

PROFESSIONAL AND TECHNICAL SURVEYORS' ACT 40 OF 1984

ASSENTED TO 20 MARCH 1984
DATE OF COMMENCEMENT: 10 SEPTEMBER 1984

(Afrikaans text signed by the State President)

as amended by

Professional Land Surveyors' and Technical Surveyors' Amendment Act 37 of 1986
Professional Land Surveyors' and Technical Surveyors' Amendment Act 66 of 1987
Professional Land Surveyors' and Technical Surveyors' Amendment Act 34 of 1993
Regional and Land Affairs Second General Amendment Act 170 of 1993
Proclamation 66 of 1995
Abolition of Restrictions on the Jurisdiction of Courts Act 88 of 1996
Land Survey Act 8 of 1997

ACT

To provide for the establishment of a South African Council for Professional and Technical Surveyors, for the registration of professional surveyors, professional surveyors in training, surveyors, survey technicians and survey technicians in training, and for matters connected therewith.

1. Definitions

In this Act, unless the context otherwise indicates

'annual fees' means the annual fees or portion thereof determined by the council under section 7 (1) (g);

'Chief Surveyor-General' means the Chief Surveyor-General appointed in terms of section 1 of the Land Survey Act, 1927 (Act 9 of 1927);

'council' means the South African Council for Professional and Technical Surveyors established by section 2;

'department' means the Department of Regional and Land Affairs;

'Director-General' means the Director-General of the department;

'education advisory committee' means the Education Advisory Committee established by section 11;

'in the service of the State' means in the full-time employment of the Government, including any provincial administration;

'Minister' means the Minister of Regional and Land Affairs;

'personal supervision' has the meaning assigned thereto in section 49 of the Land Survey

Act, 1927 (Act 9 of 1927), and, in relation to a survey technician and a survey technician in training, means supervision as prescribed;

'prescribe' means prescribe by rule made by the council under section 34, and 'prescribed' has a corresponding meaning;

'professional company or close corporation' means a company or close corporation referred to in section 27A or 27B, as the case may be;

'professional land surveyor' means a person registered as a professional surveyor in terms of section 20 (2) or deemed to be registered as such in terms of subsection (5) or (6) of the said section and whose name is entered in the register for professional land surveyors referred to in section 7 (4) (a);

'professional surveyor' means a person registered as such in terms of section 20 (2) or deemed to be registered as such in terms of subsection (5) or (6) of the said section;

'professional surveyor in training' means a person registered as such in terms of section 21;

'register' means a register mentioned in section 7 (4);

'registrar' means the person appointed as registrar under section 7 (1) (a);

'registration fees' means the registration fees determined by the council under section 7 (1) (g);

'surveyor' means a person registered as such in terms of section 22 (2) or (3);

'survey technician' means a person registered as such in terms of section 22 (2) or (3);

'survey technician in training' means a person registered as such in terms of section 23;

'technical surveyor' means a person registered in terms of section 22 and who is either a surveyor or a survey technician;

'this Act' includes any notice or rule issued or made under this Act

2. Establishment of South African Council for Professional and Technical Surveyors

There is hereby established a juristic person to be known as the South African Council for Professional and Technical Surveyors

3. Constitution of Council and First Meeting

- (1) For the period from the commencement of this Act until a date determined by the State President by proclamation in the Gazette, the council shall consist of the persons who were members of the Central Council of Land Surveyors established by section 2 of the Land Surveyors' Registration Act, 1950 (Act 14 of 1950), as constituted immediately before that commencement, and three additional persons, co-opted by the first-mentioned persons from the members of the Institute of Topographical and Engineering Surveyors of South Africa, as members of the council.
- (2) After the date so determined the council shall consist of the following members appointed by the Minister, namely-
 - (a) one professional surveyor nominated by the Institute of Professional Land Surveyors of the Eastern Cape mentioned in section 40 (a);
 - (b) one professional surveyor nominated by the Institute of Professional Land Surveyors of the Western Cape mentioned in section 40 (b);
 - (c) one professional surveyor nominated by the Institute of Professional Land Surveyors of Natal;
 - (d) one professional surveyor nominated by the Institute of Professional Land Surveyors of the Orange Free State;
 - (e) two professional surveyors nominated by the Institute of Professional Land Surveyors of the Transvaal;
 - (f) one professional surveyor nominated by the education advisory committee, who shall be a professor or lecturer in surveying at a university which offers a degree course in surveying;
 - (g) two professional surveyors in the service of the State;
 - (h) one professional surveyor nominated by the Association of Air Survey Companies;
 - (i) three persons, each of whom shall be a professional or a technical surveyor, nominated by the Institute of Topographical and Engineering Surveyors of South Africa who ordinarily are resident and practise in the Republic;
 - (iA) two persons, each of whom shall be a professional or a technical surveyor, nominated by the Institute of Mining Surveyors of South Africa and who ordinarily are resident and practise in the Republic;
 - (j) one person nominated, after the election of the president of the council in terms of section 6 (1), by the body mentioned in paragraph (a), (b), (c), (d), (e), (f), (h), (i) or (iA) of this subsection which had nominated the member so elected as president, or, if the president was appointed as a member of the council in terms of paragraph (g) of this subsection, one professional surveyor in the service of the State; and
 - (k) one person appointed by reason of his knowledge and experience concerning public affairs and the practise of surveying
- (3) When any nomination in terms of subsection (2) (a), (b), (c), (d), (e), (f), (h), (i), (iA) or (j) becomes necessary, the body concerned shall at the request of the Director-General furnish the nomination or nominations required for appointment to the council, within a period of 60 days from the date of such request, failing which the Minister may appoint to be a member or members of the council in terms of that subsection any suitable person or persons in the place of the person or persons he would have appointed if the said body had not so failed to nominate a person or persons.
- (4) For every member of the council there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed shall act in the place of the member in respect of whom he has been appointed as alternate member, during such member's absence or inability to act as a member of the council:

Provided that-

- (a) such alternate member may with the consent of the council attend any meeting of the council and participate in the proceedings there when the member in respect of whom he has been appointed as alternate member is present at that meeting, but shall not have the power to vote at such meeting; and
 - (b) where the member of the council in respect of whom such alternate member has been appointed is the president or vice-president of the council, and the president or vice-president, as the case may be, is not able to preside at any meeting of the council, the provisions of section 6(4) shall apply in respect of that meeting.
- (5) Every member of the council (excluding a member appointed in terms of paragraph (g) of subsection (2), who shall hold office for such period as the Minister may determine at that time of his appointment), shall be appointed for a period of two years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.
 - (6) If a member of the council dies or vacates his office before the expiration of his period of office, the Minister may, subject to the provisions of subsection (2) of this section and section 4 (1), appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.
 - (7) Any member of the council whose period of office as a member of the council has expired, shall be eligible for re-appointment.
 - (8)(a) The first meeting of the council shall be held at such time and place as the Minister may determine, and all subsequent meetings shall be held at such times and places as the council may determine: Provided that the council shall meet at least once in every year.
 - (8)(b) The president of the council may at any time, and shall when requested to do so by a majority of the members of the council, call a special meeting of the council to be held at such time and place as the president may direct.
 - (9) No action or decision taken by the council in the period between the election of the president and the appointment of the member mentioned in subsection (2) (j), shall be invalidated by reason only of the fact that the said member had not yet been appointed.

4. Qualifications of Members of Council and Circumstances under which they Vacate Office

- (1) No person shall be appointed as a member of the council-
 - (a) in terms of section 3 (2), or as an alternate to any such member in terms of section 3 (4), unless he is a South African citizen: Provided that the provisions of this paragraph shall not apply to a member appointed in terms of section 3 (2) (f) or an alternate to any such member appointed in terms of section 3 (4);
 - (b) in terms of section 3 (2) (a), (b), (c), (d), (e), (h), (i) or (iA), or as an alternate to any such member in terms of section 3 (4), unless he is a member of the body which nominated him;
 - (c) in terms of section 3 (2) (j), or as an alternate to any such member in terms of section 3 (4), unless he is a professional surveyor or, in the case of a person nominated by the body mentioned in section 3 (2) (i) or (iA), a professional or technical surveyor.
- (2) A member of the council or an alternate to such a member, as the case may be, shall vacate his office-
 - (a) if he resigns by written notice addressed to the registrar;
 - (b) if he becomes insolvent or assigns his estate for the benefit of, or compounds with, his creditors;
 - (c) if he is according to the law detained as a mentally ill person;
 - (d) if he is convicted of an offence and sentenced in respect thereof to imprisonment without the option of a fine;

- (e) if he is removed from an office of trust on account of improper conduct or if he has been guilty of conduct by reason of which he is in the opinion of the Minister, after consultation with the council, not a fit person to be a member of the council;
 - (f) if he is disqualified for registration in terms of this Act;
 - (g) if he, as a member, has been absent from three consecutive meetings of the council without its leave;
 - (h) if he was appointed in terms of section 3 (2) (a), (b), (c), (d), (e), (h), (i), (iA) or (j) and he ceases to be a member of the body which nominated him;
 - (i) if he ceases to be a professional surveyor or, in the case of a person nominated by the body mentioned in section 3 (2) (i) or (iA), ceases to be a professional or technical surveyor, as the case may be;
 - (j) if he was appointed by virtue of the fact that he is a professional surveyor in the service of the State and he ceases to be in such service;
 - (k) if he was appointed in terms of section 3 (2) (f) and he ceases to be a professor or lecturer in surveying at a university;
 - (l) if he was appointed in terms of section 3 (2) (a), (b), (c), (d), (e), (f), (h), (i), (iA) or (j) and the Minister terminates his appointment on the recommendation of the body which nominated him;
 - (m) if he was appointed in terms of section 3 (2) (g) or (k) and the Minister terminates his appointment.
- (3) (a) If the president vacates the office of president, he shall remain a member of the council, but the member nominated and appointed in terms of section 3 (2) (j) shall vacate his office as from the date on which the president so vacates his office.
- (b) If the president, when vacating the office of president, also resigns as a member of the council, the member appointed in terms of section 3 (2) (j) shall remain a member of the council for the unexpired portion of the period for which such member was appointed.
- (c) The provisions of this subsection shall apply mutatis mutandis to any relevant alternate member appointed in terms of section 3 (4).

5. Decision of Council and Quorum

- (1) Nine members of the council shall form a quorum for any meeting thereof.
- (2) A decision of a majority of the members of the council present at any meeting of the council shall constitute a decision of the council, and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote: Provided that for any decision to the effect that this Act be amended, a majority of two-thirds of the number of members of the council shall be required.
- (3) No decision taken by the council or act performed under authority of the council shall be invalid by reason only of a vacancy on the council or of the fact that a person who was not entitled to sit as member of the council sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.
- (4) A decision of the council contained in a writing and signed by at least two-thirds of the members of the council shall be valid although no meeting was held to pass that decision.

6. President and Vice-President of Council

- (1) The members of the council shall at the first meeting of the council and thereafter as the occasion arises, out of their number elect a president and a vice-president of the council, who shall hold office for a period of two years.
- (2) (a) If the president or the vice-president vacates his office before the expiration of the period for which he was elected, another member of the council shall be elected as president or vice-president, as the case may be, for the unexpired portion of the period for which the president or vice-president was elected.
- (2)(b) Such an election shall take place at the first meeting of the council held after any vacancy in the office of the president or vice-president, as the case may be, has occurred.
- (3) If for any reason the president is not able to act as president, the vice-president, if able to do so, or, if not so able, any member of the council designated by the Minister, shall act in his stead.
- (4) If the president and the vice-president and the member so designated are all absent from any meeting of the council or not able to preside, the members present shall elect one out of their number to preside at that meeting, and the person so elected shall preside at that meeting.

7. General powers of council and powers of Minister relating to certain matters in respect of which the council has made recommendations

- (1) The council may-
 - (a) appoint and remunerate a registrar and such other person as the council may deem necessary for the performance of its functions, and may determine their functions;
 - (b) determine the procedure at meetings of the council or any committee of the council and the manner in which minutes of the proceedings at such meetings shall be kept;
 - (c) subject to the provisions of section 10 (2), consider and give its final decisions on recommendations of a committee of the council or the education advisory committee;
 - (d) acquire or hire such movable or immovable property as it may deem necessary for the effective performance of its functions, and dispose of property so acquired or hired;
 - (e) enter into contracts and decide the manner in which contracts shall be entered into on behalf of the council;
 - (f) collect the funds of the council and, subject to the provisions of paragraph (d), deal with them by-
 - (i) investing them or any portion thereof by means of a deposit with the National Finance Corporation of South Africa, a banking institution registered in terms of the Banks Act, 1965 (Act 23 of 1965), a building society registered in terms of the Building Societies Act, 1965 (Act 24 of 1965), or the General Post Office;
 - (ii) depositing them or any portion thereof in a savings account with such a banking institution or building society or with the General Post Office;
 - (iii) depositing them or any portion thereof in a current account with such a banking institution;
 - (g) determine the manner in which an applicant shall apply for registration as a professional surveyor, a professional surveyor in training, a technical surveyor or a survey technician in training, determine the fees which shall be payable to the council in respect of any such registration and the annual fees which shall be payable to the council by any person as long as he remains registered as a professional surveyor, as a professional surveyor in training, as a technical surveyor or as a survey technician in training, determine the portion of such annual fees which shall be payable in respect of any part of a year and determine the date on which such annual fees or portion thereof shall become due and payable, and grant such exemption from payment of such annual fees or portion thereof as the circumstances of any particular case in the opinion of the council may justify;
 - (h) subject to the provisions of this Act, consider and decide upon any application for registration as a professional surveyor, as a professional surveyor in training, as a technical surveyor or as a survey technician in training;

- (i) decide upon the form of the registers and certificates to be kept, maintained or issued in terms of this Act, the reviewing thereof and the manner in which alterations thereto may be effected, and determine the fees payable in respect of the issue of such certificates;
 - (j) recommend to the Minister the work of a kind in connection with projects, undertakings or services of a survey nature (excluding cadastral surveys and surveys which may or are required to be performed in terms of any law governing mines and works or surveys which are performed in, on or in relation to a mine) to be reserved for professional surveyors, technical surveyors, or any category of professional or technical surveyors referred to in subsection (4)(b);
 - (k) ...
 - (l) subject to the provisions of this Act, determine the manner of inquiry according to which any case of alleged improper conduct is to be inquired into against any person who is or was registered in terms of this Act;
 - (m) take any steps which it may consider expedient for the protection of members of the public in their dealings with persons registered in terms of this act, the maintenance of the integrity and the enhancement of the status of such registered persons and the improvement of the standards of their qualifications;
 - (n) encourage research into matters relating to surveying, and advise, or render financial or other assistance to, any university, technikon, college or other body for the purposes of education or training in surveying;
 - (o) finance, print, distribute and administer the publication of, and generally take any steps necessary to publish, any publication relating to surveying or related matters;
 - (p) advise the Minister on matters relating to surveying or related matters;
 - (q) assist with or organize conferences, seminars and lectures for the furtherance of surveying and related matters;
 - (r) render financial assistance to students at a university, technikon or college, and collect and administer funds for such purpose; and
 - (s) take such other action and do such other things as may be required for the proper performance of its functions in terms of this Act.
- (2) The Minister may, after consideration of a relevant recommendation made by the council under subsection (1) (j), and with the concurrence of the Competition Board established by section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act 96 of 1979), prescribe the work of a kind in connection with projects, undertakings or services of a survey nature (excluding cadastral surveys and surveys which may or are required to be performed in terms of any law governing mines and works or surveys which are performed in, on or in relation to a mine which shall be reserved for professional surveyors, and any category of professional and technical surveyors referred to in subsection (4) (b).
- (3) Before any provision is made under subsection (2) (a), a notice setting forth the proposed provision shall be published by the Minister in the Gazette, together with a notice intimating that it is proposed to make such provision under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed provisions: Provided that, if the Minister thereafter decides, after consultation with the council, to effect any alteration to the provision so published as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under this section.
- (4) Subject to the provisions of this Act, the council shall keep and maintain a register of:
- (a) professional land surveyors qualified to perform the surveys referred to in section 27 (1) (a);
 - (b) the categories of professional surveyors, professional surveyors in training, technical surveyors and survey technicians in training as may be prescribed; and
 - (c) professional land surveyors, professional surveyors and surveyors who are practising in the form of professional companies or close corporations; and
 - (d) such register shall at all reasonable times be open for inspection by any person upon payment of such fees as the council may determine.
- (5) Provisions made under subsection (2) (a) may provide for the exclusion therefrom of work done under specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas.
- (6) Any provision made under subsection (2) shall be made known by the Minister by notice in the Gazette.

8. Funds of Council and Keeping and Auditing of Accounts

-) The funds of the council shall consist of the fees received by it by virtue of the provisions of sections 7, 20, 21, 22 and 23 and such other moneys, including advances mentioned in subsection (4) of this section, as may in terms of this Act from time to time become payable to the council.
-) The council shall cause full and correct account to be kept of all moneys received or expended by it.
- i) (a) The council shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of
 - (b) The council shall cause such statement and balance sheet to be audited by an accountant and auditor registered and engaged in public practice as contemplated in the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951), and appointed by the council.
 - (c) The council shall cause copies of such statement and balance sheet, so audited, to be transmitted to every member of the council and cause a copy thereof to be open for inspection at its office by any professional land surveyor or technical surveyor.
-) (a) The Minister may, with the concurrence of the Minister of Finance, advance to the council out of moneys appropriated by Parliament such amounts as he may deem necessary in order to enable the council to perform its functions. Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may, with the concurrence of the Minister of Finance, determine.

9. Reports to Minister

- (1) The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in connection with its functions during that financial year, together with a copy of the audited statement of income and expenditure and balance sheet referred to in section 8(3) in respect of that financial year.
- (2) The president of the council shall from time to time submit to the Minister reports on matters relating to the functions of the council which in the opinion of the council should be brought to the Minister's notice.
- (3) The council shall at the request of the Minister or the Director-General advise the Minister or Director-General, on matters in connection with land surveying or related matters, and shall communicate to the Minister information acquired by it in the course of its functions, in connection with matters deemed by it as being of public interest.

10. Committees of Council

- (1) (a) The council may establish committees to assist it in the performance of its functions and may appoint such of its members or such of its members and such other persons as it deem fit to be members of any such committee.
 - (b) One of the members of any such committee shall be designated by the council as chairman of the committee.
- 2) The council may assign to a committee so established such of its powers as it may deem fit, including the power to inquire into any case of alleged improper conduct, to impose punishment in respect thereof and to make an order regarding the costs of the

- inquiry in accordance with the revisions of section 29, but shall not be divested of any power which it may have so assigned to such a committee, and may review, amend or withdraw any decision of any such committee.
- (3) A committee to which the council has assigned the power to inquire into any case of alleged improper conduct and to impose a punishment in respect thereof in accordance with the provisions of section 29 may, notwithstanding the expiration of the tenure of office of the members of that council, continue to exercise such powers until such inquiry is concluded.
 - (4) Any reference in this Act to the council or the president of the council in relation to the exercise of any power which the council has assigned to any such committee, shall be construed as including a reference to that committee or to the chairman of that committee, as the case may be.
 - (5) The provisions of section 5(3) shall apply mutatis mutandis in respect of a committee of the council.

11. Establishment of Education Advisory Committee

- (1) There is hereby established a committee to be known as the Education Advisory Committee for Professional and Technical Surveyors.
- (2) Until such time as the members of the education advisory committee have been appointed in terms of section 12, the education advisory committee shall consist of the persons who were members of the Board for the Recognition of Land Surveyors' Examinations established by section 16(b) of the Universities Act, 1955 (Act 61 of 1955), on the date immediately preceding the commencement of this Act.

12. Constitution of Education Advisory Committee

- (1) The education advisory committee shall consist of the following members appointed by the Minister, namely-
 - (a) one person nominated by the senate of each university which offers a degree course in surveying, who shall be a professor or lecturer in surveying at such university;
 - (b) two persons nominated by the Minister of National Education from persons in the full-time service of every technikon or college providing instruction in surveying;
 - (c) one person nominated by the Minister of National Education from persons in the service of the State;
 - (d) one member of the council appointed in terms of section 3(2)(a), (b), (c), (d) or (e), nominated by the council;
 - (e) one member of the council appointed in terms of section 3(2)(i), nominated by the council;
 - (eA) and one member of the council appointed in terms of section 3(2)(iA) and nominated by the council;
 - (f) the president of the council; and
 - (g) one professional surveyor in the service of the State.
- (2) For every member of the education advisory committee there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed shall act in the place of the member in respect of whom he has been appointed as an alternate member, during such member's absence or inability to act as a member of the education advisory committee.
- (3) The provisions of section 3(3) shall apply mutatis mutandis in respect of the appointment of a member of the education advisory committee referred to in subsection(1)(a),(d),(e) and (eA) of this section.
- (4) Subsection (1) (a), (d) and (e) shall come into operation six months after the commencement of this Act.

13. Tenure of Office of Members of Education Advisory Committee

- (1) (a) A member of the education advisory committee mentioned in section 12(1)(c) or (g) shall be appointed for such period as the Minister may determine at the time of his appointment.
- (b) Any other member shall be appointed for a period of two years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.
- (c) If a member of the education advisory committee dies or vacates his office before the expiration of his period of office, the Minister may, subject to the provisions of section 12, appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.
- (2) Any member of the education advisory committee whose period of office as a member of the education advisory committee has expired, shall be eligible for reappointment.

14. Circumstances under which Members of Education Advisory Committee Vacate Office

A member of the education advisory committee or an alternate to such a member, as the case may be, shall vacate his office-

- (a) if he was appointed in terms of section 12(1)(a) and ceases to be a professor or lecturer at the university concerned;
 - (b) if he was appointed in terms of section 12(1)(b) and ceases to be a person in the service of the technikon or college concerned;
 - (c) if he was appointed in terms of section 12(1)(c) or (g) and ceases to be a person in the service of the State;
 - (d) if he was appointed in terms of section 12(1)(d), (e) or (eA) and ceases to be a member of the council;
 - (e) if he was appointed in terms of section 12(1)(f) and ceases to be president of the council, and
- the provisions of section 4(2)(a) to (g) shall apply mutatis mutandis in respect of any such member or alternate to such a member.

15. Chairman of Education Advisory Committee

- (1) The members of the education advisory committee shall at the first meeting of that committee and thereafter as the occasion arises, out of their number elect a chairman of the committee, who shall hold office for a period of two years.
- (2) (a) If the chairman of the education advisory committee vacates his office before the expiration of the period for which he was elected, another member of the committee shall be elected as chairman for the unexpired portion of the period for which the chairman was elected.
- (b) Such election shall take place at the first meeting of the committee held after the vacancy in the office of chairman has occurred.
- (3) If the chairman is absent from any meeting of the education advisory committee or is not able to preside, the members present shall elect one out of their number to preside at that meeting, and the person so elected shall preside at that meeting.

16. Meeting of Education Advisory Committee and Rules of Procedure

- (1) (a) The first meeting of the education advisory committee shall be held at such time and place as the Minister may determine and all subsequent meetings shall be held at such times and places as the chairman of that committee may determine: Provided that the committee shall meet at least once in every year.
- (b) The chairman or, if he is not available or there is no chairman, the president of the council may at any time and shall, when requested thereto by the council or by not less than four members of the education advisory committee, call a special meeting of

the education advisory committee to be held at such time within one month after the date of such request and at such place as the chairman or president, as the case may be, may determine.

(2) Seven members of the education committee shall form a quorum for any meeting thereof.

(3) The decision of a majority of the members of the education advisory committee present at any meeting thereof shall constitute a decision of that committee, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(4) The education advisory committee may determine the procedure at its meetings.

(5) A resolution of the education advisory committee contained in a writing and signed by at least two-thirds of the members of the committee shall be valid although no meeting was held to pass that resolution.

17. Secretarial and Administrative Work of Education Advisory Committee

The administrative and secretarial work incidental to the performance by the education advisory committee of its functions shall be performed by officers of the department designated for this purpose by the Director-General.

18. Allowances Payable to Members of Education Advisory Committee

The members of the education advisory committee who are not in the full-time employment of the State shall be paid by the department such travelling and subsistence allowances while engaged on the business of the committee as the Minister may, with the concurrence of the Minister of Finance, from time to time determine.

19. Functions of Education Advisory Committee

(1) The functions of the education advisory committee shall be to:

(a) investigate whether the syllabus of instruction prescribed and the standard of training provided by any university, technikon or college for-

(i) the examinations for a degree or a diploma in surveying;

(ii) any other examination conducted by that university, technikon or college in lieu of any examination mentioned in subparagraph (i), comply with the requirements for registration as professional surveyors, as professional surveyors in training, as technical surveyors and as survey technicians in training and for the respective posts, professions or callings for the appointment to or pursuit of which the passing of any such examination is in terms of any law a qualification; and

(b) make recommendations to the council that recognition be granted by the council to any such examination conducted by a university, technikon or college, as the case may be, if in the opinion of the said committee the syllabus of instruction prescribed and the standard of training provided in respect of it by that university, technikon or college comply with such requirements; or

(c) assist the council generally in the performance of its functions in terms of this Act and to inquire into and advise upon or make recommendations in regard to any matter which the council in the performance of its functions in terms of this Act may refer to the said committee or which the committee may of its own accord raise.

(2) If in the opinion of the education advisory committee any examination other than an examination mentioned in subsection (1)(a)(i), conducted by any university, technikon or college, within or outside the Republic, as the case may be, is at least equivalent to any examination so mentioned, it may recommend to the council that, subject to such conditions as the council may deem fit, recognition be granted by the council to such examination as being so equivalent.

(3) The education advisory committee may at any time recommend to the council that such recognition of any examination be withdrawn by the council, provided that if the withdrawal of any such recognition is contemplated, the council shall furnish its reasons for the proposed withdrawal to the university, technikon or college concerned, and afford it a reasonable opportunity to furnish reasons as to why such recognition should not be withdrawn, provided further that any recognition of any examination conducted prior to the withdrawal of such recognition shall be deemed to be valid.

20. Registration of Professional Surveyors

(1) The requirements for registration as a professional surveyor of any person, other than a person referred to in subsection (4) or (5), shall be as follows, namely:

(a) attainment of the age of 21 years;

(b) the passing of any examination to which the council has granted recognition for the purposes of registration as a professional surveyor as contemplated in section 19 (1) (b) or (2);

(c) the passing of an examination regarding laws concerning surveying and related matters as may be prescribed in relation to different categories of professional surveyors;

(d) training for such period, whether within or outside the Republic, and in such practical work as may be prescribed in relation to professional surveyors;

(e) the carrying out of such trial surveys or practical tests as the council may determine; and

(f) the making of a professional oath or affirmation in the prescribed form in relation to the practising of his profession or calling.

(2) The council shall, subject to the provisions of section 24 (1), on application in the prescribed form by any person who in the opinion of the council, after consultation with the Chief Surveyor-General in the case of a person who applies to be registered as a professional land surveyor, complies with the requirements mentioned in subsection(1), and upon payment of the registration and annual fees, register any such person as a professional surveyor and cause such person's name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him.

(2A) Notwithstanding the provisions of subsection (1), any person, excluding a person referred to in section 7 (4) (a), who desires to be registered as a professional surveyor and who has not passed the examination referred to in subsection (1) (b) and who on a date determined by the council-

(a) has gained at least 15 years' experience in such practical work as in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and

(i) has gained during this period at least five years' experience in a senior managerial position which in the opinion of the council is of a satisfactory nature; or

(ii) has passed such examination as the education advisory committee, with the concurrence of the council, may accept or determine; and

(b) complies with the requirements referred to in subsection(1)(c), (e) and (f), may within six months after the date of commencement of section 13 of the Regional and Land Affairs Second General Amendment Act, 1993, or such further period as the council may determine, apply to the council to be registered.

(2B) The council shall, subject to the provisions of section 24(1), on application in the prescribed form by any person referred to in subsection(2A), and upon payment of the registration and annual fees, register any such person as a professional surveyor and cause such person's name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him.

- (3) A professional surveyor shall, if he has paid the annual fee, be entitled to-
 - (a) describe himself as a professional surveyor in the category in which he has been registered;
 - (b) carry on his profession or calling in any part of the Republic; and
 - (c) indicate his profession or calling or make it known by using the prescribed title after his name.
- (4) Any person to whom a certificate was issued in terms of section 12(2) of the Land Survey Act, 1927 (Act 9 of 1927), immediately prior to the commencement of this Act shall be deemed to have complied with the requirements for registration mentioned in this section, and the council shall, subject to the provisions of section 24 (1), on application by any such person and upon payment of the registration and annual fees, register such person as a professional surveyor and cause any such person's name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him.
- (5) Any person who was registered as a professional land surveyor or was deemed to be so registered in terms of this section as it existed immediately prior to the substitution thereof by the Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1993, shall be deemed to have been registered as a professional surveyor in terms of this section.
- (6) (a) A land surveyor registered under a law repealed by section 48 of the Land Survey Act, 1996, may continue to practise as a professional land surveyor if, prior to 31 December 1997, he or she gives notice to the council of his or her registration under such repealed law.
 - (b) On receipt of a notice referred to in paragraph (a) the council shall, subject to section 24 (1), cause the name of the land surveyor concerned to be entered in the appropriate register.
 - (c) Any person whose name has been entered in terms of paragraph (b)-
 - (i) shall be deemed to have been registered as a professional surveyor in terms of this section; and
 - (ii) shall for the rest of the financial year in which his or her name was so entered, be exempted from the payment of the annual fee contemplated in subsection (3).
 - (d) No entry contemplated in paragraph (b) shall be made after 31 December 1997.

21. Registration of Professional Surveyors in Training

- (1) Any person who desires to be registered as a professional surveyor in training and who complies with the requirements of section 20(1)(b), may apply in the prescribed form to the council to be registered as a professional surveyor in training, and the council shall, subject to the provisions of section 24 (1), upon payment of the registration and annual fees, register any such person as a professional surveyor in training and cause any such person's name to be entered in the appropriate register.
- (2) When any professional surveyor in training complies with the requirements mentioned in section 20 (1), the council shall, subject to the provisions of section 24 (1), on application in the prescribed form and upon payment of the registration and annual fees, cancel the registration of such person as a professional surveyor in training and register him as a professional surveyor in terms of section 20(2).
- (3) Any period of training in practical work undergone before the commencement of this Act and of the same kind as that prescribed, shall for the purposes of subsection (2) be deemed to be a period of training in practical work as so prescribed, provided such former training is continued within three months, or within such further period as the council may allow, after the said commencement, by means of training in practical work as so prescribed.
- (4) Any professional surveyor in training may describe himself as a professional surveyor in training, but he shall not be entitled to perform any survey work, except under the personal supervision of a professional surveyor or in such other circumstances as may be prescribed.

22. Registration of Technical Surveyors

- (1) The requirements for registration as a technical surveyor of any person other than a person referred to in subsection (3) shall be as follows, namely:
 - (a) in the case of a surveyor-
 - (i) the passing of any examination to which the council has granted recognition for the purposes of registration as a surveyor as contemplated in section 19(1)(b);
 - (iA) the passing of such examination approved by the council regarding laws concerning surveying and related matters as may be prescribed in relation to surveyors;
 - (ii) training for such period, whether within or outside the Republic, and in such practical work as may be prescribed in relation to surveyors;
 - (iii) the carrying out of such trial surveys or practical tests as the council may determine; and
 - (iv) the making of an oath or affirmation in the prescribed form in relation to the practising of his calling; or
 - (b) in the case of a survey technician-
 - (i) the passing of any examination to which the council has granted recognition for the purposes of registration as a survey technician as contemplated in section 19(1)(b);
 - (ii) training for such period, whether within or outside the Republic, and in such practical work as may be prescribed in relation to survey technicians;
 - (iii) the carrying out of such trial surveys or practical tests as the council may determine; and
 - (iv) the making of an oath or affirmation in the prescribed form in relation to the practising of his calling.
- (2) The council shall, subject to the provisions of section 24 (1), on application in the prescribed form by any person who in the opinion of the council complies with the requirements mentioned in subsection (1)(a) or (b), and upon payment of the registration and annual fees, register such person as a surveyor or survey technician, as the case may be, and cause such a person's name to be entered in the appropriate register and a registration certificate in the prescribed form to be issued to him.
- (3) Any person who wishes to be registered in the register referred to in section 7(4)(b) -
 - (a) in the topographical and engineering category and who-
 - (i) has not passed the examination referred to in subsection (1)(a) and who at the commencement of this Act-
 - (aa) is a full member of the Institute of Topographical and Engineering Surveyors of South Africa and after he has passed the examination for the tenth standard or an equivalent examination or such other examination as the council may accept or determine, has gained at least 10 years' experience in such practical work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; or
 - (bb) is not such a member and after he has passed the examination for the tenth standard or an equivalent examination or such other examination as the council may accept or determine, has gained at least 15 years' experience in such practical work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; or
 - (ii) has not passed the examination referred to in subsection (1)(b) and who at the commencement of this Act-
 - (aa) is a full member of the Institute of Topographical and Engineering Surveyors of South Africa and was engaged in the performance of practical work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged for a period of not less than five years, if he has passed the examination for the tenth standard or an equivalent examination, or seven years, if he has passed the examination for the eighth standard or an equivalent examination; or

- (bb) is not such a member and was engaged in the performance or practical work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged for a period of not less than seven years, if he has passed the examination for the tenth standard or an equivalent examination, or nine years, if he has passed the examination for the eighth standard or an equivalent examination; or
 - (b) in any other category than referred to in paragraph (a) and who-
 - (i) has not passed the examination referred to in subsection(1)(a) and who on a date determined by the Minister, after consultation with the council-
 - (aa) is a member of a body recognized by the council and after he has passed the examination for the tenth standard or an equivalent examination or such other examination as the council may accept or determine, has gained at least 10 years' experience in such practical work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; or
 - (bb) is not such a member and after he has passed the examination for the tenth standard or an equivalent examination or such other examination as the council may accept or determine, has gained at least 15 year's experience in such practical work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; or
 - (ii) has not passed the examination referred to in subsection(1)(b) and who on a date determined by the Minister, after consultation with the council-
 - (aa) is a member of a body recognized by the council and was engaged in the performance of practical work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged for a period of not less than five years, if he has passed the examination for the tenth standard or an equivalent examination, or seven years, if he has passed the examination for the eighth standard or an equivalent examination; or
 - (bb) is not such a member and was engaged in the performance or practical work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged for a period of not less than seven years, if he has passed the examination for the tenth standard or an equivalent examination, or nine years, if he has passed the examination for the eighth standard or an equivalent examination, and who within two years or such further period as the Minister, after consultation with the council, may determine by notice in the Gazette, after the commencement of this Act, in the case of a person referred to in paragraph (a), or after the commencement of the Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1993, in the case of a person referred to in paragraph (b), applies to the council to carry out a trial survey or practical test contemplated in subsection(1)(a)(iii) or (b)(iii), and who carries out that survey or test to the satisfaction of the council within the period determined by him, and who within six months after the council has indicated in writing that such survey or test has been so carried out, complies with the requirements contemplated in subsection(1)(a)(iv) or (b) (iv), may before the expiry of the said period of six months apply in the prescribed form to the council to be registered as a surveyor or a survey technician, as the case may be, and the council shall, subject to the provisions of section 24(1), register any such person as a surveyor or a survey technician, as the case may be, and cause his name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him free of charge.
- (4) Any person who has paid the annual fees shall be entitled-
- (a) in case of a surveyor-
 - (i) to describe himself as a surveyor in the category in which he has been registered;
 - (ii) to carry on his calling in any part of the Republic; and
 - (iii) to indicate his calling and make it known by using the prescribed title after his name;
 - (b) in the case of a survey technician-
 - (i) to describe himself as a survey technician;
 - (ii) to carry on his calling in any part of the Republic but only under the personal supervision of such professional surveyor, surveyor or other suitably qualified person as may be prescribed: Provided that the provisions of this subparagraph relating to personal supervision shall, subject to such conditions as the council may determine, not apply in respect of any person who, within two years or such further period as the Minister, after consultation with the council, may determine by notice in the Gazette, from the commencement of this Act, submits to the council proof that he has, unsupervised, performed for such period as the council may deem sufficient, practical work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and
 - (iii) to indicate his calling and make it known by using the prescribed title after his name.

23. Registration of Survey Technicians in Training

- (1) Any person who desires to be registered as a survey technician in training may apply to the council in the prescribed form to be registered as a survey technician in training, and the council shall, subject to the provisions of section 24 (1), upon payment of the registration and annual fees, register any such person as a survey technician in training and cause any such person's name to be entered in the appropriate register.
- (2) When a survey technician in training complies with the requirements mentioned in section 22 (1) (b), the council shall, subject to the provisions of section 24 (1), on application in the prescribed form and upon payment of the registration and annual fees, cancel the registration of such person as a survey technician in training and register him as a survey technician in terms of section 22 (2).
- (3) Any period of training in practical work undergone before the commencement of this Act and of the same kind as that prescribed, shall for the purposes of subsection (2) be deemed to be a period of training in practical work as so prescribed, provided such former training is continued within three months, or within such further period as the council may allow, after the said commencement, by means of training in practical work as so prescribed.
- (4) A survey technician in training may describe himself as a survey technician in training, but shall not be entitled to perform any practical work, except under the personal supervision of a professional surveyor, a technical surveyor or such other person as may be prescribed.

24. Refusal or Cancellation of Registration

- (1) The council shall not register any person in terms of this Act-
 - (a) if he is accorded to the law detained as a mentally ill person;
 - (b) if he has at any time been convicted of an offence and sentenced in respect thereof to imprisonment without the option of a fine;
 - (c) if he has at any time been removed from an office of trust on account of improper conduct; or
 - (d) if he is disqualified for registration in terms of this Act or, before the commencement of this Act, was so disqualified in terms of any other law governing the registration of land surveyors, and may refuse so to register any person who is insolvent or who has assigned his estate for the benefit of, or compounded with, his creditors.
- (2) The council shall cancel the registration of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in subsection (1) or who has been registered in error or on information subsequently proved to be false, or whose right to practise as a professional land surveyor has been cancelled by the court in terms of section 14 of the Land Survey Act, 1927 (Act 9 of 1927), and may cancel the registration of a person who subsequent to his registration becomes

insolvent or assigns his estate for the benefit of, or compounds with, his creditors, and his name shall then be removed from the register.

(3) The registration of any person shall lapse if such person-

- (a) fails to pay any annual fees payable by him, within three months after such fees or portion thereof become due or within such further period as the council may in any particular case allow; or
 - (b) being a person registered in terms of section 21 (1) or 23 (1), has for at least 90 consecutive days failed to undergo training referred to in section 20(1)(d) or 22(1)(a)(ii) or (b)(ii), as the case may be, unless any break in training has been condoned by the Chief Surveyor-General, and such person's name shall be removed from the register.
- (4) The council shall at the written request of any person registered in terms of this Act, cancel his registration and remove his name from the register, but such cancellation shall not affect any liability incurred by such person prior to the date of such removal.
- (5) Subject to the provisions of subsection (1), the council-
- (a) shall on application made to it by any person whose registration has lapsed in terms of subsection (3) (a) or has been cancelled in terms of subsection (4);
 - (b) may on application made to it by any person, other than a person mentioned in paragraph (a), whose registration has been cancelled or has lapsed in terms of this section, and upon payment of the registration and any arrear annual fees (if any) that the council may determine, restore such person's registration.

25. Return of Certificates of Registration and Issue of Copies thereof

- (1) Any person whose registration has been cancelled in terms of section 24(2) or (4) or has lapsed in terms of section 24(3) shall return to the registrar his certificate of registration within 30 days from the date upon which he is directed by the registrar by notice in writing by registered post to do so, unless he satisfies the registrar that the certificate has been lost or destroyed, if such is the case, or his registration has been restored under section 24 (5).
- (2) Any person who fails to comply with any direction referred to in subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R200.
- (3) The council shall on the application of any person who satisfies it that the relevant certificate of registration issued to him has been lost or destroyed, issue a copy of the certificate on payment of the prescribed fee.

26. Registrar to give Information to Chief Surveyor-General and Institutes

The registrar shall furnish the Chief Surveyor-General and every Institute mentioned in section 3 (2) (a), (b), (c), (d), (e) and (i) in writing with the name, address, qualifications and date of registration of every person-

- (a) who is registered in terms of this Act;
- (b) whose registration has been cancelled in terms of section 24(2) or (4) or has been restored in terms of section 24 (5), together with the date of such cancellation or restoration, as the case may be;
- (c) upon whom any penalty referred to in section 29 (1) has been imposed or whose suspension has been ordered under section 31 (2), together with the date and nature of the penalty or suspension, as the case may be;
- (d) whose suspension under section 29 (1) or 31 (2) has been extended or withdrawn under section 31(3) or terminated in terms of section 33;
- (e) whose penalty or suspension under section 29 (1) or 31 (2) has been set aside or varied by the court in terms of section 32 (2).

27. Prohibition of Practice as Professional Land Surveyor, Professional Surveyor or Technical Surveyor by Unregistered Person

- (1) Subject to any exemption granted under this Act, any person-
 - (a) whose name is not entered in the register for professional land surveyors referred to in section 7 (4) (a) and who-
 - (i) performs any survey for the purpose of preparing a diagram or general plan to be filed or registered in terms of any law governing the registration of any land or rights in land or mentioned in any manner whatsoever in any other document to be so filed or registered; or
 - (ii) performs any survey affecting the delimitation of the boundaries or the location of the beacons of any land so registered;
 - (b) who is not registered as a professional surveyor and who performs any kind of work reserved for professional surveyors under section 7(2);
 - (c) who is not registered as a professional surveyor or as a surveyor or as a survey technician and who performs any kind of work reserved for technical surveyors under section 7 (2);
 - (d) who is not registered as a professional surveyor or as a surveyor or as a survey technician and pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a person who is registered as a professional surveyor or surveyor or survey technician in terms of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding R2000.
- (2) Subject to any exemption granted under this Act, any company or other juristic person, other than a professional company or close corporation incorporated or registered pursuant to the provisions of section 27A or 27B, which-
 - (a) performs or causes to be performed for any other person, whether a natural or juristic person, by any person, whether registered in terms of this Act as a professional surveyor or as a surveyor or as a survey technician or not, any kind of work reserved for professional or technical surveyors, respectively, under section 7(2); or
 - (b) pretends to be or by any means whatsoever holds itself out or allows itself to be held out as a company or other juristic person performing any kind of work reserved for professional or technical surveyors under section 7 (2), or uses any name, title, description or symbol indicating or calculated to lead persons to infer that it is a company or other juristic person performing any kind of work so reserved for professional or technical surveyors, shall be guilty of an offence and liable on conviction to a fine not exceeding R2000.

27A. Carrying on of Profession of Professional Surveyor or Calling of Surveyor by Company

- (1) Notwithstanding any provision of this Act to the contrary, a company may practise as and perform the work of a professional surveyor if-
 - (a) the company has been incorporated and registered as a private company with share capital, under the Companies Act, 1973 (Act 61 of 1973), and its memorandum of association provides-
 - (i) that all present and past directors shall be liable jointly and severally with the company for the debts and liabilities of the company contracted during their periods of office;
 - (ii) that the main object of the company shall be to perform the work of a professional surveyor or surveyor; and
 - (b) the articles of the company provide-

- i) that only natural persons who are professional surveyors or surveyors, or other natural persons approved by the council in writing, may be members and shareholders of the company;
 - (ii) that every shareholder of the company shall be a director thereof and that only a shareholder of the company shall be a director thereof;
 - (iii) that a shareholder may not transfer any share, or any rights or benefits attaching to a share, to any person other than a person referred to in subparagraph(i);
 - (iv) that in the event of a shareholder's death or of his ceasing to comply with a requirement of subparagraph (i), his estate or he himself, as the case may be, may continue to hold his shares in the company as from the relevant date for a period of six months or for such longer period as may have been approved by the council, and that during such period any voting rights attaching to such shares may be exercised by any other shareholder of the company whom the first-mentioned shareholder may have nominated in writing before his death or disqualification for the purposes of this subparagraph or, failing such nomination, by the chairman of the company.
- (2) (a) The holder of a share referred to in subsection (1) (b) (iv) may not act as a director of the company concerned, or directly or indirectly receive any directors' fees or remuneration from that company.
- (b) Such shares as are not in accordance with the company's articles transferred within the period referred to in subsection(1)(b)(iv) to any person referred to in subsection(1)(b)(i), may, notwithstanding anything to the contrary contained in any law, be acquired by the company itself, provided-
 - (i) the purchase price for those shares, including any premium, if any, on those shares, is paid out of profits which otherwise would have been available for payment of dividends; and
 - (ii) an amount equal to the nominal amount of the shares acquired is transferred to a capital redemption reserve fund.
- (c) The acquisition in accordance with the provisions of paragraph(b) by the company itself of shares referred to in that paragraph shall not be deemed to constitute a reduction of the authorized share capital of the company concerned, and the provisions of the Companies Act, 1973, relating to the reduction of the share capital of a company shall apply to share capital of the company concerned.
- (d) Shares purchased as contemplated in paragraph (b), shall be available for allotment in terms of the articles of the company.
- (e) Any transfer of shares in a company referred to in this section, or of any rights and benefits attaching thereto, in conflict with subsection(1)(b)(iv), shall be void.
- (3) Subject to the provisions of section 49 (4) of the Companies Act,1973, the name of a company referred to in this section shall, unless the council in any particular case approves of any other name, consist solely of the name or names of any of the present or past members of the company or of a person or persons who conducted, either for his or their own account or in partnership, any practice which may reasonably be regarded as a predecessor of the practice of the company.
- (4) Any-
 - (a) act performed, with or without a particular intent, by or on instructions or with permission, express or implied, given by a director or employee of a company referred to in this section; and
 - (b) omission, with or without a particular intent, of any act which ought to have been but was not performed by or on instructions given by a director or employee of a company, in the exercise of his powers or in the performance of his duties as such director or employee or in furthering or endeavouring to further the interests of that company, and which would have constituted improper conduct if it had been performed or omitted by a professional surveyor or surveyor carrying on his profession or calling as a natural person in practice shall, for the purpose of this Act, be deemed to have been performed or omitted by every member, shareholder, director or employee of such company practising as a professional surveyor or surveyor, unless it is proved that such professional surveyor or surveyor did not take part in the performance of the act or the omission and that he could not have prevented it.
- (5) A company referred to in this section which, otherwise than under an exemption granted in terms of this Act, entrusts work reserved under section7 for professional and technical surveyors to any person, whether a member, shareholder, director or employee of the company or no, other than a professional or technical surveyor, shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000.
- (6) Any person who-
 - (a) not being a nominee or chairman referred to in subsection(1)(b)(iv), exercises any voting rights contemplated in that subsection during the period referred to therein; or
 - (b) contravenes a provision of subsection(2)(a), shall be guilty of an offence and liable on conviction to a fine not exceeding R1000.
- (7) (a) The provisions of section 7 (2) and (5) shall apply mutatis mutandis in respect of a company referred to in this section.
- (b) The payment in accordance with the provisions of this Act by a company referred to in this section on behalf of a professional or technical surveyor who carries on his profession as a member, shareholder, director or employee of that company, of any annual fee or levy, shall for the purposes of this Act be deemed to be a payment by such professional or technical surveyor.
- (8) The council may cancel the registration as a professional surveyor or surveyor of any shareholder, director or member of a company referred to in this section, if the company is liquidated or placed under provisional or voluntary liquidation or judicial management.

27B. Carrying on of Profession of Professional Surveyor or Calling of Surveyor by Close Corporation

- (1) Notwithstanding any provision of this Act to the contrary, a close corporation may perform the work of a professional surveyor or surveyor if the close corporation has been registered under the Close Corporation Act, 1984 (Act 69 of 1984), and its founding statement provides that-
 - (a) all present and past members of the close corporation shall be liable jointly and severally with the close corporation for the debts and liabilities of the said close corporation contracted during the period of their membership of the close corporation concerned;
 - (b) the principal business to be carried on by the close corporation shall be to perform the work of a professional surveyor or surveyor;
 - (c) only natural persons who are registered professional surveyors or surveyors, or other natural persons approved by the council in writing, may be members of the close corporation;
 - (d) every member shall be the beneficiary of the interest held by such member;
 - (e) a member may not transfer any interest, or any rights or benefits attaching to such interest, to any person other than a person referred to in paragraph (c);
 - (f) in the event of a member's death or of his ceasing to comply with a requirement of paragraph (c), his estate or he himself, as the case may be, may continue to hold his interest in the close corporation as from the relevant date for a period of six months or for such longer period as may be approved by the council, and that during such period any voting rights attaching to such interest may be exercised by any other member of the close corporation whom the first-mentioned member may have nominated in writing before his death or disqualification for the purposes of this subparagraph or, failing such nomination, by a member nominated by a majority of members of the close corporation.
- (2) The holder of an interest referred to in subsection (1) (e) may not participate in the decisions of the close corporation or directly or indirectly receive any remuneration as a result of such interest in the close corporation.
- (3) Subject to the provisions of the said Close Corporations Act, 1984, the name of a close corporation referred to in this section shall, unless the council in any particular case approves of any other name, consist solely of the name or names of any of the present

or past members of the close corporation or of a person or persons who conducted, either for his or their own account or in partnership, any practice which may reasonably be regarded as a predecessor of the practice of the close corporation.

(4) Any-

(a) act performed, with or without a particular intent, by or on instructions or with permission, express or implied, given by a member or employee of a close corporation referred to in this section; and

(b) omission, with or without a particular intent, of any act which ought to have been but was not performed by or on instructions given by a member or employee of a close corporation; in the exercise of his power or in the performance of his duties as such member or employee or in furthering or endeavouring to further the interests of that close corporation, and which would have constituted improper conduct if it had been performed or omitted by a professional surveyor or surveyor carrying on his profession or calling as a natural person in practice shall, for the purpose of this Act, be deemed to have been performed or omitted by every member or employee of such close corporation practising as a professional surveyor or surveyor, unless it is proved that such professional surveyor or surveyor did not take part in the performance of the act or the omission and that he could not have prevented it.

(5) A close corporation referred to in this section which, otherwise than under an exemption granted in terms of this Act, entrusts work reserved under section 7 for professional and technical surveyors to any person, whether a member or employee of the close corporation or not, other than a professional or technical surveyor, shall be guilty of an offence and liable on conviction to a fine not exceeding R10000.

(6) Any person who-

(a) not being a nominee referred to in subsection (1) exercises any voting rights contemplated in that subsection during the period referred to therein; or

(b) contravenes a provision of subsection(2), shall be guilty of an offence and liable on conviction to a fine not exceeding R 1000.

(7) (a) The provisions of section 7 (2) and (5) shall apply mutatis mutandis in respect of a close corporation referred to in this section.

(b) The payment in accordance with the provisions of this Act by a close corporation referred to in this section on behalf of a professional or technical surveyor who carries on his profession as a member or employee of that close corporation, of any annual fee or levy, shall for the purposes of this Act be deemed to be a payment by such professional or technical surveyor.

(8) The council may cancel the registration as a professional surveyor or surveyor of any member of a close corporation referred to in this section, if the close corporation is liquidated or placed under provisional or voluntary liquidation or judicial management.

28. Improper Conduct

(1) Any professional surveyor shall be guilty of improper conduct if he-

(a) except with the consent of the council or in terms of any exemption granted under this Act knowingly entrusts to any person other than a professional surveyor work of a kind reserved for professional surveyors under section7(2);

(b) accepts remuneration from any person other than his client or employer for the performance of work of a kind reserved for professional surveyors under section 7 (2);

(c) performs work of a kind reserved for professional surveyors under section 7 (2) during any period in respect of which he has been suspended under this Act;

(d) carries on his profession as a member, shareholder, director or employee of a company referred to in section 27A, or as a member or employee of a close corporation referred to in section 27B, which company or close corporation does not comply with any requirement of section 27A or 27B, as the case may be, or any other applicable provision of this Act; or

(e) in his capacity as a member, shareholder, director or employee of a company referred to in section 27A, or as a member or employee of a close corporation referred to in section 27B, performs any act or commits any omission which would under any provision of this Act have constituted improper conduct if it had been performed or committed by a professional or technical surveyor in the carrying on of his profession as a natural person in practice.

(2) Any surveyor shall be guilty of improper conduct if he-

(a) except with the consent of the council or in terms of any exemption granted under this Act knowingly entrusts to any person other than a surveyor work of a kind reserved for surveyors under section7(2);

(b) accepts remuneration from any person other than his client or employer, for performing work of a kind reserved for surveyors under section 7 (2);

(c) performs work of a kind reserved for surveyors under section7(2) during any period in respect of which he has been suspended under this Act;

(d) carries on his calling as a member, shareholder, director or employee of a company referred to in section 27A, or as a member or employee of a close corporation referred to in section 27B, which company or close corporation does not comply with any requirement of section 27A or 27B, as the case may be, or any other applicable provision of this Act; or

(e) in his capacity as a member, shareholder, director or employee of a company referred to in section 27A, or as a member or employee of a close corporation referred to in section 27B, performs any act or commits any omission which would under any provision of this Act have constituted improper conduct if it had been performed or committed by a professional or technical surveyor in the carrying on of his profession as a natural person in practice.

(3) Any professional surveyor or survey technician shall be guilty of improper conduct if he-

(a) commits an offence in the exercise of his profession or calling; or

(b) contravenes or fails to comply with any rule made under section34(1)(e); or

(c) brings his profession or calling or the council, or any of its members or persons in its employment, into disrepute; or

(d) conducts himself in a manner which, when regard is had to his profession or calling, is improper.

(4) The acquittal or conviction of a professional surveyor or surveyor or survey technician by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or any other offence of which he might have been convicted at his trial on the said criminal charge.

(5) If the improper conduct with which the professional surveyor or surveyor or survey technician is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such professional surveyor or surveyor or survey technician as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the professional surveyor or surveyor or survey technician charged to adduce evidence that he was in fact wrongly convicted.

(6) When in the course of any proceedings before any court of law or in the course of an investigation in terms of any law it appears to the court or to the person in charge of the investigation, as the case may be, that there is prima facie evidence of improper conduct on the part of a professional surveyor or surveyor or survey technician, or conduct which, regard being had to the profession or calling of a professional surveyor or surveyor or survey technician, is improper, the court of the person in charge of the investigation, as the case may be, shall direct that a copy of the record of the proceedings or the investigation or such part thereof as is material to the issue, be transmitted to the council.

29. Disciplinary Powers of Council

- (1) The council may inquire into cases of improper conduct of which a person who is or was registered in terms of this Act is alleged to have been guilty while so registered and if proved make an order in relation to the costs of such inquiry and impose in respect of any such case of improper conduct any of the following penalties, namely-
 - (a) a fine not exceeding R5000; or
 - (b) a caution or a reprimand or a caution and a reprimand; or
 - (c) suspension from practising in the Republic for a specified period not exceeding three years; or
 - (d) cancellation of his registration in terms of this Act and the removal of his name from the register; or
 - (e) in addition to the punishment imposed under paragraph(d), disqualification for registration in terms of this Act for a specified period. Provided that in a case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council shall postpone the inquiry until such proceedings have been concluded.
- (2) When any punishment imposed under subsection (1) consists of, or includes, any fine, or any order is made in relation to the costs of the inquiry, the amount thereof shall be recovered by the council from the person concerned, and any amount so recovered shall be paid into the funds of the council.
- (3) When an inquiry is held in respect of any matter referred to the council by the Director-General or a person duly authorized by him in terms of section 14 of the Land Survey Act, 1927 (Act 9 of 1927), one half of the cost of such inquiry shall be paid from the State Revenue Fund.

30. Inquiry by Council

- (1) For the purpose of any inquiry under section 29 the council may-
 - (a) summon any person who in its opinion is able to give information of material interest concerning the subject which is being investigated or who is presumed to have in his possession or custody or under his control any book, document or thing which relates to the subject which is being investigated, to appear before the council at a time and place specified in the summons to be interrogated or to produce that book, document or thing, and may retain for examination any book, document or thing so produced;
 - (b) call and by way of its president administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been summoned under paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control;
 - (c) appoint any person to advise the council at such inquiry on matters relating to law, procedure, evidence or the imposition of punishment.
- (2) A summons requiring any person to appear before the council or to produce any book, document or thing, shall be in the form determined by the council, be signed by the president of the council or a person authorized thereto by it and served in the same manner as a summons in a criminal case issued by a magistrates court or, in the case of a summons to be served in a designated country as defined in the Reciprocal Service of Civil Process Act, 1990 (Act 12 of 1990), in accordance with the provisions of that Act.
- (3) If any person who has been duly summoned under this section fails, without sufficient cause, to appear at the time and place specified in the summons or to remain in attendance until excused from further attendance by the president of the council, or if any person called under subsection (1) (b) refuses to be sworn or to accept an affirmation as a witness or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject which is being investigated or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the laws relating to privilege, as applicable to a witness summoned to give evidence or to produce any book, document or thing before a court of law, shall apply.
- (4) Any witness who, after having been duly sworn or having accepted an affirmation, gives a false answer to any question lawfully put to him or makes a false statement on any matter, knowing such answer or statement to be false, shall be guilty of an offence.
- (5) Any person who willfully hinders the president or any member or person in the employment of the council in the exercise of any power conferred upon him by or under this section, shall be guilty of an offence.
- (6) A person whose conduct is being inquired into by the council shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by any other person duly authorized in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.
- (7) Any person convicted of an offence under subsection(3),(4) or(5) shall be liable to a fine not exceeding R200.

31. Suspension from Practicing of Registered Persons who have become of Unsound Mind

- (1) When it appears to the council from information on oath that a professional or technical surveyor is mentally ill to such an extent that it would be contrary to the public interest to allow him to continue to practise, the council may, if it deems fit, hold an inquiry mutatis mutandis in accordance with the provisions of section 30 in respect of such person.
- (2) If the council finds that such professional or technical surveyor has so become mentally ill, it may order his suspension for a specified period from practising his profession or calling.
- (3) The council may extend for any period determined by it the period of operation of, or withdraw, any order made under this section.

32. Appeals against Decisions of Council

- (1) Any person aggrieved at any decision of the council in terms of section29 or 31 or any penalty imposed by it under section29, may within 30 days after the council has given its decision or imposed the penalty, appeal against that decision or penalty by way of notice of motion to the provincial or local division of the Supreme Court of South Africa having jurisdiction in the area in which any such person ordinarily practises or works as a professional surveyor or technical surveyor.
- (2) The said division of the Supreme Court shall inquire into and consider the matter and may confirm, vary or set aside the decision of, or the penalty imposed by, the council or give such other decision or impose such other penalty as in its opinion the council should have given or imposed, and may make such order as to costs as it may deem fit: Provided that the decision of the council shall not be set aside by reason only of an irregularity which did not embarrass or prejudice the appellant in answering the charge or in the conduct of his defence.

33. Council may Readmit Person

The council may on application by any person who has in terms of section29(1) been suspended from practising or whose name has been removed from the register or who has been disqualified from registration for a specified period, terminate such suspension

or, notwithstanding the provisions of section 24 (1) (d) but subject to section 24 (1) (a), (b) and (c), register such person in terms of section 20, 21, 22 or 23 on such conditions as the council may determine.

34. Rules

- (1) The council may by notice in the Gazette make rules-
 - (a) in relation to any matter which is required to be or may be prescribed by the council under this Act;
 - (b) in relation to the calling of and procedure at meetings of the council or of a committee of the council or of the education advisory committee;
 - (c) in relation to the remuneration and allowances payable from the funds of the council to members of the council or of a committee of the council;
 - (d) in relation to the keeping and custody of registers of persons registered in terms of this Act;
 - (e) prescribing the requirements with which persons registered in terms of this Act shall comply in carrying on their profession or calling;
 - (f) prescribing conduct (in addition to conduct referred to in section 28) constituting improper conduct for a person registered in terms of this Act;
 - (g) prescribing the manner and circumstances in which a professional or technical surveyor may form a partnership with any member of a related profession or calling;
 - (h) prescribing the method of inquiry into allegations of improper conduct;
 - (i) prescribing the nature, form and period (not exceeding two years) of training in practical work to be undergone by a professional surveyor in training;
 - (j) prescribing the nature, form and period (not exceeding two years) of training in practical work to be undergone by a survey technician in training;
 - (k) prescribing the form of the contract of training between any person and a professional surveyor in training or a survey technician in training who wishes to undergo practical training with such person, before qualifying for registration as a professional surveyor or a survey technician, and the manner in which such a contract shall be registered;
 - (KA) prescribing the manner and circumstances in which a professional company or close corporation may form a partnership with any member of a related profession or calling;
 - (l) in relation to, generally, all matters which it considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.
- (2) Different rules may be made in relation to different categories of professional surveyors, professional surveyors in training, technical surveyors and survey technicians in training.

35. Procedure and Evidence

- (1) The register shall be prima facie proof of all matters required to be or that may be entered therein by or under this Act.
- (2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing which may be done by or under this Act has or has not been done, shall be prima facie proof of the matters mentioned in that certificate.
- (3) A copy of-
 - (a) an entry in the register or of a document in the custody of the registrar, or of an extract from the register or from any such document, purporting to be certified by the registrar; or
 - (b) any record or any extract from any such record appertaining to a survey and preserved by the Chief Surveyor-General or a Surveyor-General, purporting to be certified by the Chief Surveyor-General or the Surveyor-General in question, shall be admitted in evidence in all courts of law without further proof or production of the original.

36. Rectification of Errors

When anything which is required to be done or performed in terms of this Act on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that such failure was due to an error or oversight, and that it is in the interest of the surveying profession to do so, authorize such thing to be done or performed on or before any other day or at any other time or during any other period, as he may direct, and anything so done or performed shall be of full force and effect and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Act.

37. Liability of Council

The council or any member thereof or any person in its employment shall not be liable in respect of any act or duty performed in good faith in accordance with the provisions of this Act.

38. Delegation of Powers

- (1) The Minister may in writing delegate to the Director-General, or to any other officer of the department, any or all of the powers conferred upon him under this Act, except the powers conferred upon him by section 7 (2) and (3).
- (2) Any person to whom any power has been delegated under subsection (1) shall exercise that power subject to the direction of the Minister.
- (3) The Minister may at any time revoke in writing any such delegation, and the delegation of any power shall not prevent the exercise of that power by the Minister himself.

39. Exemption from Operation of Provisions of Act

- (1) The Minister may, after consultation with the council, by notice in the Gazette and subject to such conditions as he may determine, exempt any person, including any company or other juristic person or class of such persons, specified in the notice, either generally or under such circumstances as may be specified in the notice and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of this Act, excluding section 27 (1) (a).
- (2) Before any provision relating to section 27 (2) is made under subsection (1) of this section, a notice setting forth the proposed provision shall be published by the Minister in the Gazette, together with a notice intimating that it is proposed to make such provision under subsection (1) of this section within a stated period, but not less than four weeks as from the date of such publication, and inviting interested persons to submit any objections to or representations concerning the proposed provisions: Provided that, if the Minister thereafter decides on any alteration in the provision so published as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under subsection (1) of this section.

40. Construction of Act 22 of 1904 of Cape of Good Hope

The Institute of Government Land Surveyors' Incorporation Act, 1904 (Act 22 of 1904), of the Cape of Good Hope, shall be construed as if it had at all relevant times before the repeal thereof by section 6 of the Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1986, provided for the establishment of two juristic persons under the names of-

- (a) the Institute of Professional Land Surveyors of the Eastern Cape, representing professional land surveyors practising within the area consisting of the area of jurisdiction of the Eastern Cape Division of the Supreme Court of South Africa on the date of commencement of this Act; and
 - (b) the Institute of Professional Land Surveyors of the Western Cape, representing professional land surveyors practising within any part of the province of the Cape of Good Hope other than the area mentioned in paragraph (a),
- to which the provisions of the said Act, except section 1 thereof, accordingly applied as if the said section 1 had provided for the establishment of the said two Institutes.

41. Repeal and Amendment of Laws

The laws specified in the Schedule are hereby repealed or amended to the extent set out in the third column of that Schedule.

42. Completion of Certain Inquiries

Any inquiry not concluded by the Central Council of Land Surveyors before the commencement of this Act shall be concluded in accordance with the provisions of the Land Surveyors' Registration Act, 1950 (Act 14 of 1950), as if that Act had not been repealed by this Act.

43. Transfer of Assets and Liabilities to Council

As from the commencement of this Act all the assets, rights, liabilities and obligations of the Central Council of Land Surveyors established by section 2 of the Land Surveyors' Registration Act, 1950 (Act 14 of 1950), shall, subject to the provisions of this Act and without the payment of any transfer duty, stamp duty or other fees, become the assets, rights, liabilities and obligations of the council, and any reference in any law or document to the said Central Council of Land Surveyors shall be construed as a reference to the council.

44. Short title and commencement

- (1) This Act shall be called the Professional and Technical Surveyors' Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.
- (2) Different dates may be so fixed in respect of different provisions of this Act.
- (3) A reference in this Act to its commencement shall be construed as a reference to the applicable date so fixed.

**PUBLICATION OF RULES IN TERMS OF THE PROFESSIONAL AND TECHNICAL SURVEYORS'
ACT, 1984 (ACT NO. 40 OF 1984), AS AMENDED**

CHAPTER I

1. Definitions

'Chief Surveyor-General' means the Chief Surveyor-General appointed in terms of section 2 of the Land Survey Act, 1997 (Act 8 of 1997);

'institute' means an institute referred to in section 3(2)(a), (b), (c), (d), (e), (i) and (i)A of the Act;

'supervise' or 'supervision' has the meaning assigned thereto in the Land Survey Act, 1997 (Act 8 of 1997) and in respect of any kind of work reserved under section 7(2) of the Act shall further mean, the personal presence of the professional land surveyor, professional surveyor or surveyor when objects to be surveyed are inspected by him/her and pointed out to the survey technician or survey technician in training and sufficient reconnaissance by him/her to ensure that the required standard of accuracy for the survey is obtained.

'president' means the president of the South African Council for Professional and Technical Surveyors or the person who is acting in his/her stead in terms of section 6(3) or (4) of the Act;

'the Act' means the Professional and Technical Surveyors' Act, 1984 (Act 40 of 1984);

'the Sectional Titles Act' means the Sectional Titles Act, 1986 (Act 95 of 1986);

'the Land Survey Act' means the Land Survey Act, 1997 (Act 8 of 1997);

and any other word or expression to which a meaning has been assigned in the Act shall, when used in these rules, have the meaning thus assigned thereto.

CHAPTER II

2. Meetings of the council

1. At each ordinary meeting of the council called in terms of section 3(8)(a) of the Act and at each subsequent ordinary meeting of the council, the council shall fix the date and the place of the next ordinary meeting.
2. A notice convening a meeting shall specify the place, date, hour and business of the meeting and shall be posted to members not later than 30 days before the date of the meeting: Provided that, in the case of a special meeting, the president may give members such notice thereof as he or she may deem sufficient.
3. Any member desirous of proposing an amendment to these rules, or of bringing any other matter before the council, shall forward, at least six weeks before the date for which a meeting is to be convened, a written notice of motion thereof to the president, who shall ensure that such motion is included in the notice convening such meeting.
4. Except with the unanimous consent of members present, no business other than specified in the notice convening the meeting shall be discussed or transacted at such meeting.
5. The agenda for any meeting shall be prepared by the registrar in consultation with the president, and shall contain, as a general rule, the following-
 - (a) minutes of the previous ordinary meeting and of any special meeting held in the interim;
 - (b) matters arising out of such minutes;
 - (c) president's report;
 - (d) financial statement;
 - (e) report of the registrar;
 - (f) appointment of office-bearers;
 - (g) determination of registration and annual fees to be paid by a professional land surveyor, a professional surveyor, a professional surveyor in training, a surveyor, a survey technician and a survey technician in training;
 - (h) determination of honoraria and salaries;
 - (i) disciplinary matters;
 - (j) reports deferred from previous meetings;
 - (k) reports of committees;
 - (l) notices of motion transferred from previous meeting;
 - (m) new notices of motion; and
 - (n) other business.
6. Any member of the council having a personal interest in a matter to be discussed at a meeting shall disclose such interest and shall recuse himself/herself.
7. The proceedings of any meeting shall be preserved in the form of minutes, which shall be confirmed by the members of the council and authenticated by the signature of the president as soon as possible after such confirmation.
8. The minutes of a meeting shall include a record of
 - (a) the members present;
 - (b) such motions, and amendments thereof, as may have been adopted;
 - (c) any rulings of the president as to the interpretation of these rules; and
 - (d)

at the request of any member, the names of the members voting for and against a motion or any amendment thereof, unless the voting is by ballot.

9. Each member of the council and his or her alternate shall be supplied with a copy of the minutes as soon as they have been authenticated.
10. All meetings shall be open to persons registered in terms of the Act, but except with the consent of the council, they shall not take part in any discussion: Provided that the council may at any time decide to go into committee to discuss any matter whereupon non-members of the council shall withdraw from the meeting.
11. Voting on any matter shall in general be by a show of hands, and if any one member so requests the voting shall be by ballot.
12. Notices of motion may be given to review any ruling of the president and when so resolved by the council shall constitute an instruction to the registrar to refer the matter to the council's legal advisers for an opinion.
13. Any standing order of the council may be suspended if a motion to that effect be carried by a majority of votes.

CHAPTER III : MEETINGS OF THE COMMITTEES

3. Education Advisory Committee

- (1) At the first meeting of the education advisory committee called in terms of section 16(1)(a) of the Act, the committee shall determine the procedure to be adopted at its meetings, and submit a copy of the agreed procedure to the council.
- (2) The chairperson of the education advisory committee, or if he or she is not available, the president, shall give every member at least two weeks notice in writing, of subsequent meetings of the committee.
- (3) The provisions of rule 2(4), (6), (7), (8), (9) and (11) shall apply mutatis mutandis.
- (4) A copy of the minutes shall be submitted to both the president and the registrar as soon as they have been authenticated.

4. Committee of Inquiry

- (1) A committee to which the council has assigned the power to enquire into any case of alleged improper conduct in terms of the provisions of Section 10 of the Act and to impose a punishment in respect thereof in accordance with the provisions of Section 29 of the Act shall consist of a chairperson appointed by the council and not less than three and not more than five members.
- (2) When an inquiry is instituted against a person who is or was registered in terms of the Act the members of such a committee shall be
 - (a) professional land surveyors when the person who is being charged is or was a professional land surveyor; or
 - (b) surveyors when the person who is being charged is or was a surveyor, a survey technician or a survey technician in training;or
 - (c) professional surveyors when the person who is being charged is or was a professional surveyor or a professional surveyor in training:
Provided that, by a two thirds majority decision of the council, a committee may be appointed which differs in constitution from the requirements as set out above.
- (3) The proceedings of any meeting of the committee appointed in terms of this rule shall be preserved in the form of minutes, which after confirmation by the members of the committee and authenticated by the chairperson, shall be submitted to the council.

5. Procedures for Committees

A committee established in terms of section 10 of the Act, excluding a committee as contemplated in rule 4, shall regulate its procedure at meetings in accordance with the provisions as laid down by the president.

CHAPTER IV

6. Remuneration and Allowances of Members of the Council and Committees

- (1) The members of the council and of a committee of the council, excluding members of the education advisory committee, shall be paid from the funds of the council subsistence and travelling allowances.
- (2) The members of the education advisory committee shall be paid such allowances for subsistence and travelling as contemplated in section 18 of the Act.

CHAPTER V

7A. Registration of professional land surveyors and professional land surveyors in training

- (1)
 - a) Subject to the provisions of paragraph (b), the training in practical work to be undergone by a candidate for registration as a professional land surveyor, shall be the carrying out of practical work under the supervision of a professional land surveyor who has been practising as such for at least five years after registration as a professional land surveyor in terms of section 20(2) of the Act
 - b) The period of training referred to in paragraph (a), which shall be continuous, and the nature of which shall be approved and controlled by the council, shall be not less than 270 working days:
Provided that-
 - (i) if a candidate has undergone training in non-cadastral survey work not necessarily under the supervision of a professional land surveyor, or during the course of practice has undertaken practical work, which in the opinion of the council is equivalent to the

- work referred to in paragraph (a), he or she may be granted exemption from such portion of the period of training prescribed in this paragraph as the council may determine;
- (ii) the period of training occupied in any category of practical work shall be in accordance with the requirements as laid down from time to time by the council;
 - (iii) the council may condone a break in the continuous period of training if, on reasonable grounds for such a break exist after a written request in this regard has been made by the candidate;
 - (iv) the period of training in cadastral surveys shall not be less than 135 working days after completion of the academic training of the candidate: Provided that he or she applies for registration as a professional land surveyor in training within two months of such completion date, failing which, the period of training will be deemed to commence as from the actual date of application for registration.
- c)
- (i) Proof of employment during the period of training by candidate shall be submitted by him or her to the council in the form of a certificate substantially as set out hereunder

CERTIFICATE OF TRAINING

I, a professional land surveyor practising in the Republic of South Africa, / a professional surveyor / a surveyor / an engineer *, practising in do hereby certify that has successfully carried out practical work under my supervision for the following periods and in the following categories:

Period	Category:
	Cadastral Surveys
	Topographic Surveys
	Engineering Surveys
	Control Surveys
	Hydrographic Surveys
	Other

particulars of which in regard to the time and nature of the work, are annexed.

Dated at on the day of

Signed

Professional Land Surveyor, Professional Surveyor, Surveyor, Engineers, etc.*

*Delete whichever is not applicable.

- (ii) The certificate prescribed in this rule shall be supported by an annexure in the form of a schedule, signed by the professional land surveyor or other person and the candidate, in which detailed particulars of all practical work are entered.
- (iii) The council may dispense with the certificate prescribed in this sub-rule, if it is satisfied that the professional land surveyor or other person with whom the candidate was employed, unreasonably refuses, or for some reason is not in position to grant the certificate: Provided that proof can be given that the candidate was actually employed and satisfactorily carried out the practical work under the supervision of such professional land surveyor or other person for the periods during which he or she claims to have been so employed.
- (iv) Exemption in terms of sub-rule (1)(b)(i) shall not be granted unless proof of training or practice to the satisfaction of the council can be given.

The council may require the candidate to undergo such further training as it deems fit.

(2)

- (a) A candidate who fails to pass the examination in the laws concerning surveying and related matters, or who fails to carry out an acceptable trial survey or practical test which in whole or in part may consist of an oral examination set by the council, shall be afforded a chance to present himself or herself for re-examination after a period of not less than two months after the date of the unsuccessful attempt at the law examination and/or the trial survey.
- (b) Should the candidate fail to attain a standard acceptable to the council after the second attempt, he or she shall not be allowed to present himself or herself for such further law examinations or trial survey or practical test until further training has been undergone as determined by the council.

(3) For the purpose of this rule

"cadastral surveys" means surveys referred to in section 27(1)(a)(i) and (ii) of the Act;

"practical work" means such survey operations, the nature of which shall be approved by the council and includes cadastral surveys.

(4) The professional oath or affirmation that a candidate is required to make in terms of section 20(1)(f) of the Act, shall be in form A obtainable from the Registrar.

(5) Any person who has passed an examination for which the council has granted recognition in terms of section 20(1)(b) of the Act and who desires to qualify for registration as a professional land surveyor shall apply for registration as a professional land surveyor in training using form B obtainable from the Registrar.

(6) When a professional land surveyor in training complies with the requirements mentioned in section 20(1) of the Act he or she may apply to the council for registration as a professional land surveyor using form C obtainable from the Registrar, and the council shall register such a person in the appropriate register.

7B. Registration of professional surveyors and professional surveyors in training

(1)

- (a) Any person who has passed an examination for which the council has granted recognition in terms of section 20(1)(b) of the Act or complied with the requirements set out in section 20(2A) of the Act and who desires to qualify for registration as a professional surveyor in a division of the register provided for in section 7(4)(b) of the Act, shall submit such proof of experience and qualifications as the council may determine.
- (b) Subject to the provisions of section 20(2A) of the Act, the training in practical work to be undergone by a candidate for registration as a professional surveyor, shall be the carrying out of practical work under the supervision of a professional surveyor registered in the same category who has been practising as such for at least five years after registration as a professional surveyor in terms of section 20(1) or section 20(2A) of the Act, or such other qualified person approved by the council.
- (c) The period of training referred to in paragraph (b), which shall be continuous, and the nature of which shall be approved and controlled by the council shall be for such period after completion of the academic training of the candidate as the council may determine but shall not exceed 320 working days: Provided that the candidate applies for registration as a professional surveyor in training within two months of such completion date, failing which, the period of training will be deemed to commence as from the actual date of application for registration:

Provided further that –

- (i) the period of training occupied in any category of practical work shall be in accordance with the requirements as laid down from time to time by the council;
 - (ii) the council may condone a break in the continuous period of training if reasonable grounds for such a break exist after a written request in this regard has been made by the candidate.
- (d) (i) Proof of employment during the period of training by a candidate shall be submitted to the council in the form of a certificate substantially as set out in rule 7A(1)(c)(i).
- (ii) The certificate prescribed in this rule shall be supported by an annexure in the form of a schedule, signed by the professional surveyor or other person and the candidate, in which detailed particulars of all practical work are entered.
- (iii) The council may require the candidate to undergo such further training as it may deem fit.
- (2)(a) A candidate who fails to pass the examination in law as may be determined or who fails to carry out an acceptable trial survey or practical test which in whole or in part may consist of an oral examination set by the council, shall be afforded a chance to present himself or herself for re-examination after a period of not less than two months after the date of the unsuccessful attempt at the law examination and/or the trial survey.
- (b) Should the candidate fail to attain a standard acceptable to the council after the second attempt, he or she shall not be allowed to present himself/herself for such further law examination or trial survey or practical test until further training has been undergone as determined by the council.
- (1) The professional oath or affirmation that a candidate is required to make in terms of section 20(1)(f) of the Act, shall be in form A obtainable from the Registrar.
- (2) Any person who has passed an examination for which the council has granted recognition in terms of section 20(1)(b) of the Act and who desires to qualify for registration as a professional surveyor shall apply for registration as a professional surveyor in training using form D obtainable from the Registrar.
- (5) When a professional surveyor in training complies with the requirements mentioned in section 20(1) of the Act, he or she may apply to the council for registration as a professional surveyor using form E obtainable from the Registrar and the council shall register such a person in the appropriate register.

CHAPTER VI

8. Registration of surveyors, survey technicians and survey technicians in training

(1) The council shall, on application of any person who has-

- (a)
 - (i) after passing an examination for which the council has granted recognition in terms of section 22(1)(a)(i) of the Act completed training in the form of practical experience for a period of at least three years in such practical work which in the opinion of council is of sufficient variety and of a satisfactory nature and standard; or
 - (ii) complied with the requirements set out in section 22(3)(a)(i) or 22(3)(b)(i) of the Act; and

(b) carried out such trial survey or practical test which in whole or in part may consist of an oral examination set by the council; and

(c) has passed such examination in law as determined by the council; and

(d) made an oath or affirmation in form A obtainable from the Registrar; and

(e) submitted the form F obtainable from the Registrar.

register such person as a surveyor in the appropriate register.

(1) The council shall, on application of any person who has –

(a)(i) passed an examination for which the council has granted recognition in terms of section 22(1)(b)(i) of the Act and has completed such training as the council shall determine; or

(ii) complied with the requirements set out in section 22(3)(a)(ii) or 22(3)(b)(ii) of the Act; and

(b) carried out such trial survey or practical test which in whole or in part may consist of an oral examination set by the council; and

(c) made an oath or affirmation in form A obtainable from the Registrar; and

(d) submitted the application form G obtainable from the Registrar;

register such person as a survey technician in the appropriate register.

- (1) The council shall, on application on form H obtainable from the Registrar, of any person who is registered as a survey technician and who complies with the requirements of subrules (1)(a)(i), (b), (c) and (d) register such a person as a surveyor in the appropriate register.
- (4)(a) Any person who does not qualify for registration as a surveyor or a survey technician, and who wishes to pass an examination for which the council has granted recognition as contemplated in section 22(1)(b)(i) of the Act and who desires to qualify for registration as a survey technician shall apply for registration as a survey technician in training using form I obtainable from the Registrar.
 - (b) Subject to the provisions of paragraph (c) the training in practical work to be undergone by a candidate for registration as a survey technician, shall be the carrying out of practical work under the supervision of a professional land surveyor, a professional surveyor, a surveyor, a survey technician or another person whom the council considers suitable: Provided that if it is under a technician who qualified in terms of section 22(1)(b) of the Act then such technician must have had at least three years experience after passing an examination for which the council has granted recognition in terms of section 22(1)(b)(i) of the Act.
 - (c) The period of training shall be determined by the council in each individual case unless the candidate has obtained a diploma from a recognised technikon or college in the Republic of South Africa and such technikon or college has certified that the applicant has received suitable training: Provided that, in respect of a diploma issued before 1 January 1985 a professional land surveyor; professional surveyor, or surveyor registered in terms of the Act or such other person whom the council considers suitable may issue such certificate if the applicant has received suitable training under his supervision.
 - (d) Proof of employment and such further condition of training shall be in the form specified in rule 7A(1)(c) mutatis mutandis.
 - (e)
 - (i) The council shall set the candidate a trial survey or practical test which in whole or in part may consist of an oral examination.
 - (ii) Should the candidate fail to attain a standard acceptable to the council he or she shall be afforded a chance to present himself or herself for re-examination after a period of not less than two months after the date of the unsuccessful attempt of the trial survey.
 - (iii) Should the candidate fail to attain a standard acceptable to the council after the second attempt, he or she shall not be allowed to present himself or herself for such further examination until further training has been undergone as determined by the council.
- (5) When a survey technician in training complies with the requirements mentioned in section 22(1)(b) of the Act, the council shall on application in form J obtainable from the Registrar cancel the registration of such person as a survey technician in training and register him as a survey technician in terms of section 22(2) of the Act.

CHAPTER VII

9. Establishment of Register

- (1) In terms of section 7(4) of the Act a register shall be kept and maintained relating to persons whose applications for registration under sections 20(2), (2B) and (4), 21, 22 and 23 of the Act have been accepted by the council.
- (2) Such particulars as referred to in section 26 of the Act regarding any person referred to in subrule (1) upon payment of such registration and annual fees determined by the council in terms of section 7(1)(9) of the Act, shall be entered in the register.
- (3) The date of the first registration of any person in terms of the Act shall be the date the registrar receives the documents prescribed in terms of these rules, together with the registration and annual fees.

10. Keeping of Register

- (1) The registrar shall keep the register correctly and in accordance with the provisions of the Act and shall remove therefrom the name of any registered person who has died or whose registration has been cancelled, or who has been disqualified for registration or whose registration has lapsed in terms of the Act.
- (2) No particulars in regard to any qualification shall be entered in the register unless the registrar is satisfied that the person claiming to possess such qualification is entitled thereto.
- (3) Any entry in the register which is proved to the satisfaction of the council to have been made in error or through fraudulent misrepresentation or under circumstances not tenable in law, shall under authority of the council, be deleted or amended in the register.
- (4) Whenever any entry in respect of any person has been deleted under the authority of the council, the registrar shall, within seven days of such deletion notify the person concerned thereof, in writing transmitted by registered post to his/her registered address.
- (5) Any certificate of registration issued in accordance with the provision of the Act shall be deemed to be cancelled from the date upon which the registration is cancelled by the council in terms of sections 24(2) or (4) and 29(1)(d) or (e) of the Act or has lapsed in terms of section 24(3) of the Act.
- (6) The register shall be kept in the office of the council and the registrar shall from time to time, upon the authority of the council, cause copies of the register to be printed, published and issued upon payment of such fees as the council may determine from time to time.

11. Divisions of the Register

- (1) The council shall determine from time to time the various divisions for registration in which the names of professional land surveyors, professional surveyors, professional surveyors in training, surveyors, survey technicians and survey technicians in training shall be in the register.

12. Applications

- (1) Any person who applies for registration in terms of the Act, shall submit application forms obtainable from the Registrar, as follows:
For a person who desires to register as -
- (a) a professional land surveyor or in training who qualifies for registration in terms of rule 7A(5), on form B;
 - (b) a professional land surveyor and who qualifies for registration in terms of rule 7A(6), on form C;
 - (c) a professional surveyor in training who qualifies for registration in terms of rule 7B(4) on form D;
 - (d) a professional surveyor who qualifies for registration in terms of rule 7B(5) on form E;
 - (e) a surveyor, and who qualifies for registration in terms of rule 8(1) on form F;
 - (f) a surveyor, registered as a survey technician, and who qualifies for registration in terms of rule 8(3) on form H;
 - (g) a survey technician, and who qualifies for registration in terms of rule 8(2) on form G;
 - (h) a survey technician, registered as a survey technician in training, and who qualifies for registration in terms of rule 8(5), on form J;
and
 - (i) a survey technician in training, and who qualifies for registration in terms of rule 8(4) on form 1.
- (2) An application in terms of subrule (1) shall be accompanied by the registration and annual fees as determined by the council from time to time in terms of section 7(1)(g) of the Act.
- (3) Apart from the application forms required by subrule (1) and the fees submitted in terms of subrule (2) a person shall submit to the registrar such proof of qualification, certificates of practical experience or other documents which would indicate proof of his or her acceptance for registration; Provided that where any such certificate or document has been lost or destroyed, he or she may provide written confirmation by competent authority to the effect that such certificate or document was issued to him or her: Provided further that the register kept by the Central Council of Land Surveyors established in terms of the Land Surveyors' Registration Act, 1950 (Act 14 of 1950), immediately prior to the commencement of the Act, shall be deemed as sufficient proof of the suitability of any such land surveyor applying for registration as a professional land surveyor in terms of the Act.
- (4) After satisfying himself or herself that the applicant is entitled to be registered, the registrar shall enter his or her name and such other particulars as referred to in section 26 of the Act, in the register and issue to him or her a certificate of registration using form K.

13. Registration and Annual Fees

- (1) The registration and annual fees for different categories of registration shall be determined annually by the council in terms of section 7(1)(g) of the Act, and made known to all persons registered in terms of the Act.
- (2) The annual fees as determined by the council shall become due and payable on the first day of April of each year: Provided that an applicant for registration after the 30th day of September in any year shall only be obliged to pay one half of the annual fee in respect of the unexpired portion of the year together with the registration fee.

14A. Registered Address

- (1) Every person registered in terms of the Act shall supply the council together with his or her application form for registration, with an address which shall indicate the place at and from which he or she normally practices, and which shall be entered in the register by the registrar.

14B. Companies

- (1) Every member of a company registered pursuant to the provisions of section 27A of the Act shall within 30 days of such registration notify the registrar of the following-
- (a) the name of the company, its registration number and the date of its incorporation, and the address of its registered office;
 - (b) the names and addresses of every member of the company;
 - (c) a certified copy of its Memorandum and Articles of Association.
- (2) Within 30 days of a transfer of shares in a company as contemplated by section 27A of the Act, the remaining members of the company, as the case may be, shall supply the registrar with the names and addresses of every registered member of the company.
- (3) The members of a company registered in terms of section 27A of the Act shall notify the registrar of any amendment to the Memorandum and Articles of Association of the company, which notification shall be given in writing within 10 days of such amendment coming into force.
- (4) Notwithstanding anything to the contrary contained herein, the registrar shall at all times whilst a company is registered to perform the work of a professional land surveyor, professional surveyor or surveyor, be entitled to require the members of such company to provide the names and addresses of every member and past member of the company and/or to furnish the registrar with a certified copy of the Memorandum and Articles of Association, as amended, of the company and the members of the company shall be bound and obliged to furnish such information and copies within 10 days of the receipt of the registrar's request.

CHAPTER VIII

15. Improper Conduct

The under mentioned acts and omissions by a person who is or was registered in terms of the Act, shall constitute improper conduct (in addition to improper conduct referred to in section 28 of the Act) and which acts and omissions the council may inquire into in terms of section 29(1) of the Act –

- (1) undertaking work of a survey nature for the execution of which he or she was inadequately trained or insufficiently experienced;
- (2) performing any survey work undertaken by him or her in an incompetent, reckless or negligent manner;
- (3) using a name with any misleading content for the title and style or name of his or her firm;
- (4) signing or otherwise identifying as having been issued by him or her or his or her firm any plan or document of which he or she or his or her firm is not the bona fide author;
- (5) failing, without just cause, to comply with the provisions of any contract undertaken by him or her;

- (6) advertising services of a survey nature rendered by him or her in a manner which lauds his or her own work or in a manner which is not true and factual or in a manner that is derogatory to the dignity of the profession; or in a manner which misrepresents his or her qualifications;
- (7) permitting his or her name to be used in connection with the direct advertisement of any survey equipment or, in his or her capacity as a registered person, with any other commodity other than when his or her name appears in an informative article;
- (8) using or allowing to be used any letterhead, account form, receipt form or other document, on which is printed qualifications which, in the opinion of the council, are inconsistent with his or her training and experience;
- (9) canvassing or touting for clients or for any survey work, including without affecting the generality of the rule, the following:
 - (a) the soliciting for custom or work directly or indirectly from any person; or
 - (b) the making of unsolicited visits or telephone calls or the sending of unsolicited letters or printed material to any person except to an existing professional connection with a view to establishing a professional relationship with such person; or
 - (c) in any other manner touting for work of a kind commonly performed by registered professional land surveyors, professional surveyors or surveyors; or
 - (d) permitting, encouraging or conniving with another person to do any of the foregoing on his or her behalf.
- (10) entering, in his or her capacity as a professional land surveyor, professional surveyor or surveyor, into partnership with a person other than a town and regional planner, a quantity surveyor, an architect, and a professional engineer, registered respectively in terms of the Town and Regional Planners Act, 1984 (Act 19 of 1984), the Quantity Surveyors Act, 1970 (Act 36 of 1970), the Architects Act, 1970 (Act 35 of 1970), and the Professional Engineers Act, 1968 (Act 81 of 1968); or such other suitably qualified person approved by the council;
- (11) failure, within 60 days after having been instructed in writing by the council to do so, to dissolve any partnership or other association of which he or she is a member in his or her capacity as a registered person;
- (12) receiving or seeking to recover, directly or indirectly from any source, any fee or other reward for survey services in excess of that which would constitute a reasonable fee or reward for such services, with due regard to all prevailing circumstances, unless such fee or reward has been agreed in writing with the client who is fully acquainted with prevailing guidelines, scales or levels of charges generally applied within the profession;
- (13) in respect of any survey, employing a person
 - (a) whose name has been removed from the register in terms of the Act or whose right to practice has been suspended or cancelled in terms of section 12 of the Land Survey Act; or
 - (b) who has been suspended from practicing in terms of the Act or section 12 of the Land Survey Act during the period of such suspension;
- (14) allowing an unregistered person to assist him or her by making measurements in the field without exercising proper control;
- (15) permitting an assistant to perform
 - (a) cadastral survey field operations without exercising supervision in accordance with the provisions of the Land Survey Act, 1997 (Act 8 of 1997); or
 - (b) any other survey field operations without exercising supervision in accordance with the provisions of rule 1; For the purpose of this sub-rule "assistant" has the meaning assigned thereto in section 1 of the Land Survey Act, 1997 (Act 8 of 1997);
- (16) quoting or tendering or offering to tender for any survey work unless prior thereto tenders or quotes have been invited by, or on behalf of the person requiring such work to be done: Provided that any quote or tender shall be a bona fide quote or tender and shall not be made for the purpose, or as a means, of canvassing or touting for any other survey work;
- (17) superseding another registered person on any survey work which he or she knows, or ought to have known or suspected, had been entrusted to such other registered person without first ascertaining from him or her, in writing or by any other means satisfactory to the council, that the services had been terminated;
- (18)
 - (a) becoming a member of a company practicing as a professional land surveyor, a professional surveyor or surveyor if the other members or shareholders are not natural persons registered as professional land surveyors, professional surveyors, surveyors or other natural persons approved by the council in writing; or
 - (b) failing to comply with any of the provisions of Section 27A of the Act, or failing to comply with any of the aforementioned provisions of rule 14B;
- (19) unjustifiably casting reflection by word or implication upon the propriety, reputation or skill of any registered person;
- (20) committing any act calculated to bring into contempt or disrepute his or her profession or calling or the council or any of its officers;
- (21) conducting himself or herself dishonourably in connection with any work performed by him or her, or under his or her supervision;
- (22) granting a certificate in his or her capacity as a registered person unless he or she has satisfied himself or herself that the facts are fully and correctly stated therein;
- (23) using the advantage of a salaried position to compete unfairly with other registered persons;
- (24) unreasonably delaying the execution and completion of work entrusted to him or her by a client; or
- (25) failing to carry out anything required of a registered person in terms of these rules;

Provided that nothing in the foregoing subrules shall preclude a professional land surveyor, a professional surveyor, surveyor, a company registered pursuant to the provisions of Section 27A of the Act, or a survey technician permitted to practice in terms of Section 22(4)(b)(ii) of the Act, from

- (a) placing his or her signature and the name of his or her firm on any document or model prepared by him or her or by his or her firm
- (b) displaying a name plate or panel of plain character bearing his or her name or the name of the firm and status, outside his or her office and at the entrances to the building in which the office is located;
- (c) issuing a business card or printed information giving details about his or her practice to prospective clients;
- (d) advising clients of any change of address or staff of his or her firm or of the dissolution of any partnership;
- (e) superseding another registered person, at the request of a client or of the local institute, on any survey work entrusted to such person by the said client, which has been unreasonably delayed and after such person has failed to reply within three weeks to a written request by the said institute to complete the said work;
- (f) permitting his or her name, status, the name of his or her firm, the address and telephone number to be listed in a membership list of an organisation of which he or she is a member;
- (g) furnishing the following information on a letterhead or other document
 - (aa) the name under which the firm operates, which name shall consist of proper names or such other name as approved by council, and may include the names of present registered persons in the firm and the names of present partners with whom

partnerships may be formed: Provided further that a previous name of the firm may be used and that the name of a past partner may be retained in the name of the firm;

- (bb) a description of the service which can be rendered, such as land surveying, town planning, township planning, topographical and engineering surveying, mine surveying, sectional title surveying, photogrammetrical surveying, and property valuation: Provided further that his or her or an associates qualifications and experiences shall not be misrepresented:
- (cc) a list of names of the partners in the firm and the names of registered assistants: Provided further that where such partners or assistants operate from another office of the firm, the address and telephone number of such office may be given on the letterhead;
- (h) placing his or her name or the name of his or her firm in any advertisement which he or she has inserted on behalf of his or her client in the legal or tender columns of a newspaper;
- (i) publishing in respect of any practice or organisation offering survey services, the following kinds of advertisements
 - (aa) notices of commencement of practice and notices of change of address or partnership or company
 - (bb) advertisement for staff
 - (cc) a detailed entry in any directory;
 - (dd) an announcement in the press that the practice is responsible for the survey work in connection with any structure illustrated in the same issue
 - (j) distributing brochures or pamphlets describing his or her experience and capabilities;
 - (k) sending to the media articles, or being interviewed, about his or her work or about surveying topics of general interest, and allowing the work to be displayed in exhibitions;
 - (l) appearing in a documentary film relating to survey and in the course of which mention is made, in so far as it is reasonably necessary for the purpose of the said film, of the words professional land surveyor, professional surveyor or surveyor, of the name of the person concerned or of the name of his or her firm;
 - (m) exhibiting his or her name on the site of a survey in the format of the notice boards as approved by the council;
 - (n) commissioning or employing a public relations consultant or similarly designated person to carry out all or any such aspects of his or her public relations policy as may be permitted within the context of these rules:

Provided further that nothing in the foregoing sub-rules shall preclude a professional land surveyor, professional surveyor or surveyor from entering into partnership with a professional land surveyor, professional surveyor or with a surveyor.

CHAPTER IX

16. Inquiries into alleged improper conduct

- (1) In the case of alleged improper conduct on the part of any person who is or was a person registered in terms of the Act being reported to the council or to any institute the matter shall be referred to the president who shall address the body or person making the complaint or allegation in writing, calling upon it or him or her to furnish an affidavit detailing in concise terms the specific acts complained of or alleged.
- (2) On receipt of the affidavit the president shall forward a copy thereof to the person against whom the complaint, charge or allegation is lodged, calling upon him or her to submit to the president within 21 days a written explanation verified by affidavit in answer to the complaint, but warning him or her that any explanation given by him or her may be used in evidence should an inquiry take place.
- (3) On receipt of such explanation, or if no explanation is received from the person concerned, a subcommittee consisting of three practicing professional land surveyors, professional surveyors or surveyors as the case may be and assisted by a practicing attorney or advocate, shall be appointed by the president (failing whom, the vice-president) and such sub-committee shall consider the complaint, charge or allegation and the explanation (if any) and if, in the opinion of the majority of the subcommittee the statements furnished do not disclose prima facie evidence of improper conduct, they shall inform the president (failing whom, the vice-president) accordingly and he or she shall forthwith advise both the complainant and the person concerned of that fact in writing.
- (4)(a) Should the majority of the members of the sub-committee consider that the statements furnished disclose prima facie evidence of improper conduct, they shall inform the president (failing whom, the vice-president) accordingly and simultaneously make written recommendations to him or her in regard to
 - (i) the nature of the charges to be brought against the accused person; and
 - (ii) whether, in the opinion of the sub-committee, the alleged conduct of the accused person, if proved, is of sufficient importance to the profession to warrant that charges of improper conduct be brought against that person by the council.
- (b) Upon receipt thereof, the president and vice-president (acting as a subcommittee of council, the president to have a second or casting vote) shall consider the information and recommendation referred to in subrule 4(a) and shall decide whether prosecution of the charges shall be brought in the name of the council or in the name of the complainant. At the same time the same sub-committee shall submit to the council for approval the names of the members of a committee of inquiry.
- (5) The members of the council shall indicate in writing to the president their acceptance or other proposals regarding the constitution of the committee within 21 days of the date of the notification mentioned in subrule (4).
- (6) Save as provided in rule 4(2), when the president is satisfied that the majority of the members agree to the constitution of the committee of inquiry, he or she shall notify the members of such committee stating where and when the inquiry will be held. At the same time he or she shall notify the complainant in writing of the nature of the council's decision and of the composition of the committee of inquiry and the complainant, if his or her complaint is to be prosecuted in his or her name, shall have the right, if he or she so wishes, to withdraw the charges and to resile from the prosecution thereof by notice in writing addressed and delivered to the president within 10 days of the delivery of the aforesaid notice from the president to the complainant. If the complainant fails to deliver such notice to the president within the aforesaid period of ten (10) days, such failure shall constitute proof that the complainant requires the charges to be prosecuted in his or her own name by the council.
- (7) After the president has satisfied himself or herself that the complainant wishes to proceed with the prosecution of the charges or if it has been decided that the council shall prosecute such charges in its own name, the president shall issue a summons in the form J obtainable from the Registrar, addressed to the person concerned, (hereinafter referred to as "the accused") stating where and when the enquiry will be held.

- (8) The president shall, together with the summons, furnish the accused with a copy of these rules and of such affidavits and other documents as he or she deems fit. In addition the president shall furnish the accused with a schedule of all other documents in his or her possession which may be used as exhibits at the inquiry, and the accused shall be entitled, prior to the inquiry, to examine the said exhibits and, if he or she so desires, to make copies thereof.
- (9) The summons shall be served on the accused in the manner stipulated by section 30(2) of the Act and shall allow the accused a reasonable period of time to prepare his or her defence to the charges against him or her and/or to respond in any way which he or she may deem appropriate to the charges set forth in the summons.
- (10) Whenever the complainant or the accused requests the president, in writing, that any person or persons be summoned to give evidence on his or her behalf, or whenever the accused requires the presence of the complainant or any person giving evidence on behalf of the complainant for purposes of cross-examination, the president shall, if he or she considers that such person or persons, or any other person or persons are necessary witnesses, summon such person or persons to appear before the committee to give evidence. The fees payable to witnesses shall be according to the tariff in criminal cases in magistrates' courts and shall be payable by the council.

17. Procedures at inquiries

At an inquiry convened in terms of these rules the following procedure shall be followed-

- (1) When the accused appears -
 - (a) the chairperson shall read the summons addressed to the accused and shall table proof of proper service thereof;
 - (b) the chairperson shall then read to the committee the complaint and shall table any documents or other evidence submitted in support thereof. No statement made by any person shall be tabled unless it is in the form of a properly sworn or affirmed affidavit;
 - (c) the accused shall then be asked whether he or she accepts such evidence or if he or she desires to cross-examine the person or persons whose affidavit or affidavits have been tabled. If the accused has no objection to the evidence he or she shall sign a statement to that effect, but if he or she desires to cross-examine any person whose affidavit has been tabled, the said affidavit shall not be admitted in evidence unless the deponent appears before the committee and submits himself or herself to cross-examination by or on behalf of the accused: Provided that where any part of the evidence tabled is a properly certified copy of a record of a court of law, such copy shall be accepted as prima facie proof of the proceedings of such court;
 - (d) when all the evidence on behalf of the council or the complainant, as the case may be, has been led or placed before the inquiry, the accused shall be invited to lead evidence in answer to or rebuttal of the complaint; and (e) at the conclusion of the evidence led by or on behalf of the accused, the accused shall be entitled to address the committee of inquiry, either personally or by his/her counsel or attorney. Thereupon the representative of the council or the complainant, as the case may be, shall be entitled to address the committee of inquiry, either personally or by his or her counsel or attorney.
- (2) When the accused fails without good cause or refuses to appear-
 - (a) the chairperson shall read the summons addressed to the accused and shall table proof of proper service thereof;
 - (b) evidence shall then be given or led by or on behalf of the council or the complainant, as the case may be.
- (3) Any person giving evidence at an enquiry shall first be examined by or on behalf of the party by whom he or she is called, and may then be cross-examined by or on behalf of the other party. Thereafter he or she may be re-examined by or on behalf of the party by whom he or she is called. Such person may then, with the permission of the chairperson, be questioned by members of the committee.
- (4) All oral evidence at an inquiry shall be on oath or affirmation, and if any witness or deponent declines to submit to cross-examination, the committee may refuse to admit his or her evidence to any document or statement.
- (5) When all the available evidence has been led by or on behalf of both the council to the complainant (as the case may be) and the accused, and after the committee has been addressed by the accused and the representative of the council or the complainant as provided in sub-rule 17(1)(e) above, the committee shall deliberate thereon in committee.
- (6) The accused may be represented at an inquiry in terms of these rules by counsel or an attorney or both.
- (7) In the event of the accused or any other person obstructing the proceedings at any inquiry, the committee may, in its discretion, adjourn or postpone the inquiry or order the accused or such other person to be removed, and may continue the inquiry in his or her absence.
- (8) If the accused is found not guilty of the complaint the council shall be notified forthwith and after review the accused shall be advised accordingly, and his or her name and the nature of the complaint upon which he or she has been found not guilty shall be published by the council only if requested by the accused to do so.
- (9) Having considered the decision of and the punishment imposed by the committee, and having decided whether to confirm, review, amend or withdraw any such decision or punishment as provided in section 10(2) of the Act, the council, in its discretion, may cause the final result of the inquiry to be published in such form and publication(s) as it may deem necessary or appropriate: Provided that notification of the final result of the inquiry and the nature and extent of punishment imposed upon the accused shall be communicated to him/her in writing.
- (10) The costs of any inquiry which the complainant or the accused may be ordered to pay in terms of section 29 of the Act shall be recoverable from the person concerned by action instituted against him or her in court with appropriate jurisdiction by or at the instance of the council, the complainant or the accused, as the case may be. Costs due to the council shall be payable within such period as the council in its discretion, may determine. Any award of costs made in terms of section 29 of the Act shall include all costs reasonably disbursed in connection with the inquiry, including the legal costs of an attorney or counsel appointed in terms of section 30(1)(c) of the Act, on the scale of charges recommended by the applicable Law Society for non-litigious matters.
- (11) Any decision of the committee with regard to any point of procedure of the evidence in whatever form or any other legal issue arising in connection with, or in the course of, any inquiry convened in terms of these rules shall be made in committee.
- (12) Notwithstanding anything to the contrary contained in these rules, the chairperson of the committee of inquiry shall have exclusive discretion to rule on any issue relating to the form or admissibility of evidence presented to the committee, or to the nature and extent to which any witness may be examined by any party to the proceedings, including other members of the committee, or to any adjournment or postponement of the proceedings, and in respect of such rulings the Chairperson shall be guided but not bound by the general rules of evidence applicable in a court of law.
- (13) The proceedings of all inquiries conducted in terms of these rules shall be preserved by the council. If the proceedings have been mechanically or electronically recorded the tapes of such recordings shall be placed in a sealed container and authenticated by the signature of the chairperson of a committee of inquiry as soon as reasonably possible after the inquiry has been completed. If the proceedings of the inquiry have been recorded in the form of typewritten minutes, such minutes shall be preserved by the council and authenticated, after confirmation, by signature of the chairperson of the committee of inquiry as soon as reasonably possible after the inquiry has been completed. If the mechanically or electronically recorded tapes are required to be transcribed for any purpose whatever, such transcriptions shall be submitted to the chairperson of the committee of inquiry for verification and authenticated by him or her by his or her signature as soon as reasonably possible after completion of the transcription.

(14) A person registered in terms of the Act in the same division of the register as the accused, may attend an inquiry: Provided that the committee shall have the right to exclude any person: Provided further that the reasons for such exclusion shall be recorded in the minutes.

CHAPTER X

18. Titles and letters of designation

- (1) A professional land surveyor who is registered in terms of section 20 of the Act may append after his/her name the letter and title Pr L(SA) (Professional Land Surveyor, South Africa): Provided that the council may determine such categories of professional surveyor and the designation as will be necessitated by circumstances.
- (2) A surveyor who is registered in terms of rule 8(1) or (3), may append after his/her name the letter and title S (SA) (Surveyor, South Africa) or such other designation as the council may determine.
- (3) A survey technician who is registered in terms of rule 8(2) or (5) may append after his/her name the letters and title ST (SA) (Survey Technician, South Africa) or such other title as the council may determine.