

# REGULATIONS ON ACTIVITIES OF SWORN SURVEYORS

## CHAPTER I

### *The profession of surveying*

#### ARTICLE 1

A sworn surveyor is any national or foreign citizen who is fully in possession of his or her civil rights and is professionally qualified to carry out the activity.

#### ARTICLE 2

A sworn surveyor's professional capacity is proved by means of an exam set by the National Directorate of Geography and Cadastre, which candidates are eligible to sit if they present a diploma or certificate in Topography issued by officially recognised schools of specialisation, or by presentation of a certificate issued by an institution of higher education that includes the subject.

#### ARTICLE 3

These Regulations apply exclusively to the activity of sworn surveyors, which must be duly authorised.

#### ARTICLE 4

The activities of sworn surveyors comprise reconnaissance work, demarcation of land plots and topographic surveys within the framework of cadastral operations.

#### ARTICLE 5

1. The licence of a sworn surveyor is issued by the Minister of Agriculture on the application of the interested party.
2. When the application referred to in this article is approved, the interested party shall swear an oath before the Minister of Agriculture or his or her delegate, in the following form:

“I swear on my honour that I will comply with the laws and regulations relating to surveying work, as well as the contracts I enter into in the profession which the sworn surveyor's licence allows to me to practise; I will collaborate with the National Directorate of Geography and Cadastre, to whose instructions I will submit my activity.”

3. The surveyor's licence shall be duly sealed and signed by the Minister of Agriculture.

#### ARTICLE 6

1. The National Directorate of Geography and Cadastre shall keep a register of sworn surveyors authorised to practise the profession in Mozambique, and a list of sworn surveyors in practice, with an indication of their respective places of residence, shall be published each year in the Boletim da República.

2. An individual file shall be kept for each sworn surveyor in the National Directorate of Geography and Cadastre, in the form used for State employees.

#### ARTICLE 7

Sworn surveyors and companies that they set up are the only entities outside the National Directorate of Geography and Cadastre that can, under contract, carry out work in respect of land demarcation and cadastral operations for the purposes of the issuing of land use and benefit titles.

#### ARTICLE 8

For record and archive purposes, companies and firms shall deliver to the National Directorate of Geography and Cadastre certificates of their articles of association and amendments thereto, as well as information about management and technical staff employed.

#### ARTICLE 9

For the purposes of enforcement of the provisions of these Regulations, the National Directorate of Geography and Cadastre shall be the supervisory body.

## CHAPTER II

### *Contracts*

#### ARTICLE 10

1. The contract referred to in article 7 shall follow the model contract established by the National Directorate of Geography and Cadastre.
2. The contracts shall be signed by the interested party or parties and by the surveyor in charge, which signatures shall be certified by a Notary otherwise they shall not be valid.
3. The model contract may only be modified in special cases, upon a reasoned proposal by the surveyor being accepted by the National Directorate of Geography and Cadastre.

#### ARTICLE 11

Sworn surveyors and representatives of companies that have signed contracts shall be jointly and severally liable for damages arising from infractions committed.

#### ARTICLE 12

1. Contracts for the provision of services shall be delivered to the Provincial Geography and Cadastre Services, upon which ten per cent of the contract value shall be paid for the purposes of inspection and verification of the work to be performed.
2. The amount referred to in the preceding paragraph constitutes consigned funds of the National Directorate of Geography and Cadastre, for the strengthening of its inspection capacity.
3. For the purposes of the provisions of this article, the minimum amount that can be charged for inspection and verification work shall be calculated on the basis of the official rates schedules of the National Directorate of Geography and Cadastre.

#### ARTICLE 13

1. Contracts for the provision of services must be approved by the head of the Provincial Geography and Cadastre Services, who shall set a time limit for delivery of the respective technical process.
2. The approval may indicate aspects to which the surveyors should pay special attention, whether from a technical or a legal point of view.

#### ARTICLE 14

When the head of the Provincial Services sets the time limit referred to in the preceding article, he shall take into account the area, distance, nature of the land and other circumstances that he considers or that the surveyor suggests in a letter of application.

#### ARTICLE 15

When sworn surveyors perform work that should be appraised by the National Directorate of Geography and Cadastre, they are considered as official agents of the National Directorate for the purposes of exercising authority and requesting diligence, assistance and protection from the local administrative authorities.

#### ARTICLE 16

- Surveyors, as official agents of the National Directorate of Geography and Cadastre, shall:
1. Comply with and enforce the legal provisions governing rights to use and benefit from land and all cadastral operations.
  2. Enlighten proprietors and concessionaires of land about their rights and duties under the law.
  3. Comply with the technical precepts and instructions issued by the National Directorate of Geography and Cadastre.

**ARTICLE 17**

1. Work resulting from contracts for the provision of services may only be initiated after the respective contract has been approved with an indication of the time limit set for delivery of the respective technical process to the Provincial Geography and Cadastre Services.

2. An extension of the time limit may be requested by the contracting parties and granted by the head of the Provincial Geography and Cadastre Services.

**ARTICLE 18**

The Provincial Geography and Cadastre Services shall issue the demarcation licence, which shall be presented by the surveyor to the district administrator or his or her delegate prior to commencement of the work.

**ARTICLE 19**

The technical processes and demarcation documents shall be signed by the demarcating surveyor and by the technical director of the contracted firm or company, if there is one.

**ARTICLE 20**

Demarcation work shall not be accepted if it is proved that it was not executed by the person who signs it.

**ARTICLE 21**

A surveyor who encounters an area occupied by resident population when performing a demarcation shall delimit the area and depict it on the respective map.

**ARTICLE 22**

The surveyor is responsible for any irregularities or faults in concession processes that are caused by defective information that he provides, in particular where this adversely affect the rights of third parties and resident populations.

**ARTICLE 23**

When the technical process in respect of demarcation work is not approved, or when it is not lodged with the appropriate Geography and Cadastre Services within the established time limits, the contract shall lapse.

**ARTICLE 24**

Sworn surveyors and companies set up by sworn surveyors are under an obligation to send a list of all apparatus and other technical material that they have, with an indication of the characteristics and working condition thereof, to the National Directorate of Geography and Cadastre by the 31st of January each year

**CHAPTER IV***Penalties***ARTICLE 25**

Sworn surveyors who breach the provisions of these Regulations shall be subject to the following penalties:

1. Written warning given to the accused.
2. Warning published in an Office Circular.
3. Temporary suspension.
4. Licence cancellation.

**ARTICLE 26**

1. The penalties in paragraphs 1 and 3 of the preceding article hereof shall be applied for defaults that do not cause harm or discredit the Services or third parties and shall always be for the purposes of professional improvement of surveyors.

2. The penalties referred to in this article are especially applicable, according to the degree of the offence, to sworn surveyors who:
- a) Do not meet the time limits established for delivery of technical processes for demarcation work;
  - b) Do not follow the instructions and precepts issued by the National Directorate of Geography and Cadastre;

- c) Fail to report to the competent authorities breaches of the Land Law Regulations of which they are aware.

#### ARTICLE 27

The penalty of licence cancellation is applicable in the following cases:

1. Systematic failure to comply with contracts.
2. Proved involvement in grave irregularities in the practice of the profession.
3. Serious professional incompetence.

#### ARTICLE 28

The following entities have authority to apply the penalties set forth in article 25 of these Regulations:

1. The Minister of Agriculture, in the case of the penalty referred to in paragraph 4.
2. The National Director of Geography and Cadastre, in the case of the penalty referred to in paragraph 3.
3. The head of the Provincial Geography and Cadastre Services, in the case of the penalties referred to in paragraphs 1 and 2.

#### ARTICLE 29

All penalties shall be recorded in the surveyor's register and those referred to in paragraphs 3 and 4 of article 25 shall be published in the Boletim da República.

#### Decree 9/97 of 22 April

Amends article 1 of the Regulations on Activities of Sworn Surveyors approved by Decree 15/93 of 25 August.

#### Decree 9/97 of 22 April

The Regulations governing the activities of sworn surveyors were approved by Decree 15/93 of 25 August. The experience of the implementation of these Regulations shows that this activity should be restricted to professionals who are not simultaneously linked to State institutions responsible for the cadastre, because otherwise their objectivity in inspecting and verifying work performed by sworn surveyors is jeopardised.

In these terms, under the authority vested in it by article 2 of Law 16/92 of 14 October, the Council of Ministers decrees:

Single provision: Article 1 of the Regulations on activities of sworn surveyors is amended and shall now read as follows:

#### «ARTICLE 1

1. ....
2. Exercising the activity of a sworn surveyor is incompatible with the capacity of a State employee employed in the National Directorate of Geography and Cadastre or Provincial Services thereof, or working under contract on or off the staff, or on any projects realised within the framework of the aforesaid institution.»

Approved by the Council of Ministers.  
Let it be published.

THE PRIME MINISTER,  
*Pascoal Manuel Mocumbi.*