

THE LAND SURVEYORS REGISTRATION BILL, 2013

MEMORANDUM

1. Object of the Bill

The object of this Bill is provide for the establishment of a Land Surveyors Registration Board and its membership and functions; to provide for the registration of land surveyors, technicians and chainmen; to provide for the registrar of surveyors; to regulate land surveying in Uganda; to provide for the code of professional ethics and the disciplinary committee and its functions; and for related matters.

2. Defects in the Existing law

Currently, land surveyors are registered and regulated under the Surveyors Registration Act, Chapter 275 of the Laws of Uganda. The Act was enacted in 1974 and establishes a Surveyors Registration Board to regulate and control the profession of surveyors and the activities of registered surveyors within Uganda. The Act groups land surveyors together with quantity surveyors, building surveyors, mining surveyors, hydrological surveyors and valuation surveyors, as well as land agents and other professionals responsible for the management of land and buildings. There is no provision for representation on the Board of the different survey disciplines or the lay public.

The survey discipline is too broad and the numbers in some sub disciplines like land surveying have grown so significantly to be regulated by one board alone. As presently constituted, the Surveyors Registration Board simply cannot comprehensively regulate and control all the distinct disciplines relating to surveying.

3. Remedies proposed to deal with the defects

The Bill seeks to introduce a separate legal regime to regulate the profession, trade and services relating to land surveyors.

The Bill proposes to establish a Board to register, license and discipline land surveyors, technician and chainmen.

Minister of Lands, Housing and Urban Development

THE LAND SURVEYORS REGISTRATION BILL, 2013

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Clause

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SCHEDULE 1

A Bill for an Act

Entitled

THE LAND SURVEYORS REGISTRATION ACT, 2013

An Act to provide for the establishment of the Land Surveyors Registration Board and its membership and functions; to provide for the registration of land surveyors, technicians and chainmen; to provide for the registrar of surveyors; to regulate land surveying in Uganda; to provide for the code of professional ethics and the disciplinary committee and its functions; and for related matters.

BE IT ENACTED by Parliament as follows:

PART I – PRELIMINARY

1. Application of Act

This Act shall apply to land surveyors, technicians and chainmen.

2. Interpretation.

In this Act, unless the context otherwise requires –

“Board” means the Land Surveyors Registration Board established under this Act;

“chainman” means a person registered as a survey assistant or chainman by the Board under this Act;;

“currency point” has the value assigned to it in Schedule 1;

“land surveyor” means a person registered as such by the Board under this Act;

“Minister” means the Minister responsible for land surveys;

“registrar” means the registrar of land surveyors appointed under this Act;

“technician” means a person registered as a survey technician by the Board under this Act.

PART II -THE LAND SURVEYORS REGISTRATION BOARD

3. Establishment of the Land Surveyors Registration Board

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

(2) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and subject to this Act, may do and suffer all acts and things a body corporate may lawfully do and suffer.

(3) The seal of the Board shall be kept as the Board may direct and shall be affixed to a document or instrument where the Board by resolution authorises, authenticated by the chairperson or in the absence of the chairperson, by any member as the Board may by resolution authorise.

4. Composition of the Board

(1) The Board shall consist of the following -

- (a) four land surveyors who shall be members of the Institution of Surveyors of Uganda;
- (b) a representative of the recognized universities and tertiary institutions conducting courses in land surveying;
- (c) the Commissioner responsible for surveys and mapping, *ex officio*;
- (d) the registrar, *ex officio*, who shall be the secretary to the board.

(2) The members of the Board shall be appointed by the Minister, on such terms and conditions as shall be specified in the instruments of appointment.

(3) The members of the Board specified under subsection (1)(a) shall be nominated by the Institution of Surveyors of Uganda.

(4) The Minister shall appoint the chairperson from among the members of the Board.

(5) In making the appointments to the Board, the Minister shall take into consideration gender equity and the principle of equal opportunities.

5. Tenure of office

A member of the Board, other than an *ex officio* member, shall hold office for three years and shall be eligible for reappointment for only one further term.

6. Resignation of members of the Board

- (a) A member of the Board, other than an *ex officio* member, may resign his or her office in writing, addressed to the Minister.
- (b) A member of the Board who ceases to be a member of the Institute, shall cease to be a member of the Board.

7. Termination of office of member of the Board

A member of the Board other than the an *ex officio* member may, at any time, be removed from office by the Minister for—

- (a) professional misconduct as specified in regulations made under this Act;

- (b) incompetence;
- (c) abuse of office;
- (d) corruption;
- (e) inability to perform the functions of the office due to physical or mental incapacity;
- (f) conviction of an offence of moral turpitude;
- (g) failure to attend six consecutive scheduled meetings of the Board, without reasonable grounds; or
- (h) any other reasonable ground.

8. Functions of the Board

The Board shall—

- (a) approve the registration of land surveyors who are qualified to practice land surveying in Uganda;
- (b) approve the registration of technicians and chainmen who are allowed to practice with the registered land surveyors;
- (c) approve the issuance of annual practicing licences to the registered surveyors and annual practicing certificates to the registered technicians and chainmen;
- (d) cause to be maintained and published, annually, the register of the land surveyors issued with annual practicing licenses and the register of the technicians and chainmen issued with annual practicing certificates;
- (e) ensure the maintenance of professional standards among the land surveyors, technicians and chainmen, issued with annual practicing licences and certificates, respectively, and take steps to acquaint them with methods and practises necessary to maintain those standards;
- (f) secure regional and international recognition of the land surveyors, technicians and chainmen registered by the Board;
- (g) regulate the conduct and discipline of the land surveyors, technicians and chainmen issued with annual practicing licences and certificates, respectively, and promote good ethical standards and the discipline of the land surveyors, technicians and chainmen registered under by the Board;
- (h) prescribe the fees and subscriptions payable under this Act; and
- (i) do anything that is incidental to the functions of the Board.

9. Meetings of the Board

Schedule 2 has effect in relation to the meetings of the Board and other matters provided for in that Schedule.

10. Remuneration of members of the Board

The members of the Board may be paid remuneration or allowances approved by the Minister in consultation with the Ministers responsible for public service and finance.

11. Transaction of business by circulation of papers

The members of the Board may if they think fit, transact any business by the circulation of papers and where business is transacted by circulation of papers, a resolution in writing approved by all the members in writing, shall be valid and effectual as if it had been passed at a meeting of the Board.

12. Committees of the Board

- (a) The Board may appoint committees from among its members and may co-opt to a committee any person with appropriate knowledge, expertise and experience for the efficient discharge of the function of a committee.
- (b) The chairperson of a committee appointed under subsection (1) shall be a member of the Board.
- (c) The Board shall regulate the proceedings of the committees appointed under subsection (1).

Registrar of land surveyors

13. Registrar of land surveyors

(1) There shall be a registrar of land surveyors who shall be appointed by the Board and whose terms and conditions of service shall be determined by the Board.

- (2) A person shall not be appointed registrar unless that person—
 - (a) is a member of the Institution; and
 - (b) has at least fifteen years experience and knowledge in land surveying.
- (3) The registrar shall, in accordance with this Act—
 - (a) register qualified land surveyors, technicians and chainmen approved by the Board;
 - (b) keep and maintain a register of land surveyors, technicians and chainmen, in the prescribed form;
 - (c) issue annual practicing licences to the registered surveyors and annual practicing certificates to the registered technicians and chainmen;
 - (d) record the minutes of the meetings of the Board and its committees and keep custody of all the documents of the Board.

PART III—REGISTRATION OF LAND SURVEYORS

14. Register of land surveyors and technicians and chainmen

(1) The registrar shall keep and maintain a register in which the name of every person entitled to have his or her name entered in the register shall be entered as soon as is practicable after his or her being approved by the Board for registration.

(2) The registrar shall record the following information in respect of every person entered in the register —

- (a) the date of the entry;
- (b) the address of the person;
- (c) the qualifications; and
- (d) any other particulars prescribed by the Board.

(3) All changes in the particulars registered under subsection (1) shall be notified to the registrar and shall be entered in the register.

(4) The registrar shall publish, annually, the register of the land surveyors issued with annual practicing licenses and the register of the technicians and chainmen issued with annual practicing certificates;

(5) Qualifications for registration.

A person shall be entitled to be registered under this Act—

- (a) as a land surveyor, if that person —
 - (i) holds a degree in surveying from an institution recognised by the Board;
 - (ii) has field experience in land surveying of at least 3 years obtained under the guidance of a licensed land surveyor; and
 - (ii) demonstrates participation in the activities of the Institution of Surveyors of Uganda;
- (b) as a survey technician, if that person-
 - (i) holds a diploma in surveying from an institution recognised by the Board;
 - (ii) has experience of at least 3 years obtained under the guidance of a licensed land surveyor or a registered survey technician; and
- (c) as a survey assistant or chainman if that person —
 - (i) holds a certificate in surveying from an institution recognised by the Board;
 - (ii) has experience of at least 3 years obtained under the guidance of a licensed land surveyor, a registered survey technician or a registered survey assistant or chainman.

(6) Application for registration

A person entitled to be registered under this Act may apply to the Board for registration in the prescribed manner and on payment of the prescribed fees.

Licence and certificates of practice

(7) Surveying without licence or certificate prohibited

(1) A person shall not perform services regulated under this Act without a valid licence or certificate of practice issued under this Act.

(2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding forty eight currency points or to imprisonment for a period not exceeding twenty four months or both.

(8) Licences and certificates of practice

(1) A person registered as a land surveyor, technician or chainman may apply to the Board for a licence or a certificate of practice.

(2) An application for a licence or a certificate of practice shall be submitted to the registrar, in the prescribed form and shall be accompanied by the prescribed fees.

(3) The Board may grant a licence or a certificate of practice with or without conditions.

(4) A licence or certificate issued under subsection (3) shall be valid from the date of issue to the 31st day of December of the year in which it is issued and may be renewed upon application by the land surveyor, technician or chainman.

(5) The registrar shall, every twelve months, publish a list of all persons granted licences and certificates of practice in accordance with this section, in at least one newspaper of wide national circulation.

(6) Where the Board refuses to grant a licence or a certificate of practice, the Board shall, within thirty days, inform the applicant of—

(a) its refusal to grant the certificate and the reasons for the refusal; and

(b) the right of that person to appeal to the High Court against the decision of the Board.

(7) An applicant who is aggrieved by the decision of the Board may appeal to the High Court within twenty one days after the receipt of the decision of the Board.

(9) Renewal of licences and certificates

(1) A land surveyor, technician or chainman who wishes to renew his or her licence or certificate of practice, shall make a written application to the registrar which shall be submitted at least two months before the expiry of the licence or certificate of practice in respect of which the renewal is sought and which shall be accompanied by the prescribed fees.

(2) Where an application for renewal of a licence or certificate of practice is not made within the prescribed period, the secretary shall inform the Board and the Board shall order the removal of the name of the land surveyor, technician or chainman from the register.

(3) The Board may, on the advice of the disciplinary committee, refuse to renew a licence or a certificate of practice.

(10) Temporary licence to foreigners to practice

The Board may issue a temporary licence to foreigners to practise land surveying where the applicant is already registered by a competent land surveying licensing body in the country of origin and the requirements for licensing in that country are comparable and not less rigorous than the requirements in Uganda.

(11) Services amounting to land surveying

(1) A person shall be deemed to carry out land surveying if he or she, for payment whether by himself or herself or in partnership with another person offers to perform or performs services including –

(2) determining, measuring and representing land, three-dimensional objects, point-fields or trajectories;

(3) assembling and interpreting land and geographically-related information;

(4) using the information in sub paragraph (ii) for the planning and efficient administration of the land or water or any structures on these; or

(5) conduct research into the any of the practices in this paragraph and developing them.

(6) A person shall be deemed to be a technician or a chainman if he or she works under the direct supervision of the person who performs the services in sub section (1).

(7) A public officer, who is duly qualified and who is employed to perform or render the services in subsection (1) or (2) shall not be subject to this Act.

PART IV - PROFESSIONAL CODE OF ETHICS

(12) Professional code of ethics

Every land surveyor, registered technician or chainman granted a practicing licence or practicing certificate under this Act shall be subject to the Professional Code of Ethics provided in the regulations made under this Act.

Disciplinary committee

(13) The disciplinary committee

(1) The Board shall have a disciplinary committee consisting of the following three members—

(a) a member of the Board who shall be the chairperson of the disciplinary committee; and

(b) two land surveyors registered by the Board.

(2) The disciplinary committee shall exercise disciplinary control over land surveyors, technicians and chainmen.

(14) Secretary to disciplinary committee

The registrar of land surveyors shall be the secretary to the disciplinary committee.

(15) Complaints against land surveyors, technicians and chainmen

(1) A complaint or an allegation against a land surveyor, technician or chainman of professional misconduct may be made to the disciplinary committee by the Board or by any person.

(2) Upon receipt of a complaint, the secretary shall as soon as is practicable, refer the matter to the disciplinary committee and the committee shall fix a date for the hearing of the complaint.

(3) The disciplinary committee shall give the land surveyor, technician or chainman against whom the complaint or allegation is made, an opportunity to be heard and shall furnish him or her with a copy of the complaint and any other relevant document, at least seven days before the date fixed for the hearing.

(16) Procedure of disciplinary committee

The procedure to be followed by the disciplinary committee shall be provided in Regulations made under this Act.

(17) Decision of disciplinary committee

- i. After hearing the complainant and the land surveyor, technician or chainman to whom the complaint relates and after considering the evidence adduced, the disciplinary committee may dismiss the complaint, where no grounds for a disciplinary action are disclosed.
- ii. Where a ground for a disciplinary action is disclosed, the disciplinary committee may impose any or a combination of the following sanctions –
 - (a) admonishment of the land surveyor, technician or chainman;
 - (b) suspension of the licence or certificate of practice of the land surveyor, technician or chainman, as the case may be, for a specified period not exceeding two years;
 - (c) cancellation of the registration of the land surveyor, technician or chainman, as the case may be, for a specified period not exceeding two years;
 - (d) imposition of a fine that may be determined by the disciplinary committee;

- (e) a requirement to make a payment of compensation as may be determined by the disciplinary committee, to any person who may have suffered loss or injury as a result of the misconduct; or
- (f) striking off the register of the name of the land surveyor, technician or chainman.

(18) Report of disciplinary committee to Board

(1) The disciplinary committee shall, on conclusion of a case, make a report of its finding in writing, to the Board.

(2) The Board shall within fourteen days deliver a copy of the report to the complainant and to the land surveyor, technician or chainman to whom the complaint relates.

(19) Appeal to the High Court

A land surveyor, technician or chainman or a complainant aggrieved by a decision or an order of the disciplinary committee may appeal against the decision or order to the High Court within three months from the date on which the report of the disciplinary committee is delivered to that land surveyor, technician or chainman or complainant.

(20) Implementation of orders of disciplinary committee

(1) The Board shall be responsible for the implementation of the orders of the disciplinary committee.

(2) Where the disciplinary committee suspends the licence or certificate of practice of a land surveyor, technician or chainman or strikes off from the register a land surveyor, technician or chainman, the Board shall cause the name of the land surveyor, technician or chainman, as the case may be, to be struck off the register and the licence or certificate of practice of the land surveyor, technician or chainman shall stand cancelled.

(3) The Board shall require the land surveyor, technician or chainman whose licence or certificate is cancelled to return the licence or certificate, as the case may be, to the Board within seven days.

PART V - MISCELLANEOUS PROVISIONS

(21) Style of “registered land surveyor”

- i. A person who is issued with a practicing licence is entitled to use the title “Registered Land Surveyor of Uganda” or the letters “RLSU” after his or her name.
- ii. A person commits an offence, where that person not a registered land surveyor—
 - i. pretends or holds out, directly or indirectly to be a registered surveyor; or
 - ii. uses the title “Registered Land Surveyor of Uganda” or the letters “RLSU” after his or her name or in any form or style or description which implies that that person is a registered land surveyor.

- iii. A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding fifty currency points or to imprisonment for a period not exceeding twenty five months or both.

(22) Offences and penalties

- (1) A person commits an offence who—
 - (a) fraudulently makes, or causes or permits to be made, any false or incorrect entry in the register;
 - (b) fraudulently procures or attempts to procure himself or herself or any other person to be registered under this Act;
 - (c) knowingly and willfully makes any statement which is false in a material particular, or which is misleading, with a view of gaining any advantage or privilege under this Act, whether for himself or herself or for any other person; or
 - (d) contravenes any provision of this Act.
- (2) A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding fifty currency points or to imprisonment for a period not exceeding twenty five months or both.

(23) Annual subscription fee

- i. The annual subscription fee shall be determined by the Board, from time to time and shall be due and payable to the registrar –
 - i. in case of first registration, at the time of registration; and
 - ii. in any other case, on the 1st day of January in each year.
- ii. All other fees shall be determined by the Board and are payable to the registrar.
- iii. The registrar may strike off from the register of members the name of an a land surveyor, a technician or a chainman where the annual subscription fee remains unpaid by that person for a period exceeding four months from the time it is due.

(24) Extract from the register

- i. Any extract from the register shall be certified by the registrar and shall be admissible in a court or a tribunal without any further proof of its contents.
- ii. Any person may get an extract from the register on the payment of the prescribed fee.

(25) Alteration of the register

- i. The Registrar may—
 - (a) make any corrections in the register as may be necessary;

- (b) remove from the register the name of a land surveyor, technician or chainman who is deceased;
- (c) remove from the register the name of a land surveyor, technician or chainman whose name is ordered to be removed under the provisions of this Act;
- (d) with the consent of the land surveyor, technician or chainman concerned, remove from the register the name of the land surveyor, technician or chainman who ceases to render services of land surveying.

(2) Where the registrar has reason to believe that a land surveyor, technician or chainman has ceased to render services of land surveying, the registrar may send to the land surveyor, technician or chainman a notice by registered post inquiring whether he or she ceased to render services of land surveying and where a reply is not received by the registrar within thirty days, the registrar shall remove the name of the land surveyor, technician or chainman from the register.

(3) The council shall, for the purposes of subsection (2), furnish the registrar with any relevant information that may be in its possession.

(26) Regulations

The Minister may, by statutory instrument on the recommendation of the Board and the council, as the case may be, make regulations for—

- (a) the meetings of the Board and the council;
- (b) the management of the property and funds of the Institution;
- (c) the election of the members of the council;
- (d) the procedure for the appointment of committees;
- (e) the disciplinary control of officers and employees of the Institution;
- (f) any matter concerning the regulation of land surveyors, technicians and chainmen and the rendering of services of land surveying;
- (g) anything that is required to be prescribed under this Act; and
- (h) the better performance of the functions of the Board and the Institution.

(27) Amendment of Schedule

The Minister may, by statutory instrument with the approval of Cabinet, amend the Schedule to this Act.

SCHEDULE 1**Currency point**

One currency point is equivalent to twenty thousand Uganda shillings.

SCHEDULE 2

Section 11

MEETINGS OF THE BOARD

1. Meetings of the Board

(1) The Chairperson shall convene every meeting of the Board at times and places as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by at least five members of the Board.

(3) Notice of a Board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Board and in the absence of the Chairperson; the members present shall appoint a member from among themselves to preside at that meeting.

2. Quorum

(1) The quorum for a meeting of the Board is 4 members.

(2) All decisions at a meeting of the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings.

(1) The Board shall cause to be recorded and kept, minutes of all meetings of the Board in a form approved by the Board.

(2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson, in the presence of the members present at the latter meeting.

4. Power to co-opt

(1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in the proceedings of the Board.

(2) A person attending a meeting of the Board under subparagraph (1) may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote.

5. Validity of proceedings not affected by vacancy

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members

(1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall disclose the nature of his or her interest at a meeting of the Board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

- (a) be present during any deliberation of the Board with respect to that matter; or
- (b) take part in any decision of the Board with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Board may regulate its procedure

Subject to this Act, the Board may regulate its own procedure or any other matter relating to its meetings.