

SURVEYORS

No. 34 of 1967

An Ordinance to provide for the Registration of Land Surveyors and for the Regulation of the Practice of Land Surveying.

PART I.—PRELIMINARY.

- Short title.** 1. This Ordinance may be cited as the *Surveyors Ordinance 1967*.*
- Commencement.** 2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.†
- Parts.** 3. This Ordinance is divided into Parts, as follows:—
 Part I.—Preliminary (Sections 1-4).
 Part II.—The Surveyors Board (Sections 5-13).
 Part III.—Registration and Qualifications (Sections 14-31).
 Part IV.—Appeals (Sections 32-33).
 Part V.—The Practice of Land Surveying (Sections 34-37).
 Part VI.—Miscellaneous (Sections 38-53).
- Definitions.** 4. In this Ordinance, unless the contrary intention appears—
 “certificate of registration” means a certificate of registration issued under this Ordinance;
 “member” means a member of the Board and includes a person appointed to act as a member of the Board;
 “reciprocating board” means the surveyors board or other competent authority in a reciprocating State;
 “reciprocating State” means a part of Her Majesty’s dominions with the surveyors board or other competent authority of which the Board has entered into a reciprocal arrangement under section 18 of this Ordinance;
 “registered surveyor” means a person whose name is for the time being entered in the Register;
 “specially licensed surveyor” means a surveyor who was specially licensed to practise as a surveyor under the *Real Property Ordinance 1925-1963*;

* Made on 23 November 1967; notified in the *Commonwealth Gazette* on 30 November 1967.
 † The date fixed was 20 December 1967; see *Commonwealth Gazette* 20 December 1967, p. 6940.

- “survey mark” includes a beacon, concrete block, metal pin or plaque, peg or stone cairn placed on land for the purposes of a survey or indicating a boundary on land;
- “surveyor” means a person who is a surveyor of land;
- “the Board” means the Surveyors Board of the Australian Capital Territory established under this Ordinance;
- “the Chairman” means the Chairman of the Board;
- “the Deputy Chairman” means the Deputy Chairman of the Board;
- “the Register” means the Register of Surveyors kept in accordance with section 15 of this Ordinance;
- “the Registrar” means the Registrar of Surveyors appointed under section 14 of this Ordinance;
- “the Territory” includes Jervis Bay Territory.

PART II.—THE SURVEYORS BOARD.

5.—(1.) For the purposes of this Ordinance, there shall be a board which shall be known as the Surveyors Board of the Australian Capital Territory. The Surveyors Board.

(2.) The Board—

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal; and
- (c) may sue and be sued in its own name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed.

6.—(1.) The Board shall consist of the Commonwealth Surveyor-General and four other members who shall be appointed by the Minister. Members of the Board.

(2.) The Commonwealth Surveyor-General is the Chairman of the Board.

(3.) Two of the members of the Board shall be persons appointed from a panel of three registered surveyors who are nominated by the Institution of Surveyors, Australia, Canberra Division.

(4.) The other two members of the Board shall be persons who are registered surveyors.

(5.) For the purposes of the last two preceding sub-sections, “registered surveyor” includes, in the case of the two members first appointed under either of those sub-sections, persons who were, immediately before the commencement of this Ordinance, specially licensed surveyors.

(6.) The members of the Board shall elect one of their number to be the Deputy Chairman of the Board during the pleasure of the Board.

Tenure of office.

7.—(1.) A member appointed by the Minister holds office for a term of two years and is eligible for reappointment.

(2.) Where the office of a member becomes vacant before the expiration of his term of office, the person appointed to fill the vacancy shall—

- (a) if the member had been appointed under sub-section (3.) of section 6 of this Ordinance—be appointed from a panel of two registered surveyors who are nominated by the Institution of Surveyors, Australia, Canberra Division; or
- (b) if the member had been appointed under sub-section (4.) of section 6 of this Ordinance—be a registered surveyor.

(3.) The person so appointed holds office until the expiration of the term of the member whose office has become vacant.

Fees and allowances.

8. The members of the Board shall be paid such fees (if any) and allowances (if any) as the Minister determines.

Removal of member from office.

9. The Minister may at any time terminate the appointment of a member for misbehaviour or incapacity.

Vacation of office by member.

10. A member shall be deemed to have vacated his office—

- (a) if his appointment is terminated by the Minister in pursuance of this Ordinance;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) if he becomes incapable of performing the duties of his office by reason of physical or mental illness;
- (d) if he is convicted, whether in the Territory or elsewhere, of an offence punishable by imprisonment for one year or longer;
- (e) if he resigns his office in writing addressed to the Minister;
- (f) if he is absent, except on leave granted by the Board, from two consecutive meetings of the Board; or
- (g) if he ceases to have the qualification by reference to which he was appointed or, being a person referred to in sub-section (5.) of section 6 of this Ordinance, he does not, within the period of one month after the commencement of this Ordinance, apply for registration under section 37 of this Ordinance.

11. In the event of the illness or absence from the Territory of a member, or of the temporary inability of a member to perform the duties of his office, or in the event of the office of a member becoming vacant before the expiration of his term of office, the Minister may appoint a person, who is a registered surveyor, to act as a member during that illness, absence or temporary inability, or until the appointment of a new member, as the case may be, and a person so acting has all the powers and shall perform all the duties of a member.

Temporary appointments.

12.—(1.) The Board shall meet at least once each year.

Meetings of the Board.

(2.) A meeting of the Board shall be convened by the Chairman by notice in writing to the other members of the Board, and shall be held at the time and place specified in the notice.

13.—(1.) The Chairman shall preside at meetings of the Board at which he is present.

Procedure at meetings.

(2.) In the absence of the Chairman from a meeting, the Deputy Chairman shall preside.

(3.) At a meeting of the Board, the Chairman or Deputy Chairman and two other members constitute a quorum.

(4.) All questions before a meeting of the Board shall be decided by a majority of votes of the members present.

(5.) The member presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(6.) Subject to this Ordinance, the procedure at meetings of the Board shall be as the Board determines.

PART III.—REGISTRATION AND QUALIFICATIONS.

14. The Secretary to the Department of the Interior shall appoint a person who is an officer of the Department of the Interior to be the Registrar of Surveyors.

Registrar of Surveyors.

15. The Registrar shall keep a register called "The Register of Surveyors".

The Register.

16.—(1.) Where the Board has authorized the registration of a person, the registration shall be effected by entering in the Register—

Mode of registration.

(a) his name;

(b) his professional address or addresses (if any) in the Territory or, if he has no such professional address, his place of residence, whether in the Territory or elsewhere;

(c) particulars of his qualifications;

(d) a registration number allotted to him;

(e) the date of his registration; and

(f) such other particulars (if any) as are prescribed.

(2.) An entry in the Register shall be signed by the Registrar.

(3.) Where a person is registered as a surveyor, the Board shall, upon payment of the prescribed fee, cause to be issued to him a certificate of registration, under the hand of the Chairman or Deputy Chairman.

Qualification
for
registration.

17.—(1.) The Board shall authorize the registration of a person as a surveyor—

- (a) if he satisfies the Board that he is not less than twenty-one years of age;
- (b) if he satisfies the Board that he is a fit and proper person to be registered as a surveyor; and
- (c) if he has the prescribed qualifications.

(2.) For the purposes of the last preceding sub-section, the prescribed qualifications of an applicant for registration are that—

- (a) he was, immediately before the commencement of this Ordinance, a specially licensed surveyor;
- (b) he holds a certificate of competency issued by the Board that—
 - (i) he has the prescribed educational qualifications; and
 - (ii) he has completed, in accordance with the regulations, training and field service under articles with a registered surveyor;
- (c) he is registered, licensed or authorized to practice as a surveyor of land in a reciprocating State; 5
- (d) he holds a certificate of competency issued by a reciprocating board in a reciprocating State that he is qualified, under the law of that State, to be registered, licensed or authorized to practice as a surveyor of land; or
- (e) he has—
 - (i) in a country outside Australia other than a reciprocating State passed an examination in surveying approved by the Board; and
 - (ii) either passed such further examinations or completed such field service with a registered, licensed or authorized surveyor in a State or Territory of the Commonwealth, or both, as the Board requires.

(3.) The Board may require an applicant for registration to attend personally before the Board and, if he fails to attend as required, may refuse the application.

18.—(1.) The Board may enter into a reciprocal arrangement with the surveyors board or other competent authority in any part of Her Majesty's dominions for the recognition of the status of a person registered, licensed or authorized by the board or other competent authority to practise as a land surveyor in that part, and for his registration as a surveyor under this Ordinance.

Reciprocal
arrangements.

(2.) If an arrangement is so made, the Board may, for the purposes of examinations to be conducted under this Ordinance, adopt examination papers set by the board or other competent authority with which the arrangement is made.

19.—(1.) A registered surveyor shall, before the first day of July in each year, pay to the Board the prescribed annual registration fee.

Payment of
annual
registration fee.

(2.) If a registered surveyor fails to pay the annual registration fee for a period of twelve months after it has become payable, the Board may remove his name from the Register.

(3.) A person whose name has been so removed may apply to the Board to have his name restored to the Register and, on payment of the prescribed fee, the Board may restore his name accordingly.

20. Where the Board refuses an application for registration, the Board shall—

Notice of
decision to
refuse
registration.

- (a) record the reasons for its decision;
- (b) serve on the applicant, within seven days after so deciding, notice of its decision; and
- (c) if the applicant so requests, supply him with a copy of those reasons.

21.—(1.) A certificate of registration is evidence that the person specified in the certificate was registered under this Ordinance on the date specified in the certificate.

Proof of
registration.

(2.) A document purporting to be a certificate under the hand of the Chairman or Deputy Chairman and stating that any person was or was not registered on any date or dates or during any period mentioned in the document is, in all courts and before all persons and bodies authorized to receive evidence, evidence of the matters so stated.

22. A person shall not, in connexion with an application for registration under this Ordinance, make a false or misleading statement or produce a false certificate, testimonial or other document.

Fraudulent
registration.

Penalty: Two hundred dollars.

Change of
address to be
notified.

23.—(1.) A registered surveyor who changes his professional address in the Territory, or establishes a professional address, or an additional professional address, in the Territory, shall, within twenty-one days after the change or establishment, notify the Registrar in writing accordingly.

(2.) A registered surveyor who, not having a professional address in the Territory, changes his place of residence shall, within twenty-one days after the change, notify the Registrar in writing accordingly.

Penalty: Ten dollars.

Alteration of
register.

24.—(1.) The Board shall cause to be removed from the Register the names of registered surveyors who die or who request their names to be removed and may cause to be made such alterations to the particulars recorded in the Register as are necessary.

(2.) The Board may, by notice to a registered surveyor, posted or otherwise delivered to him at his professional address or at one of his professional addresses recorded in the Register, or at his last-known place of residence, inquire whether his professional address or addresses in the Territory, or his place of residence, is or are still the address or addresses shown in the Register.

(3.) If an answer to a notice under the last preceding sub-section is not given within six months after the date of the posting or other delivery of the notice, the Board may cause the name of the surveyor to be removed from the Register.

(4.) A name removed from the Register under the last preceding sub-section may be restored by authority of the Board.

Cancellation or
suspension of
registration for
fraud and on
other grounds.

25.—(1.) The Board may order the removal from the Register of the name of a person—

- (a) whose registration has been obtained by fraud or misrepresentation;
- (b) who is convicted, whether in the Territory or elsewhere, of an offence punishable by imprisonment for one year or longer or of any other offence which, in the opinion of the Board, renders him unfit to practise as a surveyor;
- (c) who is convicted of an offence against this Ordinance or the Regulations made under this Ordinance;
- (d) who is convicted of an offence against any other law in force in the Territory relating to the duties and functions of surveyors or matters incidental to surveys;
- (e) whose name is, otherwise than at his own request, removed from a register of surveyors or like record kept by a reciprocating board:

- (f) who becomes of unsound mind;
- (g) who is deemed by the Board to be guilty of—
 - (i) habitual drunkenness or addiction to a narcotic drug;
 - (ii) allowing a person, other than a registered surveyor, to practise in his name as a surveyor; or
 - (iii) directly or indirectly giving or offering or agreeing to give or offer to a person any valuable consideration for securing or attempting to secure for the registered surveyor employment or work as a surveyor;
- (h) who has certified to the accuracy of a survey, either knowing it to be inaccurate or without having taken reasonable precautions to verify its accuracy;
- (i) who wilfully or by culpable negligence or through incompetence has made, or caused to be made under his supervision, a survey that is so inaccurate or defective as to be unreliable; or
- (j) who ceases to hold the qualifications by reference to which he was registered.

(2.) The Board may, instead of ordering the removal from the Register of the name of a person who has been found guilty of conduct or an act referred to in paragraph (c), (d), (g), (h) or (i) of sub-section (1.) of this section, reprimand him or suspend his registration for such period, not exceeding six months, as the Board thinks fit.

(3.) Where the entitlement of a surveyor to practise in a reciprocating State is suspended, the Board may suspend the registration of that surveyor under this Ordinance for a period not extending beyond the period of suspension in that State.

26.—(1.) Before taking action in relation to a person under the last preceding section, the Board shall, without undue delay, hold an inquiry after giving, at least ten days before the inquiry, notice to him of the matters to be inquired into and of the time and place at which the inquiry is to be held. Inquiry to be held.

(2.) At the inquiry the person may be represented by counsel, a solicitor or an agent, who may examine witnesses and address the Board on his behalf.

(3.) In conducting the inquiry, the Board is not bound by rules of evidence or legal procedure, but may inform itself in such manner as it thinks fit.

(4.) The Attorney-General may appoint counsel or a solicitor to assist the Board.

(5.) Pending the holding of the inquiry, the Board may, if it appears to the Board that the circumstances justify it in so doing, suspend the registration of the person registered.

Notice of decision to reprimand, etc.

27. Where the Board reprimands a person, suspends his registration or orders the removal from the Register of his name, the Board shall—

- (a) record the reasons for its decision;
- (b) serve on him, within seven days after so deciding, notice of its decision; and
- (c) if the person so requests, supply him with a copy of those reasons.

Effect of suspension of registration.

28.—(1.) A person whose registration is suspended under this Ordinance shall, during the period for which the registration is suspended, be deemed to be a person who is not registered as a surveyor under this Ordinance.

(2.) The Board may, by notice in writing, remove a suspension from a date specified in the notice.

(3.) Where the Board removes such a suspension, the Board shall forthwith return the certificate of registration.

Surrender of certificate on removal of name from Register or upon suspension.

29.—(1.) Where the Board orders the removal from the Register of the name of a person or the suspension of his registration, the Board may, by notice in writing, require him, within fourteen days from the service on him of the notice, to deliver his certificate of registration to the Board.

(2.) A person shall not fail to comply with a notice served on him under the last preceding sub-section.

Penalty: Ten dollars for every day after the period of fourteen days during which the certificate is not delivered to the Board.

(3.) It is a defence to a prosecution for an offence against the last preceding sub-section if the person satisfies the court that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, he has been unable to find the certificate.

Application for re-registration.

30.—(1.) A person whose name has been removed from the Register in pursuance of section 25 of this Ordinance may again apply for registration.

(2.) The Board may, in its discretion, authorize the registration of the applicant or refuse the application.

Collection of fees.

31. The Board may demand and collect in advance such fees as are prescribed.

PART IV.—APPEALS.

32.—(1.) Where the Board—

Appeals.

- (a) refuses an application for the registration of a person other than an application under section 30 of this Ordinance;
- (b) orders the removal from the Register of the name of a person;
- (c) reprimands a person; or
- (d) suspends, otherwise than under section 26 of this Ordinance, the registration of a person,

the person may appeal to the Supreme Court against the decision of the Board within twenty-one days from the date on which notice of the decision is served on him.

(2.) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

(3.) An appeal is in the nature of a re-hearing.

(4.) The Board shall be the respondent upon an appeal.

(5.) The Supreme Court may—

- (a) affirm, set aside or vary the decision of the Board;
- (b) give such judgment as to the Court seems proper; and
- (c) make such other order as justice requires.

(6.) Where the Supreme Court sets aside or varies a decision of the Board, the Court shall set out in its decision the reasons for its decision.

33. Where the Supreme Court allows an appeal under section 32 of this Ordinance, the Board shall, subject to any order of the Court—

Action consequent on allowance of appeal.

- (a) in a matter under paragraph (a) of sub-section (1.) of that section—forthwith cause the appellant to be registered;
- (b) in a matter under paragraph (b) of that sub-section—forthwith cause the name of the appellant to be restored to the Register and return his certificate of registration to him;
- (c) in a matter under paragraph (c) of that section—cause a record of the decision to be entered in the prescribed register; and
- (d) in a matter under paragraph (d) of that sub-section—forthwith remove the suspension and return his certificate of registration to him.

PART V.—THE PRACTICE OF LAND SURVEYING.

Authorized
surveys.

34. A registered surveyor is authorized to survey land for the purposes of—

- (a) defining, redefining or marking the boundaries of land, being land that constitutes a district, a portion of a district, a division or a portion of a division, a section or a portion of a section, or a block, into which the land in the Territory has been divided under the *Districts Ordinance* 1966-1967;
- (b) determining whether improvements are on or within the boundaries of land into which the land of the Territory has been so divided;
- (c) defining, redefining or marking the boundaries of land that constitute a public road within the meaning of the *Roads and Public Places Ordinance* 1937-1966;
- (d) defining, redefining or marking the boundaries of land in which a legal or equitable estate or interest has been, or is to be, created, or of land over or in connexion with which, a right, power or privilege has been, or is to be, created; or
- (e) defining, redefining or marking the boundaries of land to be resumed under an Ordinance or other law referred to in section 7A of the *Seat of Government (Administration) Act* 1910-1965.

34A

Unauthorized
surveys and
use of titles
relating to
surveys.

35.—(1.) A person other than a registered surveyor shall not, for fee, charge or reward, survey land for a purpose specified in section 34 of this Ordinance.

(2.) Where by an Ordinance or other law in force in the Territory provision is made requiring a certificate or other document to be made or given by a registered surveyor, a person other than a registered surveyor shall not give or purport to give such a certificate or document.

(3.) A person other than a registered surveyor shall not take, or use, either alone or in combination with any other words or letters—

- (a) the title of “registered surveyor”; or
- (b) a name, title, addition or description (including initials or letters placed after his name), indicating or implying that he is a registered surveyor or that he is authorized under section 34 of this Ordinance to survey land for a purpose specified in that section.

Penalty: Two hundred dollars.

36. Upon the death of a registered surveyor who was at the time of his death carrying on business as a surveyor, an executor, administrator or trustee of his estate may, if the practice of surveying in the business is carried on by a registered surveyor, continue the business for a period of two months or for such longer period as the Board permits.

Continuance of business of deceased surveyor.

37. For the purposes of this Part, a person who, immediately before the date of commencement of this Ordinance, was a specially licensed surveyor shall be deemed to be a registered surveyor during the period of one month after that date and if, before the expiration of that period, he applies for registration, he shall be deemed to be a registered surveyor pending the decision of the Board upon the application.

Specially licensed surveyors deemed to be registered for certain period.

PART VI.—MISCELLANEOUS.

38. The Chairman or the Deputy Chairman may, by writing under his hand, summon a person to attend the Board at a time and place specified in the summons and then and there to give evidence and produce such books, documents or writings in his custody or control as he is required by the summons to produce.

Power to summon witnesses.

39. A member of the Board may administer an oath to a person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and the witness may be examined on oath.

Power to examine on oath.

40.—(1.) Where a witness to be examined before the Board conscientiously objects to taking an oath, he may make an affirmation that he conscientiously objects to taking an oath, and that he will state the truth, the whole truth and nothing but the truth, in answering all questions that may be asked him.

Affirmation in lieu of oath.

(2.) An affirmation so made is of the same force and effect, and entails the same liabilities, as an oath.

41.—(1.) A person served with a summons to attend the Board shall not refuse or fail, without reasonable excuse, to attend the Board or to produce the books, documents or writings in his custody or control that he is required by the summons to produce.

Failure to attend or produce documents.

Penalty: One hundred dollars.

(2.) It is a defence to a prosecution for refusing or failing, without reasonable excuse, to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the Board's proceedings.

Refusal to be sworn or give evidence.

42.—(1.) A person appearing as a witness before the Board shall not refuse to be sworn or to make an affirmation or to answer a question relevant to the proceedings put to him by a member of the Board.

Penalty: One hundred dollars.

(2.) A statement or disclosure made before the Board by a witness is not, except in an appeal to the Supreme Court under Part IV. of this Ordinance or in proceedings for giving false testimony before the Board, admissible in evidence against him in civil or criminal proceedings in a court.

Protection of witnesses.

43. A witness before the Board has the same protection as a witness in a matter before the Supreme Court.

Fees and allowances to witnesses.

44.—(1.) A person who attends for the purpose of giving evidence before the Board is entitled to receive such fees and allowances as the Chairman or, if the Chairman is absent from the meeting of the Board, the Deputy Chairman thinks fit to allow in accordance with the scale of fees and allowances prescribed from time to time, for the purposes of section 27 of the *Public Works Committee Act 1913-1966*, by the Public Works Committee Regulations.

(2.) Fees and allowances so payable are payable—

(a) if the person attended before the Board, whether on summons or not, by reason of a request by a person other than the Chairman, the Deputy Chairman or an officer of the Department of the Interior—by the person at whose request the first-mentioned person attended; or

(b) in any other case—by the Commonwealth.

Board may inspect books, &c.

45. The Board may inspect books, documents or writings before it, and may retain them for such reasonable period as it thinks fit and may make copies of such portions of them as are relevant to a matter before the Board.

Examinations.

46. The Board may appoint examiners and supervisors of examinations and pay such fees to them as the Minister determines and hold examinations and shall give certificates of competency in surveying to persons who have fulfilled the conditions prescribed.

Power of entry upon lands, &c.

47.—(1.) Notwithstanding anything contained in any other Ordinance, a registered surveyor and such assistants as he considers necessary may, at all reasonable times and upon giving notice to the owner of the land of intention to enter upon the land, whether the land to be surveyed or other land, enter upon the land for the purpose of making a survey and may, for that purpose, open a fence, place a survey mark on the land and enter a building on the land to determine the position of a wall or to define a boundary.

(2.) In addition to the powers conferred by the last preceding sub-section, the registered surveyor and his assistants may, with as little damage as may be, trim, lop or cut down trees or bushes that may obstruct the survey but nothing in this sub-section shall be deemed to authorize the trimming, lopping or cutting down, without the consent in writing of the owner of the land, of vines, fruit trees or other trees or bushes planted or conserved on the land.

(3.) A person shall not, without reasonable cause, hinder or obstruct a registered surveyor or his assistants in exercising the powers conferred by this section.

Penalty: Two hundred dollars.

(4.) A registered surveyor shall be liable to pay compensation to the owner of land so entered for damage caused in the exercise of the powers conferred by this section.

(5.) Where the damage so caused is necessary for the purposes of the survey, the person who engaged or employed the registered surveyor shall reimburse the registered surveyor the amount he is required to pay as compensation for the damage.

(6.) A notice of intention to enter land under this section may be given—

- (a) in writing or orally to the owner personally;
- (b) in writing by post addressed to the owner at his usual or last known place of abode or business;
- or
- (c) in writing to a person apparently living or employed at that place of abode or business and apparently not less than sixteen years of age,

but, where notice of intention is given in accordance with paragraph (b) of this sub-section, entry shall not be made before the writing would be delivered in the ordinary course of post.

(7.) In this section, "owner" includes—

- (a) in the case of land held under lease from the Commonwealth for a period of years—the person who is the lessee of the land;
- (b) in the case of land which is held in fee simple—the person in whom the fee simple is vested or a lessee or tenant of the land; and
- (c) in the case of land occupied under a tenancy from the Commonwealth—the person who occupies the land.

48.—(1.) A person shall not, without lawful authority, destroy, obliterate, remove, injure or deface a survey mark.

**Destruction,
&c., of
survey marks.**

Penalty: Two hundred dollars.

(2.) Where a person is convicted of an offence against the last preceding sub-section, the court may, in addition to any penalty imposed under that sub-section, order him to pay the costs of re-establishing the survey mark so destroyed, obliterated, removed, injured or defaced.

Fees and charges payable to surveyors.

49.—(1.) The fees and charges payable to registered surveyors in respect of surveys shall be in accordance with such scale as is determined by the Board.

(2.) The Board shall cause copies of determinations under the last preceding sub-section to be made available to—

- (a) registered surveyors; and
- (b) other persons upon request and upon payment of such fees for the copies as the Board determines.

(3.) A person who has received an account from a registered surveyor in respect of his fees and charges for a survey and who considers that the fees and charges are not in accordance with the scale so determined may, within one month after receiving the account, apply to the Board to review the account.

(4.) The Board shall, upon such application, review the account and certify, under the hand of the Chairman or the Deputy Chairman, the fees and charges which, in the Board's opinion, are payable in accordance with the scale so determined.

(5.) The certificate of the Board is admissible as evidence in proceedings for the recovery of the fees and charges to which the account referred to in the certificate relates.

Information to Registrar of Titles regarding registration of surveyors.

50. The Registrar shall forthwith inform in writing the Registrar of Titles appointed under the *Real Property Ordinance 1925-1963* of—

- (a) the registration of a person as a registered surveyor;
- (b) any suspension of the registration of a person, including the period of the suspension, and the removal of any such suspension;
- (c) the removal of the name of a person from the Register; and
- (d) the re-registration or the restoration of the name of a person in the Register.

Judicial notice of signatures of Chairman and Deputy Chairman.

51. Judicial notice shall be taken of the signature of the Chairman or Deputy Chairman appearing on a certificate issued by the Board under this Ordinance or the Regulations and of the fact that the person by whom the certificate purports to have been signed was, at the time the certificate was signed, the Chairman or Deputy Chairman, as the case may be.

52.—(1.) The service on a person of a summons or notice under this Ordinance shall be deemed to have been duly effected if the summons or notice is—

Service of
summonses
and
notices.

- (a) delivered to him personally;
- (b) posted in a prepaid letter addressed to him at his place of residence, or at his professional address or one of his professional addresses, last known to the Chairman or the Deputy Chairman; or
- (c) delivered to his place of residence or at such an address to a person apparently residing or employed at that place and apparently not less than sixteen years of age.

(2.) Where the service of a summons or notice is effected in respect of a person under paragraph (b) of the last preceding sub-section, the summons or notice shall, in the absence of proof to the contrary, be deemed to have been served on him on the date on which in the ordinary course of post the letter containing the summons or notice would have been delivered at the address to which it was posted.

53. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for prescribing matters providing for and in relation to—

Regulations.

- (a) the fees (if any) payable in respect of any application, registration, certificate or other proceeding, act or thing provided for or required under this Ordinance or the regulations;
- (b) the regulation of the practice of land surveying; and
- (c) the imposition of penalties, not exceeding a fine of Forty dollars, for offences against the regulations.