

**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 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 reclude 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, 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.
- (3) 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.
- (4) 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 (3) 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.
- (2) 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.
- (3) 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 sub rules (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 sub rule (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 there from 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 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 sub rule (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 sub rule (1) and the fees submitted in terms of sub rule (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 un-expired 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 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.

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 sub rule 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 sub rule (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 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 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;
- (c) 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
- (d) 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 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.
