

Land Surveyors (Code of Professional Conduct and Ethics) Rules

Table of Contents

1 Citation

2 Code of Professional Conduct and Ethics

THE SCHEDULE Code of Professional Conduct and Ethics

Legislative History

LAND SURVEYORS ACT (CHAPTER 156, SECTION 40)

LAND SURVEYORS (CODE OF PROFESSIONAL CONDUCT AND ETHICS) RULES

R 5

G.N. No. S 403/1991

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(31st January 2002)

[13th September 1991]

Citation

1. These Rules may be cited as the Land Surveyors (Code of Professional Conduct and Ethics) Rules.

Code of Professional Conduct and Ethics

2.—(1) Every registered surveyor shall observe and be guided by Part I of the Code of Professional Conduct and Ethics set out in the Schedule.

(2) Every licensed corporation, partnership and limited liability partnership shall,

when supplying survey services in Singapore, observe and be guided by Part II of the Code of Professional Conduct and Ethics set out in the Schedule.

[S 183/2007 wef 02/05/2007]

THE SCHEDULE

CODE OF PROFESSIONAL CONDUCT AND ETHICS

PART I

1. In this Code, unless the context otherwise requires —

“housing developer” has the same meaning as in the Housing Developers (Control and Licensing) Act (Cap. 130);

“practising registered surveyor” means a registered surveyor carrying on his profession, whether jointly in partnership with other registered surveyors or on his own, as an employee, a member of a licensed partnership or limited liability partnership or a director of a licensed corporation;

[S 183/2007 wef 02/05/2007]

“publicity” means any form of advertisement and includes any advertisement —

(a) printed in any medium for the communication of information;

(b) appearing in, communicated through or retrievable from, any mass medium, electronic or otherwise including but not limited to the internet,

and its derivatives, and “publicise”, “publicised” and “publicising” shall be construed accordingly.

2. A practising registered surveyor shall, in the exercise of his profession, uphold the dignity, standing and reputation of the profession.

3.—(1) A practising registered surveyor may, subject to this rule, publicise his practice or allow his employees or agents to do so.

(2) A practising registered surveyor shall not publicise his practice in a manner which —

(a) is likely to diminish public confidence in the profession of surveying or to otherwise bring the profession into disrepute;

(b) may reasonably be regarded as being misleading, deceptive, inaccurate, false or unbecoming the dignity of the profession; or

(c) the Board may determine to be an undesirable manner of publicising his practice.

(3) For the purposes of this rule, publicity shall be considered to be misleading, deceptive, inaccurate or false if it —

(a) contains a material misrepresentation;

- (b) omits to state a material fact;
- (c) contains any information which cannot be verified; or
- (d) is likely to create an unjustified expectation about the results that can be achieved by the practising registered surveyor.

(4) In publicising his practice, a practising registered surveyor shall ensure that —

- (a) any claim to expertise or specialisation can be justified;
- (b) the publicity does not make any direct or indirect mention of past projects in which, or clients for whom, the practising registered surveyor or any of his firm, limited liability partnership or company had acted where the provision of such information will involve a breach of confidentiality owed to any client or former client;
[S 183/2007 wef 02/05/2007]
- (c) the publicity does not make any comparison or criticism in relation to the quality of the services provided by any other practising registered surveyor, licensed corporation, partnership or limited liability partnership or allied professional; and
[S 183/2007 wef 02/05/2007]
- (d) the publicity does not make any reference to the charges, fees or remuneration of the practising registered surveyor in relation to his survey services.

(5) For the purpose of sub-paragraph (4)(a), the following factors shall be taken into account in justifying any claim to expertise or specialisation:

- (a) academic qualifications;
- (b) experience;
- (c) facilities;
- (d) personnel; and
- (e) capacity to render service.

(6) Where a practising registered surveyor becomes aware of any impropriety in any publicity relating to his practice, it shall be his responsibility to use his best endeavour to procure the rectification or withdrawal of the publicity, and to prevent its recurrence.

(7) Where it appears to the Board that the publicity relating to the practice of any practising registered surveyor is contrary to this rule, the Board may, after making due inquiry into the matter, order the practising registered surveyor to alter, withdraw, remove or discontinue the publicity or cause the same to be altered, withdrawn, removed or discontinued.

(8) The responsibilities of a practising registered surveyor under this rule shall not be capable of being delegated to any other person.

(9) No publicity relating to the practice of any practising registered surveyor shall make use of the logo of the Board.

(10) A registered surveyor shall not endorse surveying products or processes in any commercial advertisement.

4.—(1) A registered surveyor shall refrain from expressing publicly an opinion on a survey unless he is informed as to the facts relating thereto.

(2) A registered surveyor —

(a) shall exercise due restraint in criticising the work of another registered surveyor or any licensed corporation, partnership or limited liability partnership; or

[S 183/2007 wef 02/05/2007]

(b) shall not maliciously or recklessly injure or attempt to injure, directly or indirectly, the professional reputation, prospects or business of another registered surveyor or any licensed corporation, partnership or limited liability partnership,

[S 183/2007 wef 02/05/2007]

but this sub-paragraph shall not prejudice the moral obligation on him to expose unethical conduct before the proper authorities or preclude a frank but private appraisal of employees or registered surveyors being considered for employment.

(3) A registered surveyor shall not issue any statement, criticism or argument on matters connected with public policy which is inspired or paid for by private interests unless the registered surveyor indicates on whose behalf he is making the statement, criticism or argument.

5.—(1) A practising registered surveyor shall discharge his duties to his employer or client with complete fidelity.

(2) Subject to this paragraph, a practising registered surveyor shall not, except with the knowledge and approval of his employer or client, accept remuneration for services rendered other than from his employer or the client.

(3) A practising registered surveyor shall not —

(a) accept any trade commission, discount, allowance or indirect payment or other consideration in connection with any professional work in which the registered surveyor is engaged; or

(b) receive directly or indirectly any royalty, gratuity or commission, in respect of any patented article or process used on or for the purpose of the work in respect of which he is acting for an employer unless such royalty, gratuity or commission has been authorised in writing by such employer.

(4) Nothing in this paragraph shall prohibit a practising registered surveyor who is a director of a licensed corporation from receiving remuneration for his services as a director, or who is a registered holder of any share in a licensed corporation from receiving any dividend on that share.

6.—(1) A practising registered surveyor shall not hold, assume or knowingly accept a position in which his interest is in conflict with his professional duty to his client.

(2) Without prejudice to sub-paragraph (1), a practising registered surveyor —

(a) who is a partner of a firm or a limited liability partnership, a director of a corporation or an employee of a firm, a limited liability partnership or a corporation shall not act as a surveyor in respect of a contract to which such firm, limited liability partnership or corporation is a party;

[S 183/2007 wef 02/05/2007]

(b) shall not act as a surveyor in respect of any project in which he, or a firm or a limited liability partnership of which he is a partner, or a corporation of which he is a director, is

acting as a housing developer or estate agent; or

[S 183/2007 wef 02/05/2007]

- (c) shall not be financially interested in any business of a housing developer or estate agent or any other business to such an extent as would affect the independent exercise of his professional judgment.

7. A practising registered surveyor shall not —

- (a) disclose confidential information concerning the business affairs or technical processes of his employer or client without the consent of the latter;
- (b) use information coming to him confidentially in the course of his assignment as a means of making personal profit if such action is adverse to the interest of his employer or client or the public; or
- (c) divulge any confidential findings or studies or actions of a surveying commission or board of which he is a member without official consent.

8.—(1) A practising registered surveyor shall not give professional advice which does not fully reflect his best professional judgment.

(2) A practising registered surveyor shall engage, or advise engaging, experts and specialists when in his opinion and judgment such services are in the best interests of his employer or client.

9. Notwithstanding the responsibility to his employer or client and to his profession, a practising registered surveyor shall act with primary regard to the public interest.

10. A practising registered surveyor shall not knowingly attempt to supplant another registered surveyor, nor shall he intervene or attempt to intervene in or in connection with survey work of any kind which to his knowledge has already been entrusted to another registered surveyor, licensed corporation, partnership or limited liability partnership.

[S 183/2007 wef 02/05/2007]

11.—(1) A practising registered surveyor shall not knowingly undertake a commission from any person while any claim for compensation or damage, or both, of another practising registered surveyor previously employed by that person and whose employment has been terminated remains unsatisfied, unless security for the due satisfaction of any award or judgment has been given.

(2) The practising registered surveyor who was first employed may report the matter to the Land Surveyors Board and if he has reasonable grounds for not being satisfied with the security, the Board may forbid the practising registered surveyor first-mentioned in sub-paragraph (1) from proceeding with the work.

12.—(1) A practising registered surveyor shall not use the advantage of a salaried position to compete unfairly with other practising registered surveyors.

(2) A practising registered surveyor shall not accept any survey work from persons other than his employer to an extent prejudicial to his salaried position or detrimental to established survey services or which would result in a conflict of interest.

(3) If permitted by his employer, any commission for survey work from persons other than his employer shall be confined to consultation on phases of survey work for which he has special qualifications not inherently available in usual survey practice but he shall not establish an office for the