

LAND SURVEYORS ACT

Act 11 of 1976 – 29 September 1979

ARRANGEMENT OF SECTIONS

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LAND SURVEYORS ACT

1. Short title

This Act may be cited as the Land Surveyors Act.

2. Interpretation

In this Act—

“Chief Surveyor” means the Chief Surveyor of the Ministry;

“Government surveyor” means a land surveyor who is a public officer of the Ministry;

“land surveyor” includes a Government surveyor;

“Minister” means the Minister to whom responsibility for the subject of lands is assigned;

“Permanent Secretary” means the Permanent Secretary of the Ministry.

3. Survey to be made by land surveyors

(1) No survey, plan or memorandum of survey of land shall be valid unless it has been made by a land surveyor.

(2) No person, other than a land surveyor, shall, for remuneration, make a survey of any land for any purpose.

4. Appointment of land surveyors

(1) Every land surveyor shall be appointed by a commission issued by the President.

(2) No person shall apply for a commission unless the Attorney-General has certified that the applicant is a fit and proper person to be issued with a commission.

(3) The number of land surveyors shall not be limited.

[S. 4 amended by Act 48 of 1991.]

5. Qualifications of land surveyors

(1) No person shall be granted a commission under section 4 unless—

- (a) he is a citizen of Mauritius and of age;
- (b) he holds—
 - (i) the Diploma in Land Surveying of the University of Mauritius; or
 - (ii) such other qualifications as may be prescribed;
- (c)
 - (i) in the case of the holder of a Diploma in Land Surveying of the University of Mauritius who has throughout his period of study been employed by and worked under the direct supervision of a land surveyor, he has worked full-time under the direct supervision of a land surveyor for a further period of one year after obtaining his Diploma;
 - (ii) in any other case, he has worked full-time under the direct supervision of a land surveyor for a period of not less than 2 years after he has obtained the qualifications specified in paragraph (b) (ii); and
- (d)
 - (i) he provides the Minister with evidence of his knowledge of practical survey work of the kind specified in Part I of the Schedule;
 - (ii) in the case of a person who qualifies under paragraph (b) (ii), he provides the Attorney-General with evidence of his knowledge of the enactments specified in Part II of the Schedule.

(2) (a) Subject to paragraph (b), no person who has been granted a commission under section 4 shall practise as a land surveyor unless—

- (i) he has furnished security in accordance with subsection (3); and
- (ii) he holds the prescribed licence.

(b) Paragraph (a) shall not apply to a Government surveyor or a land surveyor employed by a statutory corporation or a local authority.

(3) Security under subsection (2)—

- (a) shall be—
 - (i) of the value of 20,000 rupees or such other amount as may be prescribed; and
 - (ii) subject to the approval of the Attorney-General;
- (b) may be furnished—
 - (i) by cash deposited with the Accountant-General;
 - (ii) by means of a policy of insurance issued by a company registered under the Insurance Act; or
 - (iii) by means of a mortgage on immovable property; and

- (c) may be applied, where necessary, for the satisfaction of—
 - (i) a judgment debt against the land surveyor arising out of a matter connected with the exercise by the land surveyor of the functions of his office; or
 - (ii) any penalty incurred by the land surveyor under this Act.

(4) Where a land surveyor has furnished security, otherwise than in cash, he shall cause to be produced to the Accountant-General—

- (a) a certificate from the Conservator of Mortgages that a mortgage under subsection 3 (b) (iii) has been inscribed; or
- (b) a policy of insurance issued under subsection (3) (b) (ii) and every receipt witnessing the payment of any premium payable under the policy.

(5) Subject to subsection (6), where security—

- (a) has been furnished in accordance with subsection (3) (b) (ii); and
- (b) is applied for any purpose specified in subsection (3) (c),

no claim shall be receivable in respect of any sum paid by the Accountant-General to any person.

(6) Subsection (5) shall not prejudice any right of the land surveyor to recover from any person any sum paid out by the Accountant-General under subsection (3).

(7) Where the Accountant-General has made any payment under subsection (3) out of the amount deposited by a land surveyor, he shall—

- (a) give written notice to the land surveyor; and
- (b) require the land surveyor to deposit a further amount as security being an amount equal to the payment made.

(8) A licence prescribed for the purposes of subsection (2) (b) (ii) shall not be issued or renewed unless the land surveyor has complied with subsection (4).

6. Official surveyors not to practise privately

(1) Subject to subsection (2), no Government surveyor or land surveyor employed by a statutory corporation or local authority shall undertake a survey for private parties.

(2) Subsection (1) shall not apply to Rodrigues.

7. Survey of State land

(1) (a) No land surveyor, other than a Government surveyor, shall undertake the survey of any State land, unless he has been authorised in writing by the Chief Surveyor.

(b) Where a land surveyor carries out a survey with the authorisation of the Chief Surveyor, the surveyor shall record the fact in his memorandum and the authorisation shall be attached to the original of the memorandum which is to be deposited with the Permanent Secretary under section 15.

(2) Any land surveyor who contravenes subsection (1) shall commit an offence and the memorandum of survey made by him shall be null and void.

[S. 7 amended by Act 48 of 1991.]

8. Surveyors leaving Mauritius

Any land surveyor who intends to leave Mauritius shall, 10 days before his departure, notify his intention to the Permanent Secretary and furnish the Permanent Secretary with proof that he has complied with section 13 of the Cadastral Survey Act.

[S. 8 amended by s. 22 (3) (a) of Act 22 of 2011 w.e.f. 1 July 2013.]

9. – 18. —

[Ss. 9 to 18 repealed by s. 22 (3) (b) of Act 22 of 2011 w.e.f. 1 July 2013.]

19. Offences

(1) Any person who—

- (a) acts as a land surveyor without having—
 - (i) received a commission; or
 - (ii) complied with section 5;

- (b) not being a land surveyor, in consideration of any remuneration, makes a survey of any property for any purpose,

shall commit an offence.

(2) Any land surveyor who contravenes section 5, 6, 7 or 8 shall commit an offence.

(3) Any person who commits an offence under this Act shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

[S. 19 amended by Act 32 of 1983; s. 22 (3) (c) of Act 22 of 2011 w.e.f. 1 July 2013.]

20. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) The Minister may, by regulations, amend the Schedule.

(3) Regulations made under subsection (1) may provide for the levying of fees and charges.

SCHEDULE

[Section 5 (1)]

PART I

Preparation of a plan, supported by the field book notes, of the survey of a portion of land of not less than 800 metres square to be indicated by the Chief Surveyor, showing the triangulation of the ground contour lines and the general features, including roads and watercourses

SCHEDULE—continued

PART II

Constitution, sections 8, 9 and 10

Building Act

Central Water Authority Act

Code Civil Mauricien, Livre Premier, articles 112 to 145, 215 to 226, Titres VII to XI, Livre Deuxième, Livre Troisième, Titres I to X, XIII to XV, XVII to XX

Deposits (Supreme Court) Act

Forests and Reserves Act

Ground Water Act

Irrigation Authority Act

Land Acquisition Act

Land Surveyors Act

Landlord and Tenant Act

Legal Metrology Act

Local Government Act, Part VIII and sections 74 to 83

Minerals Act

National Heritage Fund Act

Non-Citizens (Property Restriction) Act

Pas Géométriques Act

Petroleum Act

Registration Duty Act

Removal of Sand Act

Rivers and Canals Act

Roads Act, Part III

Sale of Immovable Property Act, Part II

Shooting and Fishing Leases Act

State Lands Act

Succession and Wills Act

Town and Country Planning Act

Transcription and Mortgage Act

Waqf Act

[Sch. amended by Act 48 of 1991.]
