



PARLIMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

SURVEY ACT, No.17 OF 2002

[Certified on 04th October, 2002]

Printed on the order of Government

Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of October 04, 2002

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PUCHASED AT THE GOVERMENT PUBLICATION BUREAU, COLOMBO 01

Price: Rs. 28.25

Postage: 9.00

AN ACT TO PROVIDE FOR THE POWERS AND FUNCTIONS OF THE SURVEYOR GENERAL; TO REGULATE THE LAND SURVEYS ; TO PROVIDE FOR THE ESTABLISHMENT OF A LAND SURVEY COUNCIL TO REGULATE THE PROFESSIONAL CONDUCT OF SURVEYORS; TO REPEAL THE LAND SURVEYS ORDINANCE AND THE SURVEYORS ORDINANCE; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

Short Title

1. This Act may be cited as the Survey Act, No. 17 of 2002.

PART 1

Powers and functions of the Surveyor General.

POWERS AND FUNCTIONS OF THE SURVEYOR GENERAL

2. The powers and functions of the Surveyor General shall include the following that is:-

- (a) to regulate all land survey activities in Sri Lanka.;
- (b) to establish and administer the National Geodetic Control Network;
- (c) to specify the standards of accuracy for cadastral, geodetic and topographic surveys;
- (d) to set standards for mapping;
- (e) to establish and administer a system of accreditation for registered surveyors seeking to conduct surveys under the Registration of Title Act, No. 21 of 1998 and to maintain a register of the Surveyors issued with Certificates of Accreditation;
- (f) to establish and make available to all surveyors, base lines for the calibration of survey bands and electronic distance measuring equipment;
- (g) to receive, approve and maintain, cadastral surveying records so as to facilitate the production of cadastral survey plans and maps and to serve as a comprehensive base for integration of land information;
- (h) to produce and maintain records of topographic, thematic and special purpose maps;
- (i) to be the principal authority responsible for receiving, storing and exchanging in any form all data for the purpose of

promoting the integration of surveying and mapping, geographically based information and land related information with land information system requirements;

- (j) to provide land surveying, land information and related services;
- (k) to receive, store, reproduce and distribute, topographic, cadastral and derived maps, remote-sensed data, aerial photographs and other survey and mapping documents ;
- (l) to authorise the use or reproduction of survey and land information recorded by the Department and to levy a fee for the use or reproduction of such information ;
- (m) to co-ordinate where necessary, with foreign agencies for the exchange of surveying, mapping and land information technology;
- (n) to render advice to the Government, any public corporation or other institution on surveying, mapping and land information activities and related matters and to levy a fee from such corporation or such institution for the advice so rendered;
- (o) to conduct such research as may be necessary in respect of matters relating to surveying;
- (p) to issue certificates to function as a draughtsman to any person competent to prepare a survey plan using surveyor's field notes and to compute the area of a survey plan for the use of any registered surveyor, after satisfying himself of the competence of such person by conducting examinations;
- (q) to ensure the maintenance of high professional standards among persons engaged in land survey activities in the Survey Department;

Delegation of Surveyor General's powers and functions.

- 3. (1) The Surveyor General may from time to time by writing under his hand delegate to any officer of the Survey Department as may be nominated by him, any power or function conferred on or assigned to him under this Act.

(2) Any officer to whom any power or function has been delegated under subsection (1) shall exercise or discharge that power or function subject to the general or special directions of the Surveyor General.

Surveyor General's decision on any question in respect land surveying or mapping to be final.

- 4. The decision of the Surveyor General, as to any question relating to land surveying or mapping, shall be final and conclusive.

Establishment and

- 5. (1) The Surveyor General shall be responsible for the

maintenance of National Geodetic Control System.

establishment, maintenance and upgrading where necessary, of the National Geodetic Control System.

(2) The categories of land surveys which shall be connected to the National Geodetic Control System and the manner in which such surveys shall be connected shall be as prescribed.

(3) Every land survey required for the establishment, maintenance and improvement of the National Geodetic Control System shall be conducted under the direction and supervision of the Surveyor General.

(4) The Surveyor General shall collect and collate surveys, conducted by any registered surveyor, for the purpose of maintaining and upgrading the National Geodetic Control Network, where he is of opinion that such surveys are of significance.

(5) For the purpose of giving effect to the provisions of subsection (4), the Surveyor General may, request any registered surveyor to supply him with maps or plans or information in his possession, and it shall be the duty of such surveyor to comply with such request.

Aerial photography.

6. All aerial photography for surveying and mapping shall be carried out under the direction and supervision of the Surveyor General.

Mapping

7. (1) All national topographic mapping in Sri Lanka shall be conducted under the direction and supervision of the Surveyor General.

(2) The Surveyor General shall where he considers it appropriate to do so -

(a) prepare and update all general and special purpose maps;

(b) store plans and maps in digital form or microfilm or any other media of archival quality.

Data Bases

8. The Surveyor General shall maintain in digital or any other form a Geographic Data Base and a Cadastral Data Base progressively to cover the entirety of Sri Lanka.

Land Surveying to conform to regulations.

9. All land surveys conducted in accordance with the provisions of any written law shall conform to the regulations made under this Act.

Preparation of Cadastral plans and maps.

10. (1) The Surveyor General shall be responsible for the preparation and maintenance of all cadastral maps to cover the entirety of Sri Lanka progressively for the purposes of the Registration of Title Act, and for the purposes of any other written law.

(2) A cadastral survey for the purpose of the Registration of Title Act shall be conducted by, a registered surveyor -

- (a) who is in the Survey Department or:
- (b) who possesses an Annual Practising Licence in terms of section 41,

and who has obtained a Certificate of Accreditation in terms of section 11. The registered surveyor shall certify maps and plans prepared by him based on a cadastral survey conducted for the purpose of this section.

(3) All cadastral maps and plans prepared under subsection (2) shall, be examined by the Surveyor General or by a registered surveyor duly authorised in that behalf by the Surveyor General and where he is satisfied that such maps and plans are in order, be approved by the Surveyor General or by such registered surveyor, as the case may be.

(4) The provisions of the State Landmarks Ordinance shall *mutatis mutandis* apply in respect of boundaries surveyed for the preparation of cadastral maps under the Registration of Title Act.

Surveyor General to issue Certificate of Accreditation.

- 11. (1) The Surveyor General shall on being satisfied-
 - (a) that a surveyor has obtained registration with the Land Survey Council; and
 - (b) by a process of evaluation, as regards the competence of such surveyor to conduct cadastral surveys, for the purpose of the Registration of Title Act, ,

issue to such surveyor a Certificate of Accreditation authorising him to carry out cadastral surveys.

- (2) The mode and manner in which applications shall be made for the issue of a Certificate of Accreditation and the procedure to be followed by the Surveyor General for the issue of such Certificate shall be as prescribed.

Registered licensed surveyor to deposit copies of plans and maps.

- 12. (1) Copies of specific categories of original plans or maps prepared by any registered licensed surveyor and certified by him shall be deposited with the Surveyor General or an officer duly authorised by him for such purpose, for the establishment of a database within thirty days of such certification .

(2) specific categories of plans or maps required to be deposited under sub section (1) and manner in which such plans or maps are to be deposited shall be prescribed.

(2) Where a registered licensed surveyor deposits a plan or map, with the Surveyor General under subsection (1), which is required for the purpose of preparing a cadastral plan under the Registration of Title Act, such surveyor shall not be entitled to protection of his work under section 10 of the Code of Intellectual Property Act, No. 52 of 1979.

Admissibility of plans or maps as evidence in civil proceedings.

13. No plan or map or copy or tracing of a plan or map shall be receivable in evidence in any court in Sri Lanka unless such plan or map has been prepared -

(a) by or on behalf of the Surveyor General by a registered surveyor duly authorised by him and certified by the Surveyor General or by a registered surveyor duly authorised by him for such purpose; or

(b) and certified by a registered licensed surveyor.

Surveyor General, &c., may demand production of deed.

14. It shall be lawful for the Surveyor General, or for any person authorised in that behalf in writing by him, whenever it shall appear to him to be necessary for the purposes of a land survey to be conducted by him to demand in writing of -

(a) the person claiming to be the owner of any land or premises, or of his agent, the production of every deed, document or, instrument upon which he claims title to such land or premises;

(b) the occupier of such land or premises, the authority upon which he founds his occupation and information about the whereabouts of the owner of such land and premises,

and where such owner or occupier as the case may be, within ten days of such demand -

(i) refuses or fails without cause to produce the deed document or other instrument upon which he founds his claim to the said land or premises;

(ii) is unable to produce such deed document or instrument as such deed document or other instrument is not in his possession and refuses without cause to inform or give information as to the whereabouts of the person in whose possession such deed, document or other instrument is;

such owner or occupier shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding ten thousand rupees.

Demand of production of deed to include powers of examination.

15. The deed, document, or instrument demanded under section 14 shall be produced on the premises to which the same may relate, or at such other place as the person demanding the same may require, and the power of demanding the production thereof, under section 14 shall be deemed to include the power of making such examination of such deed, document, or instrument, as shall be necessary for the purpose of a land survey; and every person refusing or failing without cause to permit such examination of any such deed, document or instrument, to any person referred to in section 14 shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding ten thousand rupees.

Surveyor General may enter into and survey land.

16. (1) The Surveyor General, or any person authorised in that behalf in writing by the Surveyor General may after reasonable notice given to the occupier, enter upon any land or premises and make such inspection, survey and installation of survey mark as shall be necessary to enable such Surveyor General, or person authorised, as the case may be, to conduct a land survey thereon.

(2) A written notice at any conspicuous place within, or in close proximity to, the land or premises which is the subject of the survey, at least three days before the entry, shall be deemed reasonable notice for the purpose of subsection (1).

(3) It shall be lawful for the Surveyor General, or any person authorised in that behalf in writing by the Surveyor General to conduct a land survey after such entry and to demand, from the owner or the occupier of such land or premises by notice or in writing the production of any deed, document, instrument or plan that affect the title, or any legal interests thereto. Such owner or occupier shall within ten days of such demand produce such deed, document, instrument or plan to the Surveyor General or such authorised person, as the case may be.

(4) On the production of such deed, document, instrument or plan it shall be lawful for such Surveyor General or the person authorised by the Surveyor General to examine and make notes, extracts and copies of such deed, document, other instrument or plan to be used for the purpose of this Act or for the purpose of any other written law.

Penalty on abuse of power by Surveyor General &c.

17. If the Surveyor General, or any person authorised in that behalf by the Surveyor General shall, under pretence of performing any duty or exercising any power imposed or conferred on him by this Act, abuse his power or use unnecessary violence, or wantonly do any injury, or give uncalled for or vexatious annoyance, every such officer or person shall be guilty of an offence under this Act and shall be liable on summary trial before a Magistrate to a fine not exceeding one hundred thousand rupees.

Obstruction of land surveys.

18. Every person who wilfully obstructs or hinders the Surveyor General or any person authorised by him in that behalf or a registered licensed surveyor, or any person assisting such surveyor, in the performance of his duties in relation to any survey or the ascertaining or marking out of any boundary or survey lines, or the fixing, placing, restoring, repairing or setting up of any survey mark shall be guilty of an offence under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding ten thousand rupees.

Interference with survey marks.

19. (1) Every person, who knowingly or wilfully removes, destroys, or alters the position of, or markings on, any survey mark that has been placed or set up for the control of surveys or definition of boundaries or for the purpose of any survey conducted under or for the purpose of this Act or any other written law, shall be guilty of an offence under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding ten thousand rupees.

(2) Every person who is convicted of an offence under subsection (1) shall, in addition to the fine for which he may be liable in respect of such offence, be also liable to pay the cost, including survey costs, and cost associated with repairing, replacing, or restoring to its proper position, any survey mark or restoring the markings on any survey mark that is the subject of the offence for which he is convicted, which costs shall be assessed by the Surveyor General and made recoverable as if it were a fine.

False survey marks. 20. Every person who places in position in relation to any land any peg, mark, land mark or other mark, not being a survey mark properly placed that is intended to cause any person to believe that it is a survey mark or landmark placed in that position for the purposes of any survey under this Act, or other written law shall be guilty of an offence under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding twenty thousand rupees.

Proof of certain plans signed by the Surveyor General. 21. Any cadastral map, plan, or any other plan or map prepared in accordance with the provisions of this Act or any written law, purported to be signed by the Surveyor General or officer acting on his behalf, offered in evidence in any suit shall be received in evidence, and shall be taken to be *prima facie* proof of the facts stated therein; and it shall not be necessary to prove that it was in fact signed by the Surveyor General or an officer acting on his behalf, nor that it was made by his authority, nor that the same is accurate, until evidence to the contrary shall have first been given.

Copies purporting to be authenticated by the Surveyor General admissible in evidence instead of originals. 22. Any cadastral map, plan, or any other plan or map prepared in accordance with any written law, purporting to be a true copy of such a plan or map and purporting to be signed by the Surveyor General or any officer acting on his behalf shall, be admissible in evidence in all cases and for all purposes instead of the original, and may (without proof that the original is not procurable) be taken as *prima facie* evidence of the truth of the facts exhibited therein as fully as that of the original and it shall not be necessary to prove that such copy was in fact signed or authenticated by the Surveyor General or officer acting on his behalf, nor that it is a true copy, nor that the facts established therein are accurate, until evidence to the contrary shall have first been given.

Preparation of cadastral maps or plans and placing of landmarks. 23. (1) The boundaries surveyed for the preparation of a cadastral map or any plan for the purpose of Registration of Titles Act shall be defined where it is not otherwise defined by permanent features, by marks which will be referred to as landmarks which landmarks shall be deemed to be state Land Marks within the meaning of the State Land Marks Ordinance.

(2) Every occupier, claimant or owner of land or premises shall maintain, without disturbing, any landmarks placed on the boundary of such land or premises and any survey mark placed within such land or premises:

provided however that in the case of any landmarks placed along the

Regulations

boundary of a reservation, reserve or state land or premises belonging to the state every claimant, occupier, lessee or owner of land adjoining such reservation, reserve or state land shall maintain without disturbing, any landmarks placed on such boundary.

24. (1) The Minister may make regulations in respect of matters required by this Part of this Act to be prescribed or in respect of which regulations are required or authorised to be made.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters:-

- (a) the mode and manner of preparation and the maintenance of cadastral maps to cover the entirety of Sri Lanka or part of it;
- (b) the manner in which land surveys are to be conducted and, the manner and form in which the maps, plans, books and other records pertaining to a survey are to be prepared, and the details to be inserted in such maps, plans, books and records;
- (c) defining the degree of accuracy to be attained in surveys and the limit of error to be allowed;
- (d) the steps to be taken for testing the accuracy of surveys and providing for the correction of any inaccuracies that may be discovered.

(3) Every regulation made by the Minister under this section shall be published in the Gazette and shall come into operation on the date of such publication or such latter date as may be specified in the regulation.

(4) Every regulation made under this section shall, within a period of six months from the date of its publication in the Gazette be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done there under.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the Gazette.

Repeal and savings.

25. (1) (a) The Land Surveys Ordinance (Chapter 458) and

(b) The Surveyors Ordinance (Chapter 108)

are hereby repealed.

(2) Notwithstanding the repeal of -

(a) the Land Surveys Ordinance, all plans and maps signed by the Surveyor General or any officer authorised in that

behalf by the Surveyor General under that Ordinance shall be deemed to be valid and effectual as if such plans and maps were signed under this Act;

(b) the Surveyors Ordinance -

(i) the regulations made under that Ordinance and in force immediately before the commencement of this Act, shall except where and in so far as they are not inconsistent with the provisions of this Act continue in force until altered, amended, or rescinded by regulations made under this Act;

(ii) all plans and maps prepared by any licensed surveyor in accordance with the provisions of that Ordinance shall be deemed to be valid and effectual as if such plans and maps were prepared under this Act;

(iii) all certificates issued by the Surveyor General authorising any person to function as a draughtsman under this Ordinance shall be deemed to be a certificate issued under this Act;

(iv) all examinations conducted by the Surveyor General under the said Ordinance shall continue to be conducted by the Surveyor General for a period of five years from the date of commencement of this Act for the sole purpose of providing an opportunity for any candidate who may have sat that examination at least once prior to the commencement of this Act, to obtain the necessary qualifications.

PART II

LAND SURVEY COUNCIL

Establishment of the Land Survey Council. 26. (1) There shall be established a Council, which shall be called the Land Survey Council (hereinafter in this Act referred to as the "Council").

(2) The Council shall by the name assigned to it by subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Members of the Council. 27. (1) The Council shall consist of the following:-

(a) ex-officio members namely -

- (i) The Surveyor General who shall be the Chairman;
- (ii) A registered surveyor not below the rank of a Deputy Surveyor General nominated by the Surveyor General, who shall be the Vice Chairman;

(iii) The Director of the Institute of Surveying and Mapping established by the Institute of Surveying and Mapping Act, No. 21 of 1969; and

(b) Appointed members namely –

(i) Three registered surveyors who possess wide experience and proven capabilities in land surveying, nominated by the Surveyors' Institute of Sri Lanka incorporated by the Surveyors' Institute of Sri Lanka (Incorporation) Act, No. 22 of 1982; and

(ii) one academic, in the field of Education, Administration, Management or Engineering from a University, nominated by the University Grants Commission established by the Universities Act, No. 16 of 1978

who shall be appointed by the Minister.

Disqualification from being a member

28. A person shall be disqualified from being appointed or continuing as a member of the Council -

- (a) if he is or becomes a member of Parliament or any Provincial Council or any local authority; or
- (b) if he is not, or ceases to be, a citizen of Sri Lanka; or
- (c) if he is under any law in force in Sri Lanka or in any other country found or declared to be of unsound mind; or
- (d) if he is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country; or
- (e) if he has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the council.
- (f) If he is an undischarged bankrupt; or
- (g) If he is absent for three consecutive meetings of the Council without the permission of the Council.
- (h) If he is found guilty of an offence under this Act.

Removal and resignation of members.

29. (1) An appointed member of the Council may resign his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

(2) The Minister may, after consulting the authority nominating an appointed member, remove such member from office for reasons stated in writing.

(3) Where an appointed member of the Council dies, resigns or is removed from office, the Minister shall, having regard to the provisions of paragraph (b) of section 27 appoint another member in his place.

(4) A member appointed under subsection (3) shall hold office for the unexpired part of the term of office of the member whom he succeeds.

(5) Every ex-officio member of the Council shall hold office as long as he holds the post by virtue of which he is a member of the Council.

Term of office of members. 30. Subject to the provisions of subsection (1) and (2) of section 29 the term of office of an appointed member of the Council shall be three years and such member shall be eligible for re-appointment.

Remuneration or allowance of members. 31. The members of the Council shall be paid remuneration or allowances out of the Fund of the Council at such rates as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Secretary 32. (1) There shall be a Secretary to the Council who shall be appointed by the Council.

(2) The Secretary shall be in charge of the day to day administration of the affairs of the Council. The Secretary shall keep a record of the minutes of the meetings of the Council and shall be entitled to speak at such meetings but shall not be entitled to vote thereat.

Meetings of the Council. 33. (1) The Chairman or in his absence the Vice Chairman shall preside at meetings of the Council. In the absence of both the Chairman and the Vice Chairman, a member elected by the members present shall preside at such meeting.

(2) The Council may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

(3) The quorum for a meeting of the council shall be four members.

(4) All questions for decision at any meeting of the Council shall be decided by the vote of a majority of the members present. In the case of an equality of votes, the Chairman or other member presiding at that meeting of the Council, shall in addition to his own vote, have, a casting vote.

Acts not invalidated by reason of a vacancy. 34. No act, decision or proceedings of the Council shall be deemed to be invalid by reason only of the existence of a vacancy in the Council or any defect in the appointment of any member of the Council.

Seal of the Council. 35. (1) The seal of the Council may be determined and devised by the

Council, and may be altered in such manner as may be determined by the Council.

(2) The seal of the Council shall be in the custody of the Secretary.

(3) The seal of the Council shall not be affixed to any instrument or document except with the sanction of the Council and in the presence of the Chairman and one member who shall sign the instrument or document in token of their presence.

(4) The Council shall maintain a register of the instruments and documents to which the seal of the Council has been affixed.

Delegation of powers and functions of the Council.

36. (1) The Council may delegate any of the powers and functions of the Council to the Chairman.

(2) The Chairman to whom any of the powers and functions of the Council have been delegated under subsection (1) shall exercise and discharge the powers and functions so delegated, subject to the general or special directions of the Council.

Functions and duties of the Council.

37. The functions and duties of the Council shall be -

(a) to maintain standards and procedures relating to land surveying and professional discipline among persons engaged in land surveying;

(b) to receive applications from surveyors for registration as registered surveyors, and to register such surveyors where the Council is satisfied that such surveyors possess the prescribed qualifications or experience and have the ability and skills to practise land surveying;

(c) to receive applications from registered surveyors for the issue of Annual Practising licences and to issue such licences to such surveyors where the Council is satisfied that such surveyors possess the knowledge and skill to practice the profession of land surveying;

(d) to promote the maintenance of high standards of professional education among persons engaged in land surveying;

(e) to promote programs which provide for professional development by improving the knowledge and skills of persons practising land surveying and who are required to obtain an Annual Practising Licence;

(f) to recognise academic and professional qualifications in land surveying, establish practical experience requirements, and conduct qualifying examinations and professional interviews, for candidates for registration as registered surveyors and for the issue of annual practising licences;

(g) to negotiate and administer reciprocal arrangements with the

relevant authorities in foreign countries for the purpose of securing uniformity and reciprocity in the education, training and recognition of persons engaged in land surveying;

(h) to co-ordinate with the Institutions engaged in education and training in land surveying and land information in Sri Lanka, for the maintenance of required educational standards;

(i) to co-ordinate with other relevant organisations in Sri Lanka in the maintenance of high professional standards;

Powers of the Council.

38. The Council shall have the power -

(a) to acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property;

(b) to accept gifts, grants or donations whether in cash or otherwise, and to apply them for discharging its functions;

(c) to appoint such officers and servants as may be necessary for carrying out the work of the Council;

(d) to determine the remuneration payable to the officers and servants so appointed;

(e) to appoint committees for the effective discharge of its functions;

(f) to establish a social security scheme, and provide welfare and recreational facilities, for its officers and servants;

(g) to make rules in respect of the administration of the affairs of the Council; and

(h) generally, to do all such other things as are necessary to facilitate the proper discharge of the functions of the Council.

Surveyors to register with the Council.

39. (1) From or after the date of commencement of this Act no person, other than the persons who possess the qualification specified in the Schedule here to and has obtained registration with the Council and has been issued with a certificate of registration which is time being in force may engage in land surveying.

(2) Notwithstanding the provisions of subsection (1) a person who possess the academic qualifications specified in the Schedule hereto and working under the supervision of a person issued with a certificate of registration under subsection (1), may engage in land surveying for the purpose of acquiring the practical qualification specified in the Schedule hereto but shall not be eligible to be registered under this Act.

(3) An application for registration as a surveyor shall be in the prescribed form and shall be accompanied by the prescribed fee.

(4) The Council may, on an application received in that behalf by a person engaged in or proposing to engage in land surveying and on production of evidence of good character and payment of the prescribed fee, register such person where the Council is satisfied that such person has the qualifications and experience and skills to engage in land surveying.

Surveyors entitled to be issued with a licence under the Surveyors Ordinance deemed to be registered.

40. (1) Notwithstanding the provisions of section 39, every surveyor entitled to be issued with an annual licence under section 4 or section 6 of the Surveyors Ordinance on the date of commencement of this Act, shall be deemed to be registered under this Act.

(2) Every surveyor deemed to be registered under this Act, shall as soon as convenient submit to the Council the following particulars :-

(a) name and address of the Surveyor;

(b) the criteria or qualification, the possession of which entitled him to be issued with an annual licence under the Surveyor's Ordinance.

(3) Every surveyor registered with the Council under subsection (3) or (4) of section 39 or deemed to be registered under subsection (1), shall be issued with a certificate of registration and is referred to in this Act as a "registered surveyor".

Annual practising licence.

41. (1) Every registered surveyor who is desirous of practising or attempting or professing to practise land surveying, shall apply to the Council for an annual practising licence.

Provided however, registered Surveyors in the Survey Department engaging in land surveying under the supervision of the Surveyor General, shall not be required to obtain an annual practising licence for the purpose of engaging in land surveying on behalf of the Government..

(2) The Council may on application received in that behalf by a registered surveyor accompanied by the prescribed fee, issue to such surveyor an annual practising licence where the Council is satisfied that he has followed the prescribed courses of study and training approved by the Council and acquired knowledge and skill to practise land surveying.

(3) Notwithstanding the provisions of subsection (1), every registered surveyor who is engaged in land surveying on the date of commencement of this Act may, continue to practise land surveying

for a period of six months from such date but shall within that period apply for the annual practising licence under this Act.

(4) Every registered surveyor issued with an annual practising licence under subsection (2) is referred to in this Act as a "registered licensed surveyor".

Register of surveyors.

42. (1) The Council shall maintain a register of all-

- (a) registered surveyors; and
- (b) registered licensed surveyors.

(2) The registers maintained under subsection (1) shall contain the names, qualifications and addresses of all registered surveyors and all registered licensed surveyors, the respective dates on which they were registered or issued with such licences and such other particulars as may be required to be maintained under this Act.

(3) The registers shall be open for public inspection by any person on payment of the prescribed fee.

(4) The Council shall on payment of a prescribed fee supply a certified copy of any entry in any register to any person requesting such copy.

Copy of the register to be published.

43. (1) The Council shall on or before March thirty first in each year publish in the Gazette a list of the names of all registered licensed surveyors and shall within one month of the cancellation or suspension of an annual practising licence publish a notification giving notice thereof in the Gazette.

(2) The Council shall where it considers it necessary to do so cause the register of the registered surveyors or part thereof to be published in the Gazette.

(3) A copy of any entry in any such register purporting to be certified by the Chairman of the Council shall in all proceedings whatsoever be prima facie evidence that the person stated therein -

- (a) is a registered surveyor;
 - (b) holds or does not hold an annual practising licence;
 - (c) possesses the qualification therein stated;
 - (d) has had his registration cancelled or suspended; or
 - (e) has had his annual practising licence cancelled or suspended;
- as the case may be.

Powers of a registered surveyor.

44. (1) A registered surveyor –

- (a) may engage in land surveys in the service of the Government and when authorised by the Surveyor

General; or

- (b) who holds a annual practising license, may engage in the practice of land surveying for fee or reward.

Professional
misconduct.

45. (1) For the purposes of this Part of this Act a registered surveyor shall be guilty of professional misconduct if he is found in any proceedings or appeal –

- (a) to have been negligent or incompetent in the conduct of any survey;

- (b) to have failed to comply with any guidelines or directions pertaining to the practice of surveying or the requirements pertaining to the preparation of and maintenance of survey plans and cadastral maps as are prescribed;

- (c) to have certified as to the accuracy of any survey or any plan or map in relation to a survey –

- (i) where such surveyor being an officer in the service of the Government has conducted the survey or certified the plan or map without exercising due care or caution;

- (ii) where such surveyor being a registered licensed surveyor :-

- (A) has conducted such survey or certified such plan or map, without exercising due care or caution;

- (B) without having personally conducted such survey, has caused it to be done by another registered licensed surveyor and has not taken sufficient measures to ensure the accuracy of the field work and office work of such other surveyor;

- (C) without having personally conducted such survey, has caused it to be done by a person other than by a registered licensed surveyor;

- (D) has certified to the accuracy of such survey, map or plan knowing it to be defective;

- (d) to have made any entry in any field book or other record that purports to have been derived from actual observation or measurement in the field, if in fact it has not been so derived;

- (e) to have supplied to the Surveyor General or any other registered surveyor any erroneous information in relation to any survey, survey mark, or boundary, knowing that

information to be erroneous in any material particular;

- (f) to have failed, without reasonable cause, to perform any duty imposed on a registered surveyor under this Act or any condition subject to which he was allowed by the Council to practise land surveying.

(2) For the purposes of determining whether or not any registered surveyor is guilty of professional misconduct the fact that any survey plan or map may have been approved by or on behalf of the Surveyor General shall not be relevant.

Charge against registered surveyor, to be reported to the Council.

46. (1) Every charge of professional misconduct against a registered surveyor shall be submitted to the Council in writing, signed by the person making the charge; and, if, it appears to the Council that it is one into which an inquiry should be held, the Council shall fix a time and place for such inquiry.

(2) The Council shall conduct an inquiry relating to any charge of professional misconduct against a registered surveyor, made under subsection (1) and the Council may, where necessary, obtain the services of any person who is competent in the field of land surveying or any other field to assist the Council in conducting such inquiry.

(3) At least twenty eight days prior to the date fixed for such inquiry, notice in writing shall be sent by the Secretary to the last known postal address of the person charged, informing him of the time and place fixed for the inquiry, and supplying him with a copy of all charges made.

(4) At an inquiry held under this section -

- (a) the person charged shall be entitled to be heard in his defence; and

- (b) the Council shall –

- (i) act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal norms; and

- (ii) not be bound by the rules of evidence, but may inform itself on any matter in such manner as it thinks fit.

(5) The decision of the Council on such inquiry shall be in writing, and shall be signed by at least two members of the Council who conducted such inquiry and shall be countersigned by the Secretary.

(6) The Council shall give reasons for its decision in respect of the inquiry.

Disciplinary powers of Council.

47. (1) Where the Council, after conducting an inquiry in accordance with this Part is satisfied that a registered surveyor is guilty of professional misconduct the Council may, make one or more of the following orders -

- (a) make an order that the registration of the registered surveyor be cancelled and name of such surveyor be removed from the register;
- (b) make an order that the registration of the registered surveyor be suspended for a period not exceeding three years;
- (c) make an order that the annual practising licence issued to a Registered Surveyor be cancelled ;
- (d) make an order that the annual practising licence issued to a Registered Surveyor be suspended ;
- (e) make an order that the registered surveyor may, for a period not exceeding three years, engage in the practice of land surveying subject to such conditions as the Council may impose;
- (f) make any other appropriate order as to costs or otherwise as the Council considers appropriate.

(2) While any order of suspension of registration under this section remains in force, the person shall be deemed for the purpose of this Act not to be registered; but forthwith on the expiry of the order his rights and privileges as a registered surveyor shall be revived as from the date of such expiry.

(3) All costs and expenses payable under this section shall be recoverable as a debt due to the Council.

Right of registered surveyor involved in proceedings to be heard .

48. Every registered surveyor in respect of whom an inquiry is conducted under section 46, shall be entitled to appear and be heard, either personally or by his representative, at the inquiry.

Appeals from decisions of Council.

49. (1) Every person who is dissatisfied with –

- (a) any decision of the Council relating to an application by him for registration or the issue of an annual practising licence;
- (b) any order of the Council under section 47 relating to him,

may, within thirty days after notice of the decision or order has been communicated to him by the Secretary, appeal to the Court of Appeal against the decision or order, as the case may be.

Cancellation or

50. The Secretary shall enter in the register against the entry relating to

suspension or conditions to be entered in register.	the relevant surveyor, the fact that his registration or annual practising licence or both has or have been cancelled and any conditions imposed on him for the practise of land surveying under section 47.
Surrender of certificates.	<p>51. (1) Every registered surveyor whose registration or annual practising licence is cancelled or suspended under this Part of this Act shall, within fourteen days after the date on which written notice of the removal or suspension as the case may be has been given to him, deliver to the Secretary the certificates issued to him under this Act which has not been so delivered before that date.</p> <p>(2) Every registered surveyor who fails to comply with the provisions of subsection (1) shall be guilty of an offence under this Act and shall on conviction after a summary trial before a Magistrate be liable to a fine not exceeding ten thousand rupees.</p>
Committees.	<p>52. (1) The Council may from time to time appoint committees, consisting of not more than three members of the Council and such other persons as the Council thinks fit, to inquire into and report to the Council on any matter within the scope of the functions of the Council other than the functions assigned to the Council by sections 37 and 46.</p> <p>(2) Every committee appointed under subsection (1) shall be subject in all matters to the control of the Council.</p>
Annual report.	<p>53. (1) The Council shall in each year make a report to the Minister on the discharge and performance of its functions and duties and the exercise of its powers.</p> <p>(2) A copy of such annual report shall be laid before Parliament as soon as practicable after it has been received by the Minister.</p>
Continuing education.	<p>54. (1) The Council may require registered surveyors to attend specified courses, to gain specified experience, or to take other appropriate action, within a specified period for the purpose of maintaining and improving their knowledge and skills in the practice of land surveying.</p> <p>(2) Where the Council is satisfied that –</p> <p style="margin-left: 40px;">(a) a registered surveyor who has been issued with an annual practising licence has not complied with any of the requirements imposed under subsection (1), the Council may -</p> <p style="margin-left: 80px;">(i) suspend the annual practising licence of such registered surveyor until the requirements are complied with ;</p> <p style="margin-left: 80px;">(ii) renew the annual practising licence of such registered surveyor subject to specified conditions, which may include a condition specifying the standard period for which that annual practising license is renewed;</p> <p style="margin-left: 80px;">(iii) refuse to renew the annual practising license of such</p>

registered surveyor until those requirements are complied with ; or

- (b) a registered surveyor who is in the service of the Government has not complied with the requirements imposed under subsection (1) the Council may report such non compliance to the Surveyor General for appropriate action.

Staff of the Council. 55. (1) The Council may appoint such officers and servants as it considers necessary for the efficient discharge of its functions.

(2) The officers and servants appointed under subsection (1) shall be remunerated in such manner and at such rates and shall be subject to such conditions of service as may be determined by the Council with the approval of the Minister.

(3) At the request of the Council any officer in the public service may, with the consent of that officer and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the Council for such period as may be determined by the Council with like consent, or be permanently appointed to such staff.

(4) Where any officer in the public service is temporarily appointed to the staff of the Council, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No.37 of 1991, shall, mutatis mutandis, apply to and in relation to him.

(5) Where any officer in the public service is permanently appointed to the staff of the Council, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No.37 of 1991, shall, mutatis mutandis, apply to and in relation to him.

(6) Where the Council employs any person who has agreed to serve the Government for a specified period, any period of service to the Council by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

Fund of the Council. 58.(1) The council shall have its own fund (hereinafter referred to as the "Fund").

(2) There shall be paid into the Fund –

(a) all such sums of money as may be made available to the Council out of the Consolidated Fund;

(b) all such sums of money as may be received by the Council in the exercise, performance and discharge of its powers, duties and functions under this Act; and

(c) all such sums of money as may be received by the Council

by way of gifts, grants or donations.

(3) There shall be paid out of the Fund all such sums of money as are required to defray the expenditure incurred by the Council in the exercise, performance and discharge of its powers, duties and functions under this Act or under any other written law and all such sums as are required to be paid out of the Fund, by this Act.

Financial year and audit of accounts.

57. (1) The financial year of the Council shall be the calendar year.

(2) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Council.

Returns and information.

58. (1) For the purpose of enabling the Council to exercise, perform and discharge any of the powers, duties and functions under this Act, the Council or any person authorised in that behalf by the Council may by notice in writing require any registered surveyor to furnish to the Council or to the person authorised, within such period as shall be specified in the notice, all such returns and information pertaining to the practice, by him, of land surveying as are known to, or in the possession of, such surveyor including original field notes and plans or maps.

(2) It shall be the duty, of every surveyor who is required to furnish any return or information by a notice under subsection (1), to comply with such requirement within the period specified in such notice, except where he is precluded from making such return or divulging such information under the provisions of any law.

(3) The Council or any member thereof or any officer or servant of the Council, shall not disclose to any person or use any returns or information furnished under subsection (1), except when required to do so by a court of law or for the purpose of discharging its functions.

Council deemed to be a scheduled Institution within the meaning of the Bribery Act.

59. The Council shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act, shall be construed accordingly.

Members, officers and servants of the Council deemed to be public servants.

60. All members, officers and servants of the Council shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

State property both movable and immovable to be made available to the Council.

61. (1) Where any immovable property of the State is required for any purpose of the Council, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Council.

(2) Where any movable property of the State is required for any purpose of the Council, the Minister in charge of the subject of Finance may, by Order published in the Gazette, transfer to, and vest in the Council the possession and use of such movable property;

Provided however, that no order affecting any movable property of the State shall be made by the Minister under the preceding provisions of this subsection, without the concurrence of the Minister having control over such property.

Acquisition of immovable property under the Land Acquisition Act.

62. (1) Where any immovable property is required to be acquired for any specific purpose of the Council and the Minister by order published in the Gazette approves of the proposed acquisition for that purpose that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and transferred to the Council.

(2) Any sum payable, for the acquisition of any immovable property under the Land acquisition Act for the Council shall be paid out of the Fund of the Council.

Protection for action taken under this Act or on the direction of the Council.

63. (1) No action or prosecution shall be instituted –

(a) against the Council, for any act, which in good faith is done by the Council under this Act; or

(b) against any member, officer or servant of the Council or an officer of the committee for any act which in good faith is done by him under this Act or on the direction of the Council.

(2) Any expenses incurred by any such person as is referred to in paragraph (b) of subsection (1), in any action or prosecution instituted against him in respect of any act which is done by him under this Act or on the direction of the Council shall be paid out of the Fund of the Council, if the Court holds that such act was done in good faith.

Offences.

64. (1) Every person who –

(a) fails to furnish any return or information in compliance with any requirement imposed on him under this Part;

(b) knowingly makes any false statement in any such return or information furnished by him;

(c) for the purpose of obtaining registration as a registered surveyor or for the purpose of obtaining an annual practising licence –

(i) either orally or in writing makes a declaration or representation that to his knowledge is false or misleading in any material particular ; or

- (ii) produce to the Council, or makes use of, any document knowing it to contain any such false declaration or representation.

- (d) not being a registered surveyor -
 - (i) falsely pretends that he is a registered surveyor;
 - (ii) takes or uses the name or title of a registered surveyor;

- (e) not being a registered licensed surveyor -
 - (i) practises land surveying for fee or reward;
 - (ii) takes or uses any title or description implying that he is a registered licensed surveyor;

 - (iii) certifies in respect of the performance of land surveys;

 - (iv) certifies or signs any survey plan, diagram, map or other document which is required by this Act or any other written law to be certified by a registered licensed surveyor; or

- (f) being a member, officer or servant of the Council discloses any information obtained by him in or in connection with the exercise of his powers or the discharge of his functions under this Part, of this Act, to any person for any purpose other than a purpose for which he is authorised to disclose such information by this Part of this Act;

- (g) contravenes any provision of this Act or any regulation made thereunder;

shall be guilty of an offence under this Act.

- (2) Every person who commits an offence under this Act for which no punishment is expressly provided by any other provision of this Act, shall on conviction after trial before a Magistrate, be liable to a fine not exceeding ten thousand rupees or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

- (3) Where an offence under this Act is committed by a body of persons, then –
 - (a) if that body of persons is a body corporate every director or officer of that body corporate;

 - (b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence.

Provided, however that a director or an officer of such body corporate or partner of such firm shall not be deemed to be guilty of such offence if he proves that such offences was committed without his knowledge or that he used all due diligence to prevent the commission of such offence.

Regulations.

(65). (1) The Minister, may make regulations in respect of any matter required by this Part of this Act to be prescribed or in respect of which regulations are authorised by this Part of this Act to be made.

(2) Without prejudice to the generality of the powers conferred under subsection (1), the Minister may make regulations in respect of all or any of the following matters –

- (i) the form and method of keeping registers required under this Part of this Act;
- (ii) the forms, applications, certificates and other documents required to be prescribed under this Act;
- (iii) the course of study and training required to be followed by persons desirous of obtaining an annual practising licence;
- (iv) guide lines to registered land surveyors in respect of professional practice:

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in such regulation.

(4) Every regulation made by the Minister shall within a period of six months from the date of its publication in the Gazette, be brought before Parliament for approval. Any regulation, which is not so approved, shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the Gazette.

Interpretation.

66. In this Act unless the context otherwise requires –

“aerial photography” means photographic or remote sensing imagery exposed from above the earth’s surface;

"aerial survey" means the science of obtaining measurements by means of aerial photography.

“Cadastral Map” means a map resulting from a cadastral survey;

“Cadastral survey” means any survey for the purpose of delineating, determining or defining the boundaries of any parcel of land or premises or any legal rights or interests attached thereto;

"Department" means the Survey Department.

“land” includes subsoil, airspace, and water and marine areas and includes rights and interests in or over land;

“land survey” means

- (a) the determination or establishment for boundary purposes of the form, contour, position, area, shape, height, depth, or nature of any part of the earth or of any natural or artificial features, and the position, length and direction of bounding lines on, below, or above any part of the earth;
- (b) the determination or establishment of the extent of any right or interest in land or in air space;
- (c) the determination of the location of any feature relative to a boundary for the purpose of certifying the location of that feature; and includes;
 - (i) cadastral surveying;
 - (ii) compiling a network of any order of precision;
 - (iii) preparation of any plan or map; and
 - (iv) establishing photogrammetric ground controls.

for the purpose of the functions specified in paragraph (a), (b) and (c),

“map” means a representation at a scale or projection of the features (whether natural or artificial or both) or other information relating to a part or the whole of the earth in a graphical, photographic or digital form or a combination of those forms;

“Minister” means the Minister to whom the subject of Survey has been assigned;

“plan” means a graphical representation of any survey;

“registered surveyor” means a surveyor registered by the Council under this Act;

“registered licensed surveyor” means a registered surveyor issued with an annual practising licence;

“Registration of Title Act” means the Registration of Title Act, No.21 of 1998;

“Secretary” means the person appointed as the secretary of the Council;

“Surveyor General” means a registered surveyor who is the head of the Survey Department.

Sinhala Text to prevail in case of inconsistency. 67. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

SCHEDULE (Section 39)

Qualifications that entitles a person to be registered –

(a) Academic qualifications;

- (i) Post Graduate Diploma in surveying or a higher qualification in surveying from a University or an Institute recognised by the Council, or
- (ii) Bachelors' Degree in Surveying from a University or an Institute recognised by the Council , or
- (iii) Advance Diploma in Surveying from the Institute of Surveying and Mapping, Diyatalawa; and

(b) Practical experience;

(i) For category (a) (i);

Minimum of two years practical experience to the satisfaction of the Council.

(ii) For category (a) (ii);

Minimum of three years practical experience to the satisfaction of the Council.

(iii) For category (a) (iii),

Minimum of ten years practical experience to the satisfaction of the Council and a pass in the Junior Professional Examination conducted by the Survey Department, or

Minimum of fifteen years practical experience to the satisfaction of the Council and a recommendation of the Surveyor General that he is professionally competent to be registered under this Act.