



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 662.

11 April 1984

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Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 40 van 1984: Wet op Professionele Landmeters en Tegnieiese Opmeters, 1984.

No. 40 of 1984: Professional Land Surveyors' and Technical Surveyors' Act, 1984.

Wet No. 40, 1984

WET OP PROFESSIONELE LANDMETERS EN TEGNIESE
OPMETERS, 1984

WET

Om voorsiening te maak vir die instelling van 'n Suid-Afrikaanse Raad vir Professionele Landmeters en Tegniese Opmeters, vir die registrasie van professionele landmeters, professionele landmeters-in-opleiding, opmeters, opmetingstegnici en opmetingstegnici-in-opleiding, en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Maart 1984.)*

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „adviserende onderwyskomitee” die Adviserende Onderwyskomitee by artikel 11 ingestel; (vi) 5
- (ii) „departement” die Departement van Gemeenskapsontwikkeling; (iv)
- (iii) „Direkteur-generaal” die Direkteur-generaal: Gemeenskapsontwikkeling; (v) 10
- (iv) „hierdie Wet” ook 'n kennisgewing of reël kragtens hierdie Wet uitgereik of uitgevaardig; (xxi)
- (v) „Hoofdirekteur” die Hoofdirekteur van Opmetings en Kartering wat ingevolge artikel 1 van die Opmetingswet, 1927 (Wet No. 9 van 1927), aangestel is; (ii) 15
- (vi) „in diens van die Staat” in die heeltidse diens van die Regering, met inbegrip van 'n provinsiale administrasie, die Suid-Afrikaanse Vervoerdienste en die Departement van Pos- en Telekommunikasiewese; (vii)
- (vii) „jaargelde” die jaargelde of gedeelte daarvan wat deur die raad kragtens artikel 7 (1) (g) bepaal word; (i) 20
- (viii) „Minister” die Minister van Gemeenskapsontwikkeling; (viii)
- (ix) „opmeter” 'n persoon wat ingevolge artikel 22 (2) of (3) as sodanig geregistreer is; (xvii) 25
- (x) „opmetingstegnikus” 'n persoon wat ingevolge artikel 22 (2) of (3) as sodanig geregistreer is; (xviii)
- (xi) „opmetingstegnikus-in-opleiding” 'n persoon wat ingevolge artikel 23 as sodanig geregistreer is; (xix)
- (xii) „persoonlike toesig” dieselfde as wat dit in artikel 49 van die Opmetingswet, 1927 (Wet No. 9 van 1927), beteken en, met betrekking tot 'n opmetingstegnikus en 'n opmetingstegnikus-in-opleiding, toesig soos voorgeskryf; (ix) 30
- (xiii) „praktiseer”, die verrigting van werk wat kragtens artikel 7 (2) (a) voorgeskryf is, maar met inbegrip van kadastrale opmetings, sowel as die gee van onderrig met betrekking tot alle sodanige werk of die verrigting van administratiewe werksaamhede in verband met dié werk, waar iemand wat dié onderrig gee of dié administratiewe werksaamhede verrig, dit doen uit hoofde daarvan dat hy ingevolge hierdie Wet geregistreer is; (x) 40

PROFESSIONAL LAND SURVEYORS' AND TECHNICAL
SURVEYORS' ACT, 1984

Act No. 40, 1984

ACT

To provide for the establishment of a South African Council for Professional Land Surveyors and Technical Surveyors, for the registration of professional land surveyors, professional land surveyors in training, surveyors, survey technicians and survey technicians in training, and for matters connected therewith.

(Afrikaans text signed by the State President.)

(Assented to 20 March 1984.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates—

- (i) "annual fees" means the annual fees or portion thereof determined by the council under section 7 (1) (g); (vii)
- (ii) "Chief Director" means the Chief Director of Surveys and Mapping appointed in terms of section 1 of the Land Survey Act, 1927 (Act No. 9 of 1927); (v)
- (iii) "council" means the South African Council for Professional Land Surveyors and Technical Surveyors established by section 2; (xvi)
- (iv) "department" means the Department of Community Development; (ii)
- (v) "Director-General" means the Director-General: Community Development; (iii)
- (vi) "education advisory committee" means the Education Advisory Committee established by section 11; (i)
- (vii) "in the service of the State" means in the full-time employment of the Government, including any provincial administration, the South African Transport Services and the Department of Posts and Telecommunications; (vi)
- (viii) "Minister" means the Minister of Community Development; (viii)
- (ix) "personal supervision" has the meaning assigned thereto in section 49 of the Land Survey Act, 1927 (Act No. 9 of 1927), and, in relation to a survey technician and a survey technician in training, means supervision as prescribed; (xii)
- (x) "practise" means the performance of work prescribed under section 7 (2) (a), but including cadastral surveys, as well as teaching in relation to all such work or the performance of administrative functions in connection with that work, where any person undertaking that teaching or performing those administrative functions does so by virtue of being registered in terms of this Act; (xiii)
- (xi) "prescribe" means prescribe by rule made by the council under section 34, and "prescribed" has a corresponding meaning; (xxi)
- (xii) "professional land surveyor" means a person registered as such in terms of subsection (2) of section 20 or

Definitions.

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- (xiv) „professionele landmeter” ’n persoon wat ingevolge subartikel (2) van artikel 20 as sodanig geregistreer is of ingevolge subartikel (3) van genoemde artikel 20 geag word aldus geregistreer te wees; (xii)
- (xv) „professionele landmeter-in-opleiding” ’n persoon wat ingevolge artikel 21 as sodanig geregistreer is; (xiii)
- (xvi) „raad” die Suid-Afrikaanse Raad vir Professionele Landmeters en Tegniese Opmeters by artikel 2 ingestel; (iii)
- (xvii) „register” ’n register in artikel 7 (4) vermeld; (xiv)
- (xviii) „registrasiegelde” die registrasiegelde wat deur die raad kragtens artikel 7 (1) (g) bepaal word; (xvi)
- (xix) „registrateur” die persoon wat kragtens artikel 7 (1) (a) as registrateur aangestel is; (xv)
- (xx) „tegniese opmeter” ’n persoon wat ingevolge artikel 22 geregistreer is en of ’n opmeter of ’n opmetingstegnikus is; (xx)
- (xxi) „voorskryf” by reël kragtens artikel 34 deur die raad uitgevaardig, voorskryf, en het „voorgeskryf” of „voorgeskrewe” ’n ooreenstemmende betekenis. (xi)

Instelling van Suid-Afrikaanse Raad vir Professionele Landmeters en Tegniese Opmeters.

Samestelling van raad en eerste vergadering.

2. Hierby word ’n regspersoon met die naam die Suid-Afrikaanse Raad vir Professionele Landmeters en Tegniese Opmeters ingestel.

3. (1) Vir die tydperk vanaf die inwerkingtreding van hierdie Wet tot ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, bestaan die raad uit die persone wat lede was van die Sentrale Landmetersraad ingestel by artikel 2 van die Landmetersregistrasiewet, 1950 (Wet No. 14 van 1950), soos saamgestel onmiddellik voor daardie inwerkingtreding, en drie bykomende persone wat deur eersgenoemde persone uit die lede van die Instituut van Topografiese en Ingenieurs-opmeters van Suid-Afrika as lede van die raad gekoöpteer word.

(2) Na die datum aldus bepaal, bestaan die raad uit die volgende lede wat deur die Minister aangestel word, naamlik—

- (a) een professionele landmeter wat deur die Instituut van Professionele Landmeters van die Oostelike Kaap vermeld in artikel 40 (a) benoem word;
- (b) een professionele landmeter wat deur die Instituut van Professionele Landmeters van die Westelike Kaap vermeld in artikel 40 (b) benoem word;
- (c) een professionele landmeter wat deur die „Institute of Land Surveyors of Natal” ingestel deur Wet No. 28 van 1905, soos gewysig deur Wet No. 24 van 1908, van Natal, benoem word;
- (d) een professionele landmeter wat deur die Instituut van Landmeters van die Oranje-Vrystaat benoem word;
- (e) twee professionele landmeters wat deur die „Institute of Land Surveyors of the Transvaal” ingestel deur die „Institute of Land Surveyors Incorporated Ordinance, 1904” (Ordonnansie No. 11 (Privaat) van 1904), van Transvaal, benoem word;
- (f) een professionele landmeter wat deur die adviserende onderwyskomitee benoem word en wat ’n professor of dosent in opmeetkunde moet wees aan ’n universiteit wat ’n graadkursus in opmeetkunde aanbied;
- (g) twee professionele landmeters wat deur die Minister uit persone in diens van die Staat gekies word;
- (h) een professionele landmeter wat deur die Vereniging van Lugopmetingsmaatskappye benoem word;
- (i) drie persone van wie elkeen ’n professionele landmeter of ’n tegniese opmeter moet wees en wat deur die Instituut van Topografiese en Ingenieurs-opmeters van Suid-Afrika benoem word en wat gewoonlik in die Republiek woonagtig is en praktiseer; en
- (j) een persoon wat, na die verkiesing van die president van die raad ingevolge artikel 6 (1), benoem word deur die liggaam vermeld in paragraaf (a), (b), (c), (d), (e),

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- deemed to be registered as such in terms of subsection (3) of the said section 20; (xiv)
- (xiii) "professional land surveyor in training" means a person registered as such in terms of section 21; (xv)
- 5 (xiv) "register" means a register mentioned in section 7 (4); (xvii)
- (xv) "registrar" means the person appointed as registrar under section 7 (1) (a); (xix)
- (xvi) "registration fees" means the registration fees determined by the council under section 7 (1) (g); (xviii)
- 10 (xvii) "surveyor" means a person registered as such in terms of section 22 (2) or (3); (ix)
- (xviii) "survey technician" means a person registered as such in terms of section 22 (2) or (3); (x)
- 15 (xix) "survey technician in training" means a person registered as such in terms of section 23; (xi)
- (xx) "technical surveyor" means a person registered in terms of section 22 and who is either a surveyor or a survey technician; (xx)
- 20 (xxi) "this Act" includes any notice or rule issued or made under this Act. (iv)

2. There is hereby established a juristic person to be known as the South African Council for Professional Land Surveyors and Technical Surveyors.

Establishment of South African Council for Professional Land Surveyors and Technical Surveyors.

- 25 3. (1) For the period from the commencement of this Act until a date determined by the State President by proclamation in the *Gazette*, the council shall consist of the persons who were members of the Central Council of Land Surveyors established by section 2 of the Land Surveyors' Registration Act, 1950 (Act
- 30 No. 14 of 1950), as constituted immediately before that commencement, and three additional persons, co-opted by the first-mentioned persons from the members of the Institute of Topographical and Engineering Surveyors of South Africa, as members of the council.
- 35 (2) After the date so determined the council shall consist of the following members appointed by the Minister, namely—
- (a) one professional land surveyor nominated by the Institute of Professional Land Surveyors of the Eastern Cape mentioned in section 40 (a);
- 40 (b) one professional land surveyor nominated by the Institute of Professional Land Surveyors of the Western Cape mentioned in section 40 (b);
- (c) one professional land surveyor nominated by the Institute of Land Surveyors of Natal established by Act No.
- 45 28 of 1905, as amended by Act No. 24 of 1908, of Natal;
- (d) one professional land surveyor nominated by the Institute of Land Surveyors of the Orange Free State;
- (e) two professional land surveyors nominated by the Institute of Land Surveyors of the Transvaal established by the Institute of Land Surveyors Incorporation Ordinance, 1904 (Ordinance No. 11 (Private) of 1904), of Transvaal;
- 50 (f) one professional land surveyor nominated by the education advisory committee, who shall be a professor or lecturer in surveying at a university which offers a degree course in surveying;
- (g) two professional land surveyors selected by the Minister from among persons in the service of the State;
- 60 (h) one professional land surveyor nominated by the Association of Air Survey Companies;
- (i) three persons, each of whom shall be a professional land surveyor or a technical surveyor, nominated by the Institute of Topographical and Engineering Surveyors of South Africa who ordinarily are resident and practise in the Republic; and
- 65 (j) one person nominated, after the election of the president of the council in terms of section 6 (1), by the body mentioned in paragraph (a), (b), (c), (d), (e), (f), (h)

Constitution of council and first meeting.

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(f), (h) of (i) van hierdie subartikel wat die lid benoem het wat aldus verkies is of, indien die president as lid van die raad ingevolge paragraaf (g) van hierdie subartikel aangestel is, een professionele landmeter in diens van die Staat. 5

(3) Wanneer 'n benoeming ingevolge subartikel (2) (a), (b), (c), (d), (e), (f), (h), (i) of (j) nodig word, moet die betrokke liggaam op versoek van die Direkteur-generaal binne 'n tydperk van 60 dae vanaf die datum van daardie versoek die nominasie of nominasies verstrek wat vereis word vir aanstelling in die raad, by gebreke waarvan die Minister enige geskikte persoon of persone kan aanstel om lid of lede te wees van die raad ingevolge daardie subartikel in die plek van die persoon of persone wat hy sou aangestel het indien bedoelde liggaam nie aldus in gebreke gebly het nie om 'n persoon of persone te benoem. 15

(4) Vir elke lid van die raad moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word, en enige plaasvervangende lid aldus aangestel, moet in die plek van die lid ten opsigte van wie hy as plaasvervangende lid aangestel is, optree gedurende die afwesigheid van sodanige lid of sy onvermoë om as lid van die raad op te tree: Met dien verstande dat— 20

(a) sodanige plaasvervangende lid met die toestemming van die raad enige vergadering van die raad kan bywoon en aan die verrigtinge daar kan deelneem wanneer die lid ten opsigte van wie hy as plaasvervangende lid aangestel is by daardie vergadering aanwesig is, maar nie die bevoegdheid het om op sodanige vergadering te stem nie; en 25

(b) waar die lid van die raad ten opsigte van wie sodanige plaasvervangende lid aangestel is die president of vise-president van die raad is, en die president of die vise-president, na gelang van die geval, nie in staat is om op enige vergadering van die raad voor te sit nie, die bepalinge van artikel 6 (4) ten opsigte van daardie vergadering van toepassing is. 30

(5) Elke lid van die raad (uitgesonderd 'n lid aangestel ingevolge paragraaf (g) van subartikel (2), wat sy amp beklee vir die tydperk wat die Minister ten tyde van sy aanstelling bepaal) word aangestel vir 'n tydperk van twee jaar, maar behou na verstryking van die tydperk waarvoor hy aangestel is, sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is. 35

(6) Indien 'n lid van die raad voor die verstryking van sy ampstermyn sterf of sy amp ontruim, kan die Minister, behoudens die bepalinge van subartikel (2) van hierdie artikel en artikel 4 (1), 'n persoon aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid aangestel is. 40

(7) 'n Lid van die raad wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel word. 50

(8) (a) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Minister bepaal, en alle daaropvolgende vergaderings word gehou op die tye en plekke wat die raad bepaal: Met dien verstande dat die raad minstens een maal in elke jaar vergader. 55

(b) Die president van die raad kan te eniger tyd, en moet wanneer hy deur 'n meerderheid van die lede van die raad aldus versoek word, 'n spesiale vergadering van die raad byeenroep om gehou te word op die tyd en plek wat die president gelas. 60

(9) Geen optrede of besluit geneem deur die raad gedurende die tydperk tussen die verkiesing van die president en die aanstelling van die lid in subartikel (2) (j) vermeld, is ongeldig bloot vanweë die feit dat bedoelde lid nog nie aangestel was nie. 65

4. (1) 'n Persoon word nie aangestel nie as lid van die raad— 65

(a) ingevolge artikel 3 (2), of as plaasvervanger van so 'n lid ingevolge artikel 3 (4), tensy hy 'n Suid-Afrikaanse burger is;

Kwalifikasies van raadslede en omstandighede waaronder hulle hul amp ontruim.

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or (i) of this subsection which had nominated the member so elected, or, if the president was appointed as a member of the council in terms of paragraph (g) of this subsection, one professional land surveyor in the service of the State.

(3) When any nomination in terms of subsection (2) (a), (b), (c), (d), (e), (f), (h), (i) or (j) becomes necessary, the body concerned shall at the request of the Director-General furnish the nomination or nominations required for appointment to the council, within a period of 60 days from the date of such request, failing which the Minister may appoint to be a member or members of the council in terms of that subsection any suitable person or persons in the place of the person or persons he would have appointed if the said body had not so failed to nominate a person or persons.

(4) For every member of the council there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed shall act in the place of the member in respect of whom he has been appointed as alternate member, during such member's absence or inability to act as a member of the council: Provided that—

(a) such alternate member may with the consent of the council attend any meeting of the council and participate in the proceedings there when the member in respect of whom he has been appointed as an alternate member is present at that meeting, but shall not have the power to vote at such meeting; and

(b) where the member of the council in respect of whom such alternate member has been appointed is the president or vice-president of the council, and the president or the vice-president, as the case may be, is not able to preside at any meeting of the council, the provisions of section 6 (4) shall apply in respect of that meeting.

(5) Every member of the council (excluding a member appointed in terms of paragraph (g) of subsection (2), who shall hold office for such period as the Minister may determine at the time of his appointment) shall be appointed for a period of two years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(6) If a member of the council dies or vacates his office before the expiration of his period of office, the Minister may, subject to the provisions of subsection (2) of this section and section 4 (1), appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.

(7) Any member of the council whose period of office as a member of the council has expired, shall be eligible for re-appointment.

(8) (a) The first meeting of the council shall be held at such time and place as the Minister may determine, and all subsequent meetings shall be held at such times and places as the council may determine: Provided that the council shall meet at least once in every year.

(b) The president of the council may at any time, and shall when requested to do so by a majority of the members of the council, call a special meeting of the council to be held at such time and place as the president may direct.

(9) No action or decision taken by the council in the period between the election of the president and the appointment of the member mentioned in subsection (2) (j), shall be invalidated by reason only of the fact that the said member had not yet been appointed.

4. (1) No person shall be appointed as a member of the council—

(a) in terms of section 3 (2), or as an alternate to any such member in terms of section 3 (4), unless he is a South African citizen;

Qualifications of members of council and circumstances under which they vacate office.

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- (b) ingevolge artikel 3 (2) (a), (b), (c), (d), (e), (h) of (i), of as plaasvervanger van so 'n lid ingevolge artikel 3 (4), tensy hy 'n lid is van die liggaam wat hom benoem het;
- (c) ingevolge artikel 3 (2) (j), of as plaasvervanger van so 'n lid ingevolge artikel 3 (4), tensy hy 'n professionele landmeter of, in die geval van 'n persoon benoem deur die liggaam in artikel 3 (2) (i) vermeld, 'n professionele landmeter of 'n tegniese opmeter is.
- (2) 'n Lid van die raad of 'n plaasvervanger van so 'n lid, na gelang van die geval, ontruim sy amp—
- (a) indien hy by skriftelike kennisgewing gerig aan die registrateur bedank;
- (b) indien hy insolvent raak of van sy boedel afstand doen ten voordele van sy skuldeisers of met hulle 'n skikking aangaan;
- (c) indien hy volgens die reg as 'n geestesongestelde persoon aangehou word;
- (d) indien hy weens 'n misdryf veroordeel en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n 20 boete gevonniss word;
- (e) indien hy weens onbehoorlike gedrag uit 'n vertrouensamp onthef word of as hy hom skuldig gemaak het aan gedrag van so 'n aard dat hy na die oordeel van die Minister, na oorlegpleging met die raad, nie 'n geskikte 25 persoon is om lid van die raad te wees nie;
- (f) indien hy vir registrasie ingevolge hierdie Wet gediskwalifiseer word;
- (g) indien hy as lid sonder toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig was;
- (h) indien hy ingevolge artikel 3 (2) (a), (b), (c), (d), (e), (h), (i) of (j) aangestel is en hy ophou om lid te wees van die liggaam wat hom benoem het;
- (i) indien hy ophou om 'n professionele landmeter te wees 35 of, in die geval van 'n persoon benoem deur die liggaam in artikel 3 (2) (i) vermeld, ophou om 'n professionele landmeter of tegniese opmeter, na gelang van die geval, te wees;
- (j) indien hy aangestel is op grond daarvan dat hy 'n professionele landmeter in diens van die Staat is en hy ophou om in sodanige diens te wees;
- (k) indien hy ingevolge artikel 3 (2) (f) aangestel is en hy ophou om 'n professor of dosent in opmeetkunde aan 'n universiteit te wees;
- (l) indien hy ingevolge artikel 3 (2) (a), (b), (c), (d), (e), (f), (h), (i) of (j) aangestel is en die Minister sy aanstelling op aanbeveling van die liggaam wat hom benoem het, beëindig;
- (m) indien hy ingevolge artikel 3 (2) (g) aangestel is en die 50 Minister sy aanstelling beëindig.
- (3) (a) Indien die president sy amp as president ontruim, bly hy 'n lid van die raad, maar die lid wat ingevolge artikel 3 (2) (j) benoem en aangestel is, ontruim sy amp vanaf die datum waarop die president sy amp aldus ontruim. 55
- (b) Indien die president wanneer hy die amp van president ontruim, ook as lid van die raad bedank, bly die lid ingevolge artikel 3 (2) (j) aangestel 'n lid van die raad vir die onverstreke gedeelte van die tydperk waarvoor sodanige lid aangestel is. 60
- (c) Die bepalings van hierdie subartikel is *mutatis mutandis* op enige betrokke plaasvervangende lid wat ingevolge artikel 3 (4) aangestel is, van toepassing.

Besluite van raad
en kworum.

5. (1) Nege lede van die raad maak 'n kworum uit vir 'n vergadering daarvan. 65
- (2) 'n Besluit van 'n meerderheid van die lede van die raad wat op 'n vergadering van die raad aanwesig is, maak 'n besluit

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- (b) in terms of section 3 (2) (a), (b), (c), (d), (e), (h) or (i), or as an alternate to any such member in terms of section 3 (4), unless he is a member of the body which nominated him;
- 25 (c) in terms of section 3 (2) (j), or as an alternate to any such member in terms of section 3 (4), unless he is a professional land surveyor or, in the case of a person nominated by the body mentioned in section 3 (2) (i), a professional land surveyor or a technical surveyor.
- 10 (2) A member of the council or an alternate to such a member, as the case may be, shall vacate his office—
- (a) if he resigns by written notice addressed to the registrar;
- (b) if he becomes insolvent or assigns his estate for the benefit of, or compounds with, his creditors;
- 15 (c) if he is according to the law detained as a mentally ill person;
- (d) if he is convicted of an offence and sentenced in respect thereof to imprisonment without the option of a fine;
- 20 (e) if he is removed from an office of trust on account of improper conduct or if he has been guilty of conduct by reason of which he is in the opinion of the Minister, after consultation with the council, not a fit person to be a member of the council;
- 25 (f) if he is disqualified for registration in terms of this Act;
- (g) if he, as a member, has been absent from three consecutive meetings of the council without its leave;
- (h) if he was appointed in terms of section 3 (2) (a), (b), (c), (d), (e), (h), (i) or (j) and he ceases to be a member
- 30 of the body which nominated him;
- (i) if he ceases to be a professional land surveyor or, in the case of a person nominated by the body mentioned in section 3 (2) (i), ceases to be a professional land surveyor or technical surveyor, as the case may be;
- 35 (j) if he was appointed by virtue of the fact that he is a professional land surveyor in the service of the State and he ceases to be in such service;
- (k) if he was appointed in terms of section 3 (2) (f) and he ceases to be a professor or lecturer in surveying at a
- 40 university;
- (l) if he was appointed in terms of section 3 (2) (a), (b), (c), (d), (e), (f), (h), (i) or (j) and the Minister terminates his appointment on the recommendation of the body which nominated him;
- 45 (m) if he was appointed in terms of section 3 (2) (g) and the Minister terminates his appointment.
- (3) (a) If the president vacates the office of president, he shall remain a member of the council, but the member nominated and appointed in terms of section 3 (2) (j) shall vacate his office as from the date on which the president so vacates his office.
- 50 (b) If the president, when vacating the office of president, also resigns as a member of the council, the member appointed in terms of section 3 (2) (j) shall remain a
- 55 member of the council for the unexpired portion of the period for which such member was appointed.
- (c) The provisions of this subsection shall apply *mutatis mutandis* to any relevant alternate member appointed in terms of section 3 (4).
- 60 5. (1) Nine members of the council shall form a quorum for any meeting thereof.
- (2) A decision of a majority of the members of the council present at any meeting of the council shall constitute a decision

Decisions of council
and quorum.

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van die raad uit, en by 'n staking van stemme het die persoon wat op die vergadering voorsit 'n beslissende stem benewens sy beraadslagende stem: Met dien verstande dat vir enige besluit ten effekte dat hierdie Wet gewysig moet word, 'n meerderheid van twee derdes van die getal lede van die raad vereis word. 5

(3) Geen besluit geneem deur die raad of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig was om as lid van die raad sitting te neem nie, as lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

(4) 'n Besluit van die raad wat in 'n geskrif vervat is wat deur minstens twee derdes van die lede van die raad onderteken is, is geldig sonder dat 'n vergadering gehou is om dit aan te neem.

President en vise-president van raad.

6. (1) Die lede van die raad kies op die eerste vergadering van die raad en daarna wanneer dit nodig word, 'n president en vise-president van die raad uit hul midde, wat hul ampte beklee vir 'n tydperk van twee jaar. 20

(2) (a) Indien die president of die vise-president sy amp ont-ruim voor die verstryking van die termyn waarvoor hy verkies is, word 'n ander lid van die raad as president of vise-president, na gelang van die geval, verkies vir die onverstreke gedeelte van die tydperk waarvoor die president of vise-president verkies is. 25

(b) So 'n verkiesing moet plaasvind tydens die eerste vergadering van die raad wat gehou word nadat 'n vakature in die amp van president of vise-president, na gelang van die geval, ontstaan het. 30

(3) Indien die president om die een of ander rede nie in staat is om as president op te tree nie, moet die vise-president, indien hy daartoe in staat is, of, indien hy nie aldus in staat is nie, enige lid van die raad deur die Minister aangewys, in sy plek optree.

(4) Indien die president en die vise-president en die lid aldus aangewys almal van 'n vergadering van die raad afwesig is of nie in staat is om as voorsitter op te tree nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit, en sit die persoon aldus gekies voor op daardie vergadering.

Algemene bevoegdhede van raad en bevoegdhede van Minister betreffende sekere aangeleenthede ten opsigte waarvan die raad aanbevelings gedoen het.

7. (1) Die raad kan— 40

(a) 'n registrateur en sodanige ander persone aanstel en besoldig as wat die raad nodig ag vir die uitvoering van sy werksaamhede, en kan hul werksaamhede bepaal;

(b) die prosedure op vergaderings van die raad of 'n komitee van die raad en die wyse waarop notules van die verrigtinge op sodanige vergaderings gehou moet word, bepaal;

(c) behoudens die bepalinge van artikel 10 (2), die aanbevelings van 'n komitee van die raad of die adviserende onderwyskomitee, oorweeg en finaal daaroor besluit; 50

(d) die roerende en onroerende goed wat hy vir die doeltreffende uitvoering van sy werksaamhede nodig ag, verkry of huur, en oor eiendom aldus verkry of gehuur, beskik;

(e) kontrakte aangaan en besluit op watter wyse kontrakte namens die raad aangegaan moet word; 55

(f) die fondse van die raad insamel en, behoudens die bepalinge van paragraaf (d), daarmee handel deur—

(i) dit of 'n gedeelte daarvan te belê by wyse van 'n deposito by die Nasionale Finansiële korporasie van Suid-Afrika, 'n bankinstelling geregistreer ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), 'n bouvereniging geregistreer ingevolge die Bouverenigingswet, 1965 (Wet No. 24 van 1965), of die Hoofposkantoor; 65

(ii) dit of 'n gedeelte daarvan in 'n spaarrekening te deponeer by so 'n bankinstelling of bouvereniging of by die Hoofposkantoor;

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of the council, and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote: Provided that for any decision to the effect that this Act be amended, a majority of two-thirds of the number of members of the council shall be required.

(3) No decision taken by the council or act performed under authority of the council shall be invalid by reason only of a vacancy on the council or of the fact that a person who was not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

(4) A decision of the council contained in a writing and signed by at least two-thirds of the members of the council shall be valid although no meeting was held to pass that decision.

6. (1) The members of the council shall at the first meeting of the council and thereafter as the occasion arises, out of their number elect a president and a vice-president of the council, who shall hold office for a period of two years.

President and vice-president of council.

(2) (a) If the president or the vice-president vacates his office before the expiration of the period for which he was elected, another member of the council shall be elected as president or vice-president, as the case may be, for the unexpired portion of the period for which the president or vice-president was elected.

(b) Such an election shall take place at the first meeting of the council held after any vacancy in the office of the president or vice-president, as the case may be, has occurred.

(3) If for any reason the president is not able to act as president, the vice-president, if able to do so, or, if not so able, any member of the council designated by the Minister, shall act in his stead.

(4) If the president and the vice-president and the member so designated are all absent from any meeting of the council or not able to preside, the members present shall elect one out of their number to preside at that meeting, and the person so elected shall preside at that meeting.

7. (1) The council may—

(a) appoint and remunerate a registrar and such other persons as the council may deem necessary for the performance of its functions, and may determine their functions;

(b) determine the procedure at meetings of the council or any committee of the council and the manner in which minutes of the proceedings at such meetings shall be kept;

(c) subject to the provisions of section 10 (2), consider and give its final decisions on recommendations of a committee of the council or the education advisory committee;

(d) acquire or hire such movable or immovable property as it may deem necessary for the effective performance of its functions, and dispose of property so acquired or hired;

(e) enter into contracts and decide the manner in which contracts shall be entered into on behalf of the council;

(f) collect the funds of the council and, subject to the provisions of paragraph (d), deal with them by—

(i) investing them or any portion thereof by means of a deposit with the National Finance Corporation of South Africa, a banking institution registered in terms of the Banks Act, 1965 (Act No. 23 of 1965), a building society registered in terms of the Building Societies Act, 1965 (Act No. 24 of 1965), or the General Post Office;

(ii) depositing them or any portion thereof in a savings account with such a banking institution or building society or with the General Post Office;

General powers of council and powers of Minister relating to certain matters in respect of which the council has made recommendations.

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- (iii) dit of 'n gedeelte daarvan in 'n lopende rekening te deponeer by so 'n bankinstelling;
- (g) die wyse bepaal waarop 'n aansoeker aansoek moet doen om registrasie as 'n professionele landmeter, 'n professionele landmeter-in-opleiding, 'n tegniese opmeter of 'n opmetingstegnikus-in-opleiding, die gelde bepaal wat aan die raad betaal moet word ten opsigte van so 'n registrasie en die jaargelde wat aan die raad betaal moet word deur 'n persoon so lank as wat hy geregistreer bly as 'n professionele landmeter, as 'n professionele landmeter-in-opleiding, as 'n tegniese opmeter of as 'n opmetingstegnikus-in-opleiding, die gedeelte van sodanige jaargelde bepaal wat ten opsigte van 'n gedeelte van 'n jaar betaalbaar is en die datum bepaal waarop sodanige jaargelde of gedeelte daarvan verskuldig en betaalbaar word, en sodanige vrystelling van betaling van bedoelde jaargelde of 'n gedeelte daarvan toestaan wat die omstandighede van 'n bepaalde geval na die oordeel van die raad regverdig;
- (h) behoudens die bepalings van hierdie Wet 'n aansoek om registrasie as 'n professionele landmeter, as 'n professionele landmeter-in-opleiding, as 'n tegniese opmeter of as 'n opmetingstegnikus-in-opleiding oorweeg en daaroor besluit;
- (i) besluit oor die vorm van die registers en sertifikate wat ingevolge hierdie Wet gehou, bygehou of uitgereik moet word, die hersiening daarvan en die wyse waarop veranderings daarin aangebring kan word, en die gelde bepaal wat ten opsigte van die uitreiking van bedoelde sertifikate betaalbaar is;
- (j) by die Minister die werk aanbeveel van 'n soort wat in verband met projekte, ondernemings of dienste van 'n opmeetkundige aard (uitgesonderd kadastrale opmetings en opmetings wat ingevolge die een of ander wet op myne en bedrywe verrig kan of moet word of opmetings wat in, op of met betrekking tot 'n myn verrig word) vir professionele landmeters, tegniese opmeters, of enige kategorie van professionele landmeters of tegniese opmeters in subartikel (4) (b) bedoel, voorbehou moet word;
- (k) by die Minister die geldetarief aanbeveel wat gehef moet word vir die werk van 'n soort in paragraaf (j) bedoel;
- (l) behoudens die bepalings van hierdie Wet die wyse van ondersoek bepaal waarvolgens enige geval van be-
weerde onbehoorlike gedrag teen 'n persoon wat ingevolge hierdie Wet geregistreer is of was, ondersoek moet word;
- (m) enige stappe doen wat hy dienstig ag vir die beskerming van lede van die publiek in hul transaksies met persone wat ingevolge hierdie Wet geregistreer is, die handhawing van die integriteit en die verhoging van die status van bedoelde geregistreerde persone en die verbetering van die standaarde van hul kwalifikasies.
- (n) navorsing in aangeleenthede betreffende opmeetkunde aanmoedig, en enige universiteit, teknikon, kollege of ander liggaam adviseer of finansiële of ander bystand daaraan verleen vir die doeleindes van onderrig of opleiding in opmeetkunde;
- (o) enige publikasie wat op opmeetkunde of verwante aangeleenthede betrekking het, finansier, druk, versprei en die publikasie daarvan administreer en in die algemeen enige stappe doen wat nodig is om dit te publiseer;
- (p) die Minister adviseer oor aangeleenthede betreffende opmeetkunde of verwante aangeleenthede;
- (q) hulp verleen met konferensies, seminare en lesings vir die bevordering van opmeetkunde en verwante aangeleenthede, of dit organiseer;

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- (iii) depositing them or any portion thereof in a current account with such a banking institution;
- (g) determine the manner in which an applicant shall apply for registration as a professional land surveyor, a professional land surveyor in training, a technical surveyor or a survey technician in training, determine the fees which shall be payable to the council in respect of any such registration and the annual fees which shall be payable to the council by any person as long as he remains registered as a professional land surveyor, as a professional land surveyor in training, as a technical surveyor or as a survey technician in training, determine the portion of such annual fees which shall be payable in respect of any part of a year and determine the date on which such annual fees or portion thereof shall become due and payable, and grant such exemption from payment of such annual fees or portion thereof as the circumstances of any particular case in the opinion of the council may justify;
- (h) subject to the provisions of this Act, consider and decide upon any application for registration as a professional land surveyor, as a professional land surveyor in training, as a technical surveyor or as a survey technician in training;
- (i) decide upon the form of the registers and certificates to be kept, maintained or issued in terms of this Act, the reviewing thereof and the manner in which alterations thereto may be effected, and determine the fees payable in respect of the issue of such certificates;
- (j) recommend to the Minister the work of a kind in connection with projects, undertakings or services of a survey nature (excluding cadastral surveys and surveys which may or are required to be performed in terms of any law governing mines and works or surveys which are performed in, on or in relation to a mine) to be reserved for professional land surveyors, technical surveyors, or any category of professional land surveyors or technical surveyors referred to in subsection (4) (b);
- (k) recommend to the Minister the tariff of fees to be charged for the work of a kind referred to in paragraph (j);
- (l) subject to the provisions of this Act, determine the manner of inquiry according to which any case of alleged improper conduct is to be inquired into against any person who is or was registered in terms of this Act;
- (m) take any steps which it may consider expedient for the protection of members of the public in their dealings with persons registered in terms of this Act, the maintenance of the integrity and the enhancement of the status of such registered persons and the improvement of the standards of their qualifications;
- (n) encourage research into matters relating to surveying, and advise, or render financial or other assistance to, any university, technikon, college or other body for the purposes of education or training in surveying;
- (o) finance, print, distribute and administer the publication of, and generally take any steps necessary to publish, any publication relating to surveying or related matters;
- (p) advise the Minister on matters relating to surveying or related matters;
- (q) assist with or organize conferences, seminars and lectures for the furtherance of surveying and related matters;

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- (r) finansiële bystand verleen aan studente aan 'n universiteit, teknikon of kollege, en fondse vir hierdie doel insamel en administreer; en
- (s) die ander stappe doen en die ander handelinge verrig wat vir die behoorlike verrigting van sy werksaamhede 5
ingevolge hierdie Wet vereis word.
- (2) Die Minister kan, na oorweging en goedkeuring van 'n tersaaklike aanbeveling wat deur die raad kragtens subartikel (1) (j) en (k) gedoen is—
- (a) die werk voorskryf van 'n soort wat in verband met 10
projekte, ondernemings of dienste van 'n opmeetkundige aard (uitgesonderd kadastrale opmetings en opmetings wat ingevolge die een of ander wet op myne en bedrywe verrig kan of moet word of opmetings wat in, op of met betrekking tot 'n myn verrig word) vir pro- 15
fessionele landmeters, tegniese opmeters, en enige kategorie van professionele landmeters en tegniese opmeters in subartikel (4) (b) bedoel, voorbehou moet word;
- (b) die geldetarief waarop iemand wat ingevolge hierdie Wet geregistreer is, geregtig is ten opsigte van dienste 20
deur hom gelewer in verband met werk kragtens paragraaf (a) voorgeskryf, die wyse waarop en die persoon deur wie bedoelde gelde getakseer kan word, die koste betaalbaar ten opsigte van bedoelde taksering en die wyse van betaling van dié koste, voorskryf. 25
- (3) Voordat enige voorsiening kragtens subartikel (2) (a) gemaak word, word 'n kennisgewing waarin die voorgestelde voorsiening uiteengesit word deur die Minister in die *Staatskoerant* gepubliseer, tesame met 'n kennisgewing wat aandui dat dit die voorneme is om sodanige voorsiening kragtens hierdie artikel 30
binne 'n bepaalde tydperk, maar minstens vier weke vanaf die datum van genoemde publikasie, te maak en wat belanghebbende persone uitnoodi om besware teen of vertoë aangaande die voorgestelde voorsiening voor te lê: Met dien verstande dat, indien die Minister daarna, na oorlegpleging met die raad, besluit 35
om enige verandering aan die voorsiening aldus gepubliseer, aan te bring as gevolg van enige besware of vertoë ten opsigte daarvan voorgelê, dit nie nodig is om sodanige verandering te publiseer voordat die voorsiening uiteindelik kragtens hierdie artikel gemaak word nie. 40
- (4) Behoudens die bepalings van hierdie Wet moet die raad 'n register hou en byhou van—
- (a) professionele landmeters wat bevoeg is om die opmetings bedoel in artikel 27 (1) (a) te verrig; en
- (b) die ander kategorieë van professionele landmeters, van 45
professionele landmeters-in-opleiding, van tegniese opmeters en van opmetingstegnici-in-opleiding wat voorgeskryf word,
- en sodanige register moet te alle redelike tye beskikbaar wees vir insae deur enige persoon by betaling van die gelde wat die 50
raad bepaal.
- (5) Voorsienings wat kragtens subartikel (2) (a) gemaak word, kan voorsiening maak vir die uitsluiting daarvan van werk wat gedoen word onder vermelde omstandighede of vir vermelde doeleindes of deur of vir vermelde persone of klasse persone of 55
binne of buite vermelde gebiede of klasse gebiede.
- (6) Enige voorsiening wat kragtens subartikel (2) gemaak word, moet deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak word.
8. (1) Die fondse van die raad bestaan uit die gelde deur hom 60
ontvang uit hoofde van die bepalings van artikels 7, 20, 21, 22 en 23 en sodanige ander bedrae, met inbegrip van voorskotte in subartikel (4) van hierdie artikel vermeld, wat van tyd tot tyd ingevolge hierdie Wet aan die raad betaalbaar word.
- (2) Die raad laat volledig en juis rekening hou van alle geld 65
wat hy ontvang of uitgee.
- (3) (a) Die raad moet elke jaar 'n staat van sy inkomste en uitgawe vir sy jongste voorafgaande boekjaar en 'n ba-

Fondse van raad en
hou en ouditering
van rekenings.

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(r) render financial assistance to students at a university, technikon or college, and collect and administer funds for such purpose; and

5 (s) take such other action and do such other things as may be required for the proper performance of its functions in terms of this Act.

(2) The Minister may, after consideration and approval of a relevant recommendation made by the council under subsection (1) (j) and (k)—

10 (a) prescribe the work of a kind in connection with projects, undertakings or services of a survey nature (excluding cadastral surveys and surveys which may or are required to be performed in terms of any law governing mines and works or surveys which are performed in, on or in relation to a mine) which shall be reserved for professional land surveyors, technical surveyors, and any category of professional land surveyors and technical surveyors referred to in subsection (4) (b);

20 (b) prescribe the tariff of fees to which any person registered in terms of this Act is entitled in respect of services rendered by him in connection with work prescribed under paragraph (a), the manner in which and the person by whom such fees may be taxed, the costs payable in respect of such taxation and the manner of payment of those costs.

25 (3) Before any provision is made under subsection (2) (a), a notice setting forth the proposed provision shall be published by the Minister in the *Gazette*, together with a notice intimating that it is proposed to make such provision under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed provisions: Provided that, if the Minister thereafter decides, after consultation with the council, to effect any alteration to the provision so published as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under this section.

(4) Subject to the provisions of this Act, the council shall keep 40 and maintain a register of—

(a) professional land surveyors qualified to perform the surveys referred to in section 27 (1) (a); and

45 (b) the other categories of professional land surveyors, of professional land surveyors in training, of technical surveyors and of survey technicians in training as may be prescribed,

50 and such register shall at all reasonable times be open for inspection by any person upon payment of such fees as the council may determine.

(5) Provisions made under subsection (2) (a) may provide for the exclusion therefrom of work done under specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas.

55 (6) Any provision made under subsection (2) shall be made known by the Minister by notice in the *Gazette*.

8. (1) The funds of the council shall consist of the fees received by it by virtue of the provisions of sections 7, 20, 21, 22 and 23 and such other moneys, including advances mentioned in subsection (4) of this section, as may in terms of this Act from time to time become payable to the council. Funds of council and keeping and auditing of accounts.

(2) The council shall cause full and correct account to be kept of all moneys received or expended by it.

65 (3) (a) The council shall cause to be prepared in each year a statement of its income and expenditure during its last

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lansstaat wat sy geldelike toestand aan die einde van daardie boekjaar aantoon, laat opstel.

(b) Die raad moet bedoelde staat en balansstaat deur 'n rekenmeester en ouditeur wat geregistreer is en 'n openbare praktyk beoefen soos in die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), beoog en wat deur die raad aangestel is, laat ouditeer.

(c) Die raad moet afskrifte van sodanige staat en balansstaat, aldus geouditeer, laat stuur aan elke lid van die raad en 'n afskrif daarvan by sy kantoor ter insae deur enige professionele landmeter of tegniese opmeter laat lê.

(4) (a) Die Minister kan, met die instemming van die Minister van Finansies, uit geld deur die Parlement bewillig, die bedrae aan die raad voorskiet wat hy nodig ag ten einde die raad in staat te stel om sy werksaamhede te verrig.

(b) So 'n voorskot word toegestaan op die voorwaardes en is terugbetaalbaar op die tye wat die Minister, met die instemming van die Minister van Finansies, bepaal.

Verslae aan Minister.

9. (1) Die raad moet elke jaar, binne ses maande na afsluiting van sy boekjaar, aan die Minister 'n verslag voorlê in verband met die raad se werksaamhede gedurende daardie boekjaar, te same met 'n afskrif van die in artikel 8 (3) bedoelde geouditeerde staat van inkomste en uitgawes en balansstaat ten opsigte van daardie boekjaar.

(2) Die president van die raad moet van tyd tot tyd verslae aan die Minister voorlê oor aangeleenthede betreffende die werksaamhede van die raad wat na die oordeel van die raad onder die aandag van die Minister behoort te kom.

(3) Die raad moet, op versoek van die Minister of die Direkteur-generaal, die Minister of Direkteur-generaal adviseer oor aangeleenthede in verband met landmeetkunde of verwante aangeleenthede, en moet inligting wat die raad in die loop van sy werksaamhede verkry in verband met aangeleenthede wat hy van openbare belang ag, aan die Minister mededeel.

Komitees van raad.

10. (1) (a) Die raad kan komitees instel om hom by die uitvoering van sy werksaamhede by te staan en kan daardie lede van die raad of daardie lede van die raad en sodanige ander persone aanstel wat hy goedvind om lede van so 'n komitee te wees.

(b) Een van die lede van so 'n komitee word deur die raad as voorsitter van die komitee aangewys.

(2) Die raad kan na goeddunke van sy bevoegdheid opdra aan 'n komitee wat aldus ingestel is, maar word nie onthef nie van 'n bevoegdheid wat hy aan so 'n komitee aldus opgedra het, en kan 'n besluit van so 'n komitee wysig of intrek: Met dien verstande dat, indien die raad aan 'n komitee die bevoegdheid opgedra het om ooreenkomstig die bepalings van artikel 29 'n geval van beweerde onbehoorlike gedrag te ondersoek, ten opsigte daarvan 'n straf op te lê en 'n bevel aangaande die koste van die ondersoek uit te reik, die raad nie 'n besluit of iets wat kragtens die bevoegdheid aldus opgedra, deur sodanige komitee geneem of gedoen is, mag wysig of intrek nie.

(3) 'n Komitee waaraan die raad die bevoegdheid opgedra het om ooreenkomstig die bepalings van artikel 29 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, kan, ondanks die verstryking van die ampstyd van die lede van daardie raad, voortgaan om sodanige bevoegdhede uit te oefen totdat bedoelde ondersoek voltooi is, en sodanige bevoegdhede word by die toepassing van die voorbehoudsbepaling by subartikel (2) van hierdie artikel geag aan die komitee deur die nuut saamgestelde raad opgedra te gewees het.

(4) 'n Verwysing in hierdie Wet na die raad of die president van die raad met betrekking tot die uitoefening van 'n bevoegd-

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preceding financial year and a balance sheet showing its financial position at the end of that financial year.

(b) The council shall cause such statement and balance sheet to be audited by an accountant and auditor registered and engaged in public practice as contemplated in the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and appointed by the council.

(c) The council shall cause copies of such statement and balance sheet, so audited, to be transmitted to every member of the council and cause a copy thereof to be open for inspection at its office by any professional land surveyor or technical surveyor.

(4) (a) The Minister may, with the concurrence of the Minister of Finance, advance to the council out of moneys appropriated by Parliament such amounts as he may deem necessary in order to enable the council to perform its functions.

(b) Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may, with the concurrence of the Minister of Finance, determine.

9. (1) The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in connection with its functions during that financial year, together with a copy of the audited statement of income and expenditure and balance sheet referred to in section 8 (3) in respect of that financial year. Reports to Minister.

(2) The president of the council shall from time to time submit to the Minister reports on matters relating to the functions of the council which in the opinion of the council should be brought to the Minister's notice.

(3) The council shall at the request of the Minister or the Director-General advise the Minister or Director-General on matters in connection with land surveying or related matters, and shall communicate to the Minister information acquired by it in the course of its functions, in connection with matters deemed by it as being of public interest.

10. (1) (a) The council may establish committees to assist it in the performance of its functions and may appoint such of its members or such of its members and such other persons as it may deem fit to be members of any such committee. Committees of council.

(b) One of the members of any such committee shall be designated by the council as chairman of the committee.

(2) The council may assign to a committee so established such of its powers as it may deem fit, but shall not be divested of any power which it may have so assigned to such a committee, and may amend or withdraw any decision of any such committee: Provided that, if the council has assigned to a committee the power to inquire into any case of alleged improper conduct, to impose a punishment in respect thereof and to make an order regarding the costs of the inquiry in accordance with the provisions of section 29, the council shall not amend or withdraw any decision arrived at or anything done by such committee under the powers so assigned.

(3) A committee to which the council has assigned the power to inquire into any case of alleged improper conduct and to impose a punishment in respect thereof in accordance with the provisions of section 29 may, notwithstanding the expiration of the tenure of office of the members of that council, continue to exercise such powers until such inquiry is concluded, and such powers shall for the purposes of the proviso to subsection (2) of this section be deemed to have been assigned to the committee by the newly constituted council.

(4) Any reference in this Act to the council or the president of the council in relation to the exercise of any power which the

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heid wat die raad aan so 'n komitee opgedra het, word uitgelê as 'n verwysing ook na daardie komitee of na die voorsitter van daardie komitee, na gelang van die geval.

(5) Die bepalings van artikel 5 (3) is *mutatis mutandis* van toepassing ten opsigte van 'n komitee van die raad. 5

Instelling van adviserende onderwyskomitee.

11. (1) Daar word hierby 'n komitee met die naam die Adviserende Onderwyskomitee vir Professionele Landmeters en Tegniese Opmeters ingestel.

(2) Tot tyd en wyl die lede van die adviserende onderwyskomitee ingevolge artikel 12 aangestel is, bestaan die adviserende onderwyskomitee uit die persone wat op die datum onmiddellik voor die inwerkingtreding van hierdie Wet lede van die Raad vir die Erkenning van Landmeterseksamens ingestel by artikel 16 (b) van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), was. 15

Samestelling van adviserende onderwyskomitee.

12. (1) Die adviserende onderwyskomitee bestaan uit die volgende lede wat deur die Minister aangestel word, naamlik—

(a) een persoon wat deur die senaat van elke universiteit wat 'n graadkursus in opmeetkunde aanbied, benoem word en wat 'n professionele landmeter en 'n professor of dosent in opmeetkunde aan sodanige universiteit moet wees; 20

(b) een persoon wat deur die Minister van Nasionale Opvoeding uit persone in die heeltydse diens van elke teknikon of kollege wat opleiding in opmeetkunde verskaf, benoem word; 25

(c) een persoon wat deur die Minister van Nasionale Opvoeding uit persone in diens van die Staat benoem word;

(d) een lid van die raad wat ingevolge artikel 3 (2) (a), (b), (c), (d) of (e) aangestel is en wat deur die raad benoem word; 30

(e) een lid van die raad wat ingevolge artikel 3 (2) (i) aangestel is en wat deur die raad benoem word;

(f) die president van die raad; en 35

(g) een professionele landmeter wat deur die Minister uit persone in diens van die Staat gekies word.

(2) Vir elke lid van die adviserende onderwyskomitee moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word, en 'n plaasvervangende lid aldus aangestel moet in die plek van die lid ten opsigte van wie hy as plaasvervangende lid aangestel is, optree gedurende die afwesigheid van sodanige lid of sy onvermoë om as lid van die adviserende onderwyskomitee op te tree. 40

(3) Die bepalings van artikel 3 (3) is *mutatis mutandis* van toepassing ten opsigte van die aanstelling van 'n in subartikel (1) (a), (d) en (e) van hierdie artikel bedoelde lid van die adviserende onderwyskomitee. 45

(4) Subartikel (1) (a), (d) en (e) tree ses maande na die inwerkingtreding van hierdie Wet in werking. 50

Ampsduur van lede van adviserende onderwyskomitee.

13. (1) (a) 'n Lid van die adviserende onderwyskomitee vermeld in artikel 12 (1) (c) of (g) word aangestel vir die tydperk wat die Minister ten tyde van sy aanstelling bepaal.

(b) Enige ander lid word aangestel vir 'n tydperk van twee jaar, maar behou na verstryking van die tydperk waarvoor hy aangestel is, sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is. 55

(2) 'n Lid van die adviserende onderwyskomitee wie se amptstermyn as lid van die adviserende onderwyskomitee verstryk het, kan weer aangestel word. 60

Omstandighede waaronder lede van adviserende onderwyskomitee hul amp ontruim.

14. 'n Lid van die adviserende onderwyskomitee of 'n plaasvervanger van so 'n lid, na gelang van die geval, ontruim sy amp—

(a) indien hy ingevolge artikel 12 (1) (a) aangestel is en hy 65

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council has assigned to any such committee, shall be construed as including a reference to that committee or to the chairman of that committee, as the case may be.

(5) The provisions of section 5 (3) shall apply *mutatis mutandis* in respect of a committee of the council.

11. (1) There is hereby established a committee to be known as the Education Advisory Committee for Professional Land Surveyors and Technical Surveyors. Establishment of education advisory committee.

(2) Until such time as the members of the education advisory committee have been appointed in terms of section 12, the education advisory committee shall consist of the persons who were members of the Board for the Recognition of Land Surveyors' Examinations established by section 16 (b) of the Universities Act, 1955 (Act No. 61 of 1955), on the date immediately preceding the commencement of this Act.

12. (1) The education advisory committee shall consist of the following members appointed by the Minister, namely— Constitution of education advisory committee.

(a) one person nominated by the senate of each university which offers a degree course in surveying, who shall be a professional land surveyor and a professor or lecturer in surveying at such university;

(b) one person nominated by the Minister of National Education from persons in the full-time service of every technikon or college providing instruction in surveying;

(c) one person nominated by the Minister of National Education from persons in the service of the State;

(d) one member of the council appointed in terms of section 3 (2) (a), (b), (c), (d) or (e), nominated by the council;

(e) one member of the council appointed in terms of section 3 (2) (i), nominated by the council;

(f) the president of the council; and

(g) one professional land surveyor selected by the Minister from among persons in the service of the State.

(2) For every member of the education advisory committee there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed shall act in the place of the member in respect of whom he has been appointed as an alternate member, during such member's absence or inability to act as a member of the education advisory committee.

(3) The provisions of section 3 (3) shall apply *mutatis mutandis* in respect of the appointment of a member of the education advisory committee referred to in subsection (1) (a), (d) and (e) of this section.

(4) Subsection (1) (a), (d) and (e) shall come into operation six months after the commencement of this Act.

13. (1) (a) A member of the education advisory committee mentioned in section 12 (1) (c) or (g) shall be appointed for such period as the Minister may determine at the time of his appointment. Tenure of office of members of education advisory committee.

(b) Any other member shall be appointed for a period of two years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(2) Any member of the education advisory committee whose period of office as a member of the education advisory committee has expired, shall be eligible for reappointment.

14. A member of the education advisory committee or an alternate to such a member, as the case may be, shall vacate his office— Circumstances under which members of education advisory committee vacate office.

(a) if he was appointed in terms of section 12 (1) (a) and

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ophou om 'n professor of dosent aan die betrokke universiteit of 'n professionele landmeter te wees;

(b) indien hy ingevolge artikel 12 (1) (b) aangestel is en hy ophou om 'n persoon in diens van die betrokke teknikon of kollege te wees;

(c) indien hy ingevolge artikel 12 (1) (c) of (g) aangestel is en hy ophou om 'n persoon in diens van die Staat te wees;

(d) indien hy ingevolge artikel 12 (1) (d) of (e) aangestel is en hy ophou om 'n lid van die raad te wees;

(e) indien hy ingevolge artikel 12 (1) (f) aangestel is en hy ophou om president van die raad te wees,

en die bepalings van artikel 4 (2) (a) tot (g) is *mutatis mutandis* ten opsigte van so 'n lid of plaasvervanger van 'n lid van toepassing.

Voorsitter van adviserende onderwyskomitee.

15. (1) Die lede van die adviserende onderwyskomitee kies op die eerste vergadering van daardie komitee en daarna wanneer dit nodig word, uit hul midde 'n voorsitter van die komitee, wat sy amp beklee vir 'n tydperk van twee jaar.

(2) (a) Indien die voorsitter van die adviserende onderwyskomitee sy amp ontruim voor die verstryking van die termyn waarvoor hy verkies is, word 'n ander lid van die komitee as voorsitter gekies vir die onversirekte gedeelte van die tydperk waarvoor die voorsitter verkies is.

(b) So 'n verkiesing moet plaasvind tydens die eerste vergadering van die komitee wat gehou word nadat 'n vakature in die amp van voorsitter ontstaan het.

(3) Indien die voorsitter van 'n vergadering van die adviserende onderwyskomitee afwesig is of nie in staat is om as voorsitter op te tree nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit, en sit die persoon aldus gekies voor op daardie vergadering.

Vergaderings van adviserende onderwyskomitee en reëls van procedure.

16. (1) (a) Die eerste vergadering van die adviserende onderwyskomitee word gehou op die tyd en plek wat die Minister bepaal, en alle daaropvolgende vergaderings word gehou op die tyd en plekke wat die voorsitter van daardie komitee bepaal: Met dien verstande dat die komitee minstens een maal in elke jaar vergader.

(b) Die voorsitter of, indien hy nie beskikbaar is nie of daar nie 'n voorsitter is nie, die president van die raad kan te eniger tyd en moet, wanneer hy deur die raad of minstens vier lede van die adviserende onderwyskomitee daartoe versoek word, 'n spesiale vergadering van die adviserende onderwyskomitee byeenroep op die tyd binne een maand na die datum van sodanige versoek en op die plek wat die voorsitter of president, na gelang van die geval, bepaal.

(2) Sewe lede van die adviserende onderwyskomitee maak 'n kworum vir 'n vergadering daarvan uit.

(3) Die besluit van die meerderheid van die lede van die adviserende onderwyskomitee wat op 'n vergadering daarvan aanwesig is, maak 'n besluit van daardie komitee uit, en in die geval van 'n staking van stemme het die persoon wat op die vergadering voorsit, benewens sy beraadslagende stem 'n beslissende stem.

(4) Die adviserende onderwyskomitee kan die procedure op sy vergaderings bepaal.

(5) 'n Besluit van die adviserende onderwyskomitee wat in 'n geskrif vervat is wat deur minstens twee derdes van die lede van die komitee onderteken is, is geldig sonder dat 'n vergadering gehou is om dit aan te neem.

Sekretariële en administratiewe werk van adviserende onderwyskomitee.

17. Die administratiewe en sekretariële werk verbonde aan die verrigting deur die adviserende onderwyskomitee van sy werksaamhede word uitgevoer deur beamptes van die departement vir hierdie doel deur die Direkteur-generaal aangewys.

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- ceases to be a professor or lecturer at the university concerned or to be a professional land surveyor;
- (b) if he was appointed in terms of section 12 (1) (b) and ceases to be a person in the service of the technikon or college concerned;
- (c) if he was appointed in terms of section 12 (1) (c) or (g) and ceases to be a person in the service of the State;
- (d) if he was appointed in terms of section 12 (1) (d) or (e) and ceases to be a member of the council;
- (e) if he was appointed in terms of section 12 (1) (f) and ceases to be president of the council,
- and the provisions of section 4 (2) (a) to (g) shall apply *mutatis mutandis* in respect of any such member or alternate to such a member.
- 15 **15. (1)** The members of the education advisory committee shall at the first meeting of that committee and thereafter as the occasion arises, out of their number elect a chairman of the committee, who shall hold office for a period of two years.
- (2) (a) If the chairman of the education advisory committee vacates his office before the expiration of the period for which he was elected, another member of the committee shall be elected as chairman for the unexpired portion of the period for which the chairman was elected.
- (b) Such election shall take place at the first meeting of the committee held after the vacancy in the office of chairman has occurred.
- (3) If the chairman is absent from any meeting of the education advisory committee or is not able to preside, the members present shall elect one out of their number to preside at that meeting, and the person so elected shall preside at that meeting.
- 35 **16. (1) (a)** The first meeting of the education advisory committee shall be held at such time and place as the Minister may determine and all subsequent meetings shall be held at such times and places as the chairman of that committee may determine: Provided that the committee shall meet at least once in every year.
- (b) The chairman or, if he is not available or there is no chairman, the president of the council may at any time and shall, when requested thereto by the council or by not less than four members of the education advisory committee, call a special meeting of the education advisory committee to be held at such time within one month after the date of such request and at such place as the chairman or president, as the case may be, may determine.
- (2) Seven members of the education advisory committee shall form a quorum for any meeting thereof.
- (3) The decision of a majority of the members of the education advisory committee present at any meeting thereof shall constitute a decision of that committee, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.
- (4) The education advisory committee may determine the procedure at its meetings.
- 55 (5) A resolution of the education advisory committee contained in a writing and signed by at least two-thirds of the members of the committee shall be valid although no meeting was held to pass that resolution.
- 60 **17.** The administrative and secretarial work incidental to the performance by the education advisory committee of its functions shall be performed by officers of the department designated for this purpose by the Director-General.

Chairman of education advisory committee.

Meetings of education advisory committee and rules of procedure.

Secretarial and administrative work of education advisory committee.

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Toelaes betaalbaar
aan lede van advi-
serende onder-
wyskomitee.

18. Aan die lede van die adviserende onderwyskomitee wat nie in die heeltydse diens van die Staat is nie, word terwyl hulle met die sake van die komitee besig is deur die departement die reis- en verblyftoelaes betaal wat die Minister van tyd tot tyd, met die instemming van die Minister van Finansies, bepaal.

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Werkzaamhede van
adviserende onder-
wyskomitee.

19. (1) Die werkzaamhede van die adviserende onderwyskomitee is om—

(a) ondersoek in te stel of die onderrigleerplanne voorgeskryf en die standaard van opleiding verskaf deur 'n universiteit, technikon of kollege vir—

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(i) die eksamens vir 'n graad of diploma in opmeetkunde;

(ii) 'n ander eksamen wat deur daardie universiteit, technikon of kollege in plaas van 'n eksamen vermeld in subparagraaf (i) afgeneem word,

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voldoen aan die vereistes vir registrasie as professionele landmeters, as professionele landmeters-in-opleiding, as tegniese opmeters en as opmetingstegnici-in-opleiding en vir die onderskeie betrekkings, beroepe of neringe vir die aanstelling waarin of die uitoefening waarvan die slaag in so 'n eksamen 'n vereiste ingevolge die een of ander wet is; en

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(b) aanbevelings aan die raad te doen dat die raad aan so 'n eksamen wat deur 'n universiteit, technikon of kollege, na gelang van die geval, afgeneem word, erkenning verleen, indien na die oordeel van genoemde komitee die onderrigleerplan voorgeskryf en die standaard van opleiding verskaf ten opsigte daarvan deur daardie universiteit, technikon of kollege aan sodanige vereistes voldoen; of

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(c) in die algemeen die raad by die uitvoering van sy werkzaamhede ingevolge hierdie Wet by te staan en om ondersoek in te stel na en advies te verleen of aanbevelings te doen met betrekking tot enige aangeleentheid wat die raad in die verrigting van sy werkzaamhede ingevolge hierdie Wet na genoemde komitee verwys of wat die komitee uit eie beweging opper.

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(2) Indien na die oordeel van die adviserende onderwyskomitee 'n ander eksamen as 'n eksamen in subartikel (1) (a) (i) vermeld, wat deur 'n universiteit, technikon of kollege, binne of buite die Republiek, na gelang van die geval, afgeneem word, minstens gelykwaardig is met 'n eksamen aldus vermeld, kan hy by die raad aanbeveel dat die raad, behoudens die voorwaardes wat die raad goedvind, aan so 'n eksamen erkenning verleen as aldus gelykwaardig.

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(3) Die adviserende onderwyskomitee kan te eniger tyd by die raad aanbeveel dat sodanige erkenning van 'n eksamen deur die raad ingetrek word: Met dien verstande dat indien die intrekking van so 'n erkenning oorweeg word, die raad sy redes vir die voorgename intrekking aan die betrokke universiteit, technikon of kollege moet verstrek en hom 'n redelike geleentheid moet gee om redes aan te voer waarom sodanige erkenning nie ingetrek behoort te word nie: Met dien verstande voorts dat 'n erkenning van 'n eksamen wat afgeneem is voor die intrekking van sodanige erkenning, geag word geldig te wees.

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Registrasie van pro-
fessionele landme-
ters.

20. (1) Die vereistes vir registrasie as 'n professionele landmeter van 'n ander persoon as 'n persoon in subartikel (3) of (4) bedoel, is soos volg, naamlik—

(a) bereiking van die ouderdom van 21 jaar;

(b) die slaag in 'n eksamen waaraan die raad vir die doeleindes van registrasie as 'n professionele landmeter erkenning verleen het soos in artikel 19 (1) (b) of (2) beoog;

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(c) die slaag in 'n eksamen, deur die Hoofdirekteur goedgekeur, oor wette aangaande opmeting en verwante aangeleenthede;

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18. The members of the education advisory committee who are not in the full-time employment of the State shall be paid by the department such travelling and subsistence allowances while engaged on the business of the committee as the Minister may, with the concurrence of the Minister of Finance, from time to time determine.

Allowances payable to members of education advisory committee.

19. (1) The functions of the education advisory committee shall be to—

Functions of education advisory committee.

(a) investigate whether the syllabuses of instruction prescribed and the standard of training provided by any university, technikon or college for—

(i) the examinations for a degree or a diploma in surveying;

(ii) any other examination conducted by that university, technikon or college in lieu of any examination mentioned in subparagraph (i),

comply with the requirements for registration as professional land surveyors, as professional land surveyors in training, as technical surveyors and as survey technicians in training and for the respective posts, professions or callings for the appointment to or pursuit of which the passing of any such examination is in terms of any law a qualification; and

(b) make recommendations to the council that recognition be granted by the council to any such examination conducted by a university, technikon or college, as the case may be, if in the opinion of the said committee the syllabus of instruction prescribed and the standard of training provided in respect of it by that university, technikon or college comply with such requirements; or

(c) assist the council generally in the performance of its functions in terms of this Act and to inquire into and advise upon or make recommendations in regard to any matter which the council in the performance of its functions in terms of this Act may refer to the said committee or which the committee may of its own accord raise.

(2) If in the opinion of the education advisory committee any examination other than an examination mentioned in subsection (1) (a) (i), conducted by any university, technikon or college, within or outside the Republic, as the case may be, is at least equivalent to any examination so mentioned, it may recommend to the council that, subject to such conditions as the council may deem fit, recognition be granted by the council to such examination as being so equivalent.

(3) The education advisory committee may at any time recommend to the council that such recognition of any examination be withdrawn by the council: Provided that if the withdrawal of any such recognition is contemplated, the council shall furnish its reasons for the proposed withdrawal to the university, technikon or college concerned, and afford it a reasonable opportunity to furnish reasons as to why such recognition should not be withdrawn: Provided further that any recognition of any examination conducted prior to the withdrawal of such recognition shall be deemed to be valid.

20. (1) The requirements for registration as a professional land surveyor of any person, other than a person referred to in subsection (3) or (4), shall be as follows, namely—

Registration of professional land surveyors.

(a) attainment of the age of 21 years;

(b) the passing of any examination to which the council has granted recognition for the purposes of registration as a professional land surveyor as contemplated in section 19 (1) (b) or (2);

(c) the passing of an examination, approved by the Chief Director, regarding laws concerning surveying and related matters;

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- (d) opleiding vir die tydperk, hetsy binne of buite die Republiek, en in die praktiese opmetingswerk wat met betrekking tot professionele landmeters voorgeskryf word;
- (e) die uitvoering ten genoë van die Hoofdirekteur van sodanige proefopmetings wat die Hoofdirekteur, met die instemming van die raad, bepaal; en
- (f) die aflegging van 'n beroepseed of bevestiging in die voorgeskrewe vorm met betrekking tot die beoefening van sy beroep of nering.

(2) Die raad moet behoudens die bepalinge van artikel 24 (1), op aansoek in die voorgeskrewe vorm van 'n persoon wat na die oordeel van die raad, na oorlegpleging met die Hoofdirekteur, aan die vereistes vermeld in subartikel (1) voldoen, en by betaling van die registrasie- en jaargelde, so 'n persoon as 'n professionele landmeter registreer en laat so 'n persoon se naam in die toepaslike register inskryf en laat 'n sertifikaat van registrasie in die voorgeskrewe vorm aan hom uitreik.

(3) 'n Persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge die Landmetersregistrasiewet, 1950 (Wet No. 14 van 1950), as 'n landmeter geregistreer was, word geag ingevolge hierdie artikel as 'n professionele landmeter geregistreer te wees, en die raad laat so 'n persoon se naam in die toepaslike register inskryf en laat, op skriftelike aansoek van so 'n persoon, 'n sertifikaat van registrasie in die voorgeskrewe vorm kosteloos aan hom uitreik.

(4) 'n Persoon aan wie 'n sertifikaat ingevolge artikel 12 (2) van die Opmetingswet, 1927 (Wet No. 9 van 1927), onmiddellik vóór die inwerkingtreding van hierdie Wet uitgereik was, word geag te voldoen het aan die vereistes vir registrasie wat in hierdie artikel vermeld is, en die raad moet, behoudens die bepalinge van artikel 24 (1), op aansoek van so 'n persoon en by betaling van die registrasie- en jaargelde, so 'n persoon as 'n professionele landmeter registreer en laat so 'n persoon se naam in die toepaslike register inskryf en laat 'n sertifikaat van registrasie in die voorgeskrewe vorm aan hom uitreik.

(5) 'n Professionele landmeter is, indien hy die jaargeld betaal het, geregtig—

- (a) om homself as 'n professionele landmeter te beskryf;
- (b) om sy beroep of nering in enige deel van die Republiek te beoefen; en
- (c) om sy beroep of nering aan te dui of bekend te maak deur die voorgeskrewe betiteling agter sy naam te gebruik.

Registrasie van professionele landmeters-in-opleiding.

21. (1) 'n Persoon wat begerig is om as 'n professionele landmeter-in-opleiding geregistreer te word en wat aan die vereistes van artikel 20 (1) (b) voldoen, kan in die voorgeskrewe vorm by die raad aansoek doen om as 'n professionele landmeter-in-opleiding geregistreer te word, en die raad moet, behoudens die bepalinge van artikel 24 (1), by betaling van die registrasie- en jaargelde, so 'n persoon as professionele landmeter-in-opleiding registreer en laat so 'n persoon se naam in die toepaslike register inskryf.

(2) Wanneer 'n professionele landmeter-in-opleiding aan die vereistes vermeld in artikel 20 (1) voldoen, moet die raad, behoudens die bepalinge van artikel 24 (1), op aansoek in die voorgeskrewe vorm en by betaling van die registrasie- en jaargelde, die registrasie van sodanige persoon as professionele landmeter-in-opleiding kanselleer en hom ingevolge artikel 20 (2) as 'n professionele landmeter registreer.

(3) Enige tydperk van opleiding in praktiese opmetingswerk wat voor die inwerkingtreding van hierdie Wet ondergaan is en van dieselfde aard is as wat voorgeskryf is, word by die toepassing van subartikel (2) geag 'n tydperk van opleiding in praktiese opmetingswerk te wees wat aldus voorgeskryf is, mits eersgenoemde opleiding binne drie maande of binne die verdere tydperk na genoemde inwerkingtreding wat die raad toelaat, voortgesit word deur middel van opleiding in praktiese opmetingswerk aldus voorgeskryf.

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- (d) training for such period, whether within or outside the Republic, and in such practical survey work as may be prescribed in relation to professional land surveyors;
- (e) the carrying out, to the satisfaction of the Chief Director, of such trial surveys as the Chief Director may, with the concurrence of the council, determine; and
- (f) the making of a professional oath or affirmation in the prescribed form in relation to the practising of his profession or calling.
- (2) The council shall, subject to the provisions of section 24 (1), on application in the prescribed form by any person who in the opinion of the council, after consultation with the Chief Director, complies with the requirements mentioned in subsection (1), and upon payment of the registration and annual fees, register any such person as a professional land surveyor and cause such person's name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him.
- (3) Any person who was registered as a land surveyor in terms of the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950), immediately prior to the commencement of this Act shall be deemed to have been registered as a professional land surveyor in terms of this section, and the council shall cause any such person's name to be entered in the appropriate register and, on application in writing by any such person, a certificate of registration in the prescribed form to be issued to him free of charge.
- (4) Any person to whom a certificate was issued in terms of section 12 (2) of the Land Survey Act, 1927 (Act No. 9 of 1927), immediately prior to the commencement of this Act shall be deemed to have complied with the requirements for registration mentioned in this section, and the council shall, subject to the provisions of section 24 (1), on application by any such person and upon payment of the registration and annual fees, register such person as a professional land surveyor and cause any such person's name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him.
- (5) A professional land surveyor shall, if he has paid the annual fee, be entitled—
- to describe himself as a professional land surveyor;
 - to carry on his profession or calling in any part of the Republic; and
 - to indicate his profession or calling or make it known by using the prescribed title after his name.

21. (1) Any person who desires to be registered as a professional land surveyor in training and who complies with the requirements of section 20 (1) (b), may apply in the prescribed form to the council to be registered as a professional land surveyor in training, and the council shall, subject to the provisions of section 24 (1), upon payment of the registration and annual fees, register any such person as a professional land surveyor in training and cause any such person's name to be entered in the appropriate register.

(2) When any professional land surveyor in training complies with the requirements mentioned in section 20 (1), the council shall, subject to the provisions of section 24 (1), on application in the prescribed form and upon payment of the registration and annual fees, cancel the registration of such person as a professional land surveyor in training and register him as a professional land surveyor in terms of section 20 (2).

(3) Any period of training in practical survey work undergone before the commencement of this Act and of the same kind as that prescribed, shall for the purposes of subsection (2) be deemed to be a period of training in practical survey work as so prescribed, provided such former training is continued within three months, or within such further period as the council may allow, after the said commencement, by means of training in practical survey work as so prescribed.

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(4) 'n Professionele landmeter-in-opleiding kan homself as professionele landmeter-in-opleiding beskryf, maar hy is nie geregtig om enige opmetingswerk te verrig nie, behalwe onder die persoonlike toesig van 'n professionele landmeter of in die ander omstandighede wat voorgeskryf word. 5

Registrasie van tegniese opmeters.

22. (1) Die vereistes vir registrasie as 'n tegniese opmeter van 'n ander persoon as 'n persoon in subartikel (3) bedoel, is soos volg, naamlik—

- (a) in die geval van 'n opmeter—
 - (i) die slaag in 'n eksamen waaraan die raad vir die doeleindes van registrasie as 'n opmeter erkenning verleen het soos in artikel 19 (1) (b) beoog; 10
 - (ii) opleiding vir die tydperk, hetsy binne of buite die Republiek, en in die praktiese opmetingswerk wat met betrekking tot opmeters voorgeskryf word; 15
 - (iii) die uitvoering ten genoeg van die Hoofdirekteur van sodanige proefopmetings wat die Hoofdirekteur, met die instemming van die raad, bepaal; en
 - (iv) die afligging van 'n eed of bevestiging in die voorgeskrewe vorm met betrekking tot die beoefening van sy nering; of 20
- (b) in die geval van 'n opmetingstegnikus—
 - (i) die slaag in 'n eksamen waaraan die raad vir die doeleindes van registrasie as 'n opmetingstegnikus erkenning verleen het soos in artikel 19 (1) (b) beoog; 25
 - (ii) opleiding vir die tydperk, hetsy binne of buite die Republiek, en in die praktiese opmetingswerk wat met betrekking tot opmetingstegnici voorgeskryf word; 30
 - (iii) die uitvoering ten genoeg van die Hoofdirekteur van sodanige proefopmetings wat die Hoofdirekteur, met die instemming van die raad, bepaal; en
 - (iv) die afligging van 'n eed of bevestiging in die voorgeskrewe vorm met betrekking tot die beoefening van sy nering. 35

(2) Die raad moet, behoudens die bepalings van artikel 24 (1), op aansoek in die voorgeskrewe vorm van 'n persoon wat na die oordeel van die raad aan die vereistes vermeld in subartikel (1) (a) of (b) voldoen, en by betaling van die registrasie- en jaar- 40 gelde, so 'n persoon as opmeter of opmetingstegnikus, na gelang van die geval, registreer, en laat so 'n persoon se naam in die toepaslike register inskryf en laat 'n sertifikaat van registrasie in die voorgeskrewe vorm aan hom uitreik.

(3) 'n Persoon wat— 45

- (a) nie in die eksamen in subartikel (1) (a) bedoel, geslaag het nie en wat by die inwerkingtreding van hierdie Wet—
 - (i) 'n volle lid van die Instituut van Topografiese en Ingenieurs-opmeters van Suid-Afrika is en nadat hy in die eksamen vir die tiende standerd of 'n gelykwaardige eksamen geslaag het, minstens 10 jaar praktiese ondervinding in die opmetingswerk opgedoen het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is; of 50
 - (ii) nie so 'n lid is nie en nadat hy in die eksamen vir die tiende standerd of 'n gelykwaardige eksamen geslaag het, minstens 15 jaar praktiese ondervinding in die opmetingswerk opgedoen het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is, en wat aan die vereistes volgens voorskrif van subartikel (1) (a) (iii) en (iv) voldoen; of 55
- (b) nie in die eksamen in subartikel (1) (b) bedoel, geslaag het nie en wat by die inwerkingtreding van hierdie Wet— 60

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(4) Any professional land surveyor in training may describe himself as a professional land surveyor in training, but he shall not be entitled to perform any survey work, except under the personal supervision of a professional land surveyor or in such other circumstances as may be prescribed.

22. (1) The requirements for registration as a technical surveyor of any person other than a person referred to in subsection (3) shall be as follows, namely—

Registration of
technical surveyors.

- (a) in the case of a surveyor—
- (i) the passing of any examination to which the council has granted recognition for the purposes of registration as a surveyor as contemplated in section 19 (1) (b);
 - (ii) training for such period, whether within or outside the Republic, and in such practical survey work as may be prescribed in relation to surveyors;
 - (iii) the carrying out, to the satisfaction of the Chief Director, of such trial surveys as the Chief Director may, with the concurrence of the council, determine; and
 - (iv) the making of an oath or affirmation in the prescribed form in relation to the practising of his calling; or

- (b) in the case of a survey technician—
- (i) the passing of any examination to which the council has granted recognition for the purposes of registration as a survey technician as contemplated in section 19 (1) (b);
 - (ii) training for such period, whether within or outside the Republic, and in such practical survey work as may be prescribed in relation to survey technicians;
 - (iii) the carrying out, to the satisfaction of the Chief Director, of such trial surveys as the Chief Director may, with the concurrence of the council, determine; and
 - (iv) the making of an oath or affirmation in the prescribed form in relation to the practising of his calling.

(2) The council shall, subject to the provisions of section 24 (1), on application in the prescribed form by any person who in the opinion of the council complies with the requirements mentioned in subsection (1) (a) or (b), and upon payment of the registration and annual fees, register such person as a surveyor or survey technician, as the case may be, and cause such a person's name to be entered in the appropriate register and a registration certificate in the prescribed form to be issued to him.

(3) Any person who—

- (a) has not passed the examination referred to in subsection (1) (a) and who at the commencement of this Act—
- (i) is a full member of the Institute of Topographical and Engineering Surveyors of South Africa and after he has passed the examination for the tenth standard or an equivalent examination, has gained at least 10 years' practical experience in such survey work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; or
 - (ii) is not such a member and after he has passed the examination for the tenth standard or an equivalent examination, has gained at least 15 years' practical experience in such survey work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard, and who complies with the requirements as provided in subsection (1) (a) (iii) and (iv); or
- (b) has not passed the examination referred to in subsection (1) (b) and who at the commencement of this Act—

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- (i) 'n volle lid of geassosieerde lid van die Instituut van Topografiese en Ingenieurs-opmeters van Suid-Afrika is en besig was met die uitvoering van opmetingswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is en vir 'n tydperk van minstens vyf jaar, indien hy in die eksamen vir die tiende standaard of 'n gelykwaardige eksamen geslaag het, of sewe jaar, indien hy in die eksamen vir die agste standaard of 'n gelykwaardige eksamen geslaag het, aldus besig was; of
- (ii) nie so 'n lid is nie en besig was met die uitvoering van opmetingswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is en vir 'n tydperk van minstens sewe jaar, indien hy in die eksamen vir die tiende standaard of 'n gelykwaardige eksamen geslaag het, of nege jaar, indien hy in die eksamen vir die agste standaard of 'n gelykwaardige eksamen geslaag het, aldus besig was,
- en wat aan die vereistes volgens voorskrif van subartikel (1) (b) (iii) en (iv) voldoen,
- kan binne een jaar vanaf die inwerkingtreding van hierdie Wet by die raad in die voorgeskrewe vorm aansoek doen om as 'n opmeter of opmetingstegnikus, na gelang van die geval, geregistreer te word, en die raad moet, behoudens die bepalinge van artikel 24 (1), so 'n persoon as 'n opmeter of opmetingstegnikus, na gelang van die geval, registreer en laat sy naam in die toepaslike register inskryf en laat 'n sertifikaat van registrasie in die voorgeskrewe vorm kosteloos aan hom uitreik.
- (4) 'n Persoon wat die jaargelde betaal het, is geregtig—
- (a) in die geval van 'n opmeter—
- (i) om homself as 'n opmeter te beskryf;
- (ii) om sy nering in enige deel van die Republiek te beoefen; en
- (iii) om sy nering aan te dui en bekend te maak deur die voorgeskrewe betiteling agter sy naam te gebruik;
- (b) in die geval van 'n opmetingstegnikus—
- (i) om homself as 'n opmetingstegnikus te beskryf;
- (ii) om sy nering in enige deel van die Republiek te beoefen maar slegs onder die persoonlike toesig van die professionele landmeter, opmeter of die ander geskikte gekwalifiseerde persoon wat voorgeskryf word: Met dien verstande dat die bepalinge van hierdie subparagraaf met betrekking tot persoonlike toesig, behoudens die voorwaardes wat die raad bepaal, nie van toepassing is nie ten opsigte van iemand wat binne een jaar vanaf die inwerkingtreding van hierdie Wet bewyse aan die raad voorlê dat hy opmetingswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is, vir 'n tydperk wat die raad voldoende ag, sonder toesig verrig het; en
- (iii) om sy nering aan te dui en bekend te maak deur die voorgeskrewe betiteling agter sy naam te gebruik.

Registrasie van
opmetingstegnici-
in-opleiding.

23. (1) 'n Persoon wat begerig is om as 'n opmetingstegnikus-in-opleiding geregistreer te word, kan in die voorgeskrewe vorm by die raad aansoek doen om as 'n opmetingstegnikus-in-opleiding geregistreer te word, en die raad moet, behoudens die bepalinge van artikel 24 (1), by betaling van die registrasie- en jaargelde so 'n persoon as opmetingstegnikus-in-opleiding registreer en laat so 'n persoon se naam in die toepaslike register inskryf.

(2) Wanneer 'n opmetingstegnikus-in-opleiding aan die vereistes vermeld in artikel 22 (1) (b) voldoen, moet die raad,

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(i) is a full member or an associate member of the Institute of Topographical and Engineering Surveyors of South Africa and was engaged in the performance of survey work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged for a period of not less than five years, if he has passed the examination for the tenth standard or an equivalent examination, or seven years, if he has passed the examination for the eighth standard or an equivalent examination; or

(ii) is not such a member and was engaged in the performance of survey work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged for a period of not less than seven years, if he has passed the examination for the tenth standard or an equivalent examination, or nine years, if he has passed the examination for the eighth standard or an equivalent examination,

and who complies with the requirements as provided in subsection (1) (b) (iii) and (iv),

may, within one year from the commencement of this Act, apply in the prescribed form to the council to be registered as a surveyor or a survey technician, as the case may be, and the council shall, subject to the provisions of section 24 (1), register any such person as a surveyor or a survey technician, as the case may be, and cause his name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him free of charge.

(4) Any person who has paid the annual fees shall be entitled—

(a) in the case of a surveyor—

- (i) to describe himself as a surveyor;
- (ii) to carry on his calling in any part of the Republic; and
- (iii) to indicate his calling and make it known by using the prescribed title after his name.

(b) in the case of a survey technician—

- (i) to describe himself as a survey technician;
- (ii) to carry on his calling in any part of the Republic but only under the personal supervision of such professional land surveyor, surveyor or other suitably qualified person as may be prescribed: Provided that the provisions of this subparagraph relating to personal supervision shall, subject to such conditions as the council may determine, not apply in respect of any person who, within one year from the commencement of this Act, submits to the council proof that he has, unsupervised, performed for such period as the council may deem sufficient, survey work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard;
- (iii) to indicate his calling and make it known by using the prescribed title after his name.

23. (1) Any person who desires to be registered as a survey technician in training may apply to the council in the prescribed form to be registered as a survey technician in training, and the council shall, subject to the provisions of section 24 (1), upon payment of the registration and annual fees, register any such person as a survey technician in training and cause any such person's name to be entered in the appropriate register.

Registration of survey technicians in training.

(2) When a survey technician in training complies with the requirements mentioned in section 22 (1) (b), the council shall,

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behoudens die bepalings van artikel 24 (1), op aansoek in die voorgeskrewe vorm en by betaling van die registrasie- en jaargelde, die registrasie van sodanige persoon as 'n opmetingstegnikus-in-opleiding kanselleer en hom ingevolge artikel 22 (2) as 'n opmetingstegnikus registreer.

(3) Enige tydperk van opleiding in praktiese opmetingswerk wat voor die inwerkingtreding van hierdie Wet ondergaan is en van dieselfde aard is as wat voorgeskryf is, word by die toepassing van subartikel (2) geag 'n tydperk van opleiding in praktiese opmetingswerk te wees wat aldus voorgeskryf is, mits eersgenoemde opleiding binne drie maande of binne die verdere tydperk na genoemde inwerkingtreding wat die raad toelaat, voortgesit word deur middel van opleiding in praktiese opmetingswerk aldus voorgeskryf.

(4) 'n Opmetingstegnikus-in-opleiding kan homself as opmetingstegnikus-in-opleiding beskryf, maar is nie geregtig om enige opmetingswerk te verrig nie, behalwe onder die persoonlike toesig van 'n professionele landmeter, 'n tegniese opmeter of die ander persoon wat voorgeskryf word.

Weiering of kansellering van registrasie.

24. (1) Die raad registreer nie 'n persoon ingevolge hierdie Wet nie—

- (a) indien hy volgens die reg as 'n geestesongestelde persoon aangehou word;
- (b) indien hy te eniger tyd weens 'n misdryf skuldig bevind is en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is;
- (c) indien hy te eniger tyd weens onbehoorlike gedrag van 'n vertrouensamp onthef is; of
- (d) indien hy vir registrasie ingevolge hierdie Wet gediskwalifiseer is of, voor die inwerkingtreding van hierdie Wet, ingevolge 'n ander wet op die registrasie van landmeters aldus gediskwalifiseer was,

en kan weier om 'n persoon aldus te registreer wat insolvent is of van sy boedel afstand gedoen het ten voordele van sy skuldeisers of met hulle 'n skikking aangegaan het.

(2) Die raad moet die registrasie kanselleer van 'n persoon wat na sy registrasie aan 'n in subartikel (1) vermelde diskwalifikasie onderworpe word of wat per abuis geregistreer is of geregistreer is op grond van inligting wat daarna bewys word vals te wees, of wie se reg om as 'n professionele landmeter te praktiseer deur die hof ingevolge artikel 14 van die Opmetingswet, 1927 (Wet No. 9 van 1927), ingetrek is, en kan die registrasie kanselleer van 'n persoon wat na sy registrasie insolvent raak of van sy boedel afstand doen ten voordele van sy skuldeisers of met hulle 'n skikking aangaan, en sy naam word dan uit die register geskrap.

(3) Die registrasie van 'n persoon verval indien so 'n persoon—

- (a) versuim om jaargelde wat deur hom betaalbaar is, te betaal binne drie maande nadat sodanige gelde of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die raad in 'n bepaalde geval toelaat; of
- (b) terwyl hy 'n persoon is wat ingevolge artikel 21 (1) of 23 (1) geregistreer is, vir minstens 90 agtereenvolgende dae versuim het om opleiding bedoel in artikel 20 (1) (d) of 22 (1) (a) (ii) of (b) (ii), na gelang van die geval, te ondergaan, tensy die Hoofdirekteur enige onderbreking in opleiding gekondoneer het,

en so 'n persoon se naam word uit die register geskrap.

(4) Die raad moet op skriftelike versoek van 'n persoon wat ingevolge hierdie Wet geregistreer is sy registrasie kanselleer en sy naam uit die register skrap, maar die kansellering het geen uitwerking nie op enige aanspreeklikheid wat so iemand voor die datum van sodanige verwydering opgedoen het.

(5) Behoudens die bepalings van subartikel (1)—

- (a) moet die raad op aansoek aan hom deur 'n persoon wie se registrasie ingevolge subartikel (3) (a) verval het of ingevolge subartikel (4) gekanselleer is;

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subject to the provisions of section 24 (1), on application in the prescribed form and upon payment of the registration and annual fees, cancel the registration of such person as a survey technician in training and register him as a survey technician in terms of section 22 (2).

(3) Any period of training in practical survey work undergone before the commencement of this Act and of the same kind as that prescribed, shall for the purposes of subsection (2) be deemed to be a period of training in practical survey work as so prescribed, provided such former training is continued within three months, or within such further period as the council may allow, after the said commencement, by means of training in practical survey work as so prescribed.

(4) A survey technician in training may describe himself as a survey technician in training, but shall not be entitled to perform any survey work, except under the personal supervision of a professional land surveyor, a technical surveyor or such other person as may be prescribed.

24. (1) The council shall not register any person in terms of this Act— Refusal or cancellation of registration.

- (a) if he is according to the law detained as a mentally ill person;
- (b) if he has at any time been convicted of an offence and sentenced in respect thereof to imprisonment without the option of a fine;
- (c) if he has at any time been removed from an office of trust on account of improper conduct; or
- (d) if he is disqualified for registration in terms of this Act or, before the commencement of this Act, was so disqualified in terms of any other law governing the registration of land surveyors,

and may refuse so to register any person who is insolvent or who has assigned his estate for the benefit of, or compounded with, his creditors.

(2) The council shall cancel the registration of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in subsection (1) or who has been registered in error or on information subsequently proved to be false, or whose right to practise as a professional land surveyor has been cancelled by the court in terms of section 14 of the Land Survey Act, 1927 (Act No. 9 of 1927), and may cancel the registration of a person who subsequent to his registration becomes insolvent or assigns his estate for the benefit of, or compounds with, his creditors, and his name shall then be removed from the register.

(3) The registration of any person shall lapse if such person—

- (a) fails to pay any annual fees payable by him, within three months after such fees or portion thereof become due or within such further period as the council may in any particular case allow; or
- (b) being a person registered in terms of section 21 (1) or 23 (1), has for at least 90 consecutive days failed to undergo training referred to in section 20 (1) (d) or 22 (1) (a) (ii) or (b) (ii), as the case may be, unless any break in training has been condoned by the Chief Director,

and such person's name shall be removed from the register.

(4) The council shall at the written request of any person registered in terms of this Act, cancel his registration and move his name from the register, but such cancellation shall not affect any liability incurred by such person prior to the date of such removal.

(5) Subject to the provisions of subsection (1), the council—

- (a) shall on application made to it by any person whose registration has lapsed in terms of subsection (3) (a) or has been cancelled in terms of subsection (4);

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Terugbesorging van
registrasiesertifikate
en uitreiking van
afskrifte daarvan.

Registrateur moet
inligting aan Hoof-
direkteur en Insti-
tute verstrek.

Verbod op prakti-
sering as
professionele
landmeter of teg-
niese opmeter deur
ongeregistreerde
persoon.

(b) kan die raad op aansoek aan hom deur 'n ander persoon as 'n persoon in paragraaf (a) vermeld wie se registrasie ingevolge hierdie artikel gekanselleer is of verval het,

en by betaling van die registrasiegelde en enige agterstallige gelde (indien daar is) wat die raad bepaal, so 'n persoon se registrasie herstel. 5

25. (1) 'n Persoon wie se registrasie ingevolge artikel 24 (2) of (4) gekanselleer is of ingevolge artikel 24 (3) verval het, moet sy registrasiesertifikaat aan die registrateur terugbesorg binne 30 10 dae vanaf die datum waarop hy deur die registrateur by skriftelike kennisgewing per geregistreerde pos gelas word om dit te doen, tensy hy die registrateur oortuig dat die sertifikaat verlore geraak het of vernietig is, indien dit die geval is, of sy registrasie kragtens artikel 24 (5) herstel is. 15

(2) 'n Persoon wat versuim om te voldoen aan 'n lasgewing in subartikel (1) bedoel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200.

(3) Die raad moet op aansoek van 'n persoon wat hom oortuig dat die betrokke registrasiesertifikaat wat aan hom uitgereik is, 20 verlore geraak het of vernietig is, by betaling van die voorgeskrewe geld 'n afskrif van die sertifikaat uitreik.

26. Die registrateur moet die Hoofdirekteur en elke Instituut vermeld in artikel 3 (2) (a), (b), (c), (d), (e) en (i) skriftelik in kennis stel van die naam, adres, kwalifikasies en datum van regi- 25 strasie van elke persoon—

(a) wat ingevolge hierdie Wet geregistreer word;

(b) wie se registrasie ingevolge artikel 24 (2) of (4) gekanselleer is of ingevolge artikel 24 (5) herstel is, asook van die datum van sodanige kansellasië of herstel, na 30 gelang van die geval;

(c) wat 'n straf in artikel 29 (1) bedoel, opgelê is of wie se skorsing kragtens artikel 31 (2) beveel is, asook van die datum en aard van die straf of skorsing, na gelang van 35 die geval;

(d) wie se skorsing kragtens artikel 29 (1) of 31 (2) ingevolge artikel 31 (3) verleng of ingetrek is of ingevolge artikel 33 beëindig is;

(e) wie se straf of skorsing kragtens artikel 29 (1) of 31 (2) deur die hof ingevolge artikel 32 (2) tersyde gestel of 40 verander is.

27. (1) Behoudens 'n vrystelling kragtens hierdie Wet verleen, is 'n persoon—

(a) wie se naam nie in die register vir professionele landmeters in artikel 7 (4) (a) bedoel, ingeskrif is nie en 45 wat—

(i) 'n opmeting verrig met die doel om 'n kaart of algemene plan te vervaardig wat ingevolge die een of ander wet op die registrasie van grond of regte in grond bewaar of geregistreer moet word of wat 50 op enige wyse hoegenaamd in 'n ander dokument vermeld word wat aldus bewaar of geregistreer moet word; of

(ii) 'n opmeting verrig wat 'n uitwerking het op die afbakening van die grense of die ligging van die bakens van enige grond wat aldus geregistreer is of aldus geregistreer staan te word; 55

(b) wat nie as 'n professionele landmeter geregistreer is nie en wat enige werk verrig van 'n soort wat vir professionele landmeters kragtens artikel 7 (2) (a) voorbehou is; 60

(c) wat nie as 'n professionele landmeter of as 'n opmeter of as 'n opmetingstegnikus geregistreer is nie en wat werk verrig van 'n soort wat vir tegniese opmeters kragtens artikel 7 (2) (a) voorbehou is;

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(b) may on application made to it by any person, other than a person mentioned in paragraph (a), whose registration has been cancelled or has lapsed in terms of this section,

5 and upon payment of the registration fees and any arrear annual fees (if any) that the council may determine, restore such person's registration.

25. (1) Any person whose registration has been cancelled in terms of section 24 (2) or (4) or has lapsed in terms of section 24 (3) shall return to the registrar his certificate of registration within 30 days from the date upon which he is directed by the registrar by notice in writing by registered post to do so, unless he satisfies the registrar that the certificate has been lost or destroyed, if such is the case, or his registration has been restored under section 24 (5).

Return of certificates of registration and issue of copies thereof.

(2) Any person who fails to comply with any direction referred to in subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R200.

(3) The council shall on the application of any person who satisfies it that the relevant certificate of registration issued to him has been lost or destroyed, issue a copy of the certificate on payment of the prescribed fee.

26. The registrar shall furnish the Chief Director and every Institute mentioned in section 3 (2) (a), (b), (c), (d), (e) and (i) in writing with the name, address, qualifications and date of registration of every person—

Registrar to give information to Chief Director and Institutes.

(a) who is registered in terms of this Act;

(b) whose registration has been cancelled in terms of section 24 (2) or (4) or has been restored in terms of section 24 (5), together with the date of such cancellation or restoration, as the case may be;

(c) upon whom any penalty referred to in section 29 (1) has been imposed or whose suspension has been ordered under section 31 (2), together with the date and nature of the penalty or suspension, as the case may be;

(d) whose suspension under section 29 (1) or 31 (2) has been extended or withdrawn under section 31 (3) or terminated in terms of section 33;

(e) whose penalty or suspension under section 29 (1) or 31 (2) has been set aside or varied by the court in terms of section 32 (2).

27. (1) Subject to any exemption granted under this Act, any person—

Prohibition of practice as professional land surveyor or technical surveyor by unregistered person.

(a) whose name is not entered in the register for professional land surveyors referred to in section 7 (4) (a) and who—

(i) performs any survey for the purpose of preparing any diagram or general plan to be filed or registered in terms of any law governing the registration of any land or rights in land or mentioned in any manner whatsoever in any other document to be so filed or registered; or

(ii) performs any survey affecting the delimitation of the boundaries or the location of the beacons of any land so registered or to be so registered;

(b) who is not registered as a professional land surveyor and who performs any kind of work reserved for professional land surveyors under section 7 (2) (a);

(c) who is not registered as a professional land surveyor or as a surveyor or as a survey technician and who performs any kind of work reserved for technical surveyors under section 7 (2) (a);

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(d) wat nie as 'n professionele landmeter of as 'n opmeter of as 'n opmetingstegnikus geregistreer is nie en wat homself voordoen of op enige wyse hoegenaamd uitgee of toelaat dat hy uitgegee word as 'n professionele landmeter of opmeter of opmetingstegnikus of die naam van professionele landmeter of tegniese opmeter of opmeter of opmetingstegnikus gebruik of enige naam, titel, beskrywing of simbool gebruik wat aandui of daarop bereken is om die indruk by persone te wek dat hy ingevolge hierdie Wet as 'n professionele landmeter of opmeter of opmetingstegnikus geregistreer is, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000.

(2) Behoudens 'n vrystelling kragtens hierdie Wet verleen, is 'n maatskappy of ander regspersoon wat—

(a) vir 'n ander persoon, hetsy 'n natuurlike persoon of 'n regspersoon, enige werk van 'n soort wat kragtens artikel 7 (2) (a) vir onderskeidelik professionele landmeters of tegniese opmeters voorbehou is, verrig of deur enige persoon, hetsy as 'n professionele landmeter of opmeter of opmetingstegnikus ingevolge hierdie Wet geregistreer of nie, laat verrig; of

(b) hom voordoen of op enige wyse hoegenaamd uitgee of toelaat dat hy uitgegee word as 'n maatskappy of ander regspersoon wat enige werk van 'n soort doen wat kragtens artikel 7 (2) (a) vir professionele landmeters of tegniese opmeters voorbehou is, of enige naam, titel, beskrywing of simbool gebruik wat aandui of daarop bereken is om die indruk by persone te wek dat hy 'n maatskappy of ander regspersoon is wat enige werk van 'n soort verrig wat aldus vir professionele landmeters of tegniese opmeters voorbehou is, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000.

Onbehoorlike gedrag.

28. (1) 'n Professionele landmeter is skuldig aan onbehoorlike gedrag indien hy—

(a) behalwe met die toestemming van die raad of ingevolge enige vrystelling kragtens hierdie Wet verleen, wetens werk van 'n soort wat vir professionele landmeters kragtens artikel 7 (2) (a) voorbehou is, aan 'n ander persoon as 'n professionele landmeter opdra; of

(b) werk verrig van 'n soort wat vir professionele landmeters kragtens artikel 7 (2) (a) voorbehou is in verband met 'n aangeleentheid wat die onderwerp van 'n geskil of regsgeding uitmaak, op voorwaarde dat betaling vir sodanige werk sal geskied slegs indien sodanige geskil of geding gunstig verloop vir die persoon vir wie die werk gedoen word; of

(c) besoldiging van 'n ander persoon as sy kliënt of werkgewer ontvang vir die verrigting van werk van 'n soort wat vir professionele landmeters kragtens artikel 7 (2) (a) voorbehou is; of

(d) werk verrig van 'n soort wat vir professionele landmeters kragtens artikel 7 (2) (a) voorbehou is gedurende 'n tydperk waartydens hy kragtens hierdie Wet geskors is.

(2) 'n Opmeter is skuldig aan onbehoorlike gedrag indien hy—

(a) behalwe met die toestemming van die raad of ingevolge 'n vrystelling kragtens hierdie Wet verleen, wetens werk van 'n soort wat vir opmeters kragtens artikel 7 (2) (a) voorbehou is, aan 'n ander persoon as 'n opmeter opdra; of

(b) werk verrig van 'n soort wat vir opmeters kragtens artikel 7 (2) (a) voorbehou is in verband met 'n aangeleentheid wat die onderwerp van 'n geskil of regsgeding uitmaak, op voorwaarde dat betaling vir sodanige werk

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(d) who is not registered as a professional land surveyor or as a surveyor or as a survey technician and pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a professional land surveyor or a surveyor or a survey technician or uses the name of professional land surveyor or technical surveyor or surveyor or survey technician or uses any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as a professional land surveyor or surveyor or survey technician in terms of this Act,
shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.

(2) Subject to any exemption granted under this Act, any company or other juristic person which—

- (a) performs or causes to be performed for any other person, whether a natural or juristic person, by any person, whether registered in terms of this Act as a professional land surveyor or as a surveyor or as a survey technician or not, any kind of work reserved for professional land surveyors or technical surveyors, respectively, under section 7 (2) (a); or
- (b) pretends to be or by any means whatsoever holds itself out or allows itself to be held out as a company or other juristic person performing any kind of work reserved for professional land surveyors or technical surveyors under section 7 (2) (a), or uses any name, title, description or symbol indicating or calculated to lead persons to infer that it is a company or other juristic person performing any kind of work so reserved for professional land surveyors or technical surveyors,
shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.

28. (1) Any professional land surveyor shall be guilty of improper conduct if he—

- (a) except with the consent of the council or in terms of any exemption granted under this Act knowingly entrusts to any person other than a professional land surveyor work of a kind reserved for professional land surveyors under section 7 (2) (a); or
- (b) performs work of a kind reserved for professional land surveyors under section 7 (2) (a) in connection with any matter which is the subject of a dispute or litigation, on condition that payment for such work will be made only if such dispute or litigation ends favourably for the party for whom such work is performed; or
- (c) accepts remuneration from any person other than his client or employer for the performance of work of a kind reserved for professional land surveyors under section 7 (2) (a); or
- (d) performs work of a kind reserved for professional land surveyors under section 7 (2) (a) during any period in respect of which he has been suspended under this Act.

(2) Any surveyor shall be guilty of improper conduct if he—

- (a) except with the consent of the council or in terms of any exemption granted under this Act knowingly entrusts to any person other than a surveyor work of a kind reserved for surveyors under section 7 (2) (a); or
- (b) performs work of a kind reserved for surveyors under section 7 (2) (a) in connection with any matter which is the subject of a dispute or litigation, on condition that

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- sal geskied slegs indien sodanige geskil of regsgeding gunstig verloop vir die persoon vir wie die werk gedoen word; of
- (c) besoldiging van 'n ander persoon as sy kliënt of werkgewer ontvang vir die verrigting van werk van 'n soort wat vir opmeters kragtens artikel 7 (2) (a) voorbehou is; of
- (d) werk verrig van 'n soort wat vir opmeters kragtens artikel 7 (2) (a) voorbehou is gedurende 'n tydperk waartydens hy kragtens hierdie Wet geskors is.
- (3) 'n Professionele landmeter of opmeter of opmetingstegnikus is skuldig aan onbehoorlike gedrag indien hy—
- (a) 'n misdryf by die uitoefening van sy beroep of nering begaan; of
- (b) 'n reël voorgeskryf kragtens artikel 34 (1) (e) oortree of versuim om daaraan te voldoen; of
- (c) sy beroep of nering of die raad of enige van sy lede of persone in sy diens in minagting bring; of
- (d) hom gedra op 'n wyse wat met die oog op sy beroep of nering onbehoorlik is.
- (4) Die vryspreking of die skuldigbevinding van 'n professionele landmeter of opmeter of opmetingstegnikus deur 'n geregshof op 'n strafregtelike aanklag belet nie dat stappe kragtens hierdie Wet op 'n aanklag van onbehoorlike gedrag teen hom ingestel word nie, selfs al sou die feite uiteengesit in die aanklag van onbehoorlike gedrag, indien dit bewys sou word, die misdryf uitmaak wat uiteengesit is in die strafregtelike aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde strafregtelike aanklag skuldig bevind kon gewees het.
- (5) Indien die onbehoorlike gedrag waarvan die professionele landmeter of opmeter of opmetingstegnikus aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die oorkonde van sy verhoor en skuldigbevinding deur daardie hof, nadat sodanige professionele landmeter of opmeter of opmetingstegnikus geïdentifiseer is as die persoon wat in die oorkonde genoem word, voldoende bewys dat hy sodanige misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is: Met dien verstande dat die aangeklaagde professionele landmeter of opmeter of opmetingstegnikus die reg het om getuienis aan te voer dat hy in werklikheid verkeerdelik skuldig bevind is.
- (6) Wanneer dit gedurende verrigtinge in 'n geregshof of gedurende 'n ondersoek ingevolge 'n wet vir die hof of vir die persoon in beheer van die ondersoek, na gelang van die geval, blyk dat daar *prima facie*-getuienis is van onbehoorlike gedrag van die kant van 'n professionele landmeter of opmeter of opmetingstegnikus, of gedrag wat, met die oog op die beroep of nering van 'n professionele landmeter of opmeter of opmetingstegnikus, onbehoorlik is, gelas die hof of die persoon in beheer van die ondersoek, na gelang van die geval, dat 'n afskrif van die oorkonde van die verrigtinge of die ondersoek of daardie gedeelte daarvan wat op die saak betrekking het, aan die raad gestuur word.
29. (1) Die raad kan ondersoek instel na gevalle van onbehoorlike gedrag waaraan 'n persoon wat ingevolge hierdie Wet geregistreer is of was hom na bewering skuldig gemaak het terwyl hy aldus geregistreer was, en indien dit bewys word 'n bevel met betrekking tot die koste van sodanige ondersoek uitreik en die een of die ander van die volgende strawwe ten opsigte van so 'n geval van onbehoorlike gedrag opleë, naamlik—
- (a) 'n boete van hoogstens R500; of
- (b) 'n waarskuwing of 'n berisping of 'n waarskuwing en 'n berisping; of
- (c) skorsing vir 'n bepaalde tydperk van hoogstens een jaar om in die Republiek te praktiseer; of
- (d) intrekking van sy registrasie ingevolge hierdie Wet en die skraping van sy naam uit die register; of

Dissiplinêre bevoegdhede van raad.

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payment for such work will be made only if such dispute or litigation ends favourably for the party for whom such work is performed; or

5 (c) accepts remuneration from any person other than his client or employer, for performing work of a kind reserved for surveyors under section 7 (2) (a); or

(d) performs work of a kind reserved for surveyors under section 7 (2) (a) during any period in respect of which he has been suspended under this Act.

10 (3) Any professional land surveyor or surveyor or survey technician shall be guilty of improper conduct if he—

(a) commits an offence in the exercise of his profession or calling; or

15 (b) contravenes or fails to comply with any rule made under section 34 (1) (e); or

(c) brings his profession or calling or the council, or any of its members or persons in its employment, into disrepute; or

20 (d) conducts himself in a manner which, when regard is had to his profession or calling, is improper.

(4) The acquittal or conviction of a professional land surveyor or surveyor or survey technician by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or any other offence of which he might have been convicted at his trial on the said criminal charge.

(5) If the improper conduct with which the professional land surveyor or surveyor or survey technician is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such professional land surveyor or surveyor or survey technician as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the professional land surveyor or surveyor or survey technician charged to adduce evidence that he was in fact wrongly convicted.

40 (6) When in the course of any proceedings before any court of law or in the course of an investigation in terms of any law it appears to the court or to the person in charge of the investigation, as the case may be, that there is *prima facie* evidence of improper conduct on the part of a professional land surveyor or surveyor or survey technician, or conduct which, regard being had to the profession or calling of a professional land surveyor or surveyor or survey technician, is improper, the court or the person in charge of the investigation, as the case may be, shall direct that a copy of the record of the proceedings or the investigation or such part thereof as is material to the issue, be transmitted to the council.

29. (1) The council may inquire into cases of improper conduct of which a person who is or was registered in terms of this Act is alleged to have been guilty while so registered and if proved make an order in relation to the costs of such inquiry and impose in respect of any such case of improper conduct any of the following penalties, namely—

(a) a fine not exceeding R500; or
60 (b) a caution or a reprimand or a caution and a reprimand; or

(c) suspension from practising in the Republic for a specified period not exceeding one year; or

(d) cancellation of his registration in terms of this Act and the removal of his name from the register; or

Disciplinary powers
of council.

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(e) diskwalifikasie vir registrasie ingevolge hierdie Wet vir 'n bepaalde of onbepaalde tydperk:

Met dien verstande dat in die geval van beweerde onbehoorlike gedrag wat die onderwerp van straf- of sivileregtelike verrigtinge in 'n geregshof uitmaak of ten opsigte waarvan die raad rede het om te vermoed dat dit waarskynlik so 'n onderwerp sal uitmaak, die raad die ondersoek uitstel totdat sodanige verrigtinge afgehandel is.

(2) Wanneer 'n straf wat kragtens subartikel (1) opgelê is uit 'n boete bestaan of 'n boete insluit of 'n bevel met betrekking tot die koste van die ondersoek gemaak word, moet die bedrag daarvan deur die raad op die betrokke persoon verhaal word, en 'n bedrag aldus verhaal, word in die fondse van die raad gestort.

(3) Wanneer 'n ondersoek ingestel word ten opsigte van 'n aangeleentheid wat die Direkteur-generaal of 'n persoon behoorlik deur hom daartoe gemagtig ingevolge artikel 14 van die Opmetingswet, 1927 (Wet No. 9 van 1927), na die raad verwys het, word die helfte van die koste van die ondersoek uit die Staatsinkomstefonds betaal.

Ondersoek deur raad.

30. (1) Die raad kan vir die doeleindes van 'n ondersoek kragtens artikel 29—

(a) enige persoon wat na sy oordeel in staat is om inligting van wesenlike belang te verstrek omtrent die onderwerp wat ondersoek word of wat vermoed word 'n boek, dokument of saak wat betrekking het op die onderwerp wat ondersoek word in sy besit of bewaring of onder sy beheer te hê, dagvaar om op 'n tyd en plek in die dagvaarding vermeld voor die raad te verskyn om ondervra te word of om daardie boek, dokument of saak oor te lê, en kan 'n boek, dokument of saak wat aldus oorgelê is, vir ondersoek behou;

(b) enige persoon wat by die ondersoek aanwesig is en wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en deur middel van die president van die raad hom 'n eed oplê of van hom 'n bevestiging afneem en hom ondervra en hom aansê om enige boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê;

(c) enige persoon aanstel om die raad by bedoelde ondersoek te adviseer oor aangeleenthede betreffende die reg, prosedure of bewyslewering.

(2) 'n Dagvaarding wat 'n persoon aansê om voor die raad te verskyn of 'n boek, dokument of saak oor te lê, moet in die vorm wees wat die raad bepaal, deur die president van die raad of 'n deur die raad daartoe gemagtigde persoon onderteken word en op dieselfde wyse beteken word as 'n dagvaarding wat in 'n strafsak deur 'n landdroshof uitgereik word.

(3) Indien 'n persoon wat behoorlik kragtens hierdie artikel gedagvaar is, sonder genoegsame rede versuim om op die in die dagvaarding bepaalde tyd en plek te verskyn of om aanwesig te bly totdat die president van die raad hom van verdere bywoning onthef, of indien 'n persoon wat kragtens subartikel (1) (b) opgeroep is, weier om as getuie beëdig te word of 'n bevestiging af te lê of sonder genoegsame rede versuim om volledig en bevredigend na sy beste kennis en geloof te antwoord op alle vrae wettig aan hom gestel oor die onderwerp wat ondersoek word of om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy aangesê is om oor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die ondervraging van so 'n persoon of die oorlegging van so 'n boek, dokument of saak die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuie af te lê of 'n boek, dokument of saak oor te lê, van toepassing is.

(4) 'n Getuie wat, nadat hy behoorlik beëdig is of 'n bevestiging afgelê het, 'n valse antwoord gee op 'n vraag wat wettig aan hom gestel is of 'n valse verklaring doen oor enige saak, we-

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(e) disqualification for registration in terms of this Act for a specified or an indefinite period:

Provided that in a case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council shall postpone the inquiry until such proceedings have been concluded.

(2) When any punishment imposed under subsection (1) consists of, or includes, any fine, or any order is made in relation to the costs of the inquiry, the amount thereof shall be recovered by the council from the person concerned, and any amount so recovered shall be paid into the funds of the council.

(3) When an inquiry is held in respect of any matter referred to the council by the Director-General or a person duly authorized by him in terms of section 14 of the Land Survey Act, 1927 (Act No. 9 of 1927), one half of the cost of such inquiry shall be paid from the State Revenue Fund.

30. (1) For the purpose of any inquiry under section 29 the council may— Inquiry by council.

(a) summon any person who in its opinion is able to give information of material interest concerning the subject which is being investigated or who is presumed to have in his possession or custody or under his control any book, document or thing which relates to the subject which is being investigated, to appear before the council at a time and place specified in the summons to be interrogated or to produce that book, document or thing, and may retain for examination any book, document or thing so produced;

(b) call and by way of its president administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been summoned under paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control;

(c) appoint any person to advise the council at such inquiry on matters relating to law, procedure or evidence.

(2) A summons requiring any person to appear before the council or to produce any book, document or thing, shall be in the form determined by the council, be signed by the president of the council or a person authorized thereto by it and served in the same manner as a summons in a criminal case issued by a magistrate's court.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to appear at the time and place specified in the summons or to remain in attendance until excused from further attendance by the president of the council, or if any person called under subsection (1) (b) refuses to be sworn or to accept an affirmation as a witness or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject which is being investigated or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the laws relating to privilege, as applicable to a witness summoned to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) Any witness who, after having been duly sworn or having accepted an affirmation, gives a false answer to any question lawfully put to him or makes a false statement on any matter,

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tende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

(5) 'n Persoon wat die president of 'n lid of 'n persoon in diens van die raad opsetlik hinder by die uitoefening van 'n bevoegdheid by of kragtens hierdie artikel aan hom verleen, is aan 'n misdryf skuldig.

(6) Aan 'n persoon wie se gedrag deur die raad ondersoek word, moet kennis gegee word van die klage wat teen hom in-gebring is en so 'n persoon is geregtig om persoonlik te verskyn of deur 'n ander persoon wat skriftelik en behoorlik namens hom daartoe gemagtig is, verteenwoordig te word, en om getuie-nis voor te lê, getuies namens homself op te roep en te ondervra en ander getuies onder kruisverhoor te neem.

(7) 'n Persoon wat weens 'n misdryf ingevolge subartikel (3), (4) of (5) skuldig bevind word, is strafbaar met 'n boete van 15 hoogstens R200.

Skorsing in hul
beroep van ge-
registreerde
persone wat in hul
geestesvermoë
gekrenk geraak
het.

31. (1) Wanneer dit uit beëdigde inligting vir die raad blyk dat 'n professionele landmeter of 'n tegniese opmeter in so 'n mate geestesongesteld is dat dit in stryd met die openbare belang sou wees om hom toe te laat om aan te hou praktiseer, kan die raad, indien hy dit goetvind, ten opsigte van sodanige persoon 'n onder-*zoek mutatis mutandis* ooreenkomstig die bepalings van arti-
kel 30 hou.

(2) Indien die raad bevind dat sodanige professionele landme-
ter of tegniese opmeter aldus geestesongesteld geraak het, kan die raad die skorsing vir 'n vasgestelde tydperk van sodanige
persoon in sy beroep of nering beveel.

(3) Die raad kan die geldingstydperk van 'n bevel kragtens
hierdie artikel uitgereik, vir 'n deur die raad bepaalde tydperk
verleng of so 'n bevel intrek.

Appèlle teen beslis-
sings van raad.

32. (1) 'n Persoon wat hom veronreg voel oor 'n beslissing van
die raad ingevolge artikel 29 of 31 of 'n straf wat deur die raad
kragtens artikel 29 opgelê is, kan binne 30 dae nadat die raad sy
beslissing gegee of die vonnis opgelê het, teen daardie beslissing
of straf by wyse van kennisgewing van mosie na die provinsiale
of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat
regsbevoegdheid uitoefen in die gebied waarin so 'n persoon ge-
woonlik as 'n professionele landmeter of tegniese opmeter prak-
tiseer of werk, appelleer.

(2) Genoemde afdeling van die Hooggeregshof moet die saak
ondersoek en oorweeg en kan die beslissing van die raad of die
straf wat deur hom opgelê is, bevestig, verander of tersyde stel
of die ander beslissing gee of die ander straf oplê wat die raad
na sy oordeel moes gegee of opgelê het, en kan die bevel met
betrekking tot koste uitreik wat hy goetvind: Met dien ver-
stande dat die beslissing van die raad nie tersyde gestel word nie
bloot vanweë 'n onreëlmatigheid wat die appellant nie by die
beantwoording van die aanklag of by sy verdediging in verleent-
heid gebring of benadeel het nie.

Raad kan skorsing
van 'n persoon
beëindig.

33. Die raad kan op aansoek deur 'n persoon wat ingevolge
artikel 29 (1) geskors is om in die Republiek te praktiseer vir 'n
bepaalde tydperk, sy skorsing beëindig voor die verstryking van
sodanige tydperk.

Reëls.

34. (1) Die raad kan by kennisgewing in die *Staatskoerant*
reëls uitvaardig—

- (a) met betrekking tot enige aangeleentheid wat kragtens
hierdie Wet deur die raad voorgeskryf moet of kan
word;
- (b) met betrekking tot die byeenroeping van en prosedure
op vergaderings van die raad of van 'n komitee van die
raad of van die adviserende onderwyskomitee;
- (c) met betrekking tot die besoldiging en toelaes betaal-
baar uit die fondse van die raad aan lede van die raad
of van 'n komitee van die raad;

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knowing such answer or statement to be false, shall be guilty of an offence.

(5) Any person who wilfully hinders the president or any member or person in the employment of the council in the exercise of any power conferred upon him by or under this section, shall be guilty of an offence.

(6) A person whose conduct is being inquired into by the council shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by any other person duly authorized in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(7) Any person convicted of an offence under subsection (3), (4) or (5) shall be liable to a fine not exceeding R200.

31. (1) When it appears to the council from information on oath that a professional land surveyor or a technical surveyor is mentally ill to such an extent that it would be contrary to the public interest to allow him to continue to practise, the council may, if it deems fit, hold an inquiry *mutatis mutandis* in accordance with the provisions of section 30 in respect of such person.

Suspension from practising of registered persons who have become of unsound mind.

(2) If the council finds that such professional land surveyor or technical surveyor has so become mentally ill, it may order his suspension for a specified period from practising his profession or calling.

(3) The council may extend for any period determined by it the period of operation of, or withdraw, any order made under this section.

32. (1) Any person aggrieved at any decision of the council in terms of section 29 or 31 or any penalty imposed by it under section 29, may within 30 days after the council has given its decision or imposed the penalty, appeal against that decision or penalty by way of notice of motion to the provincial or local division of the Supreme Court of South Africa having jurisdiction in the area in which any such person ordinarily practises or works as a professional land surveyor or technical surveyor.

Appeals against decisions of council.

(2) The said division of the Supreme Court shall inquire into and consider the matter and may confirm, vary or set aside the decision of, or the penalty imposed by, the council or give such other decision or impose such other penalty as in its opinion the council should have given or imposed, and may make such order as to costs as it may deem fit: Provided that the decision of the council shall not be set aside by reason only of an irregularity which did not embarrass or prejudice the appellant in answering the charge or in the conduct of his defence.

33. The council may on application by any person who has, in terms of section 29 (1), been suspended from practising in the Republic for a specified period, terminate such suspension before the expiration of such period.

Council may terminate suspension of any person.

34. (1) The council may by notice in the *Gazette* make rules—

Rules.

(a) in relation to any matter which is required to be or may be prescribed by the council under this Act;

(b) in relation to the calling of and procedure at meetings of the council or of a committee of the council or of the education advisory committee;

(c) in relation to the remuneration and allowances payable from the funds of the council to members of the council or of a committee of the council;

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- (d) met betrekking tot die hou en bewaring van registers van persone wat ingevolge hierdie Wet geregistreer is;
- (e) wat die vereistes voorskryf waaraan persone wat ingevolge hierdie Wet geregistreer is, by die beoefening van hul beroep of nering moet voldoen;
- (f) wat gedrag (benewens gedrag in artikel 28 bedoel) voorskryf wat onbehoorlike gedrag vir 'n persoon wat ingevolge hierdie Wet geregistreer is, uitmaak;
- (g) wat die wyse en omstandighede voorskryf waaronder 'n professionele landmeter of 'n tegniese opmeter 'n vennootskap met 'n lid van 'n verwante beroep of nering kan aangaan;
- (h) wat die metode voorskryf waarvolgens bewerings van onbehoorlike gedrag ondersoek word;
- (i) wat die aard, vorm en duur (van hoogstens twee jaar) van opleiding in praktiese opmetingswerk voorskryf wat deur 'n professionele landmeter-in-opleiding ondergaan moet word;
- (j) wat die aard, vorm en duur (van hoogstens twee jaar) van opleiding in praktiese opmetingswerk voorskryf wat deur 'n opmetingstegnikus-in-opleiding ondergaan moet word;
- (k) wat die vorm van die opleidingskontrak voorskryf tussen 'n persoon en 'n professionele landmeter-in-opleiding of 'n opmetingstegnikus-in-opleiding wat praktiese opleiding by bedoelde persoon wil ondergaan, voordat hy vir registrasie as 'n professionele landmeter of opmetingstegnikus kwalifiseer, en die wyse waarop so 'n kontrak geregistreer moet word;
- (l) met betrekking tot, in die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doelstellings van hierdie Wet te bereik.

(2) Verskillende reëls kan met betrekking tot verskillende kategorieë van professionele landmeters, van professionele landmeters-in-opleiding, van tegniese opmeters en van opmetingstegnici-in-opleiding uitgevaardig word.

Prosedure en
bewyslewering.

35. (1) Die register is *prima facie*-bewys van alle aangeleenthede wat by of kragtens hierdie Wet daarin aangeteken moet of kan word.

(2) 'n Sertifikaat wat deur die registrateur onderteken heet te wees ten effekte dat 'n inskrywing in die register gemaak is of nie gemaak is nie of dat enigiets anders wat by of kragtens hierdie Wet gedoen kan word, gedoen is of nie gedoen is nie, is *prima facie*-bewys van die aangeleenthede in daardie sertifikaat vermeld.

(3) 'n Afskrif van—

- (a) 'n inskrywing in die register of van 'n stuk in die bewaring van die registrateur, of van 'n uittreksel uit die register of uit so 'n stuk, wat deur die registrateur gesertifiseer heet te wees; of
- (b) 'n stuk of uittreksel uit so 'n stuk wat betrekking het op 'n opmeting en deur die Hoofdirekteur of 'n Landmeter-generaal bewaar word en wat deur die Hoofdirekteur of die betrokke Landmeter-generaal gesertifiseer heet te wees.

word sonder verdere bewys of oorlegging van die oorspronklike in alle geregshowe as getuienis toegelaat.

Regstelling van
foute.

36. Wanneer enigiets wat ingevolge hierdie Wet op of voor 'n vermeldde dag of op 'n vermeldde tyd of gedurende 'n vermeldde tydperk gedoen of verrig moet word, nie aldus gedoen of verrig is nie, kan die Minister, indien hy oortuig is dat die versuim te wyte was aan 'n fout of vergissing, en dat dit in die belang van die beroep van opmeetkunde is om dit te doen, magtig dat so iets gedoen of verrig word op of voor 'n ander dag of op 'n ander tyd of gedurende 'n ander tydperk wat hy gelas, en enigiets aldus gedoen of verrig, is van volle krag en word geag wettig gedoen of verrig te gewees het ooreenkomstig die bepalinge van hierdie Wet.

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- (d) in relation to the keeping and custody of registers of persons registered in terms of this Act;
- (e) prescribing the requirements with which persons registered in terms of this Act shall comply in carrying on their profession or calling;
- (f) prescribing conduct (in addition to conduct referred to in section 28) constituting improper conduct for a person registered in terms of this Act;
- (g) prescribing the manner and circumstances in which a professional land surveyor or a technical surveyor may form a partnership with any member of a related profession or calling;
- (h) prescribing the method of inquiry into allegations of improper conduct;
- (i) prescribing the nature, form and period (not exceeding two years) of training in practical survey work to be undergone by a professional land surveyor in training;
- (j) prescribing the nature, form and period (not exceeding two years) of training in practical survey work to be undergone by a survey technician in training;
- (k) prescribing the form of the contract of training between any person and a professional land surveyor in training or a survey technician in training who wishes to undergo practical training with such person, before qualifying for registration as a professional land surveyor or a survey technician, and the manner in which such a contract shall be registered;
- (l) in relation to, generally, all matters which it considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.
- (2) Different rules may be made in relation to different categories of professional land surveyors, of professional land surveyors in training, of technical surveyors and of survey technicians in training.
35. (1) The register shall be *prima facie* proof of all matters required to be or that may be entered therein by or under this Act.
- (2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing which may be done by or under this Act has or has not been done, shall be *prima facie* proof of the matters mentioned in that certificate.
- (3) A copy of—
- (a) an entry in the register or of a document in the custody of the registrar, or of an extract from the register or from any such document, purporting to be certified by the registrar; or
- (b) any record or an extract from any such record appertaining to a survey and preserved by the Chief Director or a Surveyor-General, purporting to be certified by the Chief Director or the Surveyor-General in question,
- shall be admitted in evidence in all courts of law without further proof or production of the original.
36. When anything which is required to be done or performed in terms of this Act on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that such failure was due to an error or oversight, and that it is in the interest of the surveying profession to do so, authorize such thing to be done or performed on or before any other day or at any other time or during any other period, as he may direct, and anything so done or performed shall be of full force and effect and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Act.

Procedure and evidence.

Rectification of errors.

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van raad.

37. Geen regsgeding, hetsy straf- of sivilregtelik, kan teen die raad of 'n lid of persoon in diens daarvan ten opsigte van 'n handeling of plig ooreenkomstig die bepalings van hierdie Wet verrig, ingestel word nie.

Delegering van be-
voegdhede.

38. (1) Die Minister kan skriftelik aan die Direkteur-generaal of 'n ander beampte van die departement enige van of al die bevoegdhede kragtens hierdie Wet aan hom verleen, behalwe die bevoegdhede by artikel 7 (2) en (3) aan hom verleen, deleger.

(2) 'n Persoon aan wie 'n bevoegdheid kragtens subartikel (1) gedelegeer is, oefen daardie bevoegdheid uit onderworpe aan die voorskrifte van die Minister.

(3) Die Minister kan te eniger tyd so 'n delegering skriftelik intrek, en die delegering van 'n bevoegdheid belet nie die uitoefening van daardie bevoegdheid deur die Minister self nie.

Vrystelling van toe-
passing van bepa-
lings van Wet.

39. (1) Die Minister kan, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant* en onderworpe aan die voorwaardes wat hy bepaal, 'n in die kennisgewing vermelde persoon, met inbegrip van 'n maatskappy of ander regspersoon of klas sodanige persone, of in die algemeen of onder die omstandighede wat in die kennisgewing vermeld word en of vir 'n onbepaalde tydperk of vir die tydperk wat aldus vermeld word, van die toepassing van enige van of al die bepalings van hierdie Wet, uitgesonderd artikel 27 (1) (a), vrystel.

(2) Voordat voorsiening kragtens subartikel (1) van hierdie artikel met betrekking tot artikel 27 (2) gemaak word, word 'n kennisgewing waarin die voorgestelde voorsiening uiteengesit word, deur die Minister in die *Staatskoerant* gepubliseer, tesame met 'n kennisgewing wat aandui dat dit die voorneme is om sodanige voorsiening kragtens subartikel (1) van hierdie artikel binne 'n bepaalde tydperk, maar minstens vier weke vanaf die datum van bedoelde publikasie, te maak en wat belanghebbende persone uitnooi om besware teen of vertoë aangaande die voorgestelde voorsiening voor te lê: Met dien verstande dat, indien die Minister daarna op 'n verandering van die soos voormeld gepubliseerde voorsiening besluit as gevolg van besware of vertoë ten opsigte daarvan voorgelê, dit nie nodig is om sodanige verandering te publiseer voordat die voorsiening uiteindelik kragtens subartikel (1) van hierdie artikel gemaak word nie.

Uitleg van Wet 22
van 1904 van Kaap
die Goeie Hoop.

40. Die „Institute of Government Land Surveyors Incorporated Act, 1904” (Wet No. 22 van 1904), van die Kaap die Goeie Hoop, word uitgelê asof dit te alle tersaaklike tye voorsiening gemaak het vir die instelling van twee regspersone met die name—

(a) die Instituut van Professionele Landmeters van die Oostelike Kaap, wat professionele landmeters verteenwoordig wat in die gebied praktiseer waaruit die regsg gebied van die Oos-Kaapse Afdeling van die Hooggereshof van Suid-Afrika op die datum van inwerking-treding van hierdie Wet bestaan; en

(b) die Instituut van Professionele Landmeters van die Westelike Kaap, wat professionele landmeters verteenwoordig wat in enige ander deel van die provinsie van die Kaap die Goeie Hoop as die gebied in paragraaf (a) vermeld, praktiseer.

waarop die bepalings van genoemde Wet, behalwe artikel 1 daarvan, dienooreenkomstig van toepassing is asof genoemde artikel 1 vir die instelling van genoemde twee Institute voorsiening gemaak het.

Herroeping en wy-
siging van wette.

41. Die wette in die Bylae vermeld, word hierby herroep of gewysig vir sover in die derde kolom van daardie Bylae aangedui.

Afhandeling van se-
kere ondersoeke.

42. 'n Ondersoek wat nie voor die inwerkingtreding van hierdie Wet deur die Sentrale Landmetersraad afgehandel is nie,

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37. No legal proceedings, whether civil or criminal, shall lie against the council or any member thereof or any person in its employment in respect of any act or duty performed in accordance with the provisions of this Act. Liability of council.
38. (1) The Minister may in writing delegate to the Director-General, or to any other officer of the department, any or all of the powers conferred upon him under this Act, except the powers conferred upon him by section 7 (2) and (3). Delegation of powers.
 (2) Any person to whom any power has been delegated under subsection (1) shall exercise that power subject to the directions of the Minister.
 (3) The Minister may at any time revoke in writing any such delegation, and the delegation of any power shall not prevent the exercise of that power by the Minister himself.
39. (1) The Minister may, after consultation with the council, by notice in the *Gazette* and subject to such conditions as he may determine, exempt any person, including any company or other juristic person or class of such persons, specified in the notice, either generally or under such circumstances as may be specified in the notice and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of this Act, excluding section 27 (1) (a). Exemption from operation of provisions of Act.
 (2) Before any provision relating to section 27 (2) is made under subsection (1) of this section, a notice setting forth the proposed provision shall be published by the Minister in the *Gazette*, together with a notice intimating that it is proposed to make such provision under subsection (1) of this section within a stated period, but not less than four weeks as from the date of such publication, and inviting interested persons to submit any objections to or representations concerning the proposed provision: Provided that, if the Minister thereafter decides on any alteration in the provision so published as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under subsection (1) of this section.
40. The Institute of Government Land Surveyors Incorporation Act, 1904 (Act No. 22 of 1904), of the Cape of Good Hope, shall be construed as if it had at all relevant times provided for the establishment of two juristic persons under the names of— Construction of Act 22 of 1904 of Cape of Good Hope.
 (a) the Institute of Professional Land Surveyors of the Eastern Cape, representing professional land surveyors practising within the area consisting of the area of jurisdiction of the Eastern Cape Division of the Supreme Court of South Africa on the date of commencement of this Act; and
 (b) the Institute of Professional Land Surveyors of the Western Cape, representing professional land surveyors practising within any part of the province of the Cape of Good Hope other than the area mentioned in paragraph (a),
 to which the provisions of the said Act, except section 1 thereof, accordingly apply as if the said section 1 had provided for the establishment of the said two Institutes.
41. The laws specified in the Schedule are hereby repealed or amended to the extent set out in the third column of that Schedule. Repeal and amendment of laws.
42. Any inquiry not concluded by the Central Council of Land Surveyors before the commencement of this Act shall be con- Completion of certain inquiries.

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word afgehandel ooreenkomstig die bepalings van die Landmetersregistrasiewet, 1950 (Wet No. 14 van 1950), asof daardie Wet nie deur hierdie Wet herroep is nie.

Oordrag van bates en laste aan raad.

43. Vanaf die inwerkingtreding van hierdie Wet word al die bates, regte, laste en verpligtinge van die Sentrale Landmetersraad ingestel by artikel 2 van die Landmetersregistrasiewet, 1950 (Wet No. 14 van 1950), behoudens die bepalings van hierdie Wet en sonder betaling van enige hereregte, seëlregte of ander gelde, die bates, regte, laste en verpligtinge van die raad, en word 'n verwysing in enige wet of stuk na genoemde Sentrale Landmetersraad uitgelê as 'n verwysing na die raad.

Kort titel en inwerkingtreding.

44. (1) Hierdie Wet heet die Wet op Professionele Landmeters en Tegniese Opmeters, 1984, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

(3) 'n Verwysing in hierdie Wet na die inwerkingtreding daarvan word uitgelê as 'n verwysing na die toepaslike datum wat aldus bepaal is.

40. The Institute of Government Land Surveyors Incorporated (Act No. 22 of 1904) of the Cape of Good Hope shall be construed as if it had at all relevant times provided for the establishment of two juristic persons under the names of—

(a) the Institute of Professional Land Surveyors of the Eastern Cape, representing professional land surveyors practising within the area consisting of the area of jurisdiction of the Eastern Cape Division of the Supreme Court of South Africa on the date of commencement of this Act; and

(b) the Institute of Professional Land Surveyors of the Western Cape, representing professional land surveyors practising within any part of the province of the Cape of Good Hope other than the area mentioned in paragraph (a).

to which the provisions of the said Act, except section 1 thereof, accordingly apply as if the said section 1 had provided for the establishment of the said two Institutes.

41. The laws specified in the Schedule are hereby repealed or amended to the extent set out in the third column of that Schedule.

42. Any inquiry not concluded by the Central Council of Land Surveyors before the commencement of this Act shall be concluded by the Central Council of Land Surveyors.

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cluded in accordance with the provisions of the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950), as if that Act had not been repealed by this Act.

43. As from the commencement of this Act all the assets, rights, liabilities and obligations of the Central Council of Land Surveyors established by section 2 of the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950), shall, subject to the provisions of this Act and without the payment of any transfer duty, stamp duty or other fees, become the assets, rights, liabilities and obligations of the council, and any reference in any law or document to the said Central Council of Land Surveyors shall be construed as a reference to the council.

Transfer of assets
and liabilities to
council.

44. (1) This Act shall be called the Professional Land Surveyors' and Technical Surveyors' Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

Short title and com-
mencement.

(2) Different dates may be so fixed in respect of different provisions of this Act.

(3) A reference in this Act to its commencement shall be construed as a reference to the applicable date so fixed.

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Bylae

WETTE HERROEP OF GEWYSIG

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 9 van 1927	Opmetingswet, 1927	(a) Die wysiging van artikel 6— (i) deur subartikel (2) deur die volgende subartikel te vervang: „(2) Die raad bestaan uit die volgende lede, naamlik— (a) die Hoofdirekteur, wat die voorsitter van die raad is; (b) drie landmeters aangestel deur die Minister wat beampies in die diens van die Staat moet wees; (c) drie landmeters benoem deur die Suid-Afrikaanse Raad vir Professionele Landmeters en Tegniese Opmeters by artikel 2 van die Wet op Professionele Landmeters en Tegniese Opmeters, 1984, ingestel.”; (ii) deur die volgende subartikel na subartikel (2) in te voeg: „(2A) Indien die Suid-Afrikaanse Raad vir Professionele Landmeters en Tegniese Opmeters in paragraaf (c) van subartikel (2) bedoel, versuim om 'n lid kragtens genoemde paragraaf (c) te benoem, stel die Minister 'n landmeter as lid aan, en 'n lid aldus aangestel, word geag ingevolge genoemde paragraaf benoem te gewees het.”; (iii) deur subartikel (3) deur die volgende subartikel te vervang: „(3) (a) Die raad vergader op die tye en plekke wat die Hoofdirekteur bepaal. (b) Die raad moet minstens een maal in elke jaar vergader.”; en (iv) deur in subartikel (4) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: „Vier lede van die raad is 'n kworum op sy vergaderings, en 'n beslissing van die meerderheid van die lede op 'n vergadering aanwesig, is 'n beslissing van die raad.”; (b) die wysiging van artikel 7— (i) deur paragrawe (l) en (m) van subartikel (1) te skrap; en (ii) deur in genoemde subartikel (1) die woorde wat op paragraaf (m) volg deur die volgende woorde te vervang: „en in die algemeen oor 'n aangeleentheid wat betrekking het op die opmeting en kartering van grond en ter uitvoering van die oogmerke en doeleindes van hierdie Wet en die omstandighede waaronder die Hoofdirekteur of 'n Landmeter-generaal 'n afwyking kan magtig van 'n regulasie uitgevaardig ingevolge paragrawe (b), (c), (d), (g) en (i) wanneer daar gevind word dat nakoming van so 'n regulasie onmoontlik of onuitvoerbaar is.”; (c) die herroeping van artikels 11 en 12; (d) die wysiging van artikel 14 deur die woorde wat op paragraaf (g) volg deur die volgende woorde te vervang: „en die Direkteur-generaal: Gemeenskapsontwikkeling of iemand deur hom gemagtig, kan die Hof deur 'n mosie versoek om die skorsing of intrekking van daardie landmeter se reg om as sodanig te praktiseer, en die Hof kan daarop daardie reg skors of intrek of so 'n ander bevel gee as wat hy goedgevind of bedoelde Direkteur-generaal of persoon deur hom gemagtig, kan 'n klagte, aanklag of bewering van onbehoorlike gedrag na die Suid-Afrikaanse Raad vir Professionele Landmeters en Tegniese Opmeters by artikel 2 van die Wet op Professionele Landmeters en Tegniese Opmeters, 1984, ingestel, verwys vir ondersoek ingevolge artikel 29 van die Wet op Professionele Landmeters en Tegniese Opmeters, 1984.”;

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SURVEYORS' ACT, 1984

Act No. 40, 1984

Schedule

LAWS REPEALED OR AMENDED

No. and year of law	Short title	Extent of repeal or amendment
Act No. 9 of 1927	Land Survey Act, 1927 . . .	(a) The amendment of section 6— (i) by the substitution for subsection (2) of the following subsection: “(2) The board shall consist of the following members, namely— (a) the Chief Director, who shall be the chairman of the board; (b) three land surveyors appointed by the Minister who shall be officers in the service of the State; (c) three land surveyors nominated by the South African Council for Professional Land Surveyors and Technical Surveyors established by section 2 of the Professional Land Surveyors' and Technical Surveyors' Act, 1984.”; (ii) by the insertion after subsection (2) of the following subsection: “(2A) If the South African Council for Professional Land Surveyors and Technical Surveyors referred to in paragraph (c) of subsection (2), fails to nominate a member under the said paragraph (c), the Minister shall appoint a land surveyor as a member, and a member so appointed shall be deemed to have been nominated in terms of the said paragraph.”; (iii) by the substitution for subsection (3) of the following subsection: “(3) (a) The board shall meet at such times and places as the Chief Director may determine. (b) The board shall meet at least once in every year.”; (iv) by the substitution in subsection (4) for the words preceding the proviso of the following words: “Four members of the board shall form a quorum at its meetings, and a decision of the majority of the members present at any meeting shall be a decision of the board.”; (b) the amendment of section 7— (i) by the deletion of paragraphs (l) and (m) of subsection (1); and (ii) by the substitution in the said subsection (1) for the words following on paragraph (m) of the following words: “and generally as to any matter appertaining to the surveying and charting of land, and for carrying out the objects and purposes of this Act, and the circumstances in which the Chief Director or a Surveyor-General may authorize a departure from a regulation framed in terms of paragraphs (b), (c), (d), (g) and (i) when compliance with any such regulation is found to be impossible or impracticable.”; (c) the repeal of sections 11 and 12; (d) the amendment of section 14 by the substitution for the words following on paragraph (g) of the following words: “and the Director-General: Community Development or any person authorized by him may apply to the Court by way of motion for the suspension or cancellation of the right of such land surveyor to practise as such, and the Court may thereupon suspend or cancel such right or make such other order as it thinks fit, or the said Director-General or person authorized by him may refer any complaint, charge or allegation of improper conduct to the South African Council for Professional Land Surveyors and Technical Surveyors established by section 2 of the Professional Land Surveyors' and Technical Surveyors' Act, 1984, for inquiry in terms of section 29 of the Professional Land Surveyors' and Technical Surveyors' Act, 1984.”;

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WET OP PROFESSIONELE LANDMETERS EN TEGNIESE
OPMETERS, 1984

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		(e) die herroeping van artikels 15 en 15A; en (f) die wysiging van artikel 49— (i) deur die omskrywing van „landmeter” deur die volgende omskrywing te vervang: „landmeter” beteken iemand wat ingevolge die Wet op Professionele Landmeters en Tegniese Opmeters, 1984, as 'n professionele landmeter geregistreer is en wie se naam in die register bedoel in artikel 7 (4) (a) van genoemde Wet ingeskryf is;”; en (ii) deur die voorbehoudsbepaling by die omskrywing van „persoonlike toesig” deur die volgende voorbehoudsbepaling te vervang: „Met dien verstande dat die landmeter nie verplig is om teenwoordig te wees of deel te neem nie wanneer enige sodanige bakens wat voorheen verbind is aan of gebaseer is op versekeringsmerke of (behalwe in 'n dorpsgebied) peilbakens deur iemand wat ingevolge die Wet op Professionele Landmeters en Tegniese Opmeters, 1984, geregistreer is, ondersoek word;”.
Wet No. 14 van 1950	Landmetersregistrasiewet, 1950	Die herroeping van die gehele
Wet No. 61 van 1955	Wet op Universiteite, 1955	(a) Die wysiging van artikel 16 deur paragraaf (b) te skrap; (b) die wysiging van artikel 16bis— (i) deur subartikel (2) te skrap; en (ii) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang: „(a) Iemand wat 'n lid van die erkenningsraad kragtens subartikel (1) aanstel, kan 'n plaasvervangende lid vir dié lid aanstel, en 'n lid van die erkenningsraad in paragraaf (e), (f) of (g) van subartikel (1) vermeld, kan iemand in die heeltidse diens van die Staat aanwys om in sy plek as plaasvervangende lid van genoemde raad op te tree.”; (c) die wysiging van artikel 16duodecim— (i) deur subparagraaf (iv) van paragraaf (a) van subartikel (1) te skrap; (ii) deur subparagraaf (vi) van genoemde paragraaf (a) deur die volgende subparagraaf te vervang: „(vi) 'n ander eksamen wat deur daardie universiteit afgeneem word in plaas van 'n eksamen in subparagraaf (i), (ii) of (iii) vermeld;”; (iii) deur subartikel (2) deur die volgende subartikel te vervang: „(2) Indien volgens die oordeel van die erkenningsraad 'n ander eksamen as 'n eksamen in subparagraaf (i), (ii) of (iii) van paragraaf (a) van subartikel (1) vermeld, wat deur 'n universiteit afgeneem word, gelykwaardig is met of hoër is as 'n eksamen aldus vermeld, kan hy so 'n eksamen as aldus gelykwaardig of hoër sertifiseer.”; en (iv) deur subartikel (4) deur die volgende subartikel te vervang: „(4) 'n Eksamen in subparagraaf (i), (ii) of (iii) van paragraaf (a) van subartikel (1) vermeld, die Staatsdienslaerwetseksamen of die Hoër Wetseksamen van die Staatsdiens wat vóór die datum van die inwerkingtreding van hierdie artikel afgeneem is deur die Gemeenskaplike Komitee vir Professionele Eksamens wat vóór genoemde datum bestaan het en as die Gemeenskaplike Komitee bekend gestaan het, of 'n universiteit in die Republiek, en 'n eksamen wat vóór daardie datum afgeneem is en deur genoemde Komitee gesertifiseer is as gelykwaardig met of hoër as enige sodanige eksamen, word geag deur die erkenningsraad ingevolge subartikel (1) erken te gewees het.”; en (d) die wysiging van artikel 16tredec deur subartikel (1) deur die volgende subartikel te vervang: „(1) Indien iemand die erkenningsraad oortuig dat hy vóór die datum van die inwerking-

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No. and year of law	Short title	Extent of repeal or amendment
		(e) the repeal of sections 15 and 15A; and (f) the amendment of section 49— (i) by the substitution for the definition of "land surveyor" of the following definition: "land surveyor" means a person registered as a professional land surveyor in terms of the Professional Land Surveyors' and Technical Surveyors' Act, 1984, and whose name is entered in the register referred to in section 7 (4) (a) of the said Act;"; and (ii) by the substitution for the proviso to the definition of "personal supervision" of the following proviso: "Provided that the land surveyor shall not be obliged to be present or to participate when any such beacons which were previously connected to or based upon reference marks or (except in a township) trigonometrical stations are inspected by any person registered in terms of the Professional Land Surveyors' and Technical Surveyors' Act, 1984;";
Act No. 14 of 1950	Land Surveyors' Registration Act, 1950	The repeal of the whole
Act No. 61 of 1955	Universities Act, 1955	(a) The amendment of section 16 by the deletion of paragraph (b); (b) the amendment of section 16bis— (i) by the deletion of subsection (2); and (ii) by the substitution for paragraph (a) of subsection (3) of the following paragraph: "(a) Any person who appoints a member of the recognition board under subsection (1) may appoint an alternate member to such member, and any member of the recognition board referred to in paragraph (e), (f) or (g) of subsection (1) may designate a person in the full-time service of the State to act in his stead as an alternate member of the said board."; (c) the amendment of section 16duodec— (i) by the deletion of subparagraph (iv) of paragraph (a) of subsection (1); (ii) by the substitution for subparagraph (vi) of the said paragraph (a) of the following subparagraph: "(vi) any other examination conducted by that university in lieu of any examination mentioned in subparagraph (i), (ii) or (iii);"; (iii) by the substitution for subsection (2) of the following subsection: "(2) If in the opinion of the recognition board any examination other than an examination mentioned in subparagraph (i), (ii) or (iii) of paragraph (a) of subsection (1), conducted by any university is equivalent or superior to any examination so mentioned, it may certify such examination to be so equivalent or superior."; and (iv) by the substitution for subsection (4) of the following subsection: "(4) Any examination referred to in subparagraph (i), (ii) or (iii) of paragraph (a) of subsection (1), the Public Service Lower Law Examination or the Public Service Higher Law Examination conducted prior to the date of commencement of this section by the Joint Committee for Professional Examinations which was prior to the said date in existence and known as the Joint Committee, or a university in the Republic, and any examination conducted prior to that date and certified by the said Committee to be equivalent or superior to any such examination, shall be deemed to have been recognized by the recognition board in terms of subsection (1)."; and (d) the amendment of section 16tredec by the substitution for subsection (1) of the following subsection: "(1) If any person satisfies the recognition board that he, prior to the date of commence-

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WET OP PROFESSIONELE LANDMETERS EN TEGNIESE
OPMETERS, 1984

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		treding van hierdie artikel begin studeer het vir 'n eksamen vermeld in subparagraaf (i), (ii) of (iii) van paragraaf (a) van subartikel (1) van artikel 16<i>duodec</i>, moet die erkenningsraad, op versoek van sodanige persoon, tot op 'n datum wat by regulasie kragtens artikel 28 voorgeskryf moet word, sodanige eksamen ten opsigte van hom afneem op dieselfde wyse waarop die Gemeenskaplike Komitee vermeld in subartikel (4) van genoemde artikel, sodanige eksamen sou afneem het indien die Wysigingswet op Unversiteite, 1959, nie aangeneem was nie."
Wet No. 36 van 1963	Wysigingswet op Landmetersregistrasie, 1963	Die herroeping van die geheel
Wet No. 65 van 1970	Wysigingswet op Landmetersregistrasie, 1970	Die herroeping van die geheel
Wet No. 71 van 1972	Opmetingswysigingswet, 1972	Die herroeping van artikels 18, 19, 20, 21, 22, 23 en 24
Wet No. 21 van 1977	Wysigingswet op Landmetersregistrasie, 1977	Die herroeping van die geheel
Wet No. 34 van 1979	Wysigingswet op Landmetersregistrasie, 1979	Die herroeping van die geheel

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No. and year of law	Short title	Extent of repeal or amendment
		ment of this section, commenced to study for any examination mentioned in subparagraph (i), (ii) or (iii) of paragraph (a) of subsection (1) of section 16 <i>duodec</i> , the recognition board shall, at the request of such person, until a date to be prescribed by regulation under section 28, conduct such an examination in respect of such person in the same manner as the Joint Committee referred to in subsection (4) of the said section would have conducted such an examination if the Universities Amendment Act, 1959, had not been passed."
Act No. 36 of 1963	Land Surveyors' Registration Amendment Act, 1963	The repeal of the whole
Act No. 65 of 1970	Land Surveyors' Registration Amendment Act, 1970	The repeal of the whole
Act No. 71 of 1972	Land Survey Amendment Act, 1972	The repeal of sections 18, 19, 20, 21, 22, 23 and 24
Act No. 21 of 1977	Land Surveyors' Registration Amendment Act, 1977	The repeal of the whole
Act No. 34 of 1979	Land Surveyors' Registration Amendment Act, 1979	The repeal of the whole

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No. and year of law	Short title	Extent of repeal or amendment
Act No. 36 of 1963	Land Surveyors' Registrar Amendment Act 1963	The repeal of the whole
Act No. 67 of 1970	Land Surveyors' Registrar Amendment Act 1970	The repeal of the whole
Act No. 31 of 1973	Land Surveyors' Registrar Amendment Act 1973	The repeal of sections 18, 19, 20, 21, 22, 23 and 24
Act No. 21 of 1977	Land Surveyors' Registrar Amendment Act 1977	The repeal of the whole
Act No. 34 of 1979	Land Surveyors' Registrar Amendment Act 1979	The repeal of the whole
ment of this section, commenced to study for an examination mentioned in subsection (i), (ii) or (iii) of subsection (1) of section 10A(1), the recognition board shall, at the request of such person, until a date to be prescribed by regulation under section 28, conduct such an examination in respect of such person in the same manner as the Joint Committee referred to in subsection (4) of this section would have conducted such an examination if the Universities Amendment Act, 1979, had not been passed.		