

CHAPTER 123

SURVEYORS

Ordinances AN ORDINANCE TO PROVIDE FOR THE LICENSING OF SURVEYORS.

Nos. 15 of 1889,
8 of 1897,
10 of 1908,
26 of 1909,
28 of 1916,
20 of 1930,

Act
No. 28 of 1950.

[31st October, 1889.]

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| Short title. | <p>1. This Ordinance may be cited as the Surveyors Ordinance.</p> | <p>3. No survey or plan and no copy or tracing of any survey or plan, purporting to have been made or prepared by any land surveyor after the commencement of this Ordinance, shall be receivable in evidence in any civil court in Sri Lanka unless it has been made or prepared by a permanently licensed surveyor or by a surveyor holding an annual licence and has not been declared defective by the Surveyor-General.</p> | <p>Admissibility of plans or tracings as evidence in civil proceedings.</p> |
| Who can practise as surveyor or leveller. | <p>2. (1) No person shall practise or attempt or profess to practise as a surveyor in any part of Sri Lanka unless—</p> <p>(a) he is a certified surveyor as defined in section 19, and his registration is still in force; or</p> <p>(b) he is a permanently licensed surveyor as defined in section 19, and his licence is still in force ; or</p> <p>(c) he is the holder of an annual licence to practise as a land surveyor or as a surveyor and leveller granted by the Surveyor-General in manner hereinafter appearing.</p> <p>(2) No person shall practise or attempt or profess to practise as a leveller in any part of Sri Lanka unless—</p> <p>(a) he is a permanently licensed leveller; or</p> <p>(b) he is a permanently licensed surveyor who holds a licence as surveyor and leveller; or</p> <p>(c) he is the holder of an annual licence from the Surveyor-General authorizing him to practise as a leveller.</p> | <p>4. The Surveyor-General may from time to time grant annual licences to practise as a land surveyor or' as a leveller or as a surveyor and leveller to persons of good character who have passed the prescribed examination in surveying or in levelling or in surveying and levelling.</p> <p>5. Such annual licences may be in the form contained in Schedule B. They shall remain in force until the thirty-first day of December next following the date when the licence is granted; and, subject to the provisions of section 8, shall be renewable annually. A fee of five rupees payable in stamps shall be charged on the issue and renewal of each annual licence.</p> | <p>Annual licences.</p> <p>Form and particulars of annual licence.</p> |
| | | <p>6. (1) Persons possessing the qualifications mentioned in Schedule A shall be entitled, on production of evidence of good character and on payment of the prescribed fee, to annual licences, without passing an examination.</p> <p>(2) The Minister may from time to time by Notification add to the qualifications mentioned in Schedule A any further</p> | <p>Exemption from examination.</p> |

qualifications which in his opinion afford sufficient proof of fitness to practise as a land surveyor, or as a surveyor and leveller, or may otherwise amend the said Schedule;

Provided that no such amendment shall affect the right of any person who at the time of such amendment is entitled to an annual licence without examination to continue so entitled.

Minister may make regulations.

7. (1) The Minister may from time to time make, and when made may revoke or vary, regulations for the holding and conduct of examinations of candidates for annual licences and for carrying out the purposes of this Ordinance.

(2) The regulations made under the preceding subsection may provide, amongst other things, for—

- (a) appointing examiners and fixing and giving due notice of the time and place at which examinations shall be held;
- (b) prescribing the subjects in which candidates will be examined ;
- (c) prescribing the fees payable, on examination;
- (d) specifying the evidence of character which will be required of candidates;
- (e) publishing the names of certified surveyors, permanently licensed surveyors, levellers, and surveyors and levellers, and the names of persons to whom annual licences to practise as land surveyors or as levellers or as surveyors and levellers have been granted;
- (f) publishing the names of surveyors whose registration or licence, or both, has or have been cancelled or suspended or not renewed ;
- (g) prescribing the manner in which surveys are to be made, the manner and form in which the plans, books and other records pertaining to a survey are to be prepared, and the details to be inserted in such plans, books and records:

(h) requiring the transmission to the Surveyor-General of plans, books and other records pertaining to a survey and fixing the time within which they are to be so transmitted;

(i) defining the degree of accuracy to be attained in surveys and the limit of error to be allowed ;

(j) prescribing the steps to be taken for testing the accuracy of surveys and providing for the correction of any inaccuracies that may be discovered.

(3) All regulations made under this Ordinance shall be laid, as soon as conveniently may be, on the table of Parliament at two successive meetings of Parliament, and shall be brought before Parliament at the next subsequent meeting held thereafter by a motion that the said regulations shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said regulations are disapproved by Parliament, such regulations shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder; and such regulations, if not so disapproved, shall be deemed to be valid. Every such disapproval shall be published in the Gazette.

8. (1) The Surveyor-General may cancel an annual licence or refuse to renew an annual licence if after due inquiry he is Satisfied—

Power of Surveyor-General to cancel or refuse renewal of licence.

(a) that the licensee has been convicted of any offence, whether in his capacity of land surveyor, or surveyor and leveller, or otherwise, which, in the opinion of the Surveyor-General, renders him unfit to be entrusted with the duties of a surveyor or surveyor and leveller;

(b) that the licensee has been guilty of gross misconduct in the discharge of his duties as a land surveyor or surveyor and leveller; or

(c) that he has shown such incompetence or carelessness in the discharge of his duties as a land surveyor or surveyor and leveller that he ought not, in the interests of the public, to be entrusted therewith.

(2) The Surveyor-General shall not cancel or refuse to renew a licence until he has informed the licensee in writing of the reasons for his opinion that such licence should be cancelled or not renewed, and has afforded him reasonable opportunity of adducing any evidence, oral or documentary, on which he may rely.

The Surveyor-General shall record any evidence which may be adduced, and also his decision and his reasons therefor, and the applicant shall be entitled to a copy of such record.

(3) Any person aggrieved by the cancellation or refusal of the Surveyor-General to renew his licence may appeal to the Minister within thirty days from the date when the Surveyor-General's decision is communicated to him, and the decision of the Minister upon any such appeal shall be final and conclusive.

(4) When the Surveyor-General has good reason to believe that the holder of an annual licence has been convicted of such an offence, or has been guilty of such misconduct, or has shown such incompetence or carelessness as are mentioned in subsections (1) (a), (1) (b), or (1) (c), the Surveyor-General may, by notice in writing, suspend the licence of such person for a period not exceeding three months pending inquiry under this section.

Cancellation or suspension of registration or licence.

9. (1) Whenever it shall be made to appear to any District Court within whose jurisdiction any certified surveyor or permanently licensed surveyor resides or carries on business, that such surveyor has been guilty of gross misconduct in the discharge of his duties as a surveyor, or that he has shown such incompetence or carelessness in the discharge of the said duties, that he ought not in the interests of the public to be entrusted therewith, such court may, after a summary investigation of the matter of complaint, which may be

preferred by the Surveyor-General or by any aggrieved person, cancel or suspend for such period as the court thinks proper the registration or licence of such surveyor, and award costs as it thinks fit. Every order under this section shall be subject to an appeal by either party to the Court of Appeal, in like manner as any other order of such District Court,

(2) (a) Every such order of cancellation or suspension, unless the same be set aside on appeal, shall be communicated by the District Court to the Surveyor-General, who shall give effect thereto; and, where any registration or licence has been cancelled or suspended, the person to whom the registration or licence relates shall forthwith return his certificate of registration or licence to the Surveyor-General. Every such suspension or cancellation shall be published in the manner provided by the regulations made under subsection (2) of section 7.

(b) Any certified surveyor or permanently licensed surveyor, whose registration or licence has been cancelled or suspended as aforesaid, failing without reasonable excuse, proof whereof shall lie on him, to return his certificate of registration or his licence within ten days from demand made by the Surveyor-General shall be guilty of an offence, and shall be liable to a fine of one hundred rupees, and an additional fine of ten rupees per day in case of a continuing offence. Such offence shall be triable summarily by a Magistrate's Court, anything in the Code of Criminal Procedure Act or any other law to the contrary notwithstanding.

(c) Where any such registration or licence has been suspended, the Surveyor-General shall return the certificate or licence to the surveyor after the period of suspension has expired.

10. (1) Whenever any irregularity, error or omission is alleged to have been discovered in any plan, book or other record pertaining to a survey or whenever it is alleged that a surveyor has committed any irregularity in the discharge of his duties, the Surveyor-General may by notice in writing to the surveyor concerned require

Inquiries into irregularities, errors and omissions in surveys, &c.

him to explain in writing the circumstances in which the alleged irregularity, error or omission occurred and state his justification therefor, if any.

(2) If after considering any explanation given by the said surveyor, the Surveyor-General thinks that there are reasonable grounds for holding an inquiry into his conduct, he shall hold an inquiry.

(3) The Surveyor-General may, for the purposes of any such inquiry, by notice in writing require such surveyor to produce for his inspection or for the inspection of any other officer of his department any plans, books or other writings made by the surveyor in the discharge of his duties ; and, after giving the surveyor an opportunity to justify the alleged irregularity, error or omission, shall decide whether in fact an irregularity, error or omission has occurred or not.

(4) If the surveyor admits the irregularity, error or omission, or if after the inquiry it is decided that an irregularity, error or omission has occurred, the Surveyor-General may by notice in writing require the surveyor to correct the said irregularity, error or omission in the plan, book or other record pertaining to the survey and to take such other steps as he may direct for rectifying the consequences of the said irregularity, error or omission.

(5) Where in the course of any such inquiry, the Surveyor-General finds as a fact that the plan of any land fails to represent it or misrepresents it to such an extent that damage or loss might result to any person who is or may become interested therein, the Surveyor-General may give notice of such fact to the owner of the land and declare the said plan and all plans based on it to be defective.

(6) A surveyor who without reasonable excuse fails to comply with any requirement or direction issued to him under this section by the Surveyor-General, shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding fifty rupees.

(7) In this section, the -word " surveyor " includes a certified surveyor, a permanently

licensed surveyor, a permanently licensed leveller, an authorized surveyor, or the holder of an annual licence granted under this Ordinance to practise as a land surveyor or as a leveller or as a surveyor and leveller.

- 11. (1) If any person not being—
 - (a) a certified surveyor whose registration IS Still in force ; Or
 - (b) a permanently licensed surveyor whose licence is still in force; or
 - (c) the holder of an annual licence as a land surveyor or as a surveyor and leveller,

Penalty for practising as surveyor or leveller without registration or licence.

practises or attempts or professes to practise as a surveyor he shall be guilty of an offence, and shall be liable on a first conviction to a fine not exceeding one hundred rupees, and on every subsequent conviction to a fine not exceeding five hundred rupees.

- (2) If any person not being either—
 - (a) a permanently licensed leveller or surveyor and leveller whose licence is still in force; or
 - (b) the holder of an annual licence as a leveller or as, a surveyor and leveller,

practises or attempts or professes to practise as a leveller he shall be guilty of an offence, and shall be liable to the penalties prescribed by subsection (1).

12. The Surveyor-General, on being satisfied that any person is competent to plot a survey plan and to compute the area of a survey plan, may issue to such person a certificate authorizing him to practise as a draughtsman under this Ordinance, and, with the sanction of the Minister, may make rules regulating—

Surveyor-General may authorize any person to practise as a draughtsman.

- (a) the examination or other method of determining the qualifications of persons applying for such certificates;
- (b) the charging of fees in respect of such examination and certificates;
- (c) the cancellation or suspension of such certificates.

Authorized surveyor or draughtsman only may work for an authorized surveyor.

13. (1) It shall not be lawful for any person not being an authorized surveyor—

- (a) to make any survey for the use of any authorized surveyor; or
- (b) unless he is an authorized draughtsman, to plot a survey plan or compute the area of a survey plan for the use of any authorized surveyor.

Penalty'

(2) Any person acting in breach of this section shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees,

What acts of authorized surveyor deemed to amount to gross misconduct in the discharge of his duty.

14. Any authorized surveyor who—

- (a) deposes the making of any survey to any person who is not an authorized surveyor; or
- (b) deposes the plotting of a survey plan or the computing of the area of a survey plan to any person who is neither an authorized surveyor nor an authorized draughtsman ; or
- (c) signs any survey plan the survey of which was made by a person who is not an authorized surveyor; or
- (d) signs any survey plan which has been plotted or the area of which has been computed by a person who is neither an authorized surveyor nor an authorized draughtsman,

shall be deemed to be guilty of gross misconduct in the discharge of his duties within the meaning of sections 8 and 9 of this Ordinance.

Saving as to employment of draughtsman.

15. Nothing contained in this Ordinance shall be deemed to preclude the employment of a draughtsman to draw up plans after they have been plotted and their area computed by an authorized surveyor or by an authorized draughtsman.

Plan shall not be deemed to be incorrect by reason of any failure to observe regulations.

16. (1) No survey plan shall be deemed to be incorrect or irregular merely by reason of any failure on the part of the surveyor who made or prepared the plan to observe any regulations made under this Ordinance

regarding matters of form or regarding the proper transmission to the Surveyor-General of documents connected with' the survey on which the plan was made or prepared-

(2) Neither the Government nor any officer thereof shall be liable for any defective survey performed by a surveyor notwithstanding that a plan, book or other record pertaining to it has been accepted as in order by the Surveyor-General.

*18. Nothing hereinbefore contained shall apply to any land surveyor for the time being in the service of the Ceylon Survey Department, or shall prejudicially affect the operation of any existing or future enactments relating to plans or surveys purporting to be signed by the Surveyor-General or any officer on his behalf.

Government surveyors and Surveyor-General.

19. In this Ordinance, unless the context otherwise requires— Interpretation.

" authorized draughtsman" means a person holding a certificate issued to him by the Surveyor-General under section 12 of this Ordinance ;

" authorized surveyor " means a surveyor authorized under this Ordinance to practise as a surveyor;

" certified surveyor " means a person who, before the 1st day of February 1890, was registered as a surveyor by the Surveyor-General or by the Chief Surveyor of the province in which he resided;

" permanently licensed leveller " means a person who holds a licence as leveller issued before the said date;

" permanently licensed surveyor " means a person who holds a licence as a surveyor or as a surveyor and leveller issued before the 1st day of October, 1909.

* Section 17 is omitted, as the references therein are to lapsed or repealed enactments.

1. Members of the Institution of Civil Engineers, England, or holders of such qualifications as are accepted by the Institute of Civil Engineers in lieu of examination for associate membership.
 2. Members of the Institution of Civil Engineers, Ireland,
 3. Associate Members of the Institution of Civil Engineers, England.
 4. Holders of diplomas in Civil Engineering issued by any of the English, Irish, Scotch, or Indian Universities.
 5. Holders of diplomas issued by the Royal Indian Engineering College, Cooper's Hill.
 6. Persons who have served, under articles of indenture, and for a period of not less than three years, a Member or Associate Member of the Institution of Civil Engineers, England, or a Member of the Institution of Civil Engineers, Ireland, or Civil Engineer, or Land Surveyor in private practice in Great Britain or Ireland, and who holds certificates of proficiency in surveying.
 7. Holders of certificates of proficiency in surveying from the Executive Officer or a Divisional Officer of the Royal Engineers employed on the Ordnance Survey of the United Kingdom or from the Director or other principal officer of the Revenue Survey of India.
 8. Fellows and Professional Associates of the Surveyor's Institution, London, who, in the opinion of the Surveyor-General, are qualified to practise in Sri Lanka.
 9. Every person who has served in the Survey Department as—
 - (1) Surveyor-General, or
 - (2) Deputy Surveyor-General, or
 - (3) Assistant Surveyor-General, or
 - (4) a Superintendent of Surveys, or
 - (5) an Assistant Superintendent of Surveys, or
 - (6) a Special Grade Surveyor, or
 - (7) a First Grade Surveyor, or
 - (8) a Second Grade Surveyor for a period of more than fifteen years, or
 - (9) a Second Grade Surveyor for a period of more than ten years and passed the Junior Examination of the Survey Department;
- Provided, however, that any of the periods referred to in sub-paragraphs (8) and (9) may, in exceptional cases, be reduced to a shorter period by the Minister on the recommendation of the Surveyor-General.
10. All persons who have been engaged upon survey work for over fifteen years in one or more Government Departments, or in the service of a Municipal Council, or the River Valleys Development Board, or who have served five years and over as upper subordinates in the Irrigation Department, and are, in the opinion of the Surveyor-General proficient in land surveying or land surveying and levelling.
 11. All persons who have been engaged upon survey work in the Survey Department from a date previous to the 18th day of July, 1917, and who have put in ten years or more of such service, and who are, in the opinion of the Surveyor-General, proficient in land surveying or land surveying and levelling.
 12. All persons who have been engaged upon survey work in the Survey Department from a date previous to the 18th day of July, 1917, and who have passed the Junior Examination previous to such date, and who are, in the opinion of the Surveyor-General, proficient in land surveying or land surveying and levelling.
 13. Any person referred to in paragraph 9 who has been declared medically to be unfit for service in the Survey Department, but who, in the opinion of the Surveyor-General after such medical examination as the Surveyor-General considers necessary, is fit to practise as a licensed surveyor.
 14. Holders of a diploma of the Institute of Surveying and Mapping, Diyatalawa, who, in the opinion of the Surveyor-General, have successfully completed a period of apprenticeship of three years in the Survey Department,

SURVEYORS

[Cap. 123

SCHEDULE B

FORM OF ANNUAL LICENCE TO PRACTISE AS A LAND SURVEYOR OR AS A LEVELLER
OR AS A SURVEYOR AND LEVELLER

[Section 5.1

I, Surveyor-General of Sri Lanka, do hereby authorize and license.....
of, to practise as a Surveyor (or as a Leveller or as a Surveyor and Leveller) in Sri Lanka.

This licence expires on the Thirty-first December, 19.....

.....
Surveyor-General.

The..... day of..... 19.