

**SOUTH AFRICAN COUNCIL
FOR PROFESSIONAL AND TECHNICAL SURVEYORS
PROFESSIONAL & TECHNICAL SURVEYORS' ACT**

(Act Number 40 of 1984 (as amended))

For full text of the Act go to the following links on the PLATO website
– LEGISLATION – List of all Acts – Act Number 40 of 1984 (as amended).

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 section 7(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 section 7(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 section 7(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 section 34(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.