses of study and to revoke their approval of institutions and courses if there is a decline in the standards of training in land surveying. Clause 13 provides for the Commissioner to issue a Certificate of Land Surveyor to any person whose application has been approved by the Board. Clause 14 provides that the Registrar shall keep a register of all persons approved by the Board as Land Surveyors. The Register shall publish in the *Gazette* and a daily newspaper of general circulation the names and addresses of all persons registered under the Act in the preceding year. Provision is made for access to this register by members of the public. Clause 16 requires all land surveyors to obtain seals in a form prescribed by the Board, to be used to authenticate their drawings, plans, etc.



**Part IV (Regulation of Practice)** Clause 17 provides for all land surveyors to obtain licences of annual registration to practice the profession. The preconditions for obtaining a licence include compliance with any continuing professional education requirements prescribed by the Board and possession of a valid Practice Certificate and a valid Certificate of Land Surveyor. Clause 19 provides for the Board to prepare and publish a Code of Ethics for land surveyors to subscribe and follow. Clause 20 provides for land surveyors to either carry professional liability insurance or take specific steps to notify prospective clients that they do not have professional liability insurance. Clause 21 provides for a Disciplinary Tribunal whose responsibility is to investigate the conduct of any land surveyor which was complained of by any person or on a motion of the Board. Clause 22 sets out the grounds on which disciplinary proceedings may be taken against a land surveyor. Provision is made under clause 23 for the Board to appoint, if need be, the Registrar to make preliminary investigations of complaints and make certain recommendations to the Board. Where the Board decides that the conduct of a land surveyor should be investigated by the Tribunal, provision is made under clause 25 for the laying of charges by the Registrar and under clauses 26 and 27, the procedure to be followed on the hearing of disciplinary matters by the Tribunal. A land surveyor against whom charges have been laid has a right to counsel, to call evidence, to examine witnesses and make submissions before the Disciplinary Tribunal. Clause 29 provides for the penalties which the Disciplinary Tribunal may impose on land surveyors at the outcome of such proceedings. These penalties range from a reprimand to revocation of the land surveyor's licence of annual registration. Provision is made for the tribunal to order the complainant to pay to the land surveyor the cost of the proceedings if the ground of the complaint is frivolous and vexatious. Immunity from personal liability for things done in good faith is conferred upon the members of the Tribunal under clause 30.

**Part V (Offences and Penalties)** This part of the Bill provides for the contravention of its provisions and the penalties.

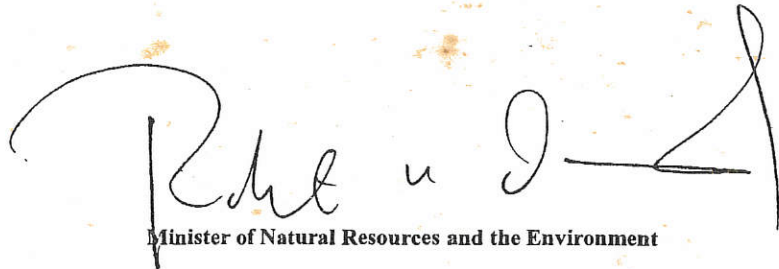
**Part VI (Miscellaneous)** Clause 36 provides for the expenses related to the administration of the Act by the Board to be met from parliamentary appropriations and for revenues generated under the Act to be paid into the general revenue of the Government. Clause 37 provides for appeal from any decision of the Board or the Tribunal to be made to the High Court. Under clause 38 the Board is empowered to make regulations, with the Minister's approval, for carrying out the purposes of the Act. Under clause 39 the Board may, by order, amend any penalty imposed under this Act; and the Second Schedule. Clause 40 provides for any land surveyor who had obtained a certificate as a land surveyor under the former Act and whose name is still on the register on the commencement of this Act to be entitled to apply to the Board to be registered under this Act.



**First Schedule (Constitution and Procedure of the Board and other Related matters)** Paragraph 1 provides that the Board shall comprise the Commissioner of the Guyana Lands and Surveys Commission, who will serve *ex officio* as Chairperson of the Board, except that where a matter of a surveying nature is dealt with, the Manager of Surveys shall *ex officio* be the Chairperson; three land surveyors with at least 10 years practice in Guyana, appointed by the Minister after consultation with the professional body representing land surveyors; and one lay person with relevant experience. Under paragraph 8, provision is made for protecting the members of the Board from personal liability for things done in good faith in the exercise, discharge or performance of the powers, duties and functions conferred upon them by the Act.

**Second Schedule (Examination of the Board)** Paragraph 1, provides for the Board to hold at least one annual examination in the month of September. Candidates have to show proof of training in land surveying as a prerequisite to writing the examination. Paragraph 2 sets out the subject areas students are to be examined in.

**Third Schedule (Certificate of Land Surveyor)** This schedule sets out the format of the Certificate of Land Surveyor.



Minister of Natural Resources and the Environment