

LAWS OF BRUNEI

CHAPTER 100
LICENSED LAND SURVEYORS

6 of 1980

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CHAPTER 100

LICENSED LAND SURVEYORS

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SCHEDULES

LICENSED LAND SURVEYORS ACT**An Act to make provision for the licensing and control of land surveyors and for matters connected therewith**

Commencement: 1st July 1980 [S 54/80]

1. This Act may be cited as the Licensed Land Surveyors Act. Short title.

2. In this Act, unless the context otherwise requires — Interpretation.

“Board” means the Land Surveyors Board established under section 3;

“boundary mark” means any mark authorised by law for the purpose of making boundaries;

“Government surveyor” means any public officer who is authorised for the time being by the Surveyor General to undertake any title survey;

“licence to practise” means licence to practise as a licensed land surveyor issued under the provisions of section 7;

“licensed land surveyor” means a person whose name has been placed upon the Register and to whom a licence to practice has been issued by the Board;

“Register” means the register of licensed land surveyors kept in accordance with section 4;

“Surveyor General” means the officer for the time being performing the duties of the head of the Survey Department;

“Survey plan” means a plan signed by a licensed land surveyor recording the work carried out by him on a title survey, or a plan signed by an officer authorised by the Surveyor General to do so and recording the work of a Government surveyor;

“title survey” means any survey which by any written law is required for the purpose of or in connection with the registration of any title to land or of assurance or instrument affecting or purporting to affect title to land and includes in connection herewith —

(a) the delimitation of the boundaries of any land whether privately owned or not;

(b) the emplacement, replacement and removal of boundary marks;

(c) surveys required for the correct inter-relation of boundaries or of boundary marks;

(d) the marking and recording of all measurements and calculations relevant thereto and the drawing and reproduction of plans therefrom.

Appointment of Board for the purposes of this Act.

3. (1) For the purposes of this Act there shall be established a Board, to be known as the Land Surveyors Board, which shall consist of the Surveyor General as Chairman and not less than 4 such other members as His Majesty the Sultan and Yang Di-Pertuan in Council may from time to time appoint.

(2) The Chairman, if present, or in his absence the Senior Government surveyor present, shall preside at meetings of the Board.

(3) The Chairman together with 2 other members shall form a quorum but subject thereto the Board may act notwithstanding any vacancy in their number and may regulate their own procedure.

(4) All appointments to the Board shall be notified in the *Gazette*.

4. The Board shall cause a Register to be kept in the form prescribed in the First Schedule and a fee of \$100 shall be charged for each registration.

Register to be kept.

5. (1) The Surveyor General shall be the Registrar of Licensed Land Surveyors, and shall cause to be published —

Surveyor General to be Registrar.

(a) in the *Gazette* next following the date of registration, the name of each licensed land surveyor duly registered;

(b) in the January *Gazette* in each year a list containing the names of all licensed land surveyors remaining on the Register at the close of the previous year.

(2) The Registrar shall —

(a) keep the Register correctly in accordance with the provisions of this Act;

(b) cause an entry to be made in the Register in the event of cancellation or suspension of any licence to practise;

(c) remove from the Register the name of any person not being a Government surveyor, whose licence to practise has not been renewed before the first day of February in any year;

(d) restore to the Register any name removed therefrom with or without the payment of the prescribed fees.

6. (1) In this section the expression “eligible person” means a person who —

Persons entitled to be registered.

(a) has attained the age of 21 years;

(b) is of good character;

(c) has passed a professional examination recognised by the Board.

(2) Any person who claims to be an eligible person may apply to the Board to have his name placed upon the Register and shall annex to his application —

(a) his birth certificate or other proof that he has attained the age of 21 years;

(b) 2 recent testimonials as to his good character;

(c) proof that he has passed a professional examination recognised by the Board.

(3) The Board, upon being satisfied that any applicant under subsection (2) is an eligible person and that he is a person who may properly have his name placed on the Register, shall inform the applicant in writing that his application is granted; and in any other case the Board shall inform the applicant that his application is refused.

(4) An applicant whose application has been granted under subsection (3) and who has paid the prescribed registration fee may make and subscribe, before the Registrar, a solemn declaration in the form prescribed in the Second Schedule, and thereupon the Registrar shall place the name of the applicant on the Register.

(5) Notwithstanding anything contained in the foregoing provisions of this section, the Registrar may place the name of any Government surveyor upon the Register by virtue of his office and no registration fee shall be payable in respect of such registration.

Licence to
practice.

7. (1) The Board shall, upon payment of the prescribed licence fee by any person (other than a Government surveyor) upon his registration under section 6 or at any time during the year of his registration, issue to such person a licence to practise in the prescribed form and valid for the year of his registration.

(2) Every such person intending to continue to practise as a licensed land surveyor thereafter shall apply annually in the prescribed manner for a licence to practise and shall pay the prescribed fee in respect thereof.

(3) A licence to practise under subsection (2) shall be issued by the Registrar and shall be valid from the date of issue to the end of the year:

Provided that any such licence issued during the month of January shall be deemed to have been in force from the first day of that month.

8. (1) Subject to the provisions of this Act, a licensed land surveyor whose name appears on the Register and who has paid the annual licence fee in respect of the current year shall be entitled to practise his profession as a land surveyor and shall be authorised to undertake title surveys.

Powers of a
licensed land
surveyor.

(2) Nothing in this Act shall affect the right of the Surveyor General to employ Government surveyors, whether licensed land surveyors or not, on any type of title survey whatsoever.

(3) Nothing in this Act shall affect the right of any person, not being a licensed land surveyor to undertake surveys other than title surveys.

(4) A licensed land surveyor and his assistants may, for the purpose of carrying out a title survey, at any reasonable time during the hours of daylight enter upon all lands which he is employed to survey, and upon any neighbouring lands and may emplace any boundary mark in or upon such lands and may dig up any ground mark for the purpose of emplacing such boundary mark and may cut down and remove any timber or other growth which may obstruct any survey line or any boundary causing as little damage as possible thereby:

Provided that nothing in this section shall exempt such licensed surveyor or his assistant from liability for any damage

which he may cause in the exercise of the powers conferred by this subsection.

(5) For the purpose of obtaining data for a title survey, a licensed land surveyor may at all reasonable times be permitted to inspect relevant Survey Department maps and plans and to take copies of such information therefrom as he may require without payment of search fees:

Provided that he shall, by virtue of this Act, be liable to keep Government fully and effectually indemnified in respect of any loss of, damage or expense whatsoever incurred by or on behalf of Government by reason of any loss of or damage to any such maps or plans occurring at any time when they are under his control.

Deposit of
survey plans.

9. On completion of a title survey, the licensed land surveyor who signs the survey plan thereof shall deposit such plan together with the relevant field books, calculation sheets and survey data with the Survey Department and all such documents shall, if such plan is approved by the Surveyor General or officer appointed by him to approve the same on his behalf, become the property of Government and shall be filed as permanent survey records.

Approval of
title surveys.

10. No title survey or survey plan thereof shall be accepted or adopted for the purpose of any written law unless it has been approved by the Surveyor General or other officer appointed by him to approve survey plans on his behalf.

Correction
of errors.

11. (1) The Surveyor General or any Government surveyor so authorised by him may at any time undertake such field and office checks on the title survey work of a licensed land surveyor as he thinks fit.

(2) The Surveyor General or other person authorised by him to approve survey plans, may by notice in writing instruct any licensed land surveyor to correct at his own expense within a time specified in such notice any error made by him:

Provided that such notice shall be sent not more than 12 months after the date on which the relevant survey plan was deposited with the Survey Department as provided in section 9.

(3) In the event of such licensed land surveyor refusing or neglecting within the time specified to correct such error it shall be lawful for the Surveyor General to undertake such correction and to recover the whole cost of such correction from the licensed land surveyor concerned.

(4) If such licensed land surveyor refuses or neglects to refund the cost of the correction survey referred to in subsection (3) within 14 days of the receipt of the statement of cost the Surveyor General may report the facts to the Board for Disciplinary action and after due enquiry the Board may order such licensed land surveyor to pay the cost of correction of his work or to pay his client such sum by way of compensation as the Board thinks fit; and if such licensed land surveyor refuses or neglects to comply with such order within one month of the date of such decision the Board may, subject to the provisions of section 13, suspend such licensed land surveyor from practice as a licensed land surveyor until the cost of such correction survey has been paid, or for a period not exceeding 3 years.

12. Where after due enquiry by the Board, a licensed land surveyor has been found by the Board to have been guilty of professional misconduct, or having been convicted of a criminal offence, if found by the Board to be unfit to practise, the Board may —

Disciplinary
powers of the
Board.

(a) strike off the name of such licensed land surveyor from the Register;

(b) suspend such licensed land surveyor from practice as a licensed land surveyor for a period not exceeding 3 years;

(c) impose a fine on such licensed land surveyor not exceeding \$1,000; or

(d) reprimand such licensed land surveyor.

Appeal to His Majesty in Council.

13. (1) Any person aggrieved by any refusal by the Board of an application under section 6(3) or by any decision of the Board under section 11(4) or 12 may, within one month of the date of such refusal or decision, appeal to His Majesty in Council against such refusal or decision.

(2) On any such appeal His Majesty in Council may give such decisions and directions in the matter as His Majesty in Council thinks fit.

(3) His Majesty in Council shall not be required to assign any reason for any decision or direction under subsection (2) and such decisions and directions shall not be subject to appeal to or review in any court.

Illegal practice.

14. Any person who, not being a licensed land surveyor or a Government surveyor, certifies to the accuracy of any title survey or signs or initials any survey plan or, not being a person acting under immediate personal direction and supervision of a licensed land surveyor, carries out any work in connection with a title survey shall be guilty of an offence: Penalty, a fine of \$5,000 for each offence and \$50 for each day during the continuance of such offence.

Regulations.

15. (1) Subject to the provisions of this Act, the Board may make regulations to prescribe anything which under this Act is required to be prescribed and generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing, such regulations may —

(a) regulate the practice and conduct of licensed land surveyors;

(b) prescribe fees for registration, annual licenses and other purposes under this Act;

(c) prescribe forms of application and of annual licence.

FIRST SCHEDULE

Section 4

REGISTER OF LICENSED LAND SURVEYORS

Name in full	Address	Date of Registration	Qualification

SECOND SCHEDULE

Section 6(4)

I, _____ do hereby solemnly and sincerely declare that I will to the best of my ability, without partiality or favour, correctly survey and delineate the boundaries of any lands I may be instructed to survey, in strict compliance with the regulations and instructions, for the time being in force, of the Board constituted by the Licensed Land Surveyors Act, Cap. 100.

Subscribed and solemnly
declared by the above-name
this _____ day
of _____ 20_____

} Signature of Declarant

Before me,

*Registrar of Licensed
Land Surveyors*

SUBSIDIARY LEGISLATION

Regulations under section 15

LICENSED LAND SURVEYORS REGULAITONS

ARRANGEMENT OF RULES

Rules

PART I

1. Citation.
2. Interpretation.

PART II

REGISTRATION

3. Application for licence.
4. Forms and fees.

PART III

QUALIFICATIONS

5. Qualifications.
6. Applicants to comply with the requirements under the Immigration and Labour Acts.

PART IV

CONDUCT OF TITLE SURVEYS

7. Surveyor to be familiar with related legislation.
8. Personal direction and supervision of surveys.
9. Existing survey records to be obtained.
10. Notice of intention to commence a survey.
11. Compliance with requirements of Surveyor General, District Land Officers, etc.
12. Lodging of Data.
13. Requisition of survey by Surveyor General.
14. Certification of plans.

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PART V

FEES

15. Licensing Fees.

SCHEDULE

SUBSIDIARY LEGISLATION**Regulations under section 15****LICENSED LAND SURVEYORS REGULATIONS**

[S 189/81]

1. These Regulations may be cited as the Licensed Land Surveyors Regulations. Citation.
2. In these Regulations unless the context otherwise requires — Interpretation.
- “Act” means the Licensed Land Surveyors Act;
- the “Board” means the Land Surveyors Board established under section 3 of the Act.

PART II**REGISTRATION**

3. An application for registration shall be made in the form prescribed in the First Schedule to these Regulations. Application for licence.
4. An applicant for registration who fulfils the requirement of section 6 of the Act and, who, after making a declaration in the form and manner set out in the Second Schedule to the Act, pays the fees prescribed in the Second Schedule to these Regulations shall be issued with a Licence to Practise in the form set out in the Third Schedule to the Regulations. Forms and fees.

PART III**QUALIFICATIONS**

5. (1) For the purposes of subsection (2) of section 6 of the Act the qualifications recognised by the Board are set out in the Fourth Schedule of these Regulations. Qualifications.
- (2) Notwithstanding the possession of any one of the qualifications set out in the Fourth Schedule to the Regulations, an applicant for a licence may be required to take such further written, oral or practical examination as the Board may deem necessary.
6. Where an applicant for a licence is a person who is subject to control under any written laws relating to Immigration and Labour, no licence shall be issued to such applicant until he has complied with the requirements of such laws. Applicants to comply with the requirements under the Immigration and Labour Acts.

PART IV

CONDUCT OF TITLE SURVEYS

Surveyor to be familiar with related legislation.

7. (1) Every licensed surveyor shall be conversant with the Act and regulations made thereunder, with all legislation in respect of title to land and land use, and all rules and regulations made under legislation in so far as they affect the work of a licensed surveyor, and with the instructions and circulars of the Survey Department. A list of the principal legislation is given in the Fifth Schedule to these Regulations.

(2) The fact that any survey or plan has been approved by the Surveyor General or any official appointed by him to approve such survey or plan shall be no defence to any charge in relation to a defective survey or plan.

Personal direction and supervision of surveys.

8. (1) Every title survey shall be made under the immediate personal direction and supervision of a licensed surveyor.

(2) A licensed surveyor shall not employ more than 4 survey technicians at any time.

(3) Every survey technician employed by a licensed surveyor shall possess educational qualifications and experience acceptable to the Board and shall be registered with the Board by the licensed surveyor who employs him. The licensed surveyor shall notify the Board when any such survey technician ceases to be employed by him.

(4) The educational qualification for a survey technician shall normally be a General Certificate of Education at Ordinary Level or its equivalent, with a pass in mathematics or certificate or diploma in land surveying from an institution recognised by the Board.

Existing survey records to be obtained.

9. Before commencing a title survey, every licensed surveyor or his representative shall —

(a) consult the records of the Surveyor General or of any other licensed surveyor or other authority to which he may be directed by the Surveyor General;

(b) obtain therefrom all relevant information available which may be necessary to effect the survey.

Notice of intention to commence a survey.

10. (1) A licensed surveyor shall give written notice of intention to commence a title survey to the Surveyor General.

(2) Such notice of intention shall set out the purpose and extent of the proposed survey and the date on which it is expected to commence work.

Compliance with requirements of Surveyor General, District Land Officers, etc.

11. (1) Licensed surveyors shall ensure that a proposed title survey complies with all requirements of the Surveyor General, the District Land Officer, the Chairman of the Subdivision Control Competent Authority or any other relevant officer before commencing work on such survey.

(2) In particular he shall ensure that —

(a) a subdivision title survey is carried out in accordance with the appropriate plan approved and registered by the Subdivision Control Competent Authority;

(b) no existing building or structure obstructs a new lot boundary created by subdivision;

(c) the appropriate certificate agreeing to the proposed subdivision layout has been duly signed by the land owners concerned before commencing work;

(d) no existing boundary mark found firm is disturbed or removed without the specific consent of the Surveyor General.

12. (1) On completion of a title survey the licensed surveyor shall lodge the certified plan, field notes, relevant diagrams and the land owner's boundary inspection certificate with the Surveyor General.

Lodging of Data.

(2) The licensed surveyor shall supply all information obtained by him in the field relative to the title under survey in the field notes and plans prepared for submission to the Surveyor General.

13. (1) The licensed surveyor shall comply promptly with any requisition made by the Surveyor General in respect of any survey he has made.

Requisition of survey by Surveyor General.

(2) If compliance with such a requisition has not been made, or a satisfactory reason for non-compliance therewith has not been given, within 28 days of notification having been posted by registered mail to his last known address, the matter may be reported to the Board.

14. Every plan shall bear a certificate in the following form —

Certification of plans.

I, a surveyor licensed under the Licensed Land Surveyors Act, Cap. 100 certify that the survey from which this plan has been prepared was carried out and marked on the ground by me or under my immediate personal direction and supervision in the field in strict compliance with the Licensed Land Surveyors Regulations and that this plan correctly represents that survey completed on the day of 20 .

Dated this day of , 20 .

..... Surveyor

Licensed under the Licensed Land Surveyors Act, Cap. 100".

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NOTE:

Evidence supporting the above particulars must be presented with this application. If copies only are furnished, the original documents must be made available to the Chairman for inspection on demand.

Registration Approved

Licence No.

Dated the day of , 20 .

.....
Signature of Chairman

SECOND SCHEDULE

(Regulation 4)

FEES

- | | | |
|----|------------------------------------|---------|
| 1. | Registration | \$ 100 |
| 2. | Issue of original Licence | \$ 400 |
| 3. | Every renewal of Licenc | \$ 20 |
| 4. | Registration of Survey Technicians | \$ 20 |
| 5. | Examination fee | \$1,000 |

FORM LSB 3

THIRD SCHEDULE

(Regulation 4)

LICENSED LAND SURVEYORS ACT, CAP. 100

Section 7

LICENCE TO PRACTISE

This is to certify that

.....

[Subsidiary]

is hereby licensed to practise as a Land Surveyor in Brunei Darussalam until
the last day of December

.....
Registrar
Land Surveyors Board

FOURTH SCHEDULE

(Regulation 5(1))

List of qualifications recognised by the Land Surveyors Board —

1. Degree of Bachelor of Surveying conferred by an Australian or New Zealand University or Institute of Technology.
2. Diploma in Land Surveying from Australia or New Zealand acceptable to the Board of Surveyors of Australia or New Zealand.
3. Final Examination (Land Surveying) of the Royal Institution of Chartered Surveyors of the United Kingdom.
4. Land Surveyors Examination of Australia and New Zealand.
5. Any other qualifications acceptable to the Board as equivalent to one of the above.

FIFTH SCHEDULE

(Regulation 7(1))

1. Land Acquisition Act, Cap. 41.
2. Land Code, Cap.40.
3. Town and Country Planning (Development Control) Order, 1972 Town and Country Planning Regulations No.1: Control of Subdivision and Consolidation of Land. S.71/73.
4. Town and Country Planning Regulations No. 2: Miscellaneous Provisions. S.84/74.

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5. Town and Country Planning Regulations No. 3: Development Control and Use of Land and Buildings. S.85/74.
6. Description of Land (Survey Plans) Act, Cap. 101.
7. Any other written laws which may affect the licensed surveyor in carrying out his professional duties.