
CHAPTER 251**LAND SURVEYORS****ARRANGEMENT OF SECTIONS****PART I
PRELIMINARY**

SECTION

1. Short title.
2. Interpretation.

**PART II
THE SURVEYOR-GENERAL AND THE LAND SURVEYORS'
BOARD**

3. Surveyor-General.
4. Establishment of Board.
5. Meetings of the Board.
6. Minister to provide Secretary and other staff, etc. for the Board.
7. Responsibilities of Board.

**PART III
BAHAMAS ASSOCIATION OF LAND SURVEYORS**

8. Establishment and membership of Association.
9. Functions and constitution of Association.

**PART IV
REGISTRATION AND LICENSING OF SURVEYORS**

10. The Register of Land Surveyors.
11. Registration.
12. Licences.
13. Duration of licences.
14. Prohibition of survey by unlicensed persons.

**PART V
DISCIPLINE**

15. Improper conduct.
16. Complaints against improper conduct.
17. Disciplinary committee.

18. Powers of disciplinary committee.
19. Further provision with respect to orders of committee.
20. Removal of name from Register.
21. Restoration to Register.
22. Consequential removal or suspension.

**PART VI
OFFENCES AND PENALTIES**

23. Penalty for improper use of names, titles, etc.
24. Penalty for wrongfully procuring registration.
25. Penalty for interfering with survey marks.

**PART VII
MISCELLANEOUS PROVISIONS**

26. Conduct of surveys for public purposes.
27. Aerial surveys.
28. Terrestrial photography.
29. Power of entry, etc. upon land.
30. Compensation for damage to property.
31. Surveyor-General and surveyor carrying out survey for public purposes not liable for trespass.
32. Appeal to Supreme Court in certain cases.
33. Certificate of Secretary to be evidence.
34. Regulations.
35. Expenses under this Act.
36. Saving: Quieting Titles Act.

CHAPTER 251

LAND SURVEYORS

An Act to provide for the registration of land surveyors; the regulation and control of land surveys; and for related purposes.

*9 cf 1975
SI No 54 cf
1975
18 cf 1978
25 cf 1995*

*[Assent 7th May, 1975]
[Commencement 1st July, 1975]*

PART I
PRELIMINARY

1. This Act may be cited as the Land Surveyors Act. Short title
2. (1) In this Act, unless the context otherwise requires — Interpretation
- “Association” means the Bahamas Association of Land Surveyors established by section 8;
- “Board” means the Land Surveyors’ Board established by section 4;
- “functions” includes powers and duties;
- “Government” means the Government of The Bahamas;
- “licence” means a licence issued by the Board under section 12; and grammatical variations shall be construed accordingly;
- “Minister” means the Minister responsible for the Department of Lands and Surveys;
- “prescribed” means prescribed by regulations made under this Act;
- “prescribed examination” means the examination set by the Board in accordance with the regulations;
- “Register” means the Register of Land Surveyors provided for in section 10;
- “regulations” means regulations made under section 34;
- “Secretary” means the Secretary to the Board;

“survey” means a survey for the determination and demarcation of land boundaries in The Bahamas and includes —

- (a) an aerial survey;
- (b) a hydrographical survey; and
- (c) a survey for the purposes of the Quieting Titles Act, or for the purposes of any other Act requiring the production of a land title survey;

Ch 393

“survey for public purposes” means any survey which the Surveyor-General is empowered —

- (a) to carry out; or
- (b) to authorise the carrying out of, under subsection (1) of section 26;

“surveyor” means a person registered and licensed as a surveyor under this Act;

“Surveyor-General” means the Surveyor-General appointed under section 3;

“to register” means to enter the name of someone in the Register.

(2) For the purposes of this Act every person shall be deemed to act as a surveyor who —

- (a) performs or executes, or undertakes to perform or execute, any surface survey intended to form the basis of any plan or diagram appertaining to any instrument registered or intended to be registered under the Quieting Titles Act or any Act pertaining to the registration of land, whether or not the plan or diagram is itself intended for registration;

Ch 393

- (b) performs or executes, or undertakes to perform or execute any survey affecting the delimitation of boundaries or the location of survey pegs in connection with any land for the purposes of the registration of any instrument under the Quieting Titles Act, or any Act pertaining to the registration of land;

Ch 393

- (c) performs or executes or undertakes to perform or execute, any survey of any Crown lands, Government lands, privately owned lands or any other lands which is intended to form the basis of any plan or diagram, or which affects the delimitation of boundaries or the location of survey pegs;

-
- (d) places in position in relation to any land any peg or other mark, not being a survey peg or survey mark, with intent that it may be mistaken by any person for a survey peg or survey mark placed in that position by a surveyor for the purpose of a survey; or
 - (e) certifies the correctness of any plan or diagram purporting to delineate or define the boundaries of any land, or purporting for the purposes of any easement over land to delineate or define any line or lines.

(3) In this Act, unless the contrary intention appears, references to a Part or section are references to a Part or section of this Act, and references in a section to a subsection are references to a subsection of that section.

PART II

THE SURVEYOR-GENERAL AND THE LAND SURVEYORS' BOARD

3. (1) There shall be a Surveyor-General who shall be a surveyor and who shall, subject to the provisions of this Act and of the regulations —

Surveyor-
General

- (a) direct and control all surveys for public purposes;
- (b) examine all general and particular plans and diagrams of surveys before any registration of any land is effected in accordance with the provisions of any Act regulating the registration of such land, and approve such plans and diagrams if satisfied that such Surveys have been carried out, and the plans and diagrams have been prepared in accordance with the regulations;
- (c) take charge of and preserve all survey plans and records;
- (d) cancel or amend or require any surveyor to amend, in accordance with the provisions of any law, any survey, plan or diagram found to be incorrect, outdated or inadequate;

- (e) prepare, certify and issue at the request of any person upon payment of the prescribed fees, copies of diagrams and documents filed within his department which are available to the public, and copies of general plans and diagrams registered in any land registry.

- (2) The Surveyor-General shall be a public officer:

Provided that until such time as a public officer is appointed to be the Surveyor-General the office of Surveyor-General shall be held by the Director of Lands and Surveys.

(3) The Surveyor-General may, by writing under his hand, delegate to any public officer employed in his department who is a surveyor, any of his functions under this Act, and any such delegation while in force shall not prevent the discharge by the Surveyor-General of the function thereby delegated and may at any time be revoked by the Surveyor-General.

(4) The Surveyor-General shall be the authority for the preparation and publication of the official topographical and general maps of The Bahamas, and no other person shall, without the licence in writing of the Surveyor-General, use any material which has been prepared or published under his authority in the preparation or publication of any other map.

(5) Neither the Government nor any public officer thereof shall be liable for any incorrect survey or work appertaining thereto performed by a surveyor, notwithstanding that such survey or any plan or diagram relating thereto has been approved by the Surveyor-General or any public officer to whom the Surveyor-General has delegated any of his functions under subsection (3).

Establishment of
Board

4. (1) There shall be a Land Surveyors' Board which shall consist of —

- (a) the Surveyor-General who shall be chairman;
- (b) two surveyors appointed by the Minister;
- (c) two surveyors, being members of, and nominated by the Association and appointed by the Minister.

25 *cf* 1995, s 2
and Sch

(2) The appointed members of the Board shall hold office for a period not exceeding three years and shall be eligible for reappointment.

(3) The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of any appointed member of the Board.

(4) If any vacancy occurs amongst the appointed members of the Board, such vacancy shall be filled by the appointment of another member, who shall hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

5. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Board may determine.

Meetings of the Board.

(2) The quorum of the Board shall be three.

(3) The decisions of the Board shall be by a majority of votes, and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a second and casting vote in any case in which the voting is equal.

(4) Subject to the provisions of this Act and of the regulations, the Board may regulate its own proceedings.

6. The Minister shall provide the Board with a Secretary (who shall perform the functions assigned to the Secretary by or under this Act) and with such other staff and such accommodation, services and other facilities as appear to the Minister to be necessary or expedient for the performance of the functions of the Board.

Minister to provide Secretary and other staff, etc. for the Board.

7. In addition to any other powers or duties conferred or imposed by this Act or the regulations, the Board shall, subject to the provisions of this Act, be responsible for —

Responsibilities of Board.

- (a) conducting or arranging for the conduct of a local examination, where appropriate, for persons seeking registration as surveyors;
- (b) advising the Minister as to any matter which the Minister refers to the Board relating to land survey practice generally within The Bahamas;
- (c) such other matters of professional concern to members of the Association as the Association may determine.

PART III
BAHAMAS ASSOCIATION OF LAND SURVEYORS

Establishment
and membership
of Association.

8. (1) There is hereby established a body to be known as the Bahamas Association of Land Surveyors, which shall be a body corporate, with perpetual succession and a common seal, with power to acquire, hold and dispose of real and personal property, to sue and be sued and to do all things necessary for the purposes for which it is established.

(2) Every person who is for the time being a surveyor shall be eligible for membership of the Association.

Ch. 321.

(3) By virtue of this section the Association shall be exempt from the provisions of the Industrial Relations Act.

Functions and
constitution of
Association.

9. (1) The general functions of the Association shall be —

- (a) to promote and encourage proper conduct amongst surveyors;
- (b) to suppress illegal, dishonourable, improper and objectionable practices;
- (c) to preserve and maintain the integrity and status of the profession of land surveying;
- (d) to provide opportunities for the acquisition and diffusion of knowledge in relation to land surveying and its kindred subjects;
- (e) to consider and suggest to the Minister amendments in the law relating to land surveys and land surveying;
- (f) to provide means for the amicable settlement of professional differences; and
- (g) generally to protect and promote the interests of the profession of land surveying and the interests of the public in relation to land surveys and land surveying.

(2) The affairs of the Association shall be managed by a Council consisting of seven members of the Association, namely, a President, a Vice-President, one member appointed by the Surveyor-General immediately before the annual general meeting of the Association and four other members elected at the annual general meeting of the Association.

(3) The President and Vice-President shall be elected by the Association at a general meeting.

(4) The Association in general meeting shall have power to make rules or bye-laws not inconsistent with the provisions of this Act for the regulation of its affairs and the conduct of its business, but no such rules or byelaws shall have any force or effect unless or until the Minister signifies his approval of the same in writing:

Provided that sections 31 and 32 of the Interpretation and General Clauses Act shall not apply to any rules or bye-laws duly made by the Association and approved by the Minister under the provisions of this subsection. Ch 2

PART IV REGISTRATION AND LICENSING OF SURVEYORS

10. (1) The Board shall cause the Secretary to keep a register, to be known as “the Register of Land Surveyors”, hereafter in this Act referred to as “the Register”, which shall contain the name and address of every surveyor registered under this Act, the qualifications by virtue of which he is registered and such other particulars as may be prescribed. The Register of
Land Surveyors

(2) The Register shall be open to inspection by any member of the public at the office of the Surveyor-General during normal office hours.

11. (1) For a period of two years from the commencement of this Act any person who — Registration

- (a) has attained the age of twenty-one years;
- (b) holds a recognised certificate granted outside The Bahamas or has regularly practised as a land surveyor in The Bahamas for a period of at least five years before the date of his application or for such shorter period as the Board may, in its absolute discretion, allow; and
- (c) satisfies the Minister that he is of good character,

may be registered as a surveyor under this Act.

(2) From and after two years from the commencement of this Act, any person who —

- (a) has attained the age of twenty-one years;

-
- (b) holds a recognised certificate or has to the satisfaction of the Board passed the prescribed examination; and
 - (c) satisfies the Minister that he is of good character,
- may be registered as a surveyor under this Act.

(3) Every person wishing to be registered shall make application therefor in writing to the Board, enclosing with his application the document conferring or evidencing his qualification for registration and such other particulars as may be prescribed or as may be required by the Board in any particular case.

(4) As soon as may be after receipt of an application under subsection (3), the Board shall consider the application and make a recommendation to the Minister whether or not the applicant should be registered.

(5) As soon as may be after receipt of a recommendation under subsection (4), the Minister shall consider the recommendation and determine whether or not the application should be registered.

18 cf 1978, s 2

(6) An application made under this section by a person who is not a public officer or is not a citizen of The Bahamas shall not be granted without the concurrence of the Minister responsible for Immigration and notwithstanding anything to the contrary, any such person may be specially registered for such time and on such conditions as the Minister may with the concurrence of the Minister responsible for Immigration specify.

(7) Any determination made by the Minister under subsection (5) shall be communicated to the Board, which shall in turn communicate it to the applicant and, in the case of a favourable determination, direct the Secretary to register him in the Register on the payment of the prescribed fee:

Provided that no fee shall be payable in respect of registration by a public officer.

(8) For the purposes of this section the expression “recognised certificate” means —

- (a) membership in a professional body in the field of land surveying or a qualification to practise land surveying in any country outside The Bahamas, which is recognised by the Board as furnishing

sufficient evidence of the possession by the holder thereof of the requisite knowledge and skill for the efficient practice of the profession of land surveying; or

- (b) a certificate, diploma, degree or licence granted by a university, college, board, or other authority, together with satisfactory proof that the holder thereof has had at least two years practical experience in land surveying under a person or persons approved by the Board:

Provided that such certificate, diploma, degree, licence and practical experience is recognised by the Board as furnishing sufficient evidence that such person possesses the requisite knowledge and skill for the efficient practice of the profession of land surveying.

12. (1) Every person registered under section 11 shall, upon payment of the prescribed fee, be entitled to have a licence issued to him by the Board: Licences

Provided that no fee shall be payable for a licence issued to a public officer.

(2) A licence issued under this section shall be in such form as may be prescribed.

(3) A certified copy of any licence made by the Surveyor-General or any public officer of his department shall be *prima facie* evidence in any court of the fact that a person is a surveyor.

(4) A letter signed by the Surveyor-General stating that a person is not a surveyor shall be *prima facie* evidence in any court of that fact.

13. (1) Every licence shall take effect on the date specified in the licence as the date on which it is to take effect and shall expire on the thirty-first day of December in the year in which it was issued. Duration of
licences

(2) Every licence may be renewed upon the application of the holder thereof and on the payment of the prescribed fee.

(3) Where a licence has been lost, destroyed or mutilated it may be replaced by the Board by the issue of a copy thereof upon the application of the holder of the licence and on the payment of the prescribed fee.

(4) The Board shall cause to be published in the *Gazette* —

- (a) as soon as may be after the expiration of thirty days after the commencement of this Act, a list containing the name and address of every surveyor licensed on the thirtieth day after such commencement; and
- (b) thereafter in each year as soon as may be —
 - (i) after the first day of January a list containing the name and address of every surveyor licensed on such first day of January; and
 - (ii) after the first day of July a list containing the name and address of every surveyor licensed or who ceased to be licensed between the 1st day of January and such first day of July, both dates being inclusive.

Prohibition of
survey by
unlicensed
persons

14. (1) It shall be an offence against this Act for any person to act as a surveyor or to carry out any survey unless there is in force in relation to him a valid licence issued to him under this Act:

Provided that for the purpose of conducting a survey for public purposes the Surveyor-General may, with the approval of the Board and the Minister, employ such surveyors as he thinks fit who need not be registered and licensed under this Act.

(2) Any person contravening subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

PART V DISCIPLINE

Improper
conduct

15. For the purposes of this Act it shall be improper conduct if a person registered under this Act —

- (a) certifies the accuracy of any survey or survey plan without having personally carried out or supervised that survey and the field operations and carefully examined and satisfied himself of the correctness of the entries in any field book,

and the calculations, working plans and other survey records in connection therewith, which may have been made by any other person employed by him;

Provided that in the case of any aerial survey a surveyor shall not be required to carry out or personally to supervise the taking or processing of any aerial photography;

- (b) certifies the accuracy of any survey carried out by him or under his personal supervision if the operations of pegging and ground marking and all other requirements of the survey have not been carried out in accordance with the regulations;
- (c) certifies the accuracy of any survey or survey plan knowing the same to be defective;
- (d) repeatedly performs defective surveys or surveys to which adequate checks have not been applied;
- (e) makes any entry in a field book or copy thereof or other survey record which purports to have been derived from actual observation or measurement in the field when in fact it was not so derived;
- (f) supplies any information to the Surveyor-General in connection with any survey, land boundary or survey peg, knowing such information to be erroneous in any material particular;
- (g) fails without reasonable excuse to perform any duty imposed on a surveyor by the regulations;
- (h) makes any untrue report or memorandum of any survey; or
- (i) is otherwise guilty of conduct unbecoming a person so registered.

16. (1) A complaint that a person registered under this Act has been guilty of improper conduct may be made to the Board by any person in the prescribed form, and shall be accompanied by such statements and affidavits as may be prescribed.

Complaints
against improper
conduct

(2) Where the Board is of opinion that any complaint so made might, if established, call for the exercise by a disciplinary committee of any of the disciplinary powers

conferred by section 18, the Board shall appoint such a disciplinary committee and shall refer the complaint to them.

Disciplinary
committee.

17. (1) A disciplinary committee appointed under subsection (2) of section 16 shall consist of three members selected by the Board from among registered surveyors being, as far as practicable, persons of a professional standing comparable or senior to the person complained against.

(2) In the conduct of the hearing of any complaint a disciplinary committee shall ensure —

- (a) that adequate notice of the proceedings is given to the person complained against; and
- (b) that any party to the proceedings may, if he so requires, be heard by the committee either in person or by a counsel and attorney.

(3) At any such hearing the committee may require evidence to be given on oath, and the chairman of the committee shall have the power to administer an oath for that purpose and to issue summonses under his hand requiring the attendance of any person before them, at a time and place to be specified in any such summons, to give evidence on oath or to produce any document relevant to the subject-matter of the proceedings. Any such summons shall be served as if it had been issued by a magistrate, and attendance before the committee of any person so summoned may be enforced by a magistrate, upon application made to him by the chairman of the proceedings as if the proceedings before the committee were proceedings before the magistrate under the provisions of the Magistrates Act or any enactment passed in amendment thereof or substitution therefor.

Ch. 54.

Powers of
disciplinary
committee.

18. (1) On the hearing of a complaint a disciplinary committee may either dismiss the complaint or make such order of a disciplinary nature as they think fit, and such order may in particular provide for any of the following matters, that is to say —

- (a) removal of the name from the Register;
- (b) suspension of registration for a period not exceeding one year;
- (c) payment of a penalty (to be forfeited to the Crown) not exceeding one thousand dollars; and

- (d) payment, by any party to the proceedings, of the costs, or of such sum as the committee consider a reasonable contribution towards the costs, incurred in connection with those proceedings.

(2) Any payment ordered to be made by any person under paragraph (c) or (d) of subsection (1) may be enforced in the case of a person registered under this Act, by the Board ordering his registration to be suspended until the payment is made (which the Board is hereby empowered to do) and, in any other case, as a judgment debt owed to the Board.

19. (1) Every order made by a disciplinary committee under section 18 shall be prefaced by a statement of their findings on the facts of the case and shall be signed by the Chairman of the committee.

Further provision with respect to orders of committee

(2) Every such order shall be filed with the Secretary, and shall take effect —

- (a) where no appeal under section 32 is brought against the order, within the time limited for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is not withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.

(3) The Secretary shall cause a note of the effect of every order filed with him pursuant to subsection (2) to be entered in the Register against the name of the person to whom the order relates and, except in the case of an order making provision only for costs, shall forthwith upon the taking effect of the order cause a notice stating the effect of the order to be published in the *Gazette*.

20. (1) The Secretary shall remove the name of any registered person from the Register —

Removal of name from Register

- (a) upon the application of that person; or
- (b) upon the taking effect of an order to that effect of a disciplinary committee under section 18 or of the Supreme Court under subsection (1) of section 32 in relation to that person.

Provided that, where a complaint has been made against any person under subsection (1) of section 16, his name shall not be removed under paragraph (b) of this subsection until the complaint or any appeal in relation thereto, has been finally disposed of under this Act.

(2) Where the name of any person has been removed from the Register or his registration has been suspended, any licence issued to him under section 12 shall cease to have effect for as long as his name remains off the Register, or as the case may be, such suspension continues in force.

Restoration to
Register

21. (1) The Board may at any time, upon application being made by any person whose name has been removed from the Register or whose registration has been suspended, determine, if it thinks fit, that such person's name shall be restored to the Register or, as the case may be, that his suspension shall cease with effect from such date as the Board may appoint, and shall forthwith give notice of any such determination to the Secretary.

(2) On receipt of notice of a determination made by the Board under subsection (1) in relation to any person, the Secretary shall forthwith cause the name of that person to be restored to the Register or, as the case may be, cause a note of the cessation of the suspension to be entered therein, and in either such case shall cause notice of the determination of the Board to be published in the *Gazette*.

Consequential
removal or
suspension

22. (1) The Board may cause the name of a surveyor to be removed from the Register if it is satisfied that any certificate granted outside The Bahamas by virtue of which such surveyor has been registered under section 11 has been revoked or cancelled by the authority which granted the same.

(2) If the Board is satisfied that any certificate granted outside The Bahamas by virtue of which a surveyor has been registered under section 11 has been suspended by the authority which granted it, the Board may suspend the registration of such surveyor for the same period or for any unexpired portion of that period.

(3) Notice in writing of the removal of the name of any person from the Register under subsection (1) or of the suspension of the registration of any person under subsection (2) shall be given to him by the Secretary and

such removal or suspension shall not take effect in relation to any such person until such a notice is received by him.

PART VI OFFENCES AND PENALTIES

23. Any person who —

- (a) not being licensed under this Act, uses or causes or permits the use of any written words, titles, or initials or any abbreviation thereof so as to cause any person to believe that he is so licensed under this Act or that he is qualified to act as a surveyor; or
- (b) not being a member of the Association, uses or causes or permits the use of any written words, titles or initials or any abbreviation thereof so as to cause any person to believe that he is a member of the Association,

Penalty for improper use of names, titles, etc

shall be guilty of an offence and liable on summary conviction to a fine not exceeding six hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

24. Any person who —

- (a) wilfully makes or causes to be made any entry in the Register which is to his knowledge false;
- (b) wilfully procures or attempts to procure the registration of himself or any other person as a surveyor by means of any representation or declaration, either oral or in writing, which is to his knowledge false,

Penalty for wrongfully procuring registration

shall be guilty of an offence and liable on summary conviction to a fine not exceeding six hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

25. (1) Any person who, without the authority of the Surveyor-General, wilfully obliterates, removes or damages any trigonometrical station, survey beacon, mark, pole or boundary monument affixed, set up or placed for the purposes of a public survey or any other survey made in accordance with the provisions of this Act, shall be guilty of an offence and liable on summary conviction to a

Penalty for interfering with survey marks

fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and in addition may be ordered by the court to pay the cost of repairing or replacing the same.

(2) Any person by whose information a conviction is secured against any person of an offence against subsection (1) may, on the certificate of the court to that effect, be paid by the Minister a reward not exceeding fifty dollars.

PART VII MISCELLANEOUS PROVISIONS

Conduct of
surveys for public
purposes

26. (1) Subject to the provisions of this section, the Surveyor-General may at any time —

- (a) carry out; or
- (b) authorise in writing any surveyor to carry out,

a survey of any description for public purposes.

(2) Before any survey for public purposes is carried out in any area involving such number of holdings as in the opinion of the Surveyor-General makes it impracticable to give the owners or occupiers thereof the notice required to be given by subsection (2) of section 29, the Surveyor-General shall publish in the *Gazette*, in two newspapers published and circulating in The Bahamas and by means of radio announcements, notice of such survey specifying the local limits of the area affected and, where such survey is to be carried out in an Out Island district, a copy of the notice shall be posted by the commissioner on a public notice board at his office.

(3) The locality, description and position of all permanent survey beacons or marks put down whether above or below the ground to mark any survey for public purposes, shall be recorded by the Surveyor-General at his office in such manner as he thinks fit, and the Surveyor-General shall also, as soon as may be after such beacons or marks have been so recorded, cause notice of the same to be published in the *Gazette* and in two newspapers published and circulating in The Bahamas.

Aerial surveys

27. (1) Before any aerial survey of any land is made, the person responsible for the making of such survey shall, at least one month before any aerial photography in

connection with such survey is carried out, notify the Surveyor-General in writing of his intention to cause such survey to be made and supply the Surveyor-General with a flight diagram or plan relating thereto:

Provided that the Surveyor-General may accept less than one month's notice in any particular case.

(2) At the conclusion of the aerial survey such person if requested by the Surveyor-General —

- (a) shall as soon as may be supply the Surveyor-General with one copy of every photograph taken for the purposes of such survey together with one copy of any plan made as a result of such survey; and
- (b) shall lend the Surveyor-General any diapositives and film relating to such survey, and the Surveyor-General shall pay all reasonable expenses incurred in connection with such loan.

(3) Any person who contravenes or fails to comply with the provisions of subsection (1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

28. (1) No person shall use terrestrial photography for the purpose of any land survey without the written permission of the Surveyor-General.

Terrestrial
photography

(2) A request for permission to use terrestrial photography for the purpose of any land survey shall be accompanied by a plan showing clearly the extent to which it is intended to use such photography.

(3) Where the Surveyor-General decides to grant permission to use terrestrial photography for the purpose of any land survey, he shall grant such permission upon such terms and conditions as he thinks fit.

(4) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Power of entry,
etc upon land

29. (1) For the purposes of carrying out a survey for public purposes —

- (a) the Surveyor-General; and
- (b) any surveyor authorised in writing by him to carry out such survey,

may, subject to the provisions of subsection (3) —

- (i) enter upon any land not built over, whether public or private, with such assistants as he may require; and
- (ii) fix or set thereon survey monuments, pegs, marks; poles and beacons, and alter, repair or remove any such monument, peg, mark, pole or beacon as aforesaid, for or in connection with the conduct or inspection of the survey:

Provided that no permanent survey monuments, pegs, marks, poles or beacons, shall be affixed to or placed in any yard or garden attached to any dwelling house without the written permission of the owner or occupier thereof.

(2) For the purpose of carrying out a survey, other than a survey for public services, any surveyor may, subject to the provisions of subsection (3), exercise any power conferred by subsection (1).

(3) Before exercising in respect of any land any power conferred by subsection (1) or (2), as the case may be —

- (a) the Surveyor-General (except as provided in subsection (2) of section 26); or
- (b) the surveyor concerned,

shall give at least three days notice in writing of his intention to do so to the owner or occupier of such land.

(4) Any person who wilfully molests, prevents or obstructs any person in the lawful exercise of any power conferred upon him by subsection (1) or (2), shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred and fifty dollars.

Compensation
for damage to
property

30. The owner of any land upon which any permanent survey beacon or mark is affixed, and the owner of any crops or trees cut or damaged in the exercise of any

power conferred by section 29, shall be entitled to be paid adequate compensation by the Surveyor-General in the case of a survey for public purposes or the surveyor concerned in the case of any other survey, and any question arising as to the amount of such compensation shall, in default of agreement between the owner and the Surveyor-General or the surveyor, be determined by the magistrate's court for the district where the land in question is situate.

31. No action for trespass shall lie against the Surveyor-General, any surveyor authorised by him to carry out a survey for public purposes or any assistant of such surveyor for any entry on any land in pursuance of the authority conferred upon them by this Act.

Surveyor-General and surveyor carrying out survey for public purposes not liable for trespass.

32. (1) Any person aggrieved —

- (a) by the determination of the Minister under subsection (5) of section 11 refusing his application for registration as a surveyor;
- (b) by an order made by a disciplinary committee under section 18 in relation to a complaint made by or against him; or
- (c) by the exercise by the Board of its powers under section 22 to cause his name to be removed from the Register or to suspend his registration,

Appeal to Supreme Court in certain cases.

may appeal on that account to the Supreme Court in accordance with rules to be made by the Rules Committee under section 75 of the Supreme Court Act within fourteen days, in a case falling within paragraph (a) or (c) of this subsection, after receipt by him of the notification provided for by this Act and, in a case falling within paragraph (b) thereof, after publication in the *Gazette* of the notice required by subsection (3) of section 19.

Ch. 53.

(2) The Supreme Court on the hearing of any such appeal may —

- (a) confirm or reverse the determination of the Minister or the Board;
- (b) confirm, reverse or vary the decision of a disciplinary committee,

and the Minister, the Board or a disciplinary committee, as the case may be, shall give effect to the decision accordingly.

Certificate of
Secretary to be
evidence

33. A certificate under the hand of the Secretary as to an entry in the Register or as to any act or proceeding of the Board shall, until the contrary is proved, be sufficient evidence in any court of any matter so certified.

Regulations

34. The Minister after consultation with the Board may make regulations for all or any of the following purposes, that is to say —

- (a) prescribing the form of and method of keeping the Register;
- (b) prescribing the forms of applications, licences, certificates and other documents required for the purposes of this Act;
- (c) prescribing the fees payable in respect of examination and registration and licensing and of alterations or additions to the Register, for the issue and renewal of licences and copies thereof;
- (d) prescribing the subject matter of examinations to be conducted by the Board, the standards required of successful candidates and the conditions governing the grant of exemptions from any of the requirements of the regulations in relation thereto;
- (e) prescribing the conditions governing the employment of and training by surveyors of apprentices or cadets;
- (f) regulating the conduct of surveys, including provision for ensuring the accuracy of plans and surveys and for the amendment of survey plans and diagrams in accordance with requisitions made in that behalf by the Surveyor-General, and for the custody of such plans and diagrams;
- (g) prescribing the manner in which surveys shall be performed and the manner and form in which the records of such surveys shall be prepared and furnished to the Surveyor-General;
- (h) prescribing the diagrams and general plans required in respect of the survey of any land, the manner of preparing such diagrams and general plans, the information to be recorded thereon and the number of such diagrams and general plans to be supplied to the Surveyor-General;

-
- (i) prescribing the fees for the examination and checking of plans by the Surveyor-General and the supply of copies of plans and other records by the Surveyor-General;
 - (j) prescribing the minimum charge for the survey or any land and the manner in which and the person by whom such fees shall be taxed and the person who shall bear the cost of such taxation;
 - (k) regulating the proceedings of the Board and any other matters necessary for the efficient discharge of its functions under this Act; and
 - (l) prescribing penalties, not exceeding a fine of one hundred and fifty dollars, for the breach of any such regulations.

35. Any expenses incurred in carrying this Act into effect shall be defrayed out of moneys provided by Parliament.

Expenses under
this Act

36. (1) All surveys originating under the Quieting Titles Act, which have been registered in the Supreme Court before the commencement of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the provisions of this Act.

Saving Quieting
Titles Act
Ch 393

(2) All surveys commenced under the Quieting Titles Act which are pending or in progress at the commencement of this Act may be continued and completed in accordance with any regulations, and shall, when so completed, be deemed to be surveys duly made under the provisions of this Act.