

CHAPTER 251

LAND SURVEYORS

BYE-LAWS OF THE BAHAMAS ASSOCIATION OF LAND SURVEYORS *S.I. 76/1993*

(SECTION 9(4))

[Commencement 9th December, 1993]

WHEREAS the Bahamas Association of Land Surveyors was established by the Land Surveyors Act;

and WHEREAS subsection (4) of section 9 of the Act provides that the Association in general meeting shall have power to make rules or bye-laws not inconsistent with the provisions of the Act for the regulation of its affairs and the conduct of its business, but no such rules or bye-laws shall have any force or effect unless or until the Minister responsible for the Department of Lands and Surveys signifies his approval of the same in writing:

NOW THEREFORE, in exercise of the powers conferred by subsection (4) of section 9 of the Land Surveyors Act, the following bye-laws are hereby made:

1. In these bye-laws —

Interpretation.

“Associate” means a person admitted under bye-law 6 as an Associate of the Association;

“Association” means the Bahamas Association of Land Surveyors;

“Council” means the Council constituted, pursuant to the provisions of subsection (2) of section 9 of the Act, for the purpose of managing the affairs of the Association;

“Fellow” means a person admitted under paragraph (4) of bye-law 4 as a Fellow of the Association;

“member of the Association” or “member” means an ordinary member or a Fellow;

“ordinary member” means a person admitted under bye-law 3 as an ordinary member of the Association;

“President” means the person elected under the provisions of these bye-laws as the President of the Association;

“register” has the meaning assigned to that expression by bye-law 18(1)(d);

“Secretary” means the person elected under the provisions of these bye-laws as the Secretary of the Association;

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“the Act” means the Land Surveyors Act;

“Treasurer” means the person elected under the provisions of these bye-laws as the Treasurer of the Association;

“Vice-President” means the person elected under the provisions of these bye-laws as the Vice-President of the Association.

Office

Location of office.

2. The registered office of the Association shall be situated in the Island of New Providence at such place as the Council shall from time to time determine.

Members and Associates

Eligibility for membership.

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

Classification of membership.

4. (1) Membership of the Association is of two classifications, namely, that of a Fellow of the Association that of an ordinary member of the Association.

(2) Any surveyor may, pursuant to a resolution of the Council made upon written application thereto by the surveyor, be admitted as an ordinary member of the Association.

(3) Subject to the provisions of bye-law 12, an ordinary member may take or use the designation “Member of the Bahamas Association of Land Surveyors” or the initials “M.B.L.S.”.

(4) An ordinary member in good standing who is of or above thirty-five years of age and who has rendered conspicuous service to the Association or to the profession of land surveying may, pursuant to a resolution of the

Council made upon written application thereto by the member, be admitted as a Fellow of the Association.

(5) Subject to the provisions of bye-law 12, a Fellow may take or use the designation “Fellow of the Bahamas Association of Land Surveyors” or the initials “F.B.L.S.”.

5. (1) A certificate of membership shall be issued to each member upon payment of his membership fees. Certificate of membership.

(2) A certificate shall be in such form as the Council may from time to time determine and shall bear the registration number of the member as issued by the Board.

(3) A certificate shall be of no effect during any period of suspension of membership.

6. (1) Any person who has attained the age of twenty-one years, other than a surveyor, and who has satisfied the Council as to his education and experience shall, upon the recommendation of two members as to his good moral character and habits, be entitled on payment of the required fee to admission as an Associate of the Association. Associates.

(2) An Associate may take or use the designation “Associate of the Bahamas Association of Land Surveyors” or the initials “A.B.L.S.”.

(3) An Associate shall be entitled to notice of the time and place of all general meetings of the Association and to attend the meetings and to speak thereat, but an Associate shall not be entitled to vote at any such meeting.

Suspension or Expulsion

7. Where, for any period, the name of any member has been removed from the Register of Land Surveyors provided for in section 10 of the Act or his registration has been suspended under the Act, the member automatically stands suspended from membership of the Association for the same period, and no dues are payable until the suspension from membership of the Association ceases. Suspension of registration.

8. (1) Where any fee or assessment payable by any member is not paid within sixty days after the date upon which the same is due and payable, the President may direct the Secretary to forthwith send, by registered mail to the member at his address as shown on the register, a notice to the effect that, unless the fee or assessment is paid Suspension upon default of payment of fee.

within fifteen days after the date of such notice, the member shall be suspended from membership until such time as the fee or assessment is paid.

(2) Where the fee or assessment is not paid before the expiration of the fifteen days mentioned in paragraph (1), the member shall stand suspended from membership until such time as the fee or assessment is paid.

(3) Where the President decides to refrain from directing the Secretary to send the notice mentioned in paragraph (1), the Secretary shall refer the matter to the next meeting of the Council and the Council shall decide whether the notice shall be sent or not.

Suspension upon conviction.

9. (1) Where a member is convicted by a court of an offence which, in the opinion of the Council, renders him unfit to be a member, the Council shall suspend the member from membership.

(2) The suspension of a member under this bye-law shall be reported by the Council to the Association at the next annual meeting of the Association and, at that meeting a decision may be taken by the Association to expel the member if three-fourths of the members present vote in favour of the expulsion; and, upon any such vote, the member shall stand expelled from membership and his name shall be removed from the register.

Suspension upon contravention of bye-laws.

10. (1) A member who it is alleged is in breach of any provision of these bye-laws, may be suspended or expelled from membership by the Council if found guilty of such breach by unanimous vote of the officers of the Council present at any duly summoned meeting of the Council including any adjournment thereof.

(2) Notice of the proposed meeting shall be sent to the member and he shall have the right to be present at the meeting with or without his Counsel and attorney to show cause why he should not be suspended or expelled.

Appeal against Council's decision.

11. (1) A member who has been suspended or expelled from membership by the Council may appeal, to the Association, against the decision of the Council at a meeting of the members, which meeting shall be summoned for the purpose of hearing and determining such appeal.

(2) The Association may reverse the decision of the Council as to such suspension or expulsion, if three-fourths of the members present at any such meeting summoned for the purpose, or at any annual general meeting, vote in favour of the reversal.

12. (1) The name of any person who has been expelled from membership shall be removed from the register.

Prohibition of use of designation during suspension or expulsion.

(2) During the period when any suspension or expulsion of a member is effective, the member shall not be entitled to take or use the designation “Member of the Bahamas Association of Land Surveyors” or the initials “M.B.L.S.” or the designation “Fellow of the Bahamas Association of Land Surveyors” or the initials “F.B.L.S.”.

13. Where a person is suspended or expelled from membership, notice of such suspension or expulsion shall be forthwith sent by the Secretary, if so directed by the Council, to each member by letter addressed to his address as shown on the register; and where a person is expelled from membership, the Council may cause notice of such expulsion to be published in such manner as it may see fit and shall notify the Board of the expulsion.

Notice of suspension or expulsion.

14. (1) A person who has been suspended from membership may, upon application made to the Council, be reinstated by the Council as a member, upon such terms as the Council may see fit.

Reinstatement and re-admission.

(2) A person who has been expelled from membership may, upon application made to the Council and on the recommendation of the Council, be re-admitted as a member, and a decision may be taken by the Council to re-admit him to membership if three-fourths of the members present at a duly summoned meeting (the notice for which referred to the application) vote in favour of the re-admission.

The Council and its Responsibilities

15. (1) Members of the Association shall be elected, in conformity with the provisions of subsection (2) of section 9 of the Act, to the Council and shall, subject to the provisions of paragraph (2), hold office for one year and shall be eligible for re-election.

Constitution of Council.

(2) An officer of the Council shall vacate his office upon any suspension of his membership of the Association.

Responsibilities
of Council.

16. Subject to the provisions of these bye-laws, the Council shall have responsibility for —

- (a) the consideration of any application made under bye-law 4(2) or (4) or bye-law 14 and the determination as to whether or not the applicant should be admitted, re-admitted or reinstated to or in membership, as the case may be;
- (b) the consideration of any report or recommendation made to the Council by a committee appointed under the provisions of these bye-laws and the implementation of any such recommendation as the Council sees fit; and
- (c) the performance of any act necessary for the purpose of giving effect to the provisions of these bye-laws, unless otherwise prescribed.

Functions of
President at
meetings.

17. (1) At any meeting of the Council, the functions of the President shall be to preside and preserve order at the meeting and, in his absence, the Vice-President shall perform those functions.

(2) In the absence of the President and Vice-President, a chairman (who for the time being shall be vested with the functions of the President prescribed in paragraph (1)) shall be elected by a majority of those present at the meeting.

Functions of
Secretary.

- 18.** (1) The functions of the Secretary shall include —
- (a) attending to all correspondence of the Association;
 - (b) summoning meetings of the Association or of the Council;
 - (c) keeping minutes in proper form of any meeting of the Association or of the Council;
 - (d) keeping the register, in such form as the Council approves, of members, Fellows and Associates (in these bye-laws referred to as the “register”);
 - (e) registering students pursuant to the provisions of these bye-laws;

- (f) ensuring that applications to participate in examinations, or for membership, are in the respective forms approved by the Council; and
- (g) carrying out such other duties pertaining to his office as the Council may direct for the purpose of enabling the Association to carry out its functions.

(2) If for any reason the Secretary is unable during any period to perform his functions, the President shall appoint an officer of the Council to act during that period as Secretary and the person so appointed shall for that period be vested with the authority and functions of that office.

19. The functions of the Treasurer shall include — Functions of Treasurer.

- (a) receiving fees, subscriptions and other moneys on behalf of the Association;
- (b) depositing such fees, subscriptions and other moneys, to the credit of the Association, in a bank approved by the Council and disbursing the same in such manner as the Council may direct; and
- (c) keeping accurate accounts, and preparing a statement of income and expenditure in respect of the year ending on the thirty-first day of December in each year together with a balance sheet as of that date for submission after audit to the annual general meeting.

20. The Treasurer and the Secretary shall receive such remuneration as the Council may, from time to time, by resolution determine. Remuneration of Treasurer and Secretary.

21. (1) Any cheque, draft, bill of exchange or promissory note issued, drawn, made or accepted on behalf of the Association shall be signed by any two of the following officers of the Council, namely, the President, Vice-President and Treasurer. Signature of Association's documents.

(2) Any document, other than those mentioned in paragraph (1), required to be executed on behalf of the Association shall be executed in the name of the Association and shall be signed by the President or, in his absence, the Vice-President or, in the absence of both President and Vice-President, any officer of the Council who has been duly nominated for that purpose pursuant to a resolution of the Council, and by the Secretary.

Secret ballot.

22. Nominations for election to the Council shall be in writing and the election shall be by secret ballot where more than one person has been nominated for election to an office of the Council.

Nominations.

23. (1) In accordance with the provisions of subsections (2) and (3) of section 9 of the Act, the President and the Vice-President shall be elected by the Association at a general meeting and four other persons shall be elected as officers of the Council (including the Treasurer and the Secretary) at the annual general meeting of the Association.

(2) The Secretary, or some other duly authorised member of the Association shall, not later than six weeks prior to the general meeting or annual general meeting, as the case may be, cause a letter to be sent to each member at his address as shown on the register, inviting the member to submit nominations for the election of the President, Vice-President, Treasurer, Secretary and two other officers of the Council, such nominations to be returned to the Secretary or duly authorised person not later than three weeks prior to the general meeting or annual general meeting, as the case may be.

(3) If a member nominates more than one person as President, Vice-President, Treasurer or Secretary, respectively, that nomination paper shall not be counted; and, if a member nominates more than two persons as the other officers of the Council, his nomination paper relating to the other officers of the Council shall not be counted.

(4) The Secretary or some other duly authorised member of the Association shall, not later than one week prior to the general meeting or annual general meeting, as the case may be, cause to be sent, to each member at his address as shown on the register, a list of the names of the persons who have been nominated by two or more members of the Association for election as President, Vice-President, Treasurer or Secretary, respectively, or a list of the names of the persons who have been nominated by one or more members of the Association for election as the other officers of the Council.

(5) Any person who has been nominated, in accordance with the foregoing provisions of this bye-law, for election as President, Vice-President, Treasurer, Secretary

or other officer of the Council, shall be declared at the general meeting or annual general meeting, as the case may be, to be duly nominated for such election.

(6) Any person who has been declared under the provisions of paragraph (5) to be duly nominated for election as President or Vice-President and who has not been so elected shall be declared at the annual general meeting to be duly nominated for election as an officer of the Council (other than as President, Vice-President, Treasurer or Secretary).

(7) In any case where there is a vacancy on the Council but no person has been so declared duly nominated for election in respect of that vacancy, the chairman may call for nominations, from the floor of the meeting, for the election of some person to fill that vacancy.

24. (1) Upon the completion of the nominations of persons for election to the Council, the chairman of the general meeting or the annual general meeting, as the case may be, shall declare the meeting ready to proceed with the election and the meeting shall then proceed accordingly. Elections.

(2) In the event of an equality of votes being polled for two or more nominees at any election, the chairman shall have a casting vote.

Committees

25. (1) The Council shall appoint not less than five persons to each of the following standing committees — Appointment of committees.

- (a) the Committee on Education and Examination;
- (b) the Committee on Membership; and
- (c) the Committee on Legislation and Research.

(2) Each committee shall select its chairman, and three persons shall constitute a quorum for each committee.

26. It shall be the duty of the Committee on Education and Examination — Committee on Education and Examination.

- (a) to make full enquiry concerning the morals and educational fitness of all applicants for registration or for examination and to report thereon to the Council with recommendations concerning each such applicant;

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- (b) to make the necessary arrangements for the holding of examinations of the Association;
 - (c) to receive the results of any examination so held and report thereon to the Council; and
 - (d) to receive and deal with all matters relating to education and examinations, which may be referred to the Committee by the Council, and to report thereon to the Council.

Committee on
Membership.

27. It shall be the duty of the Committee on Membership —

- (a) to receive and deal with all applications for membership of the Association; and
- (b) to make all necessary enquiries with respect to the moral fitness of all such applicants and the sufficiency of their qualifications, and to report thereon to the Council with recommendations.

Committee on
Legislation and
Research.

28. It shall be the duty of the Committee on Legislation and Research —

- (a) to consider any legislation which may, from time to time, be proposed for enactment in The Bahamas and the effect of which might directly or indirectly have a bearing on the profession of land surveying or on the relations of land surveyors with the public; and
- (b) to research matters which affect the profession of land surveying.

Special
Committee.

29. (1) The President may appoint a Special Committee consisting of not less than three officers of the Council to investigate any matter which affects the interests of the Association, or the profession of land surveying but which does not come within the jurisdiction of a standing committee and which, in his opinion, requires consideration at a time earlier than that scheduled for the next meeting of the Council.

(2) The President shall report to the Council at the first meeting of the Council after a Special Committee has been appointed, his reasons for appointing the Committee and the action taken by the Committee, and the Council may continue the Committee or deal with the matter in any way that the Council may deem best in the interests of the Association.

30. The Council may from time to time appoint such other committees as it may deem necessary.

Other committees.

31. The President shall be *ex officio* appointed to each standing committee and to any other committee appointed by the Council.

President to be appointed to committees.

Meetings

32. The annual general meeting of the Association shall be held during the month of June in the city of Nassau, or at such other place within the Commonwealth of The Bahamas as the Council shall determine, and notice of the time and place of such meeting shall be posted by the Secretary to all members at least ten days prior to the date of such meeting.

Annual general meetings.

33. Ordinary general meetings of the Association may be held at such times and upon such notice as may be determined by the Council.

Ordinary general meetings.

34. (1) A special meeting of the Association shall be called at any time by the President or, in his absence by the Vice-President, upon the receipt of a requisition for the holding of a special meeting signed by not less than ten members.

Special meetings.

(2) Notice of the time and place of such meeting shall be posted by the Secretary to all members at least ten days prior to the date of such meeting.

(3) No business other than that specified in the said notice shall be brought before such meeting.

35. Any meeting of the Association may be adjourned from time to time by resolution of the majority of the members present, but no business shall be transacted at any such adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

Adjournment of meetings.

36. (1) At any meeting of the Association only members in good standing shall be entitled to vote.

Votes.

(2) Members shall be entitled to vote by proxy in such manner as may be prescribed by the Council.

Agenda at annual
general meeting.

37. The order of business at the annual general meeting of the Association shall be as follows —

- (a) reading of minutes;
- (b) appointment of three scrutineers;
- (c) report of the Council;
- (d) report of the Treasurer;
- (e) reports of committees;
- (f) unfinished business;
- (g) new business;
- (h) election of officers of the Council;
- (i) election of auditor.

Agenda at
meeting of
Council.

38. The order of business at meetings of the Council shall be as follows —

- (a) reading of minutes;
- (b) correspondence;
- (c) reports of committees;
- (d) accounts;
- (e) unfinished business;
- (f) new business.

Minutes.

39. The presiding officer at a meeting of the Association, the Council or any committee shall cause minutes to be kept of all proceedings.

Registered Students

Eligibility for
registration.

40. Any person over eighteen years of age who resides within The Bahamas and who is employed by a member of the Association, or in the profession of land surveying, in work of such a nature or character as is approved by the Council, may apply to the Secretary to be registered as a student.

Courses of study.

41. (1) The Council shall provide or arrange facilities, approved by the Association, for the registration and instruction of registered students.

(2) Every registered student shall enter upon and pursue the course of study prescribed for him and, before being permitted to write any examination conducted under paragraph (a) of section 7 of the Act, he shall produce a certificate from the Committee on Education and Examination that he has complied with the requirements prescribed in respect of the course of study and training, which he has pursued.

(3) The Council shall prepare a curriculum setting forth in detail a course of study in respect of the subject matter of any examination to be conducted under paragraph (a) of section 7 of the Act and shall submit the curriculum to the Association; and when the curriculum has been approved by the Association at any regularly called meeting thereof, the Council shall cause the same to be printed in such form as the Council may see fit, and shall make available to each registered student a copy thereof.

Records

42. Any member of the Association may, upon giving seven days' notice to the Secretary, inspect the books of account and records, and the register, of the Association during normal business hours at the office of the Association. Inspection of records.

43. (1) An auditor shall be elected at each annual general meeting of the Association. Audit.

(2) The books of account and records of the Association shall be audited annually by the auditor and a report of the audit so made shall be presented to the members of the Association at the first annual general meeting held after his election; and the report shall thereafter be included in the minutes of that meeting.

Funds

44. (1) The Association may assess its members for any ordinary, special or extraordinary expenditures for such amount as the Association, by resolution, may determine. Assessment of members.

(2) Any such resolution, passed at any regularly called meeting of the Association, fixing the amount of such assessment and the terms of payment thereof, shall be binding on all members of the Association.

(3) A statement to the effect that such assessment will be considered, and, if deemed advisable, levied, shall be included in the notice calling any meeting at which any such assessment is to be considered.

45. The income and property of the Association whenever derived shall be applied solely towards the promotion of the functions of the Association as set forth Application of Association's income.

in the Act, and no portion thereof shall be paid or transferred directly, or indirectly, by way of dividend, bonus or otherwise by way of profit, to the members of Association:

Provided that nothing herein —

- (a) shall prevent the payment, in good faith of reasonable and proper remuneration to any officer or servant of the Association, or to any member of the Association, in return for any services actually rendered to the Association or prevent the payment of interest, at a rate not exceeding seven per centum per annum, on money lent, or of reasonable and proper rent for premises demised or let by any member to the Association, but so that no officer of the Council shall be appointed to any salaried office of the Association or any office of the Association paid by fees, and that no remuneration or other benefit in money or money's worth shall be given by the Association to any officer of the Council, except repayment of out-of-pocket expenses, interest and proper rent as aforesaid; and
- (b) shall apply to any payment to any company of which an officer of the Council may be a member and in which such member shall not hold more than one-fifth part of the capital of the company and shall not be bound to account for any share of profits he may receive in respect of any such payment.

Investment of
Association's
funds.

46. The funds and property of the Association shall be invested in the name of the Association and, subject to bye-law 45, dealt with as the Council shall direct.

General

Partnerships.

47. (1) No member of the Association who practises in partnership with a person who is not a member of the Association shall permit the partnership to take or use the designation "Member of the Bahamas Association of Land Surveyors" or "Fellow of the Bahamas Association of Land Surveyors" or permit the partnership to take or use the initials "M.B.L.S." or "F.B.L.S."

(2) If the name of any person who is not a member of the Association appears as part of any letterhead, professional card or other printed matter published or authorised by a member of the Association then, for the purposes of this bye-law, such member and such person shall be deemed to be practising in partnership.

48. No member shall advertise or attempt to procure business in any manner which, in the opinion of the Council, is objectionable, after having been notified of that opinion of the Council. Advertisement.

49. Any provision of these Bye-laws may with the approval of the Minister be amended on a vote by secret ballot, by a three-fourths' majority of the members of the Association present at a general meeting after due notice of the meeting has been given specifying the proposed amendments. Alteration of the Bye-laws.

LAND SURVEYORS REGULATIONS

S.I. 97/1975

(SECTION 34)

[Commencement 1st December, 1975]

1. These Regulations may be cited as the Land Surveyors Regulations. Citation.

2. In these Regulations, unless the context otherwise requires — Interpretation.

“Act” means the Land Surveyors Act; Ch. 251.

“plan” includes all plans resulting from any survey;

“rural survey” means a survey, not being a town survey, which is of an area larger than two acres;

“town survey” means a survey of a land division for residential, commercial or industrial purposes.

3. A surveyor making any survey shall ensure that his instruments and equipment are in a proper state of adjustment and in the course of making any survey shall conform to good professional survey practice. Instruments to be in a proper state of adjustment.