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AN ACT TO PROVIDE FOR THE SURVEYOR - GENERAL TO CONDUCT SURVEYS : TO PROVIDE FOR THE COUNCIL TO REGULATE THE SURVEY : TO REPEAL THE LAND SURVEY ORDINANCE ; AND TO PROVIDE FOR THE COUNCIL TO REGULATE THE SURVEY

BE it enacted by the President of the Republic of Sri Lanka that

1. This Act may be cited as the Land Survey Ordinance, 2002.

POWERS AND FUNCTIONS OF THE COUNCIL

2. The powers and functions of the Council shall include the following:

- (a) to regulate the practice of surveyors;
- (b) to establish a National Control Network;
- (c) to specify the standards for geodetic and topographic surveys;
- (d) to set standards for the survey of land;
- (e) to establish a system of registration for registered surveyors under the Registration of Surveyors Act and to maintain a register of registered surveyors with Certificates of Registration;
- (f) to establish a system of lines for the survey of distance measurements;

- (o) to conduct such respect of matter
- (p) to issue a certificate function as a competent to prepare field notes and for the use of and himself of the conducting examination
- (q) to ensure the standards among activities in the

3. (1) The Surveyor writing under his hand Department as may be function conferred on or

(2) Any officer to whom delegated under subsection that power or function directions of the Survey

4. The decision of question relating to land and conclusive.

5. (1) The Surveyor establishment, maintenance of the National Geodetic

(2) The categories connected to the National manner in which such prescribed.

**Aerial
photography.**

Mapping.

Data bases.

9. All land surveys and the provisions of any written law made under this Act.

10. (1) The Surveyor-General shall be responsible for the preparation and maintenance of the cadastral map of the entirety of Sri Lanka and the Registration of Title Act shall be conducted in accordance with the written law.

(2) A cadastral survey of Title Act shall be conducted by a person who is

(a) who is employed by the Government;

(b) who possesses a licence in terms of section 11 of the Survey Act;

and who has obtained a licence under section 11. The registers and plans prepared by the Surveyor-General and conducted for the purpose of the Survey Act.

(3) All cadastral maps and plans prepared by the Surveyor-General and conducted for the purpose of the Survey Act shall be subject to the provisions of subsection (2) shall, be conducted by a registered surveyor or by a registered surveyor-General and the Surveyor-General and plans are in order, be conducted by such registered surveyor.

(4) The provisions of the Survey Act shall *mutatis mutandis* apply to the Surveyor-General surveyed for the preparation of the Survey Act.

11. (1) The Surveyor-General shall be responsible for the preparation and maintenance of the cadastral map of the entirety of Sri Lanka and the Registration of Title Act shall be conducted in accordance with the written law.

(a) that a surveyor has a licence in terms of section 11 of the Survey Act;

(b) by a process of evaluation of such surveyor-General and plans are in order, be conducted by such registered surveyor.

issue to such surveyor-General and plans are in order, be conducted by such registered surveyor.

**Registered
licensed surveyor
to deposit copies
of plans and
maps.**

**Admissibility of
plans or maps as
evidence in civil
proceedings.**

**Surveyor -
General, or any
person authorised
may demand
production of
deed.**

- (b) from the occupier or authority upon whom information about such land and person is available

and where such owner or occupier fails to comply within ten days of such demand

- (i) refuses or neglects to produce the deed, document or instrument on which he bases his claim;
- (ii) is unable to produce the deed, document or instrument or is unable to produce the instrument without causing damage to the whole or part of the property in his possession or the instrument.

such owner or occupier shall be liable under this Act and shall be liable to be punished before a Magistrate to the extent of ten thousand rupees.

15. The deed, document or instrument produced under section 14 shall be examined by the Magistrate. If such deed, document or instrument is not in place as the person demanding it, the Magistrate in his power of demanding the instrument. The Magistrate under section 14 shall be deemed to have conducted an examination of such deed, document or instrument if such examination shall be necessary for the purpose of the person refusing or failing to produce the instrument. If any such person is found guilty to any person referred to in this section, he shall be liable to an offence under this Act and shall be liable to a summary trial before a Magistrate to the extent of ten thousand rupees.

**Surveyor -
General may
enter into and
survey land.**

**Penalty on abuse
of power by
Surveyor -
General or
registered
Surveyor.**

18. Every person who as Surveyor-General or a registrar in that behalf or a registrar assisting such Surveyor-General performance of his duties in ascertaining or marking or in or the fixing, placing, restoring survey mark shall be guilty of conviction after summary trial to a fine not exceeding ten

19. (1) Every person who removes, destroys, or alters any survey mark that has been of surveys or definition of any survey conducted under any other written law, shall on conviction after summary trial to a fine not exceeding ten

(2) Every person who contravenes subsection (1) shall, in addition, be liable in respect of such cost, including survey costs for replacing, or restoring to it or restoring the markings of of the offence for which he is assessed by the Surveyor-General a fine.

20. Every person who places any land any peg, mark, or survey mark properly placed by a person to believe that it is in that position for the purpose or other written law shall on conviction after summary trial to a fine not exceeding two

**Proof of certain
plans signed by
the Surveyor -
General.**

**Copies purporting
to be
authenticated by
the Surveyor -
General
admissible in
evidence instead
of originals.**

**Preparation of
cadastral
maps or plans
and placing of
landmarks.**

24. (1) The Minister may make such regulations of matters required by this Act in respect of which regulations may be made.

(2) In particular and without prejudice to the powers conferred by this Act, the Minister may make regulations in respect of the following matters :—

- (a) the mode and manner of making of cadastral maps or a part thereof;
- (b) the manner in which the manner and form of the plans and other records prepared, and the manner in which the plans, books and records are to be kept;
- (c) defining the degree of accuracy of surveys and the manner in which the same are to be ascertained;
- (d) the steps to be taken to prevent inaccuracies that may arise in the course of surveys and proceedings.

(3) Every regulation made under this section shall be published in the Gazette of India in operation on the date of its publication, and the date of its operation may be specified in the regulation.

(4) Every regulation made under this section shall be in force for a period of six months from the date of its publication in the Gazette, and shall be brought before the Legislature for its continuance, and any regulation which is not so continued shall be rescinded as from the date of its publication, and shall be without prejudice to anything previously done or to be done.

Repeal and savings.

- (iv) all examinations for the General underrating shall be conducted during the period of commencement of providing services who may have been prior to the commencement of the necessary

LAND SURVEY

26. (1) There shall be a body to be called the Land Survey Council referred to as "the Council".

(2) The Council shall be a body of succession and a common name.

27. The Council shall consist of

(a) *ex-officio* members

- (i) the Surveyor-General and Chairman ;
- (ii) a registered Surveyor-General and Deputy Surveyor-General and Chairman ;
- (iii) the Director of Mapping and Surveying and

(b) appointed members namely —

- (i) three registered surveyors who possess wide experience and proven capabilities in land surveying, nominated by the Surveyors Institute of Sri Lanka incorporated by the Surveyors' Institute of Sri Lanka (Incorporation) Act, No. 22 of 1982 ; and
- (ii) one academic, nominated by the University Grants Commission established by the Universities Act, No. 16 of 1978, from among academics in the fields of education, administration, management or engineering from a University,

who shall be appointed by the Minister.

**Disqualification
from being a
member.**

28. A person shall be disqualified from being appointed or continuing as a member of the Council —

- (a) if he is or becomes a member of Parliament or a provincial council or any local authority ; or
- (b) if he is not, or ceases to be, a citizen of Sri Lanka ; or
- (c) if he is under any law in force in Sri Lanka or in any other country found or declared to be of unsound mind ; or
- (d) if he is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country ; or
- (e) if he has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Council ; or
- (f) if he is an undischarged bankrupt ; or

(g) if he is absent from three consecutive meetings of the Council without the permission of the Council ; or

(h) if he is found guilty of an offence under this Act.

29. (1) An appointed member of the Council may resign his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

Removal and
resignation of
members.

(2) The Minister may, after consulting the authority nominating an appointed member, remove such member from office for reasons stated in writing.

(3) Where an appointed member of the Council dies, resigns or is removed from office, the Minister shall, having regard to the provisions of paragraph (b) of section 27 appoint another member in his place.

(4) A member appointed under subsection (3) shall hold office for the unexpired part of the term of office of the member whom he succeeds.

(5) Every *ex-officio* member of the Council shall hold office as long as he holds the post by virtue of which he is a member of the Council.

30. Subject to the provisions of subsections (1) and (2) of section 29 the term of office of an appointed member of the Council shall be three years and such member shall be eligible for re-appointment.

Term of office of
members.

31. The members of the Council shall be paid such remuneration or allowances out of the Fund of the Council at such rates as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Remuneration or
allowance to
members.

32. (1) There shall be a Secretary to the Council who shall be appointed by the Council.

Secretary.

**Meetings of the
Council.**

**Acts not
invalidated by
reason of a
vacancy.**

**Seal of the
Council.**

(4) The Council shall maintain all records, books, maps and documents to which the seal of the Council is affixed.

36. (1) The Council shall perform the following functions of the Council :

(2) The Chairman and members of the Council shall exercise and discharge such powers and functions as the general or special directors may direct.

37. The functions of the Council shall be :

- (a) to maintain standards of professional competence in surveying and promote the interests of persons engaged in land surveying ;
- (b) to receive applications for registration as registered surveyors and to recommend persons where the Council are satisfied that such persons possess the prescribed qualifications and have the ability and skill to practise surveying ;
- (c) to receive applications for the issue of an Act and to recommend the issue of such licences to persons whom the Council are satisfied that such persons possess the prescribed qualifications and skill to practise surveying ;
- (d) to promote the professional education and training of persons engaged in surveying ;
- (e) to promote professional development by the provision of persons practising surveying who are required to obtain continuing education.

**Powers of the
Council.**

- (e) to appoint committees to perform its functions :
- (f) to establish a school for the welfare and recreation of servants :
- (g) to make rules in relation to the affairs of the Council :
- (h) generally, to do all such things as to facilitate the proper working of the Council.

39. (1) From or after the commencement of the Act no person, other than a person of the qualification specified in the Schedule, who is registered with the Council and holds a certificate of registration, may engage in land surveying.

(2) Notwithstanding anything to the contrary in the Schedule hereto and notwithstanding that a person issued with a certificate of registration (1), may engage in land surveying, a person who does not possess the practical qualification specified in the Schedule but shall not be eligible to be registered with the Council.

(3) An application for registration shall be made in the prescribed form and shall be accompanied by the prescribed fee.

(4) The Council may, on behalf of a person engaged in land surveying and on such terms and conditions of character and payment of remuneration as it may see fit, employ a person where the Council is satisfied that the person possesses the qualifications and experience necessary for land surveying.

Surveyors
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issued with a
licence under
the Surveyors
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(3) Notwithstanding the provisions of the Act, a registered surveyor who is employed by the Government on the date of commencement of the Act shall continue to practice land surveying for a period of six months and shall apply for a Practising Licence under this Act within such period as may be specified in the Licence under this Act.

(4) Every registered surveyor who is employed by the Government on the date of commencement of the Act shall be deemed to be a registered licensed surveyor under this Act.

42. (1) The Council shall maintain registers of

(a) registered surveyors

(b) registered licensed surveyors

(2) The registers maintained under sub-section (1) shall contain the names, qualifications, and the dates of registration of registered surveyors and all registered licensed surveyors and the respective dates on which the licences of such surveyors and such other persons shall expire and shall be maintained under this Act.

(3) The registers shall be open to inspection by any person on payment of the fee prescribed.

(4) The Council shall on request supply a certified copy of any entry in the registers to any person requesting such copy.

43. (1) The Council shall on or before the first day of March in each year publish in the Gazette of India of all registered licensed surveyors and the dates of expiry of the cancellation or suspension of the licences of such surveyors and shall publish a notification in the Gazette.

(2) The Council shall when so directed by the Government do so cause the register of the names of the registered licensed surveyors to be published in the Gazette.

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**Powers of a
 registered
 surveyor.**

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**Professional
 misconduct.**

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- (c) to have certified as to the truth of any plan or map in relation to—
 - (i) where such survey is in the service of the Government, the survey or certificate is made by a person exercising due diligence;
 - (ii) where such survey is made by a surveyor :—
 - (A) has conducted the survey, plan or map with care and caution;
 - (B) without having conducted the survey, has taken sufficient steps to ensure the accuracy of the plan or map, or of such other particulars as may be stated in the plan or map;
 - (C) without having conducted the survey, has obtained the signature of some person other than himself, who is a registered surveyor ;
 - (D) has certified that the plan or map is a true copy of the original.
- (d) to have made any entry in the record that purports to be based on observation or measurement, if it has not been so derived;
- (e) to have supplied to the registered surveyor any false information in relation to any survey, knowing that information to be a material particular ;

Charge against
registered
surveyor, to be
reported to the
Council.

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- (ii) not be bound by or to inform itself on what it thinks fit.

(5) The decision of the Council shall be made in writing and shall be signed by the President of the Council who conducted the inquiry and shall be countersigned by the Secretary.

(6) The Council shall give due regard to the respect of the inquiry.

47. (1) Where the Council finds a surveyor in accordance with this Part guilty of professional misconduct, it may make one or more of the following orders:

- (a) make an order that the registration of the surveyor be cancelled or that the surveyor be removed from the register;
- (b) make an order that the registration of the surveyor be suspended for a period not exceeding three years ;
- (c) make an order that the registration of the surveyor be issued to a registered person;
- (d) make an order that the registration of the surveyor be issued to a registered person;
- (e) make an order that the registration of the surveyor be issued to a registered person for a period not exceeding three years as the Council may in its discretion think fit;
- (f) make any other order that it may think fit to make otherwise as the Council may in its discretion think fit.

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**Right of
registered
surveyor involved
in proceedings to
be heard.**

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**Appeals from
decisions of
Council.**

**Cancellation or
suspension or
conditions to be
entered in register.**

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**Surrender of
certificates.**

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(2) Every registered surveyor who contravenes the provisions of subsection (1) shall be liable under this Act and shall on conviction before a Magistrate be liable to a fine of not less than ten thousand rupees.

52. (1) The Council may constitute committees, consisting of members of the Council and such other persons as it may think fit, to inquire into and report to the Council on the scope of the functions and the functions assigned to the Council.

(2) Every committee appointed by the Council shall be subject in all matters to the directions of the Council.

53. (1) The Council shall submit an annual report to the Minister on the discharge of its functions and duties and the exercise of its powers.

(2) A copy of such an annual report shall be laid before Parliament as soon as practicable after it is submitted to the Minister.

54. (1) The Council may cause its members to attend specified courses, to take other appropriate action and to engage in the purpose of maintaining and improving the knowledge and skills in the practice of surveying.

(2) Where the Council is satisfied that a registered surveyor—

(a) has failed to comply with the requirements of the Annual Practising License, the Council may—

(i) suspend the Annual Practising License of a registered surveyor who has failed to comply with the requirements of the Annual Practising License;

**Staff of the
Council.**

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(5) Where any officer appointed to the staff of subsection (3) of section 37 of the Commission Act, No. 37 apply to, and in relation to

(6) Where the Council to serve the Government in service to the Council by service to the Government obligations of such agree

56. (1) The Council referred to as "the Fund"

(2) There shall be paid

(a) all such sums of the Council out of

(b) all such sums of Council in the exercise of its powers and functions

(c) all such sums of Council by way of

(3) There shall be paid money as are required to the Council in the exercise of powers and functions under law and all such sums as Fund, by this Act.

57. (1) The financial calendar year.

(2) The provisions of relating to the audit of the shall apply to the audit of

**Returns and
information.**

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**Council deemed
to be a scheduled
institution within
the meaning of
the Bribery Act.**

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**Members, officers
and servants of
the Council
deemed to be
public servants.**

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**State property
both movable
and
immovable to
be made
available to
the Council.**

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(2) Where any movable for any purpose of the Council subject of Finance may, by transfer to, and vest in the Council such movable property :

Provided however, that property of the State shall be preceding provisions of concurrence of the Minister

62. (1) Where any immovable be acquired for any specific purpose the Minister by Order published in the proposed acquisition for the Council deemed to be required for the Council accordingly be acquired unless transferred to the Council.

(2) Any sum payable, for the acquisition of property for the Council under this Act be paid out of the Fund of the Council

63. (1) No action or proceeding

(a) against the Council or any member thereof is done by the Council

(b) against any member thereof or an officer of a committee of the Council in which faith is done by him or by any officer of the Council.

(2) Any expenses incurred in the prosecution referred to in paragraph (b) of this section or prosecution instituted against any member thereof is done by him under this Act shall be paid out of the Fund of the Council holds that such act was done

Offences.

(f) being a member, discloses any information in connection with the discharge of his duties as a member of that person for any purpose he is authorised to disclose in Part ;

(g) contravenes any regulation made thereunder.

shall be guilty of an offence.

(2) Every person who commits an offence for which no punishment is provided in this Act, shall be liable before a Magistrate, be liable to a fine of not less than ten thousand rupees or to imprisonment for three months or to both such fine and imprisonment.

(3) Where an offence is committed by a body of persons, then—

(a) if that body of persons is a company, the director or officer in charge of the business,

(b) if that body of persons is a firm, the partner in the firm,

shall be deemed to be guilty of the offence.

Provided, however that a person who is a member of a body corporate or partner in a firm shall not be guilty of such offence if he can prove that he committed the offence without his knowledge or without his diligence to prevent the commission of the offence.

Regulations.

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Interpretation.

64

“aerial survey” means measurements by

“cadastral map” means survey ;

“cadastral survey” means delineating, determining of any parcel of land or interests attaching

“Department” means the

“land” includes subsoil areas and includes

“land survey” means —

(a) the determination of the shape, height of earth or of any the position, lines on, below

(b) the determination of any right of

(c) the determination relative to a certifying the includes —

(i) cadastral

(ii) compilation precision

**Sinhala Text to
prevail in case of
inconsistency.**

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