

**SOUTH AFRICAN COUNCIL
FOR PROFESSIONAL AND TECHNICAL SURVEYORS**

PUBLICATION OF RULES

In terms of
THE PROFESSIONAL & TECHNICAL SURVEYORS' ACT 1984 (ACT 40 OF 1984)
As amended

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 sub rules 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.