

CAYMAN ISLANDS



LAND SURVEYORS LAW

(1996 Revision)

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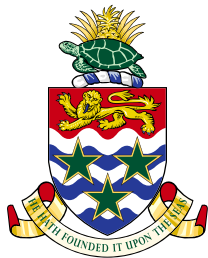
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Consolidated and revised this 2nd day of January, 1996.



CAYMAN ISLANDS



LAND SURVEYORS LAW
(1996 Revision)

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CAYMAN ISLANDS



LAND SURVEYORS LAW

(1996 Revision)

ENACTED by the Legislature of the Cayman Islands.

PART I - Preliminary

Short title

1. This Law may be cited as the *Land Surveyors Law (1995 Revision)*.

Definitions

2. In this Law —

“**assistant**” means a person not being a surveyor who is engaged on survey work directly under the control of a surveyor;

“**Board**” means the Land Surveyors Board established under section 4;

“**Chief Surveyor**” means the Chief Surveyor appointed under section 3;

“**land registry**” means the registry established by the *Registered Land Law (1995 Revision)*;

“**licensed surveyor**” means a surveyor licensed under this Law;

“**owner**”, in relation to any land, means any person receiving or entitled to receive rents or profits from any tenant or occupier thereof whether on his own account or as an agent or trustee for any other person or who would receive the same if the land were let;

“**plan**” includes a map, plot, diagram, aerial photograph or a mosaic compiled from aerial photographs approved by the Chief Surveyor for survey purposes;

“**prescribed**” means prescribed under this Law;

“**public survey**” means any survey made for the purpose of defining the boundaries of any land which is owned by the Government or any public authority, or in which the Government or any public authority possesses or disposes of any interest, or any survey which forms part of a survey of the Islands or any part thereof;

“**registered land**” means land registered in the Land Registry;

“**registered owner**” means the person registered under the *Registered Land Law (1995 Revision)* as the owner of land;

“**Registrar**” means the Registrar of Lands as defined in the *Registered Land Law (1995 Revision)*;

“**Regulations**” means regulations made under section 28;

“**survey**” means a survey defining the boundaries of any land in the Islands and includes a survey for the purposes of the *Registered Land Law (1995 Revision)*;

“**survey department**” means the Government department at George Town, Grand Cayman, exercising functions relating to surveys; and

“**surveyor**” means a licensed land surveyor or an officer of the survey department authorised by the Chief Surveyor to carry out surveys.

Chief Surveyor and his duties

3. (1) There shall be a Chief Surveyor appointed by the Governor who shall, subject to this Law —
- (a) direct and control all public surveys;
 - (b) supervise and control all other surveys;
 - (c) examine all general and particular plans of surveys before any registration of land is effected in accordance with the *Registered Land Law (1995 Revision)* and approve such plans if satisfied that such surveys have been carried out, and the plans prepared in accordance with the Regulations;
 - (d) take charge of and preserve all survey records;
 - (e) cancel or amend, in accordance with the provisions of any law, any survey plan or diagram found to be incorrect, outdated or inadequate; and
 - (f) prepare, certify and issue at the request of any person upon payment of the prescribed fees, copies of diagrams and documents filed within his department which are available to the public.



- (2) The Chief Surveyor shall be the authority for the preparation and publication of the official maps of the Islands, and no other person shall, without licence in writing of the Chief Surveyor, make use of any material which has been prepared or published in official maps in the preparation or publication of any other map.

PART II - The Land Surveyors Board

Establishment of the Land Surveyors Board

4. (1) There is established a Board, known as the Land Surveyors Board, consisting of the Chief Surveyor, as chairman, and two other persons appointed by the Governor in Council who shall, if practicable, be surveyors licensed to practice in the Islands. The chairman of the Board may, from time to time, co-opt a member of the legal department to assist in its deliberations.
- (2) An appointed member shall hold office for two years, and may, at any time, resign his appointment by notice in writing to the Governor:
Provided however that the Governor in Council may, at any time, revoke the appointment of a member.
- (3) The Governor may, from time to time, appoint a Secretary to the Board.

Duties of the Board

5. It is the duty of the Board to —
 - (a) grant to persons duly qualified therefor in accordance with this Law licences to practise land surveying in the Islands;
 - (b) provide for examinations to be taken by applicants for such licences;
 - (c) keep a register of all licensed surveyors in accordance with section 8;
 - (d) take disciplinary proceedings against licensed surveyors in accordance with this Law;
 - (e) hear and determine any dispute between any licensed surveyor and his client as to the fees charged by the licensed surveyor; and
 - (f) perform such other functions as are prescribed by this Law or any regulations made thereunder.

Conditions for grant of surveyors licence

6. The Board shall not grant a licence to practise land surveying to any person unless such person is at least twenty-one years of age and produces satisfactory evidence of character and either —
 - (a) is a member of the Royal Institution of Chartered Surveyors, Land Surveying Section;



- (b) is a Corporate Member of the Institution of Civil Engineers and has passed the examination set by such Institution in surveying or geodesy;
- (c) possesses a commission as a land surveyor issued under the law of Jamaica relating to land surveyors;
- (d) possesses such other qualification as may be approved by the Governor in Council; or
- (e) has passed such examination as the Chief Surveyor may, from time to time, prescribe.

Grant of licence to be gazetted

7. (1) The grant of a licence under this Part shall be in the form prescribed in the First Schedule and notice thereof shall be published in the Gazette.
- (2) There shall be payable to the Treasury in respect of the grant of the licence to a surveyor such fee as may be prescribed.

Register of licensed surveyors

8. (1) The Board shall cause a register to be kept which shall contain the names, addresses and qualifications of all persons to whom licences have been granted, the date upon which each such licence was granted and any other particulars which may be prescribed.
- (2) The Board shall remove from the register the name of any licensed surveyor —
- (a) who has died;
 - (b) whose licence has been revoked under paragraph (a) of section 9(1); or
 - (c) other than a person who possesses Caymanian status, who has not submitted a survey for authentication under section 25 during the twelve months immediately preceding the date of such removal.

Disciplinary powers of the Board

9. (1) Where, after due inquiry by the Board, a licensed surveyor has been found to have been guilty of professional misconduct, or, having been convicted of a criminal offence, is found by the Board to be unfit to practise, the Board may —
- (a) revoke the licence granted to such licensed surveyor;
 - (b) suspend the licence for a period not exceeding three years;
 - (c) impose a fine of two hundred and fifty dollars on such licensed surveyor; or
 - (d) reprimand such licensed surveyor.



- (2) Upon any inquiry held by the Board under subsection (1), the person whose conduct is being inquired into shall be afforded an opportunity of being heard, either in person or by an attorney.
- (3) For the purpose of proceedings at any inquiry held by the Board, the Board may administer oaths and affirmations and may, subject to any regulations made under this Law, enforce the attendance of persons as witnesses and the production of books and documents.
- (4) Whoever, having been summoned by the Board in the form prescribed in the Second Schedule to attend before it, fails so to attend, or fails to produce any books or documents which he is required to produce, is guilty of an offence.

Appeals

10. (1) Any person aggrieved by a decision of the Board under section 9 or 24(4) may, within one month after the date of the decision, appeal to the Grand Court against the decision, and, on any such appeal, the Grand Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal.
- (2) Any person aggrieved by a direction or order of the Grand Court, may appeal thereagainst to the Court of Appeal.

Grant of new licence and termination of suspension

11. Where an order has been made for the revocation of the licence granted to any person or for suspending such a licence, the Board may, either of its own motion or on the application of the person concerned, and in either case after holding such inquiry as the Board thinks fit, grant a new licence and cause the name of that person to be restored to the register.

Notice of grant, cancellation, etc., of licence to be gazetted

12. Notice of the grant, revocation or suspension of any licence, or of the termination of the suspension thereof, under this Part shall be published in the Gazette.

PART III - The Conduct of Surveys

Duties of licensed surveyors and non-liability of Government

13. (1) Every surveyor shall carry out every survey undertaken by him in such manner as will ensure that the survey accords in all respects with this Law and any regulations made thereunder; and shall be responsible for the correctness and completeness of every survey carried out by him or under his supervision:

Provided that the Chief Surveyor may, in his discretion in the case of a particular survey, by notice in writing to the surveyor, direct that the standards

of accuracy prescribed by such regulations may be relaxed in such manner, to such extent and subject to such conditions as he may specify in the notice.

- (2) Neither the Government nor any public officer shall be liable for any defective survey, or any work appertaining thereto, performed by a licensed surveyor, notwithstanding that any plan relating to such survey has been authenticated in accordance with this Law or accepted for registration under the *Registered Land Law (1995 Revision)*.

Surveys to be conducted under the direction of Chief Surveyor

14. Any survey of land for the purposes of the *Registered Land Law (1995 Revision)* shall be carried out under and in accordance with the directions of the Chief Surveyor.

Unlicensed persons not to undertake professional surveying

15. No person other than a surveyor shall —
 - (a) survey any holding or land for the purpose of preparing any plan which is attached to, or is referred to in, any document or instrument purporting to confer, declare, transfer, limit, extinguish or otherwise deal with or affect any right, title or interest, whether vested or contingent, to, in or over any holding or land, being a document or instrument which is required to be registered, or is ineffectual until registered, under any law for the time being in force relating to the registration of transactions in or of title to land; or
 - (b) perform any survey which affects or may affect the definition of the boundaries, or the location of survey marks, of any holding or land registered, under any law for the time being in force relating to the registration of land or of title to land.

Powers in relation to all public surveys

16. (1) For the purposes of any public survey the Chief Surveyor or any surveyor authorised by him may enter upon any land with such assistants as may reasonably be required, and may affix or set up or place thereon or herein trigonometrical stations, monuments, survey beacons, marks or poles, and do all things necessary for such survey.
- (2) The surveyor shall, when practicable, give notice to the owner or occupier of the land of his intention to enter thereon. Where the owner or occupier cannot be found, notice may be placed in a conspicuous place on the land.



Compensation

- 17.** Compensation shall be payable out of the public revenues to the owner of any crops or trees cut or damaged in the exercise of any of the powers conferred by section 16, and if any question shall arise as to the amount of compensation to be paid or the right of a claimant to recover compensation such question shall, in default of agreement between the Chief Surveyor and all persons concerned, be finally determined by the summary court on application made by the Chief Surveyor or any person authorised by him in that behalf or by any person claiming to be entitled to compensation under this section:

Provided that, save at the discretion of the Chief Surveyor, no such application shall be granted if it is by a person claiming to be entitled to compensation and is made more than thirty days after the date on which the crops or trees in respect of which the claim is brought were cut or damaged.

Power of surveyor to enter land

- 18.** (1) After giving notice under section 16(2) any surveyor may, with assistants, for the purpose of surveying any land which he is employed to survey, enter on and pass over any land, whether private or public causing as little inconvenience to the owner or occupier of such land as is consistent with his duties.
- (2) Compensation shall be payable for any damage done to any land by reason of the exercise of the powers contained in subsection (1).
- (3) Where the surveyor is a Government employee acting in the performance of his duties as such, compensation shall be assessed in accordance with section 17.
- (4) Where the surveyor is privately employed, any compensation payable shall be subject to agreement between the surveyor and the aggrieved party or parties:

Provided that where such agreement is not possible the Chief Surveyor shall act as arbitrator and in default of agreement between the Chief Surveyor and all persons concerned compensation shall be determined by the summary court as provided by section 17. No compensation shall be paid out of public revenues for damage to land by reason of the exercise by a privately employed surveyor of the powers contained in subsection (1).

PART IV - The Preservation of Survey Marks

Penalty for removing survey boundary marks

19. Whoever, not being duly authorised to do so, wilfully obliterates, removes or damages any trigonometrical station, monument, survey beacon, mark or pole or any boundary mark affixed, set up or placed for the purpose of conducting any public or other survey under this Law is guilty of an offence, and in addition to any other punishment imposed on summary conviction may be ordered to pay the cost of repairing or replacing the thing obliterated, removed or damaged and of making any survey rendered necessary by the act for which the conviction is had.

Penalty for obstructing surveyors

20. Whoever wilfully obstructs, hinders, resists or threatens any surveyor in the execution of his duty in or about the conduct of any public survey or other survey under this Law, or any workman or other person acting in aid of any such surveyors, is guilty of an offence.

Recovery of money due

21. Any sum due under this Law may be sued for and recovered by the Chief Surveyor or any person authorised by him by action in any court of competent jurisdiction.

Delegation of functions

22. (1) The Chief Surveyor may, by notice in the Gazette, delegate any of his functions under this Law to any officer of the survey department by name or office.
- (2) Any such delegation shall be revocable at will and no delegation shall prevent the exercise by the Chief Surveyor of any function.

PART V - General

Survey plans and records to be deposited with Chief Surveyor

23. (1) Every surveyor who executes any survey in accordance with this Law or the regulations shall send to the Chief Surveyor all plans, field notes and computations relating thereto, and all such plans, field notes and computations shall be deposited in the survey department and shall become the property of the Government.
- (2) No plan deposited in the survey department in accordance with subsection (1) shall be altered or amended in any way without the permission of the Chief Surveyor.



Corrections of errors

- 24.** (1) The Chief Surveyor may, at any time, undertake such field and office checks on the survey work of a licensed surveyor as he thinks fit.
- (2) The Chief Surveyor may, under section 25, by notice in writing, instruct any licensed surveyor to correct at his own expense within a time specified in such notice any error made by him in the survey represented by the plan submitted for authentication.
- (3) In the event of such licensed surveyor refusing or neglecting within the time specified to correct such error, it shall be lawful for the Chief Surveyor to undertake such correction for the licensed surveyor concerned.
- (4) If such licensed surveyor refuses or neglects to pay the cost of the correction referred to in subsection (3) within fourteen days of it being demanded of him, the Chief Surveyor may report the facts to the Board for disciplinary action, and after due inquiry the Board may order such licensed surveyor to pay the cost of correction to the Chief Surveyor; and if such licensed surveyor refuses or neglects to comply with such order within one month after the date of the order, the Board may, subject to section 21, suspend the licence of the licensed surveyor until the cost of the correction has been paid, or for a period not exceeding three years, whichever it thinks fit.

Authentication of plans

- 25.** (1) No land shall be deemed to have been surveyed or re-surveyed until the plan thereof has been authenticated by the signature of the Chief Surveyor.
- (2) Every plan authenticated by the Chief Surveyor under subsection (1) shall, in any court of law or in any proceeding of a legal or *quasi*-legal nature, be conclusive evidence of the survey information comprised therein unless and until such plan is cancelled by the Chief Surveyor under section 26.
- (3) Every plan purporting to bear the signature of the Chief Surveyor for the purpose of subsection (1) shall be deemed to be properly authenticated unless and until the contrary is proved.

Chief Surveyor may cancel authentication of plan

- 26.** (1) Where, in the case of a document or instrument to which an authenticated plan is attached, or in which reference to such a plan is made —
- (a) the plan is found to be inaccurate by reason of any error or omission in the survey: or
- (b) the plan does not conform with the terms and conditions subject to which permission to subdivide the land to which the plan relates has been given,

the Chief Surveyor may cancel the authentication of such plan and may recall any copies which may have been issued, and in every case section 24 shall apply.

- (2) The Chief Surveyor shall forthwith upon the cancellation of the authentication of any plan notify in writing —
- (a) the owner of the land to which such plan relates;
 - (b) the surveyor by whom the survey was executed; and
 - (c) the Registrar.

Aerial surveys

- 27.** (1) Any person who intends to carry out any aerial photography of the Islands for use in mapping or similar purpose, shall give to the Chief Surveyor not less than one month's notice in writing of his intention so to do, and shall not proceed to carry it out until permission in writing from the Chief Surveyor has been obtained.
- (2) Any person who has carried out any such aerial photography shall, if the Chief Surveyor so requires in writing —
- (a) produce to the Chief Surveyor for his inspection all photographs thereby produced or such of them as the Chief Surveyor may specify; and
 - (b) supply to the Chief Surveyor, at the Chief Surveyor's cost, such copies and diagrams as the Chief Surveyor may require of such photographs:

Provided that the supply of such photographs to the Chief Surveyor shall not in any way affect the copyright therein of the person supplying them or other owner of such copyright.

Power of Governor in Council to make regulations

- 28.** The Governor in Council may make regulations —
- (a) prescribing the manner in which surveys are to be made, the records to be kept by licensed surveyors and the manner of keeping the same;
 - (b) prescribing the manner in which survey marks shall be constructed;
 - (c) with regard to plans of survey and their preparation and the matters to be shown thereon;
 - (d) with regard to the publication, issue, service and form of the notices to be published, issued or served under this Law or regulations made thereunder;
 - (e) prescribing the returns to be made by licensed surveyors to the Chief Surveyor;



- (f) requiring surveyors to report to the Chief Surveyor matters connected with surveys on which they are engaged or with previous surveys, ascertained by them during the course of their work;
- (g) for securing the maintenance of survey marks in their correct position and the preservation of the same;
- (h) providing for the checking of surveys alleged to be erroneous and for the payment of the expenses of such checking;
- (i) providing for the checking of tapes and instruments used by surveyors;
- (j) providing for and regulating the inspection and the taking of copies of plans of surveys in any office of the survey department;
- (k) prescribing any fees which may be charged under this Law;
- (l) prescribing syllabuses of examinations for the purposes of section 6;
- (m) prescribing any other matters which this Law requires or authorises to be prescribed by him; and
- (n) generally for giving effect to the purposes of this Law so far as the Chief Surveyor and the Governor in Council are the appropriate authorities therefor.

General penalty

- 29.** Whoever contravenes or fails to comply with this Law is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

FIRST SCHEDULE

(Section 7)

LAND SURVEYORS LAW

(1996 Revision)

Licence to Land Surveyor

CAYMAN ISLANDS

Whereas the Board of Examiners constituted under the above Law have duly satisfied themselves that -----of -----by virtue of
(here state particulars of qualifications -----
-----is duly qualified
to practise as a land surveyor;

Now therefore I,-----Chairman of
the Land Surveyors Board, under and by virtue of the above Law, hereby authorise the
said-----to practise as a
land surveyor in the Cayman Islands.

Dated this----- day of-----, 19 .

Chairman



SECOND SCHEDULE

(Section 9(4))

LAND SURVEYORS LAW

(1996 Revision)

Summons to Witness

In the Matter of A.B., a licensed surveyor

In the Matter of the Land Surveyors Law (1995 Revision)

(1)

To C.D.

You are hereby summoned to attend before the Land Surveyors Board at (2)-----

on the -----day of -----19--, at
the hour of -----and so from day to day, until the above
matter is heard, to give evidence respecting such matter and also to bring with you and
produce at the time and place aforesaid (3) —

Given under my hand this----- day of -----, 19--.

Chairman, Land Surveyors Board

- (1) Name and address of person summoned
- (2) Place
- (3) Here specify the documents required



**Publication in consolidated and revised form authorised by the Governor in Council
this 2nd day of January, 1996.**

Mona N. Banks-Jackson
Clerk of Executive Council

