

Surveyors Registration Act 1974 (Ch 275)

CHAPTER 275

THE SURVEYORS REGISTRATION ACT.

Arrangement of Sections.

Section

Interpretation.

1. Interpretation.

The board.

Establishment of Surveyors Registration Board.

Functions of the board.

General powers of the board.

Seal of the board.

Membership of the board.

Vice chairperson.

Meetings of the board.

Meetings of the board.

Transaction of business by circulation of papers.

Byelaws.

Registration of surveyors.

Appointment of registrar.

Register of surveyors.

Publication of names, etc. in the Gazette.

Evidence of registration.

Qualifications for registration.

Temporary registration.

General disqualifications for registration.

Power to correct the register.

Issue of practising certificate.

Refusal of practising certificate.

Inquiries.

Inquiries by disciplinary committee.
Penalties for misconduct.
Restoration to the register.
Powers to suspend registration, etc.
Appeal to the High Court.

Miscellaneous.

Style of "registered surveyor".
Restrictions on use of title.
Offences and penalties.
Regulations.
Amendment of Schedules.

Schedules

First Schedule Provisions relating to disciplinary

committees.

Second Schedule Acts or omissions constituting

professional misconduct.

CHAPTER 275

THE SURVEYORS REGISTRATION ACT.

Commencement: 13 June, 1974.

An Act to provide for the establishment of a Surveyor Registration Board, to define the powers and functions of the board, to provide for the registration of surveyors and for other matters connected therewith.

Interpretation.

1. Interpretation.

(1) In this Act, unless the context otherwise requires—

“board” means the Surveyors Registration Board established under section 2;

“chairperson” means the chairperson of the Surveyors Registration Board appointed under section 6;

“member” means a member of the Surveyors Registration Board;

“prescribed” means prescribed by regulations;

“professional misconduct” means any act or omission which is for the time being specified in the Second Schedule to this Act;

“registered surveyor” means a person whose name is for the time being entered in the register;

(g) “registrar” means the registrar appointed under section 11;

(h) “surveyor” includes land surveyors, quantity surveyors, building

surveyors, mining and hydrological surveyors and valuation surveyors, as well as land agents and other professionals responsible for the management of land or buildings; (i) “vice chairperson” means the vice chairperson of the board elected under section 7.

(2) This Act shall be read and construed as one with the Survey Act; so, however, that the provisions of the Survey Act relating to the establishment, functioning and management of the Surveyors Licensing Board and to the registration, licensing and disciplining of land surveyors shall be superseded by the corresponding provisions of this Act.

The board.

2. Establishment of Surveyors Registration Board.

There is established a board to be known as the Surveyors Registration Board which shall, in that name, be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and subject to this Act may do and suffer all such other acts and things as bodies corporate may lawfully do and suffer.

3. Functions of the board.

The functions of the board shall be to regulate and control the profession of surveyors and the activities of registered surveyors within Uganda, and to advise the Government in relation to those functions.

4. General powers of the board.

The board may do all such things as are calculated to facilitate or are incidental or conducive to better carrying out its functions and for this purpose, but without prejudice to the generality of the foregoing, may—

acquire, hold and in any way dispose of any property movable or immovable;

subject to this Act, exercise such powers in connection with the disciplining and the registration of or the suspension from registration of surveyors as are vested in it by or under this Act.

5. Seal of the board.

(1) The seal of the board shall be kept in such custody as the board may from time to time direct, and shall not be affixed to any document or instrument except—

where the board, by resolution, authorises or ratifies the affixing; and

where the affixing is authenticated by the signatures of the chairperson or, in his or her absence, of any two members authorised by resolution of the board whether generally or specially to act in that behalf, and any such signatures shall be independent of any person who may have signed the document or instrument as a witness.

(2) Any document purporting to be a document duly executed under the seal of the board in accordance with this section shall be received in evidence in any court and shall, unless the contrary is proved, be presumed to be a document so executed.

6. Membership of the board.

The board shall consist of a chairperson and nine other members appointed by the Minister all of whom shall be registered surveyors.

A member of the board shall, unless he or she sooner resigns or his or her appointment is revoked by the Minister, hold office for two years from the date of his or her appointment and shall be eligible for reappointment.

The Minister may revoke the appointment of any member of the board, including the chairperson, and may appoint a new member or chairperson, as the case may be, to fill any vacancy occurring in the membership of the board to hold office for the remainder of the unexpired term of the member causing the vacancy.

The chairperson or any member of the board may resign his or her office by writing under his or her hand addressed to the Minister.

7. Vice chairperson.

The members of the board shall elect a vice chairperson from among their own number.

The vice chairperson shall hold office for a period of two years and shall be eligible for reelection.

Meetings of the board.

8. Meetings of the board.

(1) The chairperson shall preside at all meetings of the board; and where he or she is absent from any meeting, the vice chairperson or, where both the chairperson and the vice chairperson are absent, such other member as the members present may elect shall preside at the meeting of the board.

Meetings of the board shall be held at intervals of not less than three months at such place and time as the chairperson may, from time to time, appoint.

The chairperson shall, if requested by notice in writing signed by not fewer than three members of the board, convene a special meeting of the board within fourteen days beginning with the date when he or she received that notice.

Every member of the board shall have one vote, and in the event of an equality of votes the person presiding at the meeting shall have a second or casting vote.

At any meeting of the board five members shall constitute a quorum.

All acts, matters and things authorised under this Act to be done by the board shall be decided by a resolution at a meeting of the board at which a quorum is present by a majority of votes of the members present and voting on the act, matter or thing.

Subject to this Act, the board may regulate its own procedure, including the manner in which matters subject to the determination of the board are to be determined by or on behalf of the board.

A decision of the majority of the members present and voting at a meeting of the board shall be deemed to be the decision of the board.

The chairperson or other member presiding at any meeting of the board may invite any person not a member of the board to attend and to speak upon any relevant matter at any meeting of the board, but no such person shall vote upon any matter before the board.

Notice of the time, place and agenda of every meeting of the board shall be served by or on behalf of the secretary on every member of the board either personally or by leaving it at his or her usual place of residence or at his or her business address—

in the case of ordinary meetings not less than seven days before the meeting; and

in the case of special meetings not less than twenty-four hours before the meeting, but the accidental omission to serve the notice on any member of the board shall not affect the validity of any meeting.

(11) Minutes of the proceedings of every meeting of the board shall be regularly entered in a book to be kept for that purpose by the secretary; and the minutes shall be confirmed at the next meeting of the board and, when so confirmed, shall be signed by the person presiding in the presence of the members of the board.

9. Transaction of business by circulation of papers.

The board may, if it thinks fit, transact any of its business by the circulation of papers; and a resolution in writing approved in writing by all the members of the board shall be as valid and effectual as if it had been passed at a meeting of the board by the votes of the members so approving the resolution.

10. Byelaws.

(1) The board may, with the approval of the Minister, make byelaws respecting the management and conduct of the profession of surveyors or any matter connected with the functions of or the proper exercise, discharge or performance by the board of its functions under this Act, and the byelaws may provide for—

the manner in which books of account are to be kept by the board;

the appointment, discipline and dismissal of officers, servants and employees of the board;

the remuneration of officers, servants and employees of the board.

(2) Notwithstanding the Interpretation Act, unless the Minister otherwise directs, it shall not be necessary to publish by statutory instrument any byelaws made under this section.

Registration of surveyors.

11. Appointment of registrar.

(1) The board shall appoint a suitable person, who may be a person holding an office in the public service, to be registrar and who shall hold and vacate office pursuant to the terms and conditions of his or her appointment.

(2) In addition to his or her other duties specified under or by this Act, the registrar shall be the secretary to the board and in that capacity shall perform such functions as the board may assign him or her.

12. Register of surveyors.

(1) The registrar shall keep and maintain a register in which the name of every person entitled to have his or her name entered in the register shall be entered, showing against his or her name—

his or her address;

the date of entry;

his or her qualifications; and

such other particulars as the board may, from time to time, direct.

(2) Any change in the particulars registered under subsection (1) shall be entered in the register by the registrar.

13. Publication of names, etc. in the Gazette.

The registrar shall cause to be published in the Gazette, as soon as may be practicable, the name, address and qualifications of any person registered under section 12 and, subject to the directions of the board, may cause to be published any other alterations made in the register.

The registrar shall cause to be published in the Gazette, as soon as may be practicable after the first day of January in each year, a list of all the names, addresses and qualifications of all registered surveyors remaining on the register at the close of the immediately preceding year.

14. Evidence of registration.

A publication made under section 13 shall be prima facie evidence that the person named in it is validly registered under this Act, and the deletion from the register of the name of any person notified by any publication, or the absence of the name of any person from the publication, shall be prima facie evidence that the person is not so registered.

The register, lists and all copies of or extracts from them which are certified under the hand of the registrar shall be receivable in all courts, tribunals or other bodies authorised to receive evidence as prima facie evidence of the facts stated in them.

15. Qualifications for registration.

(1) Subject to this Act, a person shall be entitled, on making an application to the board in the prescribed manner and on payment to the board of the prescribed fee, to have his or her name entered in the register if—

he or she is a fellow of the Association of Surveyors of Uganda or a corporate member of any other institution of surveyors, by whatever name called, recognised for the time being by the board as furnishing sufficient guarantee of academic knowledge of, and practical experience in, surveying;

he or she is the holder of a degree, diploma or certificate awarded by a university or school of surveying or photogrammetry recognised for the time being by the board and has had not less than three years' practical experience of such a nature as to satisfy the board as to his or her competence to practise as a professionally qualified surveyor; or

in the case of land surveyors, he or she is the holder of— (i) a licence to practise land surveying issued by any licensing

body approved by the board; (ii) the East African Land Survey Certificate; or (iii) a class A licence issued under the Survey Act.

Of the three years' practical experience required by subsection (1)(b), not less than two years of that period shall be after obtaining the degree, diploma or licence.

The board may require an applicant for registration under this Act to satisfy the board that his or her professional and general conduct is such as would, in the opinion of the board, make him or her a fit and proper person to be registered, and if he or she fails to satisfy the board, it may direct the registrar to postpone the registration of the applicant until it is so satisfied.

16. Temporary registration.

(1) Where a person satisfies the board—

that he or she is not ordinarily resident in Uganda;

that he or she is, or intends to be, present in Uganda in the capacity of a professionally qualified surveyor for the express purpose of carrying out specific work for which he or she has been engaged; and (c) that he or she is, or immediately prior to entering Uganda was, in practice as a surveyor in such a capacity as to satisfy the board of his or her fitness to serve the public as a professionally qualified surveyor, the board may authorise the registrar to register that person only for the duration of the period of any specific work for which he or she has been engaged.

An application for registration under this section shall be in the prescribed form, accompanied by the prescribed fee.

The board may require an applicant under this section to appear before it for the purposes of considering his or her application but shall require the applicant to produce documentary evidence to support his or her application.

Registration of a person under this section shall continue only for the period or for the duration of the work as is directed by the board under subsection (1) and on its termination that person shall cease to be so registered; and in the case of any doubt, the decision of the board as to the termination of the work or works shall be conclusive.

A person registered under this section shall, while he or she is still so registered, be subject to this Act.

17. General disqualifications for registration.

No person shall be registered under this Act—

if he or she has not paid the prescribed fees;

if he or she is adjudged by a court to be insolvent, or a bankrupt or of unsound mind; or

if he or she has been convicted by a court whether in Uganda or elsewhere of any offence involving fraud or dishonesty.

18. Power to correct the register.

(1) Where a registered surveyor—

(a) fails to notify the registrar of his or her current address, within six

months beginning with the date on which he or she receives an inquiry sent by the registrar by prepaid registered letter to the address appearing in the register against his or her name;

requests that his or her name be deleted from the register, in which case the person may be required to satisfy the board by affidavit lodged with the registrar that no criminal proceedings or proceedings under sections 21 and 22 are being or are likely to be taken against him or her; or

is found guilty of any offence or disgraceful conduct in a professional respect, the board may direct that his or her name be struck off the register.

The registrar shall delete from the register the name of every deceased person and every entry which has been incorrectly or fraudulently made.

Except in the circumstances specified in subsections (1)(a) and (2), every person whose name is struck off the register shall be notified by the registrar by prepaid registered letter.

Subject to section 24, a person whose name is struck off the register under this section shall for the purposes of this Act cease to be registered from the date of the deletion.

19. Issue of practising certificate.

The registrar shall issue a practising certificate to every surveyor whose name is on the register and who applies for the certificate on the prescribed form and pays the prescribed fee.

A practising certificate shall remain valid until the thirty-first day of December next after its issue and shall be renewable annually on application being made on the prescribed form.

Subject to this Act, no person shall engage in or carry out the practice of surveying, by whatever name called, unless he or she is the holder of a valid practising certificate granted to him or her in that behalf under this Act.

20. Refusal of practising certificate.

Notwithstanding section 19, the registrar shall refuse to issue to or renew a practising certificate of any registered surveyor who, on the date of his or her application for the certificate, has become subject to any of the disqualifications set out in section 17.

Inquiries.

21. Inquiries by disciplinary committee.

Where the board has reasonable cause to believe, whether upon complaint made to it or otherwise, that a registered surveyor has done or committed any act amounting to improper or disgraceful conduct in a professional respect, the board may appoint a disciplinary committee for the purpose of holding an inquiry into the conduct of that person.

The provisions of the First Schedule to this Act shall apply in relation to the constitution of, and the procedure to be followed by, disciplinary committees appointed under this section, the proceedings at an inquiry held by such committee and the powers of the disciplinary committee.

22. Penalties for misconduct.

If any registered surveyor—

- (a) is, after due inquiry held under section 21, found guilty of any act or omission amounting to improper or disgraceful conduct in a professional respect; or
 - (b) is convicted of any offence under this Act,
- the board may—

caution or reprimand that registered surveyor or direct that, during such period as the board may specify, the registration of his or her name shall not have effect; or

direct that his or her name be struck off the register.

23. Restoration to the register.

(1) Where the name of a registered surveyor is struck off the register under this Act, it shall not be restored to the register except in accordance with this Act.

(2) Where the name of a registered surveyor is struck off the register or the effect of the registration of any person is suspended under section 22, the board may, on application made in the prescribed manner by the person concerned, and after holding such inquiry as the board thinks fit, direct that—

the name of that person be restored to the register; or

the suspension of the effect of the registration of that person be terminated.

(3) A direction given by the board under subsection (2) may include—

a provision for the date upon which the restoration to the register or the termination of suspension of registration shall take effect;

a requirement that the person concerned pay such fee, not exceeding the fee payable on an application for registration, as the board may determine.

24. Powers to suspend registration, etc.

The board may suspend from the register the name of a registered surveyor—

if the prescribed annual subscription fee remains unpaid for a period exceeding four months; or

if he or she has become subject to any disqualifications set out under section 17.

25. Appeal to the High Court.

Any person who is aggrieved by the decision of the board to cancel or suspend his or her registration under this Act or the decision of a disciplinary committee constituted under this Act may, within thirty days of the decision, appeal to the High Court, and the decision of the High Court shall be final.

Miscellaneous.

26. Style of “registered surveyor”.

Every person whose name has been entered in the register shall, so long as his or her name remains in the register, be entitled to take and use the style and title “Registered Surveyor of Uganda” or the letters “R.S.U.” after his or her name and subject to holding a valid practising certificate to offer his or her services to the public for gain or reward or by way of trade as a professionally qualified surveyor.

27. Restrictions on use of title.

(1) After the expiration of six months from the date of the coming into operation of this Act, or such further period as may be allowed by the Minister under subsection (2), any person who, not being a registered surveyor—

falsely pretends to be such;

uses the style or description “registered surveyor” or any other name, style, title or description implying, whether in itself or in the circumstances in which it is used, that the person is a registered surveyor; or

holds himself or herself out, whether directly or by implication, to be a registered surveyor, commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings.

(2) The Minister may, by notice in the Gazette, extend the period of six months provided for in subsection (1) either generally or in respect of any particular person.

28. Offences and penalties.

Any person who—

fraudulently makes, or causes or permits to be made, any false or incorrect entry in the register or any copy of it;

fraudulently procures or attempts to procure himself or herself or any other person to be registered under this Act;

knowingly and wilfully makes any statement which is false in a material particular, or which is misleading with a view to gaining any advantage, concession or privilege under this Act, whether for himself or herself or for another person; or

contravenes or otherwise fails to comply with any provision of this Act, commits an offence and is liable on conviction to a fine not exceeding five thousand shillings.

29. Regulations.

The Minister may make regulations providing for—

the conduct of the business of the board;

the appointment of the board among its members of subcommittees and the co-option of persons to the subcommittees;

the duties of the registrar;

the issue of certificates of registration;

the fees to be paid on the registration of a surveyor, and for the issue of a certificate or licence under this Act or for the inspection of the register, certificates, extracts, copies and lists of, or in relation to, entries in the register and for the issue of practising certificates;

the forms to be used for the purposes of this Act;

the exemption of any person or class of persons from all or any of the provisions of this Act provided they comply with such conditions as may be prescribed by the regulations; and

(h) anything which is permitted or required by this Act to be prescribed.

30. Amendment of Schedules.

The Minister may, upon the recommendation of the board, by statutory order, amend the Schedules to this Act.

SCHEDULES

First Schedule.

s. 21(2).

Provisions relating to disciplinary committees.

1. Appointment of members of the committee.

For the purposes of any inquiry under section 21 of this Act, the board shall appoint five persons from among its members to constitute a disciplinary committee and shall appoint one of them to be chairperson of the committee.

2. Transmission of statement of charges to the members and the person charged.

(1) The board shall cause—

a statement to be prepared setting out the charges to be investigated by the disciplinary committee; and

a copy of the statement to be transmitted to each member of the committee and to the person whose conduct is the subject of the investigation.

(2) Where the inquiry is to be held in consequence of a petition or complaint alleging misconduct by any person, the secretary shall, in addition, transmit a copy of that petition or complaint to that person and to each of the members of the disciplinary committee.

3. Notice of the date of inquiry to be given to the person charged.

The secretary shall give notice of the date fixed for holding the inquiry to the person whose conduct is the subject of the investigation.

Every notice given under this paragraph shall be delivered by hand at, or sent through the post by registered letter addressed to, the last known address of that person at least fourteen days before the date fixed for holding an inquiry.

Where any person to whom a notice has been given under subparagraph (1) of this paragraph fails to appear in person or by his or her counsel, the inquiry may be held in his or her absence.

Notice of any date to which the inquiry may be adjourned shall be given by the committee personally to the person whose conduct is the subject of the investigation or be given in the manner provided in subparagraph (2) of this paragraph.

4. Power to require attendance and production of documents.

(1) If the board is of the opinion that the evidence of any person, or the production by any person of any document, is necessary to enable any matter to be investigated by a disciplinary committee, the board shall direct the secretary to require the attendance of that person, or the production by that person of that document, at such time and place as may be specified in a notice which shall be delivered by hand at, or sent through the post by registered letter addressed to, the last known place of residence of that person.

(2) Any person who having been served with a notice under subparagraph (1) of this paragraph fails, without reasonable cause to attend or to produce any document, as the case may be, at the time and place specified in the notice, commits an offence and is liable to a fine not exceeding one thousand shillings.

5. Refusal to give evidence.

Any person required to give evidence under this section, who refuses without sufficient cause to answer fully and satisfactorily to the best of his or her knowledge and belief all questions put to him or her, or refuses or omits without sufficient cause to produce any documents in his or her possession or under his or her control which are specified in the notice, commits an offence and is liable to a fine not exceeding one thousand shillings; but every person giving evidence before the inquiry shall, in respect of any evidence given by him or her or any document produced by him or her, be entitled to all privileges to which he or she would be entitled as a witness before the ordinary courts of law.

6. Secretary of disciplinary committee.

The registrar shall be the secretary of every disciplinary committee, and every notice issued pursuant to this Schedule shall be signed by him or her.

7. Power to administer oaths.

A disciplinary committee shall have power to administer oaths or affirmations to all persons who are required to give evidence before the committee, and any person who refuses to give evidence before the committee, or to be sworn or affirmed, or to answer such questions as may be put to him or her concerning any matter in respect of which the inquiry is held, commits an offence and is liable to a fine not exceeding one thousand shillings.

Any person who upon examination upon oath or affirmation before a disciplinary committee wilfully gives false evidence commits an offence and is liable to a fine not exceeding one thousand shillings.

8. Appearance by counsel.

(1) Any person whose conduct is the subject of investigation at an inquiry may be represented by counsel at the inquiry.

(2) The board may authorise any legal practitioner to assist the disciplinary committee as to the leading and taking of evidence.

9. Proceedings to be held in camera.

Every inquiry held by a disciplinary committee shall, unless the board otherwise determines, be held in camera.

Every question before a disciplinary committee shall be determined by the decision of the majority of the members of that committee.

10. Findings to be transmitted to the board.

Upon the concluding of an inquiry, the disciplinary committee shall prepare and transmit to the board a report embodying the findings on the matters in respect of which the inquiry was held.

Second Schedule.

s. 1. Acts or omissions constituting professional misconduct.

Each of the following acts or omissions on the part of a registered surveyor shall constitute professional misconduct—

allowing any other person to practise in his or her name as a registered surveyor unless that person is also a registered surveyor and is in partnership with or employed by him or her;

entering into partnership with any person other than a registered surveyor or securing, either through the services of a person not qualified to be a registered surveyor or by means which are not open to a registered surveyor, any professional business;

disclosing information acquired in the course of professional engagement to any person other than the client, without the consent or authority of the client, or otherwise than as required by any law for the time being in force;

failing to disclose a material fact known to him or her which is not disclosed in any statement made by him or her but disclosure of which is necessary to make the statement not misleading;

failing to report a material misstatement known to him or her to appear in any statement with which he or she is concerned in a professional capacity;

failing to obtain sufficient information to warrant the expression of a professional opinion;

intentionally or through recklessness making an incorrect survey or delivering an incorrect diagram or plan of any land or building or a diagram or plan which does not conform to the requirements of any written law for the time being in force;

(h) gross negligence, carelessness or incompetence in the conduct of professional duties.

History: Decree 9/1973; S.I. 69/1974.

Cross References

Interpretation Act, Cap. 3. Survey Act, Cap. 232