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THE LAND SURVEYORS ORDINANCE, 2001

THE LAND SURVEYORS
(REGISTRATION, LICENSING AND PRACTICE) RULES, 2003

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THE LAND SURVEYORS ORDINANCE, 2001

THE LAND SURVEYORS
(REGISTRATION, LICENSING AND PRACTICE) RULES, 2003

(Made under section 31)

In exercise of the powers conferred by section 31 of the Land Surveyors Ordinance, 2001 [*Cap. 40*], the Land Surveyors Board, Sarawak, has, with the approval of the Majlis Mesyuarat Kerajaan Negeri, made the following Rules:

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the **Land Surveyors (Registration, Licensing and Practice) Rules, 2003**, and shall come into force on the 1st day of January, 2004.

Interpretation

2. In these Rules—

“articles” means an indenture or writing setting out a scheme or course of training in land surveying, to be provided by a land surveyor for a person seeking to be registered as a land surveyor;

“Certificate of Competency” means a certificate in the Form set out in the First Schedule issued by the Board under section 9(2)(b) of the Ordinance to a person who has successfully passed an examination prescribed by the Board leading to the award of such a certificate;

“degree” means any of the degrees specified in the Second Schedule conferred or awarded by any of the scheduled universities;

“Director” means the Director of Lands and Surveys, and includes his Deputy;

“Disciplinary Committee” means the committee appointed under section 25(1)(b) of the Ordinance;

“examination” means the examination written or oral conducted by the Board, leading to the issue of a Certificate of Competency;

“*Gazette*” means the Sarawak Government *Gazette*;

“graduate” means a person who has obtained a degree from a scheduled university;

“office experience” means training in accordance with the articles within the office of the land surveyor providing such training;

“scheduled university” means any university or educational institution in the Second Schedule;

“subject” means an examination subject as set out in rule 19 and numbered accordingly;

“university” means a university or educational institution specified in the Second Schedule.

PART II

REGISTRATION

Procedure for Registration

3.—(1) Any person who—

(a) is eligible and has the qualifications for registration as a land surveyor as set out in section 9 of the Ordinance; or

(b) is entitled to be registered as a land surveyor under section 29(a) or (b) of the Ordinance,

may apply for registration as a land surveyor in accordance with these Rules.

(2) Any person desirous to apply for registration as a land surveyor shall complete the Form prescribed in the Third Schedule and submit the same to the Registrar together with all particulars and documents referred to in the Form.

Registration of land surveyors

4.—(1) Where the Board is satisfied from the information and documentary evidence submitted by a person under rule 3(2) that he has fulfilled all the conditions and qualifications of eligibility and entitlement for registration, the Board shall approve his application for registration as a land surveyor, and the Registrar shall cause his name to be entered in the Register to be kept in accordance with rule 5(1)(c).

(2) Every person who is registered as a land surveyor in accordance with section 9 or section 29 of the Ordinance shall be allocated a registration number by the Registrar.

Registers

5.—(1) The Board shall cause the following Registers to be kept in accordance with these Rules:

(a) Register of articulated graduates with qualifications from the scheduled universities:

1. Name
2. Identity Card No.
3. Address: Office Home
4. Date of birth
5. Name of land surveyor articulated to
Date from to
6. Address of land surveyor articulated to
7. Educational qualifications—give details, with dates
8. Board's examinations: dates sat
subject sat marks obtained
results reference to page of Register of Examinations
9. Details of field experience give dates
10. Details of office experience give dates
11. Exemptions authority
12. Remarks

(b) Register of Certificate of Competency issued:

1. Name
2. Identity Card No.
3. Address: Office Home
4. Date of birth
5. Reference to page of Register of articulated graduates where applicable
6. Educational and professional qualifications: give details with dates
7. Details of practical experience, with dates
8. Date of issue of Certificate of Competency
9. Remarks

(c) Register of Land Surveyors:

1. Name
2. Identity Card No.
3. Address: Office Home
4. Date of birth
5. Reference to page of Register of articulated graduates and Register of Certificate of Competency issued above where applicable
6. Record of career as a land surveyor
7. Date of issue of licence
8. Remarks

(d) Register of Examinations:

1. Name of candidate
2. Identity Card No.

-
3. Address: Office Home
 4. Date of first attempt
 5. Reference to page of Register of articulated graduates
 6. Subjects sat and marks obtained
 7. Date of examination
 8. Appeals
 9. Results of appeals
 10. Exemptions authority
 11. Remarks

(e) Register of charges, *etc.*, made under sections 13, 22(4), 25 and 26 of the Ordinance:

1. Name
2. Identity Card No.
3. Address: Office Home
4. Date of birth
5. Reference to page of Register of land surveyors
6. Details of charges
7. Findings of the Board
8. Appeal and result of appeal
9. Remarks

(2) All the Registers under this rule shall at all times be in the custody of the Registrar who shall be responsible for making entries into the Registers.

(3) The Register may be open to inspection by any person upon payment of an inspection fee of RM5.00 per inspection, to the Board.

(4) Any extract from any of the Registers may be provided upon application to the Registrar and payment of a certification fee of RM5.00 per folio.

PART III

ARTICLES

Articles

6.—(1) Articles shall be drawn up in such form as may be prescribed by the Board from time to time.

(2) The Board may direct any modification or amendment to the articles if the Board deems such modification or amendment to be necessary to comply with the provisions of the Ordinance or in the interest of the person under articleship.

Requirements for articleship

7. Before entering into articleship, a graduate surveyor shall produce evidence that he has obtained a degree from a scheduled university, and that he has the eligibility to be registered as a land surveyor.

Qualification to provide articleship

8.—(1) No land surveyor shall offer articleship to any person unless he has been registered as a land surveyor for more than 3 years at the time when he accepts such a person for articleship.

(2) Notwithstanding paragraph (1), a land surveyor who is registered under section 29(b) of the Ordinance may offer articleship immediately upon registration as a land surveyor, provided he has been practising for more than three years prior to the coming into force of the Ordinance.

Articles to be forwarded to Secretary

9.—(1) The articles duly completed shall, within three months from the date of commencement of the articleship specified therein, be forwarded to the Secretary together with—

(a) evidence that the applicant for articleship has obtained the qualifications stipulated in rule 7;

(b) evidence of the date and place of his birth; and

(c) the fee for registration of articles as prescribed in the Fifth Schedule.

(2) A person under articleship may apply to the Board, in such form as may be prescribed by the Board, to transfer his articleship to another land surveyor together with—

(a) a certificate from the land surveyor who offers him the original articleship stating the nature of the work that the person has undertaken under his supervision and the extent to which the stipulation in the articles have been complied with; and

(b) a fee for transfer as stipulated in the Fifth Schedule.

(3) The Board, if satisfied that the person has satisfied all the conditions for transfer of articles as provided in these Rules, shall approve the transfer of articleship on such terms as the Board may deem fit to impose.

Refusal to register articles

10. The Board shall refuse to register any articles—

(a) if such articles do not sufficiently allow for adequate professional instruction or practical training of the graduate in the profession of land surveying; or

(b) if the provisions of rule 8 or 9 have not been complied with;
or

(c) if the land surveyor who is a party thereto already has two articulated graduates under articleship.

Annulment of articles

11. The Board may annul the registration of any articles, if such registration has been obtained by means of fraud, false representation or the concealment of any material fact, or was granted by mistake.

Graduate under articles

12.—(1) Every graduate shall serve under articleship for a total period of two years in Sarawak.

(2) During this period of articleship he shall have at least twelve months spent in cadastral land survey work and not less than six months in actual computation and plan drawing provided that all such work and activities must be acceptable to the Board.

Evidence of experience

13.—(1) A graduate shall keep a record of all the surveys undertaken during the currency of his articleship.

(2) The Board, during the period of his articleship may require any graduate to produce such evidence as it deems necessary to prove that the graduate is receiving instruction and gaining experience in land surveying of a nature satisfactory to the Board.

(3) When the Board is of the opinion that a graduate has not received sufficient training or gained sufficient experience in land surveying during the period of his articleship, the Board may require such graduate to obtain such additional training and experience as it deems necessary.

PART IV**EXAMINATION****Conduct of examinations**

14.—(1) The Board shall conduct examinations of candidates for Certificates of Competency not less than once within every twelve calendar months.

(2) For the conduct of the examinations, the Board shall appoint persons with the relevant qualifications and experience in the practice or field of land surveying to be examiners, and such other persons of good character, to be supervisors in the conduct of such examinations.

Eligibility to be candidates for examinations

15.—(1) Only graduates who have completed their articleships or who have undergone such period of articleship as the Board may determine may apply to

sit for the examinations and shall complete the prescribed form and submit the same to the Secretary with:

(a) a certified true copy of certificate in the form prescribed in the Fourth Schedule from the land surveyor under whom he is seeking his articleship; and

(b) an examination fee in the form of cash or cheque made payable to the Board, in the amount prescribed in the Fifth Schedule.

(2) The Board may decline to allow any person who is not eligible from sitting any examination which he has applied to sit for, from sitting for such examination.

Date of examination

16. The Board shall notify the candidate at least one month prior to the date of commencement of the examination.

Examination number

17. Every candidate for examination shall be allocated a distinguishing number, with which he shall mark each page of the workings, plans and papers submitted by him but he shall not otherwise reveal his identity thereon.

Ethical conduct

18. The supervisor may refuse to allow a candidate to continue with the examination if, in his opinion, the conduct of such candidate during the process of the examination is deemed to be inconsistent with generally accepted ethical standards or if the candidate is found to have cheated or attempted to cheat during such examination.

Examination subjects

19. The subjects of examination shall be:

(a) Land tenure—

The evolution, principles and practice of land tenure and detailed knowledge of tenure systems in Sarawak.

(b) Laws and regulations—

Laws and regulations relating to land and land surveying in Sarawak.

Oral and practical examinations, etc.

20.—(1) The candidate shall take the oral and practical examinations as set by the Board.

(2) A candidate shall, in addition, submit to the Board his original field notes, relevant calculations and plans drawn therefrom of:

(a) the survey of a rural area of not less than ten hectares, two of the boundaries of which shall coincide with and be reinstated from previous surveys: the survey shall include the laying out of a road reserve with parallel sides;

(b) an acquisition survey for road reserve or bund and drain reserve of at least 400 metres in length affecting a minimum of 5 underlying lots;

(c) the survey of a town lot with buildings on or near the boundaries;

(d) a proposed road, railway or drainage work not less than 400 m in length, with the requisite longitudinal and cross sections thereof; and

(e) a topographical survey of not less than ten hectares on a scale of 1 : 1000 with 2 m contours.

(3) Each plan referred to in subrule (2) shall bear the following certificate signed by the candidate:

“I hereby certify that this survey was made by me personally between the day of 20 , and the day of 20 , and that this plan and the accompanying field notes are entirely my own work.”.

Signature

(4) Further, the candidate shall submit, on A1 sheets, the following plans and in compliance with the relevant regulations showing:

(a) (i) a scheme for a new town, developed on country land of which at least 30 percent is undulating land, to accommodate an ultimate population of 10,000 to 20,000 people; or

(ii) a scheme for the re-planning and extension of an existing town of 10,000 to 20,000 population to accommodate an additional population of 5,000, the extension being on land of which at least 30 percent is undulating.

(iii) The plans referred to in paragraph (4)(a)(i) and (4)(a)(ii) shall include—

(A) a 1:10000 outline zoning plan, showing main land uses and main roading system;

(B) a detailed layout of a shopping, civic and community centre; and

(C) a detailed layout of a portion of proposed industrial area; or as alternative to paragraph (4)(a)(i) and (4)(a)(ii).

(b) A scheme of any type of rural development, showing the arterial and sub-divisional roading, rural pattern, water supply, full amenities and

facilities, *etc.*, considered necessary for the accommodation and support of at least 20 of the single family rural units usually associated with the chosen type of development, the minimum area dealt with to be not less than two hundred hectares.

(c) (i) Each plan submitted by candidates under this rule must bear a signed certificate from the candidate that such plan is entirely his own work and not copied from any published matter.

(ii) Any one of the plans submitted by a candidate must be accompanied by an explanatory memorandum of not less than one thousand words.

Order of sitting for examinations

21. No candidate shall be permitted to take the oral and practical examinations until he has passed each of the written subjects numbered in rule 19(a) to (b) and has furnished a certificate in the form of the Fourth Schedule that he is competent to effect surveys on his own responsibility.

Additional requirements

22. The candidate shall, if so required, provide to the Board such additional information in regard to his professional service, field notes, and plans and produce evidence that:

(a) during his professional service in the field he has complied with the requirements of rules 12 and 13; and

(b) he has obtained such additional training and experience required by the Board in accordance with rule 13(3).

Examination results

23.—(1) In order to pass in any subject a candidate shall obtain not less than 60 per centum of the marks for each subject.

(2) Any candidate who passes in a written subject shall be credited with a pass in such written subject. Such credit shall be valid up to 3 years after the period of articleship. Unless he has passed in all written subjects before the completion of the three years specified he shall lose all credits. He may enter for examination again, but shall be required to pass in all written subjects within three years after the first date on which he again sits.

(3) Any candidate who has received a notification from the Secretary advising him that he has failed in any subject at the examination may, within one month from the date of that notification, appeal to the Board to review his paper in that subject, and the Board, upon the receipt of the prescribed fee, shall allow such a review. In the event of the candidate succeeding in his appeal, the Board shall refund the fee so paid, to him.

Certificate of Competency

24. A Certificate of Competency in the form and to the effect of the First Schedule shall be issued to each candidate who has been credited with a pass in all examinations prescribed in these Rules.

PART V**SURVEYING ASSISTANTS****Registration of surveying assistants**

25. A land surveyor may employ a maximum of four suitably qualified surveying assistants to conduct cadastral land surveys.

Qualifications of surveying assistants

26.—(1) Surveying assistants must have any one of the following qualifications:

(a) Certificate in Land Surveying from Joint Sabah/Sarawak Survey School, Kuching; or

(b) a Diploma or Certificate in Land Surveying from any of the scheduled universities or polytechnics, and any other technical Institutions or Colleges recognized by the Board; or

(c) SPM certificate or its equivalent and have apprenticed in cadastral survey work under a land surveyor for a period of not less than 3 years and have passed the competency examination set by the Board.

(2) Notwithstanding paragraph (1), the name of every person who immediately before the coming into force of this Ordinance, has apprenticed as a surveying assistant under a land surveyor for a period of not less than 5 years, may be registered in the Subsidiary Register after payment of a fee as prescribed in the Second Schedule of the Ordinance.

Application for registration

27.—(1) Application for registration must be on a form prescribed by the Board and shall be accompanied by fee as prescribed in the Second Schedule of the Ordinance.

(2) An annual renewal fee as prescribed in the Fifth Schedule is payable for every surveying assistant before the 31st day of January of every year.

Cessation of employment of surveying assistants

28. The land surveyor shall notify the Board within 30 days from the date the surveying assistant ceases to be employed by him.

Subsidiary Register of surveying assistants

29. The Secretary shall keep the following Subsidiary Register for surveying assistants:

- (1) Name
- (2) Identity Card No.
- (3) Address: Office Home
- (4) Date of birth
- (5) Name of land surveyor attached to
Date from to
- (6) Address of land surveyor attached to
- (7) Educational qualifications—give details, with dates

PART VI**ETHICS AND DISCIPLINE****Code of professional conduct for land surveyors**

30. Every land surveyor shall observe and be guided by the following code of professional behaviour:

(a) to uphold the dignity, standing and reputation of the land surveying profession;

(b) not to improperly canvass or solicit professional employment or engagement nor offer to make by commission or otherwise payment for soliciting such employment or engagement;

(c) only to exhibit plates and signs at his place or places of business exhibiting his name, titles and profession and may only advertise for a period not exceeding three months the commencement of practice in any new place or formation or dissolution of a partnership;

(d) every land surveyor other than employees of government or statutory bodies shall, for making a cadastral survey, be remunerated by the fees payable by his client under these Rules;

(e) every land surveyor shall not, directly or indirectly, attempt to supplant another land surveyor nor shall he intervene or attempt to intervene in or in connection with survey work of any kind which to his knowledge is undertaken by another land surveyor nor shall he review or take over the work of that other land surveyor acting for the same client, until he has either obtained the consent of that land surveyor or has been formally notified by the client that the engagement of that land surveyor has been properly terminated by him;

(f) every land surveyor shall not assume or consciously accept a position in which his interest is in conflict with his professional duty;

(g) every land surveyor shall not maliciously injure or attempt to injure, whether directly or indirectly, the professional reputation, character or business of another land surveyor;

(h) every land surveyor shall not without the concurrence of the Board enter into professional partnership with any person other than an Architect, Engineer, registered Surveyor registered to practise as such under any written law, or with another land surveyor;

(i) every land surveyor who is an employee of the government or statutory body or a government agency or authority shall undertake only survey work of that body;

(j) every land surveyor shall comply promptly with any request or query made by the Board in respect of his professional work or conduct;

(k) no land surveyor shall have more than one branch office without a resident land surveyor; land surveyors who at the date when these Rules come into force have more than one branch office are required to take appropriate action within six months from the date of this notification in the *Gazette*.

Conduct of surveying assistants

31. All surveying assistants shall, in so far as they are applicable to them, comply and observe the code of professional behaviour stipulated in rule 30 for land surveyors, and shall—

(a) comply with the provisions of the Ordinance and these Rules which are applicable to them; and

(b) not undertake or represent himself to any person that he is a registered land surveyor and is able to undertake work and responsibilities of a land surveyor.

Disciplinary procedure

32.—(1) Any complaint against a land surveyor or surveying assistant or any other person for breach of any provisions of the Ordinance, or its Rules or has committed misconduct or activities detrimental to the land surveying profession or the interests of any one who engages or has engaged the services of a land surveyor, shall be addressed to the Secretary.

(2) The Secretary shall refer the complaint to an Investigation Committee appointed under section 25(1)(a) of the Ordinance.

(3) The Investigation Committee, if it considers that the complaint is *prima facie bona fide* or is supported by cogent evidence, issue a letter to the person

complained against (the "accused person") requiring him to show cause why disciplinary action should not be taken against him.

(4) In the event that the Investigation Committee, after having studied and considered the contents of the accused person's reply to the show cause letter, is of the view that the same does not exculpate him of the complaints made against him, refer the complaint to the Disciplinary Committee.

(5) The Disciplinary Committee shall, upon receipt of the reference from the Investigation Committee frame such charges as may be disclosed from the investigation of the Investigation Committee and forward the same to the accused person and summon him to appear before the Disciplinary Committee for a hearing.

(6) In the event that the Disciplinary Committee finds the accused person guilty of the charge made against him, the Disciplinary Committee may impose any of the penalties in section 25(2) of the Ordinance.

(7) Any decision of the Disciplinary Committee shall be final subject to such appeal against the same being made in accordance with section 26 of the Ordinance.

Reinstatement

33. Where the registration of a land surveyor or surveying assistant has been struck off the Register, he shall not be reinstated unless the Disciplinary Committee has determined that such reinstatement should be made in the interests of the land surveying profession and such reinstatement would not be against public interest.

Quorum for Disciplinary Committee

34.—(1) Any two members shall constitute a quorum for any sitting of the Disciplinary Committee.

(2) All decision of the Disciplinary Committee may be by majority and in the event of equality of votes, the Chairman of the Disciplinary Committee shall have a second or casting vote.

(3) The Secretary of the Board or any person duly authorized by him and approved by the Board, shall be the Secretary of the Disciplinary Committee and shall keep records of all proceedings, deliberations and decisions.

Procedure

35. The Board may by Order make procedures regulating all proceedings before the Disciplinary Committee and a copy of such Order shall be made available free of charge to an accused person or his representative upon request.

Decision

36. All decisions of the Disciplinary Committee shall be hand delivered or sent by registered mail to an accused person and the complainant shall be notified of the outcome of any action taken by the Disciplinary Committee on his complaint.

PART VII
MISCELLANEOUS

Certification of documents

37. Where any document is required to be submitted under these Rules, the document, if not the original thereof, shall be certified by a licensed land surveyor or a Magistrate or a Notary Public.

Amendment of Schedule

38. The Board may by notification in the *Gazette* amend any of the Schedules.

FIRST SCHEDULE

THE LAND SURVEYORS ORDINANCE, 2001

THE LAND SURVEYORS BOARD, SARAWAK

CERTIFICATE OF COMPETENCY

(Rule 24)

No

This is to certify that (I.C. No.)
of has duly passed the examinations prescribed by the Board
for registration and practice as a land surveyor in the State of Sarawak.

Dated thisday of, 20.....

.....
Chairman of the Board

(SEAL OF THE BOARD)

.....
Secretary of the Board

THIRD SCHEDULE

(Section 11(2) and rule 3(2))

To: The Registrar,
Land Surveyors Board, Sarawak

APPLICATION FOR REGISTRATION AS A LAND SURVEYOR

I, (I.C. No.)
(name)

of
(address)

having possessed the requisite qualifications and conditions, eligibility and entitlement, do hereby apply to be registered as a land surveyor under rule 3 of the Land Surveyors (Registration, Licensing and Practice) Rules, 2003.

2. In support of this application, I attach hereto the following documents:

- (a) Copy of my Malaysian Identity Card;
- (b) copy of my degree certificate issued by
(scheduled university)
- (c) copy of Certificate of Competency;
- (d) copy of certificate of service under articleship; and
- (e) cheque for the sum of for payment of the prescribed fees for application for registration.

3. I do hereby solemnly and sincerely declare that I will to the best of my ability, without partiality or favour, correctly carry out any cadastral land survey that I may be instructed to do, in accordance with such instructions and strict compliance with the provisions of the Land Surveyors Ordinance, 2001, and the rules made thereunder.

4. My address is as stated above and my phone, fax and e-mail contacts are:

Telephone:

Fax:

E-mail:

Dated thisday of, 20.....

..... (Signed)
Name of Applicant

- Note:
- (1) All documents submitted must be certified true copies by (a) a licensed land surveyor, or (b) a Magistrate or (c) a Notary Public.
 - (2) All forms and documents must be submitted in duplicate.

FOURTH SCHEDULE

THE LAND SURVEYORS BOARD, SARAWAK

CERTIFICATE OF SERVICE UNDER ARTICLESHIP

(Rules 12 and 13)

To: The Registrar
Land Surveyors Board, Sarawak

I, Land Surveyor hereby
certify as follows:

(1) has been professionally and con-
tinuously employed under articles with me in the practice of land surveying from
to, that is to say, for a period of years andmonths.

(2) During the said period he has for (a period of) (period aggregating)years
and months received training from me and practical experience in cadastral land
surveys.

(3) During the said period he has for (a period of) (periods aggregating) years
and months received training from me and practical experience in rural cadastral
land surveys.

(4) During the said period he has for (a period of) (periods aggregating) years
and months received training from me and practical experience in urban cadastral
surveys.

Dated at thisday of, 20

.....
Land Surveyor
(Registration No.)

*I certify that in my opinion the said is fully competent to
undertake land surveys on his own responsibility.

Dated at thisday of, 20.....

.....
Land Surveyor
(Registration No.)

**To be completed when applicable.*

FIFTH SCHEDULE
SUMMARY OF FEES

<i>Nature</i>	<i>Amount</i>
1. Registration of articles of apprenticeship	RM10.00
2. Registration of transfer of articles	RM10.00
3. Inspection of a register	RM5.00
4. Certified copy of an entry in a register	RM5.00 per folio
5. Examination fees payable by the candidates	
(a) Written papers—per subject	RM20.00
(b) Oral and practical	RM60.00
(c) Special invigilation	Actual cost
(d) Review of an examination paper	RM 20.00
6. Examination fees payable to examiners	
(a) Setting an examination paper	RM400.00
(b) Marking a written examination paper	RM40.00 per answer script
(c) Marking practical examination	RM350.00
7. Annual Renewal of Registration of Surveying Assistant	RM50.00

Dated this 11th day of November, 2003.

DATU HAJI MOHAMMET BAIJURI BIN KIPLI,
Chairman,
Land Surveyors Board, Sarawak

Approved by the Majlis Mesyuarat Kerajaan Negeri this 13th day of November, 2003.

ABDUL GHAFUR SHARIFF,
Clerk to Majlis Mesyuarat Kerajaan Negeri

KPPS/P/1-6/38



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