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SNL1991 CHAPTER 37

LAND SURVEYORS ACT, 1991

Amended:

1995 cA-5.1 s12; 2006 c40 s21; 2013 c16 s25

CHAPTER 37

**AN ACT TO REVISE THE LAW RESPECTING LAND SURVEYORS IN
THE PROVINCE**

(Assented to December 11, 1991)

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Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the *Land Surveyors Act, 1991* .

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Definitions

2. In this Act

- (a) "association" means the Association of Newfoundland Land Surveyors of the Province of Newfoundland continued under section 4;
- (b) "board" means the board of examiners established under section 16;
- (c) "boundary" means the demarcation of the spatial extent of rights or interests in land, water and air;
- (d) "council" means the council of management of the association;
- (e) "discipline committee" means the discipline committee established under section 41;
- (f) "former Act" means *The Land Surveyors Act* ;
- (g) "investigated person" means a member or articled student who is the subject of an inquiry or investigation under sections 39 to 61;
- (h) "land surveying" means the interpretation of boundary evidence, the spatial measurement, the demarcation and the textual and graphical definitions of either or both boundaries and points on, over or under the earth or a combination or all of those;
- (i) "land surveyor", except under section 22, means a person registered as a land surveyor under section 21;
- (j) "member" means a member of the association registered under subsections 14(1) and (2);
- (k) "minister" means the minister appointed under the *Executive Council Act* to administer this Act;
- (l) "registrar" means the registrar appointed under section 20; and
- (m) "secretary-treasurer" means the secretary-treasurer appointed under section 10.

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Non-application of Act

3. This Act does not apply to

- (a) a licensee, permit holder or professional member of the association of Professional Engineers and Geoscientists of Newfoundland practising engineering within the meaning of *The Engineers and Geoscientists Act* ;
- (b) a student as defined in *The Engineers and Geoscientists Act* who is working under the supervision or authorization of a person referred to in paragraph (a);
- (c) an employee or other person working under and responsible to a person referred to in paragraph (a); or
- (d) employees of the government of the province who practice land surveying in the course of that employment.

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Association to continue

4. The corporation of the Association of Land Surveyors of the Province of Newfoundland is continued as a body corporate under the name of the Association of Newfoundland Land Surveyors of the Province of Newfoundland .

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Head office

5. The head office of the association shall be at a place within the province that the council decides.

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Objects

6. The objects of the association are

- (a) to establish and maintain standards of professional conduct, knowledge and skill among its members to assure to the general public the proficiency and competency of land surveying in the province and to serve and protect the public interest;
- (b) to promote, increase and improve the knowledge, skill, efficiency and proficiency of its members in all matters relating to the profession and practice of land surveying in the province;
- (c) to regulate the practice of land surveying in the province and to govern the profession according to this Act and to do all things to advance and protect the interests of members; and
- (d) to communicate and co-operate with other professional organizations for the advancement and best interest of the profession and of the practice of land surveying.

[1991 c37 s6](#)

[Back to Top](#)**Powers****7. The association may**

- (a) evaluate the competence of members and provide for the governing and disciplining of persons practising land surveying in the province;
- (b) acquire and hold real and personal property by way of purchase, lease, grant, hire, exchange or otherwise and dispose of that property;
- (c) borrow money and give security by way of mortgage, pledge charge or otherwise for borrowed money in order to carry out the objects of the association;
- (d) invest money of the association as determined by the association to be for its benefit;
- (e) establish and maintain an official register of members entitled to practice land surveying under this Act;
- (f) manage its property and conduct its business in keeping with the objects of the association;
- (g) assess existing and develop new educational standards and specify the training and experience required as a requirement for obtaining and continuing registration under this Act;
- (h) publish and amend a suggested guideline for a minimum scale of fees to be taken by land surveyors for services provided;
- (i) fix and collect fees payable by members and articulated students and provide exemptions from those fees;
- (j) suspend from the register a member who has not paid a fee;
- (k) assess members for expenditures considered necessary to further the objects of the association;
- (l) enter into agreements, negotiate or meet with a person, association, agency or group considered necessary to carry out the objects of the association;
- (m) receive gifts, donations and bequests from persons or associations and make gifts or donations for the promotion of the objects of the association; and
- (n) subject to sections 39 to 61, inquire into the practice of land surveying by a member or articulated student and inquire into other matters considered necessary in connection with the exercise of the powers of the association and the performance of the association's duties relating to competence in the practice of land surveying.

[1991 c37 s7](#)[Back to Top](#)**Inquiry under ss. 39 to 61**

8. An inquiry made under paragraph 7(n) shall be directed to the discipline committee for consideration under sections 39 to 61.

[1991 c37 s8](#)[Back to Top](#)**Council**

9. (1) The association shall be governed by the council of management.

(2) The council shall manage and conduct the business and affairs and exercise the powers of the association for and on behalf of the association.

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Council members

10. (1) The council shall consist of

- (a) a president;
- (b) a vice-president;
- (c) a secretary-treasurer;
- (d) a maximum of 8 other councillors at large; and
- (e) the immediate past president of the association.

(2) A vice-president, secretary-treasurer and councillors shall be elected by a majority vote of the members and the position of president shall be assumed by the previous vice-president.

(3) The vice-president of the association on the commencement of this Act shall assume the position of president immediately after the 1st election under subsection (2).

(4) Where the vice-president, for any reason, does not assume the position of president under subsection (2) or (3), a president shall be elected as provided for in the by-laws.

(5) Where the by-laws allow, there may be elected a maximum of 2 councillors from outside the membership of the association.

(6) The council shall be elected and hold office in a manner and for a time provided for in the by-laws.

(7) Until a council is elected under this Act the members of the council of management under the former Act shall be considered to have the powers and duties of the council under this Act.

(8) The council may appoint committees from the membership of the association or where considered appropriate, from outside the association membership, to carry out duties and functions directed by the council.

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Regulations

11. The council may make regulations

- (a) respecting the examination of applicants for admission as articulated students or for registration as land surveyors;
- (b) respecting the time and place of examination of applicants;
- (c) prescribing the period of service by an articulated student or other applicant for registration as a land surveyor;
- (d) prescribing requirements for registration and admission to practice as a land surveyor;

- (e) respecting appeals to the council regarding a refusal of the registrar to enter a name on the register of land surveyors maintained under this Act;
- (f) respecting the keeping and maintaining by the registrar of records and registers of land surveyors, partnerships and corporate bodies practising land surveying in the province;
- (g) respecting the academic qualifications and the experience required of applicants for registration as land surveyors and the evaluation of those qualifications and that experience by the council or a committee appointed by the council;
- (h) respecting the eligibility of applicants generally for registration to engage in the practice of land surveying in the province and the name under which they may practice;
- (i) respecting certificates of registration and certificates of authorization;
- (j) establishing and providing for the publication of a code of ethics respecting land surveying in the province including a requirement to carry professional liability insurance;
- (k) governing the operation and procedures of the board and prescribing its powers, duties and functions;
- (l) respecting the use and form of stamps and seals;
- (m) respecting the structure, operations and proceedings of the discipline committee and respecting the powers, duties and functions of the discipline committee;
- (n) respecting disciplinary matters, penalties, fines and the practice of land surveying generally; and
- (o) generally for carrying into effect the objects and powers of the association.

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Secretary-treasurer

12. (1) The secretary-treasurer elected under subsection 10(2) shall be the secretary and treasurer of the association and the secretary of the board.

(2) Subject to the supervision and control of the council, the secretary-treasurer shall control all matters relating to the finances of the association, including the receipt of money paid to the association or to a member on behalf of the association and for making disbursements on behalf of the association.

(3) The secretary-treasurer shall enter in books kept for that purpose, a true account of all sums of money received and paid under this Act and the account shall be audited and submitted to the council and the association as provided by the by-laws.

[1991 c37 s12](#)

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By-laws

13. (1) The association may make by-laws which are not inconsistent with this Act and which are necessary or desirable for the procedure and governing of the association and the implementation of its objects and powers.

(2) The by-laws of the association in operation on the commencement of this Act continue, to the extent that they are not inconsistent with this Act, to be the by-laws governing the association until revoked or amended in the manner provided by subsection (3).

- (3) A by-law and an amendment or revocation of a by-law may be made at the annual general meeting, a general meeting, a special meeting or by mail ballot where
- (a) notice of the by-law, amendment or revocation of the by-law is given in writing to each voting member of the association at least 30 days before
 - (i) the meeting at which the by-law, amendment or revocation of the by-law is to be made, cancelled or revoked, or
 - (ii) the return date for the mail ballot vote of a member and that return date shall be stated on the notice; and
 - (b) a majority of the voting members of the association vote in person, by proxy or by mail ballot in favour of the by-law, amendment or revocation.

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Membership

14. (1) The members of the association who are members on the commencement of this Act shall, subject to this Act and the by-laws continue as members of the association.

- (2) All persons who
 - (a) hold a certificate of registration as a land surveyor; and
 - (b) have paid the annual dues for membership fixed according to the by-laws

are members of the association and have full voting rights.

(3) The association may appoint persons to associate, articulated student, life and other types of non-voting membership in accordance with the by-laws.

[1991 c37 s14](#)

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Meetings

15. The association shall hold an annual general meeting in each year and may hold other general or special meetings that are required during each year.

[1991 c37 s15](#)

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Board of examiners

16. (1) The council shall appoint a board of examiners consisting of 4 persons of whom

- (a) 3 are members of the association; and
- (b) 1 may be a person who is not a member of the association.

(2) The board shall examine and report to the council upon the qualifications of candidates for admission to study and practice as articulated students and land surveyors.

(3) The members of the board shall be appointed by the council at a general meeting and shall hold office for a term determined by the council.

(4) The association shall pay the expenses of the board, including a yearly fee to members which may be determined by the council.

(5) Examination of candidates for admission as articled students or for registration as land surveyors shall be held at least once in each year at places and times which the board decides or which the council directs.

[1991 c37 s16](#)

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Articled students

17. A person shall not be admitted as an articled student with a land surveyor unless that person has passed examinations in subjects which the board prescribes.

[1991 c37 s17](#)

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Admission as articled student

18. (1) An applicant for admission as an articled student shall, before being examined as required by section 17

(a) give 1 month notice to the board of his or her intention to be present for examinations; and

(b) pay to the treasurer fees required for the examination and certificate.

(2) An applicant for admission as an articled student who complies with section 17 and subsection (1) shall be admitted as an articled student.

[1991 c37 s18](#)

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Offence

19. A land surveyor who falsely certifies as to the articling service of a student when that service has not actually been performed in the manner required by this Act, the regulations or the by-laws commits an offence.

[1991 c37 s19](#)

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Registrar

20. The council shall appoint a member of the council as registrar.

[1991 c37 s20](#)

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Registration

21. (1) Every person who

(a) has completed a course of study in a land survey program approved by the board;

- (b) has passed examinations in subjects prescribed by the board;
- (c) has served an articling period under a practising land surveyor or has completed practical field and other experience considered necessary by the board; and
- (d) has paid the necessary fees as required by the association

is entitled to be registered as a land surveyor and to practice land surveying in the province.

(2) Every person who is entitled to registration under this section shall, before receiving a certificate of registration under section 23, take the following oath or affirmation:

"I, A.B., of _____, swear (or affirm) that I will faithfully and diligently, to the best of my ability discharge the duties of a land surveyor according to law and without favour, prejudice or partiality to any person." (In the case where an oath is taken, add "So help me God".).

[1991 c37 s21](#)

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Exception to s.21

22. Subject to the approval of the council, every person

- (a) who is registered as a land surveyor, with an association of land surveyors in a province or territory of Canada ; or
- (b) who is registered as a land surveyor with an association of land surveyors in another country where qualifications are satisfactory to permit the practice of land surveying in the province; and
- (c) who, where the council considers it necessary,
 - (i) successfully completes examinations set by the board, and
 - (ii) serves as an articulated student under a land surveyor for a period considered necessary by the council,

shall be considered to have met the registration requirements of section 21.

[1991 c37 s22](#)

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Certificate of registration

23. (1) A person entitled to be registered under section 21 shall receive a certificate of registration in a form provided by the regulations.

(2) The holder of a valid certificate of registration is entitled to engage in the practice of land surveying in the province.

(3) Every certificate of registration issued under this section expires on March 31 following the date of issue unless revoked at an earlier date.

[1991 c37 s23](#)

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Offence

24. (1) A person who wilfully attempts to obtain or obtains registration under this Act by making

or producing a false or fraudulent representation or declaration either orally or in writing commits an offence.

(2) A person who commits an offence under subsection (1) shall be refused registration or have his or her name removed from the register.

(3) A member who knowingly assists a person under subsection (1) is subject to disciplinary action under sections 39 to 61.

[1991 c37 s24](#)

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Certificate of authorization

25. (1) In accordance with the regulations and by-laws, the council shall issue a certificate of authorization to a firm, partnership or corporate body which is resident in Canada .

(2) A certificate of authorization issued under this section is valid for the year in which it is issued.

(3) The holder of a certificate of authorization may engage in the practice of land surveying in the name of a firm, partnership or corporate body.

(4) A land surveyor may not form, enter into or belong to a firm, partnership or corporate body engaging in the practice of land surveying unless that firm, partnership or corporate body holds a valid certificate of authorization.

(5) Subsection (4) does not apply to a firm, partnership or corporate body which does not engage in the practice of land surveying for the general public.

(6) A certificate of authorization shall be surrendered to the council upon request by the council to do so.

[1991 c37 s25; 1995 cA-5.1 s12](#)

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Scope of practice

26. Persons who comply with this Act, the regulations and the by-laws and who are holders of a certificate of registration under section 23 are entitled to

- (a) use the title "land surveyor" or "registered land surveyor"; and
- (b) engage in the practice of land surveying for fee, commission, direct or indirect payment or profit.

[1991 c37 s26](#)

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Holding out as a land surveyor

27. (1) A person, firm, partnership, corporate body or other association of persons except a land surveyor or holder of a certificate of authorization under section 25 shall not

- (a) be held out as being entitled to engage in the practice of land surveying;
- (b) use the titles "land surveyor" or "registered land surveyor" or an extension or abbreviation of those titles; or
- (c) use a name, title or designation or act in a manner that expressly or otherwise might lead

to the belief that that person, firm, partnership, corporate body or association is a registered land surveyor or holder of a certificate of authorization under this Act.

(2) A person who contravenes this section commits an offence.

[1991 c37 s27](#)

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Offence

28. A land surveyor who enables another person not qualified to practice as a land surveyor to practice, or leads others to believe that that person is authorized to practice as a land surveyor commits an offence.

[1991 c37 s28](#)

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Register

29. (1) The registrar, in accordance with the regulations and by-laws shall keep and maintain

- (a) a register of land surveyors and holders of certificates of authorization;
- (b) a record of persons enrolled as articulated students; and
- (c) a record of persons holding memberships not under paragraphs (a) and (b).

(2) The register and records kept under subsection (1) shall be available for inspection by any person, without charge, at all reasonable times.

[1991 c37 s29](#)

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Appeal of registration denial

30. (1) A person denied registration under this Act may appeal the decision to the council which may confirm or over-rule the decision of the registrar.

(2) The register and records kept under section 29 or a certified copy of the register or records are, in absence of evidence to the contrary, evidence that the persons named in that register or record are registered or recorded under this Act.

[1991 c37 s30](#)

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Falsification of register

31. A registrar who wilfully makes a false entry or who wilfully omits making an entry under section 29 commits an offence under this Act.

[1991 c37 s31](#)

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Seal

32. (1) Every land surveyor shall have a seal bearing the impression of the name of that land surveyor and the words "Newfoundland Land Surveyor, Province of Newfoundland".

(2) The seal shall be in a form prescribed by regulation.

(3) The seal shall be affixed to all documents and plans prepared and approved by the land surveyor.

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Use of seal

33. A land surveyor shall not affix his or her seal to a plan or document prepared in the practice of land surveying unless the plan or document was prepared by or under the personal supervision, direction or control of that land surveyor.

[1991 c37 s33](#)

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Survey plan documents

34. (1) A master plan and duplicates of all survey plans, records and documents prepared by or under the direction of a land surveyor shall be retained by that land surveyor.

(2) A person shall not, without the prior written consent of the land surveyor who prepared a land survey plan, alter, add to or delete from that plan or a copy or reproduction of that plan.

(3) A person who contravenes subsection (2) commits an offence.

[1991 c37 s34](#)

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Sealed plans as evidence

35. A survey plan sealed in accordance with section 32 is evidence in court that that survey plan has been made by or under the direction of the land surveyor indicated on that survey plan.

[1991 c37 s35](#)

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No action against association

36. No action lies against the association, the board, the council, the discipline committee or a member or officer of them for proceedings taken in good faith or orders made or enforced under the disciplinary provisions of this Act, the by-laws or the regulations.

[1991 c37 s36](#)

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Liability of members is limited

37. A member of the association shall not be personally liable for a debt of the association beyond the amount of the unpaid dues or subscription of that member but all real or personal property of the association shall be liable for the payment of the debts of the association.

[1991 c37 s37](#)

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Notices

38. (1) All notices and documents or copies of notices or documents required for the purposes of this Act to be sent to a person may be sent by mailing them to that person by registered or certified mail at his or her last known address.

(2) Receipt of the notices, documents or copies by a person referred to in subsection (1) may be proved by production of a receipt from the Canada Post Office.

[1991 c37 s38](#)

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Complaints

39. (1) A complaint regarding the conduct of a land surveyor or articulated student shall be made to the secretary-treasurer and that complaint shall be dealt with in accordance with sections 39 to 61, the regulations and the by-laws.

(2) A complaint respecting the conduct of a land surveyor or articulated student whose certificate of registration or articles have been revoked or suspended may be dealt with as if the revocation or suspension had not occurred.

(3) Notwithstanding section 42, the council may designate a person as a mediator to assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 60 days from the date of receipt of the complaint or a longer period agreed to by the parties, a settlement of the complaint between the parties, does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred immediately by the secretary-treasurer to the discipline committee.

[1991 c37 s39](#)

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Determination of unprofessional conduct

40. (1) Conduct of a land surveyor or articulated student that in the opinion of the discipline committee

- (a) is detrimental to the best interests of the public;
- (b) contravenes a code of ethics of the profession of land surveying as established under the regulations;
- (c) harms or tends to harm the standing of land surveyors generally; or
- (d) displays a lack of knowledge, skill or judgment in the practice of land surveying or in the carrying out of a duty or obligation undertaken in the practice of land surveying

constitutes either unskilled practice of land surveying or unprofessional conduct, whichever the discipline committee finds.

(2) Where an investigated person contravenes this Act, the regulations or the by-laws, and that contravention is, in the opinion of the discipline committee, of a serious nature, the contravention may be found by the discipline committee to be unprofessional conduct whether or not that would be so found under subsection (1).

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Discipline committee

41. The council shall establish a discipline committee of persons appointed in accordance with the regulations.

[1991 c37 s41](#)

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Preliminary investigation

42. The discipline committee shall immediately upon the receipt of a complaint appoint a person to conduct a preliminary investigation of the complaint.

[1991 c37 s42](#)

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Notice

43. The secretary-treasurer shall immediately send a notice in writing to the investigated person that a preliminary investigation is being conducted.

[1991 c37 s43](#)

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Evidence

44. (1) A person conducting a preliminary investigation shall

- (a) require the investigated person to produce plans, drawings, maps, specifications, reports, books, papers or other documents or records in the investigated person's possession or under his or her control; and
- (b) keep copies for the purposes of sections 39 to 61, of the documents or records that are produced.

(2) A person conducting a preliminary investigation into the conduct of an investigated person shall report to the discipline committee on all matters regarding the professional conduct of that person that arise in the course of the investigation.

[1991 c37 s44](#)

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Report to the discipline committee

45. The person conducting a preliminary investigation shall, on concluding the preliminary investigation, report his or her findings to the discipline committee.

[1991 c37 s45](#)

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Termination of investigation

46. (1) The discipline committee may terminate the investigation at any time if it is of the opinion that

- (a) the complaint is frivolous or vexatious;
- (b) there is insufficient evidence of unskilled practice of land surveying; or

(c) there is insufficient evidence of unprofessional conduct.

(2) On terminating an investigation, the discipline committee shall direct the secretary-treasurer to serve on the investigated person and on the complainant a notice of that termination in accordance with the regulations.

(3) A complainant who is served with a notice of termination under subsection (2) may appeal that decision to the council.

(4) On an appeal under subsection (3), the council shall determine whether the complaint should be referred to the discipline committee for a hearing in accordance with section 47, and shall notify the complainant, the investigated person and the discipline committee in writing of its decision.

[1991 c37 s46](#)

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Hearing by discipline committee

47. (1) Where the investigation is not terminated under section 46, and following receipt of a report under section 45, the discipline committee shall immediately hold a hearing into the complaint.

(2) There shall be served on the investigated person and on the complainant a notice of hearing, stating the date, time and place at which the discipline committee will hold the hearing, and giving reasonable particulars of the conduct or complaint which has led to the hearing.

(3) The discipline committee shall after conducting a hearing referred to in subsection (2), report in writing to the council its findings, recommendations and reasons for its findings and recommendations.

[1991 c37 s47](#)

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Further investigation

48. (1) The discipline committee may also investigate and hear another matter concerning the professional conduct of the investigated person that arises during the hearing, but in that event the committee shall declare its intention to investigate and hear the further matter and shall permit the person sufficient opportunity to prepare an answer.

(2) Notwithstanding subsection (1), if proceedings in respect of the same circumstances or events are started against the investigated person in a court, the discipline committee may adjourn the hearing.

(3) Sections 50 to 54 apply to an investigation and hearing of a further matter under subsection (1).

[1991 c37 s48](#)

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Suspension pending investigation hearing

49. The council may suspend the certificate of registration or articles of a land surveyor or articulated student after a preliminary investigation or pending a decision of the council.

[1991 c37 s49](#)

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Right to counsel and appearance

50. The association, the investigated person and the complainant may appear and be represented by counsel at a hearing before the discipline committee.

[1991 c37 s50](#)

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Proceedings in private

51. All proceedings under sections 39 to 61 shall be held in private unless a public hearing is requested by the investigated person.

[1991 c37 s51](#)

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Public Enquiries Act

52. For the purposes of sections 39 to 61, the council, the discipline committee and each member of the council or the discipline committee has the powers that are or may be conferred on a commissioner under *The Public Enquiries Act*.

[1991 c37 s52](#)

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Powers of the council

53. Where, after receipt of a report of the discipline committee under section 47, it is determined by the council that the conduct of the investigated person constitutes unprofessional conduct or unskilled practice of land surveying or both, the council may

- (a) reprimand the investigated person;
- (b) suspend the certificate of registration of the investigated person for a specified period;
- (c) suspend the certificate of registration of the investigated person until
 - (i) the person has completed a specified course of studies or obtained supervised practical experience, or
 - (ii) the council is satisfied of the competence of the investigated person;
- (d) revoke the articles of the investigated person and fix a time when the investigated person may make application for new articles;
- (e) suspend the articles of the investigated person for a specific period;
- (f) impose upon the investigated person a fine not to exceed a sum fixed by the regulations;
- (g) impose conditions on the investigated person carrying out the practice of land surveying or serving an articling period;
- (h) direct the investigated person to pass a course of study or satisfy the council of his or her practical competence;
- (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that in the opinion of the council were improperly rendered;

- (j) cancel the registration of the investigated person; and
- (k) make another order that the council considers appropriate in the circumstances.

[1991 c37 s53](#)

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Order to pay expenses

54. (1) The council may, in addition to dealing with the investigated person under section 53, order that the investigated person pay the reasonable expenses of the association arising out of the hearing in accordance with the regulations and in the time fixed by the order.

(2) Where the investigated person was ordered to pay the expenses under subsection (1) and he or she fails to pay in the time ordered, the council may suspend the registration of that person until the expenses are paid.

(3) Expenses ordered to be paid to the association under this section are a debt due to the association and may be recovered by a civil action.

(4) All fines imposed under this Act by the association shall be paid over to the association.

[1991 c37 s54](#)

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Suspension or cancellation pending appeal

55. Where an appeal is brought under section 56, the council may grant a stay of an order of that council until the time that the decision of the council is affirmed, varied or struck down by the Trial Division.

[1991 c37 s55](#)

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Appeal to Trial Division

56. (1) An investigated person may appeal to the Trial Division a finding or order made by the council under sections 39 to 61.

(2) An appeal under this section shall be started

- (a) by filing a notice of appeal with the Trial Division; and
- (b) by serving a copy of the notice on the secretary-treasurer,

within 30 days from the date the decision of the council is served on the investigated person.

(3) An appeal shall be supported by copies, certified by the secretary-treasurer, of the decision of the council and the record of the hearing of the council.

(4) The secretary-treasurer shall furnish the documents mentioned in subsection (3) on being requested to do so.

[1991 c37 s56; 2013 c16 s25](#)

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Trial Division

57. (1) The Trial Division on hearing the appeal may

- (a) make a finding that in its opinion ought to have been made;
 - (b) quash, confirm or vary the order or decision of the council or a part of it; or
 - (c) refer the matter back to the council for further consideration.
- (2) The Trial Division may make an award of the costs of an appeal.

[1991 c37 s57](#)

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Fraudulent registration

58. Where the council is satisfied, after considering a report received under section 47 that states that a person's registration was entered in the register by means of a false or fraudulent representation or declaration, oral or written, the council shall order that the registration be cancelled.

[1991 c37 s58](#)

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Surrender of permit

59. (1) Where the registration of a land surveyor or articulated student has been cancelled or suspended under sections 49 or 53 he or she shall immediately surrender to the registrar a certificate of registration, stamp or seal held by him or her.

(2) Where the registration of a land surveyor or articulated student has been cancelled under sections 49 or 53, the registration shall only be reinstated in the register by order of the council.

[1991 c37 s59](#)

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Misrepresentation of status

60. It is unprofessional conduct for a person who is or was registered as a land surveyor or articulated student to represent that he or she is registered and in good standing while his or her registration is suspended or cancelled, and that conduct may be dealt with under sections 39 to 61.

[1991 c37 s60](#)

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Appeal

61. A land surveyor, articulated student or holder of a certificate of authorization who is the subject of a hearing by the discipline committee or a review of a report by the council, may appeal a decision or order of the council in accordance with section 56.

[1991 c37 s61](#)

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Penalties

62. (1) A person, land surveyor, articulated student, firm, partnership, corporate body, association of

persons or an agent of any of them, who commits an offence under this Act, the regulations or by-laws is liable on summary conviction

- (a) for the 1st offence, to a fine of not more than \$1,000 or to imprisonment for a term of not more than 3 months or to both a fine and imprisonment; and
- (b) for a subsequent offence, to a fine of not more than \$5,000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

(2) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence.

[1991 c37 s62](#)

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Registration continued

63. An application for registration made but not concluded before the commencement of this Act shall be dealt with under the former Act.

[1991 c37 s63](#)

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Discipline continued

64. A complaint or discipline proceeding that was started but not concluded before the commencement of this Act shall be concluded under the former Act.

[1991 c37 s64](#)

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RSN 1970 c.198 Rep.

65. *The Land Surveyors Act is repealed.*

[1991 c37 s65](#)

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Commencement

66. This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council. (In force - May 1/92)

[1991 c37 s66](#)

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