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“ Licensed Surveyor ” means a surveyor licensed under this Ordinance or under the Ordinance hereby repealed;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

(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 examination.

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.

Suspension or
cancellation
of licence.

12. (1) If a licensed surveyor—

(a) has obtained his licence by misrepresentation; or

(b) has intentionally or through negligence, carelessness or incompetence made an incorrect survey or delivered an incorrect diagram or plan of any land or a diagram or plan which does not conform with the rules made under this Ordinance; or

(c) has signed a diagram or plan of any land in respect of which he has not personally carried out the whole of the survey, unless the diagram or plan is a compilation from previous surveys by surveyors in which case the names of the surveyors who carried out the surveys shall be stated on the diagram or plan by the surveyor who signs it; or

(d) has made an entry in a field book, copy of a field book or other document which purports to have been derived from actual observation or measurement in the field when it was not in fact so derived; or

(e) has made an untrue report or memorandum of any survey; or

(f) has contravened any section of this Ordinance or any rule made under this Ordinance; or

(g) has, subsequent to the issue of his licence, been sentenced by any competent British Court whether in Sierra Leone or elsewhere for any offence punishable by death or imprisonment for any period exceeding one year and has not received a free pardon from Her Majesty for the offence for which he is so sentenced; or

(h) is guilty of such improper conduct as renders him unfit to practise as a surveyor,

the Attorney General may, in his discretion, at the request of the Director of Surveys and Lands, apply to the Supreme Court by way of motion for the suspension or cancellation of the licence of such surveyor and the court may thereupon suspend or cancel the licence or make such other order as it thinks fit:

Provided that the provisions of this section shall be without prejudice to any liability to an action for damages to which such surveyor may be liable.

(2) The suspension or cancellation of any licence to practise surveying shall be notified in the *Gazette* and noted in the Licensed Surveyors Register.

(3) Any Order made by the Supreme Court under this section shall be appealable as a final decision of the court determining a civil right above the value of five hundred pounds.

13. (1) The fees which a licensed surveyor may charge for defining boundaries, making surveys, preparing plans, or for any other work connected therewith, shall not exceed such fees as may be prescribed.

Fees payable to surveyors.

(2) Notwithstanding the provision of sub-section (1) of this section a surveyor may, subject to such conditions as may be prescribed, enter into an agreement to make a survey or to do any other work for which fees are prescribed for an inclusive fee, and where a surveyor enters into such an agreement and the prescribed conditions are complied with the preceding sub-section shall not apply.

(3) Any dispute as to the amount of fees payable to a surveyor shall be determined by the Director of Surveys and Lands who shall have power to reduce the fees specified in any agreement made under sub-section (2) where he considers it to be excessive.

14. (1) No person other than a surveyor shall make or agree or offer to make for fee or reward a survey of any land for the purpose of defining boundaries or for the purpose of preparing a diagram or plan for any purpose for which it is prescribed by rules made under this Ordinance that the diagram or plan shall be signed by the surveyor:

Unqualified person not to make a survey for fee or reward.

Provided that this sub-section shall not affect the operation of any existing law relating to the survey of land for the purpose of the grant of an exclusive prospecting licence.

(2) No person other than a surveyor shall hold himself out in any manner as a surveyor.

Unqualified person not to hold himself out as surveyor.

(3) No surveyor shall sign any diagram or plan of any land in respect of which he has not personally carried out the whole of the survey unless the diagram or plan is a compilation from previous surveys by surveyors in which case the names of the surveyors who carried out the surveys must be stated on the diagram or plan by the surveyor who signs it.

Surveyor not to sign plan unless he personally made whole survey.

(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

Penalty for breaches of this section.

Copies of plans to be sent to the Director of Surveys and Lands.
Cap. 256.

15. A licensed surveyor who shall prepare any plan to be used in connection with any instrument which is required to be registered under the provisions of the Registration of Instruments Ordinance may if he so desires send two copies of the plan signed by himself to the Director of Surveys and Lands for his counter-signature, together with such information as may be required by the Director of Surveys and Lands. The Director of Surveys and Lands shall retain one copy of the plan and shall, if he is satisfied that there is no defect on the face of the plan, return the other copy duly countersigned to the licensed surveyor.

Powers to direct demarcation.

16. The Governor may, by notification published in the *Gazette* and in one or more newspapers circulating in the area affected, direct that the boundaries of lands within such local limits as may be defined in such notification shall be demarcated by public survey and such public survey shall be carried out in such manner as may be prescribed:

Provided that when the area affected is within the Colony, publication shall be made in one or more daily newspapers circulating within such area.

Powers in relation to all public surveys.

17. (1) For the purposes of any public survey, the Director of Surveys and Lands or any surveyor authorised by him may enter upon any land with such assistants as may be required, and may affix or set up or place thereon or therein trigonometrical stations, survey beacons, marks or poles, and do all things necessary for such survey.

(2) Any surveyor, when employed on a public survey, shall, when practicable, give reasonable notice to the owner or occupier of the land of his intention to enter thereon.

(3) Compensations shall be paid by the Government to the owner of any crops or trees cut or damaged in the exercise of the powers granted by this section.

Power of surveyor to enter upon land.

18. Any surveyor may, for the purpose of surveying any land which he is employed to survey, enter on and pass over any land, whether private or public, causing as little inconvenience to the owner or occupier of such land as is consistent with his duties.

Penalty for removing, etc., survey and boundary marks.

19. Any unauthorised person who shall wilfully obliterate, remove or injure any trigonometrical station, survey beacon, mark or pole or any boundary mark affixed, set up or placed for the purposes of any survey shall be guilty of an offence and on

summary conviction be liable to a fine not exceeding twenty pounds or in default thereof to a period of imprisonment not exceeding three months and, in addition, may be ordered to pay three times the cost of repairing or replacing the thing obliterated, removed or damaged and of making any survey rendered necessary by the act in respect of which he was convicted.

20. (1) It shall be the duty of the owner and the occupier of any land on or in, or on the boundaries of which, any trigonometrical station, survey beacon mark or pole has been affixed, set up or placed forthwith to report to the nearest District Commissioner or to the Director of Surveys and Lands if to his knowledge any such trigonometrical station, survey beacon, mark or pole shall have been obliterated, removed or injured or shall be in need of repair:

Duty of owners and occupiers of land in relation to survey marks.

Provided that the Director of Surveys and Lands may by writing under his hand exempt any owner or occupier of land from the obligation imposed by this section.

(2) Any person who wilfully or knowingly fails to report in accordance with the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds or in default thereof to imprisonment with hard labour for a term not exceeding one month.

21. Where any trigonometrical station, or any survey beacon mark or pole or any boundary mark within the local limits of a Chief or Tribal Authority is obliterated, removed or damaged, such Chief or Tribal Authority shall forthwith report such obliteration, removal or damage to the District Commissioner of the district.

Duty of native authority.

22. (1) Any person who, unless acting on the authority of the Director of Surveys and Lands, knowingly uncovers any survey beacon or mark buried below the surface of the ground or covered with a pile of earth or stone shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Penalty for uncovering survey beacons.

(2) Any person who, having uncovered a survey beacon or mark with the authority of the Director of Surveys and Lands, shall neglect—

(a) in the case of a covered beacon or mark to cover the same in the prescribed manner, or

(b) in the case of a buried beacon or mark properly to fill up the hole with the same material as the ground or road under which the beacon mark is buried,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Obstructing
surveyor.

23. Any person who wilfully obstructs, or hinders, resists or threatens any surveyor in the execution of his duty in or about the conduct of any public survey or any survey ordered by a court, or any workmen or other person acting in aid of any such surveyor, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

False
certificates.

24. Any person who issues or signs a certificate for the purposes of this Ordinance either knowing it to be false or not believing it to be true shall be guilty of an offence and shall be liable on summary conviction to imprisonment with hard labour for six months or to a fine of one hundred pounds or to both such imprisonment and fine.

Recovery of
moneys due.

25. Any sum due to the Government under the provisions of this Ordinance or the rules thereunder may be sued for and recovered by the Director of Surveys and Lands or any person authorised by him in that behalf.

Power of
Governor in
Council to
make rules.

26. The Governor in Council may make rules—

(a) prescribing the manner in which surveys are to be made, the records to be kept by licensed surveyors and the manner of keeping such records;

(b) prescribing the manner of the demarcation of boundaries in connection with surveys;

(c) with regard to plans of surveys and their preparation and the matters to be shown thereon and prescribing for what purposes diagrams and plans shall be signed;

(d) prescribing the manner in which public surveys shall be carried out and the manner in which boundaries shall be finally determined when a public survey has been carried out;

(e) prescribing the fees which may be charged by the Survey and Lands Department and by licensed surveyors, and prescribing the conditions on which a licensed surveyor may enter into an agreement to make for any inclusive fee

any survey or to do any other work for which fees are prescribed;

(f) with regard to the publication, issue, service and form of notices to be published, issued or served under this Ordinance or rules made thereunder;

(g) prescribing the returns to be made by licensed surveyors to the Director of Surveys and Lands;

(h) requiring surveyors to report to the Director of Surveys and Lands matters connected with surveys on which they are engaged or with previous surveys, ascertained by them during the course of their work;

(i) for securing the maintenance of boundary marks in their correct position and the preservation of the same;

(j) providing for the checking of surveys alleged to be erroneous and for the incidence of the expenses of such checking;

(k) providing for the checking and correction of tapes and instruments used by surveyors;

(l) providing for and regulating the inspection and the taking of copies of plans of surveys in the office of the Director of Surveys and Lands;

(m) prescribing the subjects in which an applicant for a licence as a surveyor shall be examined;

(n) prescribing the conditions under which a person, who while holding qualifications entitling him to practise as a surveyor in a country other than Sierra Leone is not entitled to be licenced under section 10, may nevertheless be granted a licence under this Ordinance;

(o) prescribing any other matters or things required to be prescribed under the provisions of this Ordinance, and

(p) generally for giving effect to the purposes of this Ordinance.

Any rules made under this section may apply generally or in such circumstances or cases as may be specified.

27. The Survey Ordinance is hereby repealed.

Repeal.

*

Section 3 (2).

SCHEDULE.

THE SURVEY ORDINANCE.

LICENCE.

A.B. having satisfied the requirements of the above-mentioned Ordinance is hereby licensed to practise as a Surveyor in Sierra Leone in accordance with the provisions of the said Ordinance.

Dated this.....day of.....19.....at

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*Director of Surveys and Lands
Chairman, Board of Examiners*