

SURVEY ACT, 1962 (ACT 127)

As amended by

SURVEY (AMENDMENT) DECREE, 1974 (NRCD 283)1

ARRANGEMENT OF SECTIONS

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REPUBLIC OF GHANA

**THE HUNDRED AND TWENTY-SEVENTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE SURVEY ACT, 1962**

AN ACT to consolidate with amendments the law relating to geological, soil and land survey.

DATE OF ASSENT: 20th June, 1962

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

PART I—GEOLOGICAL AND SOIL SURVEY

Geological SurveySection 1—Geological Survey.

Section 1—Geological Survey.

The Director of Geological Survey and every officer of the Geological Survey Department shall have the power of—

(a) going to any part of the surface of any land or any underground passages or workings thereunder in order to make surveys, take samples, make borings and do and cause to be done all things necessary for carrying out the geological survey of such land or for making any report thereon; or

(b) calling for the production of, inspecting and taking copies or extracts from, any books, papers, plans and documents dealing with prospecting or the operation of mining on any land which is the subject of a mining concession.

Soil Survey

Section 2—Soil Survey.

Every public officer whose duties include the survey of soil and who is authorised by the Minister responsible for soil survey shall have the power of going to any part of the surface of

any land in order to make survey, make borings, dig, take samples and do and cause to be done all things necessary for carrying out a soil survey on such land or making any report thereon.

General Provisions

Section 3—Notice to be Given to Owner of Land.

A reasonable notice in writing of an intention to exercise any of the powers mentioned in section 1 or 2 of this Act shall be given to the local authority in the area who in turn shall inform the owner or the person in possession of the land.

Section 4—Penalty for Contravening Part I.

Any person who—

(a) without reasonable excuse obstructs, resists or interferes with any of the officers mentioned in either section 1(a) or section 2 of this Act while such officer is performing his functions under this Part; or

(b) refuses or neglects to produce any documents required under section 1(b) of this Act, shall be liable to a fine not exceeding one hundred pounds.

PART II—DEMARCATION AND SURVEY OF LANDS

Qualification and Registration of Surveyors

Section 5—Official Surveyors and Licensed Surveyors.

The Minister to whom functions under this Act are assigned by the President (hereinafter in this Part referred to as the Minister) may appoint official surveyors, and the Chief Survey Officer may, with the prior approval of the Minister, license private surveyors, whose functions shall be to demarcate boundaries and to make surveys of lands.

Section 5A—Licensed Surveyors to Pay Practising Fee.

(1) A surveyor licensed under section 5 of this Act shall not perform any functions specified in that section or section 6, unless he complies with subsection (2) of this section.

(2) Every surveyor referred to subsection (1) of this section shall pay an annual fee of ₦20.00 to the Chief Survey Officer on or before the 31st day of January of each year:

Provided that the fee for the year 1974 shall be paid on or before the 30th day of September, 1974.

(3) Any such surveyor who performs any functions in contravention of subsection (1) of this section shall be liable on summary conviction to a fine not exceeding ₦200.00 or to imprisonment for a term not exceeding six months, and shall not be entitled to recover either by civil action or otherwise, any fee, reward or disbursement on account of or in relation to any act done by him in the course of such practice.[As inserted by the Survey (Amendment) Decree, 1974 (NRCD 283), s.1]

Section 6—No Unqualified Person to Survey Land for the Purpose of Preparing Plans or to Certify Plans.

(1) No person other than an official surveyor, a licensed surveyor, or any public officer making or preparing any plan in the course of his duties as such shall survey any land for the purpose of preparing any plan for attachment to any instrument of conveyance, leases, assignment, charge, or transfer.

(2) No person other than an official surveyor or a licensed surveyor shall certify any plan.

(3) Any person contravening the provisions of this section shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months.

(4) Nothing in this section shall apply to the mere copying of a plan.

Section 7—Register of Licensed Surveyors.

(1) A register of licensed surveyors shall be kept by the Chief Survey Officer at Accra; and all regulations made under this Part shall be communicated by the Chief Survey Officer to every licensed surveyor on the register.

(2) Every licensed surveyor shall keep a copy of such regulations up to date, and shall produce the same for inspection by an official surveyor when called upon so to do.

Section 8—Licensed Surveyors to Report Annually.

Every licensed surveyor shall before the 15th day of January in each year report in writing to the Chief Survey Officer at Accra, his full name and postal address, for entry in the register, and shall also likewise so report any subsequent changes of address or name that may from time to time take place.

Section 9—Records to be Entered in Register.

A record shall be made in the register referred to in section 7 of this Act against the name of any licensed surveyor—

(a) who has performed any creditable work or service under the Government or public bodies; or

(b) whose licence has been revoked or suspended.

System of Work

Section 10—Errors in Survey Work.

(1) If the work of a licensed surveyor has not been performed in accordance with the provisions of this Part of this Act and regulations made thereunder or the work is found to contain errors, the Chief Survey Officer may—

(a) call upon the licensed surveyor to do the work in accordance with the provisions of this Act and regulations made thereunder, or to rectify the error, as the case may be; or

(b) call upon another licensed surveyor to rectify the error.

(2) Where an error is rectified under subsection (1)(b) of this section the Chief Survey Officer shall call upon the licensed surveyor responsible for the error to pay the expenses of the rectification.

(3) If the licensed surveyor mentioned in subsection (2) of this section fails forthwith to pay the expenses, the Chief Survey Officer may as nominal plaintiff by suit recover with the costs of the suit the expenses of rectification.

(4) A certificate signed by the Chief Survey Officer certifying the amount of the expenses referred to in subsection (2) of this section shall, without proof of signature be a prima facie evidence of the amount due.

(5) A licensed surveyor who wilfully renders a false certificate on a plan prepared under this Act and regulations made thereunder shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months.

Section 11—Power to Direct Survey.

The Chief Survey Officer may, whenever he thinks fit so to do, direct that the boundaries of any land shall be demarcated, or that a survey shall be made of any land, or both.

Section 12—Power to Enter on Lands.

Any official or licensed surveyor may with his agents, servants, and workmen, enter upon any land which he is appointed to demarcate or survey, and may make all enquires and do or cause to be done all things necessary for effecting the demarcation of the boundaries and the survey of such land.

Section 13—Notice to Procure Attendance.

(1) A surveyor, demarcating or surveying a land, may cause a notice to be served on any person owning, occupying, or otherwise interested in, any land abutting thereon, or on any person employed on or connected with the management or cultivation of such land, requiring such persons to attend personally, or by agent, before him at such time and place as may be stated in such notice, for the purpose of pointing out the boundaries of such land, or of affording such information as may be needed for the purpose of survey or demarcation.

(2) The surveyor may issue a notice calling upon any person who in his opinion is able to give any information respecting the boundaries of the land, or in whose possession or power any document relating to such boundaries is alleged to be, to attend before him and give such information or produce such document on the date and at a place specified in the notice.

Section 14—Clearing of Boundary Line.

(1) Any person desiring his land to be either demarcated or surveyed or both may apply to the Chief Survey Officer to have the land demarcated, surveyed or both, as the case may be.

(2) The Chief Survey Officer may require a person making an application under subsection (1) of this section to clear any boundary or other line for the purpose of the demarcation or survey of the land by cutting down and removing any trees, bush, fences, or growing crops.

(3) The Chief Survey Officer may when he thinks it necessary employ labour for the purpose of clearing any boundary or line mentioned in subsection (2), in such a case, the cost of labour shall be borne by the applicant.

(4) A certificate signed by the Chief Survey Officer certifying the cost of labour shall without proof of signature be a prima facie evidence of the cost of labour.

Section 15—Compensation for Damage Done by Clearance.

(1) Where compensation is claimed as a result of a clearance of any line in accordance with a direction of the Chief Survey Officer under section 11 of this Act the surveyor shall assess the value of any trees, bush, fences, or growing crops which may have been cut down or removed, and pay or tender to the owners thereof the amount of compensation which in his opinion may be allowed therefor.

(2) Any dispute arising concerning the sufficiency of the amount so paid or tendered shall be finally determined by the District Magistrate of the district upon application made to him for that purpose by either of the disputing parties.

Section 16—Erection of Boundary Marks.

A surveyor may, if the boundaries of a land under survey have not already been correctly marked in the prescribed manner by the owner of the land, mark out the boundaries of the land according to the manner of marking prescribed by regulations.

Section 17—Power to Place Boundary Marks Under Charge of Owners and Occupiers.

(1) The Chief Survey Officer may cause a notice to be served on any owner or occupier and place under his charge any boundary marks erected on the boundary of his land.

(2) Every owner or occupier shall preserve any boundary marks placed under his charge and shall give immediate notice to the Chief Survey Officer if the marks are damaged, destroyed, removed, or require repairs.

Section 18—Power to Re-Erect and Repair Boundary Marks.

(1) Whenever the Chief Survey Officer becomes aware that any boundary mark has been damaged, destroyed, removed, or requires repair, he may cause the mark to be re-erected, restored, or repaired.

(2) The Chief Survey Officer may by suit recover with the costs of the suit all expenses incurred in respect of the re-erection, restoration, or repair from the owner or occupier who was bound to preserve the mark.

(3) A certificate signed by the Chief Survey Officer certifying the amount of such expenses shall without proof of signature be prima facie evidence of the amount due.

Section 19—Duties of Local Authority.

Every local authority shall,

(a) endeavour to prevent the destruction, damage, or alteration of any boundary mark within the limits of its jurisdiction; and

(b) whenever it becomes aware that any such mark has been destroyed, damaged or altered, report immediately to the nearest Survey Division such destruction, damage, or alteration.

Penalties.

Section 20—Penalty for Destroying, Etc., Boundary Marks.

Any person who wilfully or unlawfully destroys, moves, or alters a boundary mark, or who wilfully destroys, moves, or alters a survey mark, shall be liable to a fine not exceeding one hundred pounds or to imprisonment for any term not exceeding six months, or to both.

Section 21—Penalty for Refusing or Neglecting to Comply with Orders, Etc.

Any person who fails to comply with any order, contained in any notice duly served upon him under this Act shall be liable to a fine not exceeding fifty pounds.

Section 22—Penalty for Obstructing Survey.

If any person wilfully obstructs, hinders or resists any official or licensed surveyor in the execution of his duty in ascertaining and marking out of boundaries of any land under the provisions of this Part, or any workman or other person acting under the direction of such surveyor, he shall be liable to a fine not exceeding one hundred pounds.

Section 23—Penalty for Non-Standardisation.

Any licensed surveyor who is at any time found on inspection by the Chief Survey Officer or his representative to be ignorant of any error of his steel tape or chain, or to be working with a tape or chain not properly compared with an authorised standard in accordance with the provisions of this Part shall be liable to a fine not exceeding ten pounds for each occasion on which such offence is committed.

General Provisions

Section 24—Regulations.

The Minister may, by legislative instrument, make Regulations,

- (a) prescribing the forms of certificate for the certification of plans by licensed surveyors;
- (b) for the submission of applications for, and the grant of, a surveyor's licence;
- (c) for the method of survey and supervision of survey work;
- (d) prescribing fees for survey work for official and licensed surveyors;
- (e) for any matter, including fees, which is to be prescribed or is to be provided for by regulations;
- (f) for the conduct and holding of examinations; and
- (g) for giving full effect to the provisions of this Act.

Section 25—Interpretation.

In this Act, unless the context otherwise requires—

"cadastral plan" means a map or plan purporting to show boundaries of land with accuracy, and giving exact measurements by which the boundaries may be demarcated on the ground, such map or plan being made in conformity with the result of a survey carried out by an official surveyor or licensed surveyor to be certified by him, and requiring, whether made by an official surveyor or by a licensed surveyor, to be approved by the Chief Survey Officer or any person appointed by him for that purpose;

"certified plan" means a map or plan purporting to show boundaries of land with accuracy, and giving exact measurements by which the boundaries may be demarcated or redemarcated on the ground, such plan being certified by a licensed surveyor in accordance with this Part;

"plan" includes a map.

PART III—MISCELLANEOUS

Section 26—Repeals.

(1) The following enactments are hereby repealed—

The Survey Ordinance (Cap. 132).

The Geological Survey (Facilities) Ordinance (Cap. 148).

The Soil Survey (Facilities) Ordinance (Cap. 156).

(2) Every statutory instrument made or every licence or certificate granted under an enactment repealed by this Act and in force immediately before the commencement of this Act shall continue in force as if made or granted under the corresponding provi