

CHAPTER 128.

SURVEY.

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CHAPTER 128.

SURVEY.

An Ordinance to Provide for and regulate the Survey of Lands and the Licensing of Surveyors. 11 of 1950.
35 of 1954.

[1ST FEBRUARY, 1951.]

1. (1) This Ordinance may be cited as the Survey Ordinance, and shall apply to the Colony and Protectorate. Short title and application.

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(2) This Ordinance shall come into operation on such date as the Governor may, by Order, appoint.

Interpreta-
tion.

2. In this Ordinance unless the context otherwise requires—

“ Government Surveyor ” means a surveyor in the Government Service;

“ Licensed Surveyor ” means a surveyor licensed under this Ordinance or under the Ordinance hereby repealed;

“ owner ” in relation to any land includes the person for the time being receiving the rent of the land, whether on his own account or as agent or trustee for any other person or who would receive the same if the land was let at a rent;

“ Public Authority ” means such persons or bodies of persons as may be prescribed under this Ordinance;

“ public survey ” means any survey ordered by the Governor under the provisions of section 16 of this Ordinance or any survey made for the purpose of defining the boundaries of any land which is owned by the Crown or any Public Authority or in which the Crown or any Public Authority possesses or intends to possess or dispose of any interest or any survey which forms part of the general survey of Sierra Leone or any part thereof;

“ surveyor ” means a Government surveyor or a licensed surveyor;

“ Director of Surveys and Lands ” means the Head of the Surveys and Lands Department and shall include any duly appointed officer acting on his behalf.

Enrolment of
pupil
surveyors and
licensing of
surveyors.

3. (1) The Director of Surveys and Lands shall keep a Register to be called the Licensed Surveyors Register and a Register to be called the Pupil Surveyors Register.

(2) Subject to the provisions of this Ordinance the Director of Surveys and Lands may grant a licence in the form set out in the schedule to this Ordinance to any person to practise surveying and may enrol any person as a pupil surveyor.

(3) The Director of Surveys and Lands shall once in every year, as soon as conveniently may be after the first day of January, make and publish in the *Gazette* a list containing the names and qualifications of all licensed surveyors.

4. (1) There shall be a Board of Examiners for the purposes of this Ordinance (in this Ordinance referred to as "the Board") which shall consist of the Director of Surveys and Lands, who shall be *ex-officio* Chairman of the Board and two other persons, appointed from time to time by the Governor for such period as he may think fit one of whom shall be a Licensed Surveyor in private practice.

Board of
Examiners.
Appointment
of Members
and Officers.

(2) The Governor may, for any cause which he shall think sufficient, revoke the appointment of any person appointed by him to be a member of the Board and may nominate any person to fill the place of any member of the Board who may be unable to attend any meeting of the Board.

(3) Notice of all appointments to the Board other than the nomination of any person temporarily to fill the place of any member of the Board shall be published in the *Gazette*.

(4) The Board may from time to time appoint a Secretary and such examiners and other officers as may be necessary for fulfilling the duties imposed upon the Board by this Ordinance and such persons shall hold office during the pleasure of the Board.

5. (1) The Board shall conduct the examinations for the enrolment of pupil surveyors and for the grant of licences to practise surveying in such manner and at such times as may be prescribed.

Board to
conduct ex-
aminations.

(2) Notice of the time and place of every examination shall be published in the three consecutive weekly issues of the *Gazette* and at least two months prior to the date upon which the examination is to take place.

6. Every person who desires to be examined by the Board whether for enrolment as a pupil surveyor or for the grant of a licence to practise surveying shall notify the Chairman of the Board in writing at least one month prior to the date on which the examination is to take place and such application shall be accompanied by such information and such examination fee as may be prescribed.

Chairman to
be notified
by candidate
for examina-
tion.

7. (1) The examination fee shall be refunded if the application for examination is refused.

Examination
fees.

(2) Examination fees shall be paid over, by the Chairman, to the Accountant General.

Qualifications
of and enrol-
ment as pupil
surveyor.

8. (1) No person shall be enrolled as a pupil surveyor unless he—

- (a) has attained the age of 18 years;
- (b) has furnished testimonials or other evidence of good character to the satisfaction of the Board;
- (c) has satisfied the Board as to his actual practice in the field by the production of written evidence or otherwise at the discretion of the Board;
- (d) has passed an examination in such subjects as may be prescribed and has paid the prescribed fee for such examination:

Provided that a Survey Student under bond in the Surveys and Lands Department who has completed a probationary period of one year in training in the Surveys and Lands Department and who has not been rejected during his training may be enrolled as a pupil surveyor without furnishing testimonials or other evidence of good character and without passing any examination.

(2) The Chairman of the Board shall enter or cause to be entered in the Pupil Surveyors Register the name of every person who has satisfied the Board that he is qualified to be enrolled as a pupil surveyor in accordance with the provisions of sub-section (1) of this section.

Conditions
precedent to
examination
for a
Surveyor's
Licence.

9. (1) No person shall be accepted for examination for a licence to practise surveying unless he—

- (a) has attained the age of 21 years;
- (b) (i) has, in the case of a person who is not a Government Surveyor or who has not been enrolled as a pupil surveyor, survey qualifications and experience which are satisfactory to the Board, or
- (ii) has been a Government Surveyor for a period of not less than three years and is still employed as a Government Surveyor on the date on which the examination begins having had during such employment at least twelve months actual practice in the field, or
- (iii) has been enrolled as a pupil surveyor and has, subsequent thereto served as a Government Surveyor or with a licensed surveyor for a period of not less than three years having had during such employment at least twelve months' actual practice in the field;

(c) produces a certificate from the person under whom he has received his training in such form as may be prescribed:

Provided that the Board on being satisfied that such certificate for some *bona fide* reason cannot be produced may accept in lieu thereof such other evidence of the applicant's training as the Board may deem fit;

(d) has paid the prescribed fee for the examination.

(2) In respect of the qualification of an applicant for examination set out in paragraph (b) (iii) of sub-section (1) of this section the period of service of three years as a pupil surveyor may be served with more than one licensed surveyor:

Provided that—

(a) no period of less than six months' continuous training shall count towards the qualifying period of three years, and

(b) the applicant produces a certificate in the prescribed form from each licensed surveyor from whom he has received his training or in the event of the Board being satisfied for some *bona fide* reason such certificate cannot be produced, such other evidence in respect of such period of service as the Board may deem fit.

10. (1) Save as otherwise provided in any rules made under paragraph (n) of section 26 no person shall be granted a licence to practise surveying unless he—

Grant of
licence to
practise
surveying.

(a) (i) has passed to the satisfaction of the Board the prescribed examination for a licence to practise surveying, or

35 of 1954.

(ii) is a retired Government Surveyor, with not less than ten years' service as a Government Surveyor, whose service was not terminated on grounds of inefficiency; and

(b) has paid a licence fee of two pounds to the Accountant General.

(2) The Chairman of the Board shall enter in the Licensed Surveyors Register the name of every person who has satisfied the conditions specified in sub-section (1) of this section or who holds a licence under the Ordinance hereby repealed and shall grant to every such person a licence in the prescribed form.

11. Any licensed surveyor who is employed in Government service shall not during such employment carry on private practice as a licensed surveyor and, if called upon to do so, shall surrender his licence to the Board during the continuance of such employment.

Temporary
suspension
of licence
whilst in
Government
service.