



BELIZE

**LAND SURVEYORS ACT
CHAPTER 187**

**REVISED EDITION 2011
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CHAPTER 187

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CHAPTER 187

LAND SURVEYORS

CAP. 152,
R.E.1980-1990.
3 of 1977.
10 of 1990.
22 of 2004.
S.I.76 of 1977.

[10th December, 1977]

PART I

Preliminary

1. This Act may be cited as the Land Surveyors Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“Board” means the Land Surveyors’ Board established by and constituted in accordance with section 4 of this Act;

22 of 2004.

“CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy”;

“Commissioner” means the Commissioner of Lands and Surveys appointed under section 3 of this Act;

“Council for Human and Social Development” means a body of the Caribbean Community empowered under Article 35 of the Treaty of Chaguaramas establishing the Caribbean Community, including CARICOM Single Market and Economy to establish common standards and measures for accreditation of diplomas, certificates and other evidence of qualification of nationals of CARICOM Member States;

22 of 2004.

“licensed surveyor” means a land surveyor licensed under this Act;

“Minister” means the Minister responsible for survey matters;

“official map of Belize” means any map of Belize declared or certified by the Commissioner as an official map of Belize;

“owner”, in relation to any land, includes a 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, aerial photograph or a mosaic compiled from aerial photographs;

“public survey” means any survey made for the purposes of defining the boundaries of any land which is owned by the Government of Belize or any public authority, or in which the Government or any public authority possess or disposes of any interest;

“Registrar” means the Registrar of Lands as defined in the Registered Land Act, Cap.194;

“survey” means a survey defining the boundaries of any land in Belize, and includes a survey for the purposes of the Registered Land Act, Cap. 194 and a resurvey.

“surveyor” means a licensed land surveyor and any person appointed a surveyor in the Lands and Survey Department;

Commissioner of
Lands and Surveys
and his duties.

3.–(1) There shall be appointed by name or office a Commissioner of Lands and Surveys who shall, subject to this Act,

- (a) direct, supervise and control all public surveys;
- (b) ensure that all surveys and plans are effected in accordance with the laws of Belize;
- (c) take charge of and preserve the originals of all survey plans;

- (d) cancel or amend, in accordance with the provisions of any law, any survey plan or diagram found to be incorrect, superseded or inadequate;
- (e) prepare, certify and issue, at the request of any person upon payment of the prescribed fee, copies of diagrams and documents filed within his department which are available to the public;
- (f) do such other acts as may be necessary to carry out the provisions of this Act.

(2) There may be appointed such other officers as may be considered necessary to assist the Commissioner to exercise his powers and discharge his functions and perform his duties under this Act.

(3) The Commissioner may by notice published in the *Gazette* delegate any of his functions under this Act to any officer of the Lands and Surveys Department by name or office. Any such delegation shall be revocable at will and no delegation shall prevent the exercise by the Commissioner of any function so delegated.

(4) The Commissioner shall be the authority for the preparation and publication of the official maps of Belize, or any part thereof, and no other person shall, without the authority in writing of the Commissioner, make use of any material which has been prepared or published in official maps in the preparation or publication of any other maps.

PART II

Land Surveyors' Board

4.-(1) There shall be established a Board, to be known as the Land Surveyors' Board, consisting of,

Establishment of
Land Surveyor's
Board.

- (a) the Commissioner, who shall be the Chairperson;
- (b) the Principal Surveyor; and

(c) three licensed surveyors, appointed by the Minister in his discretion.

(2) The Board shall have a secretary appointed by the Chairperson and such secretary shall not be a member and shall not have the right to vote.

(3) A member appointed by the Minister under subsection (1)(c) of this section shall hold office for two years and may at any time resign his appointment by notice in writing given to the Minister.

(4) The Minister may at any time cancel the appointment of a member of the Board appointed by him under subsection (1)(c) of this section.

(5) The Board shall be deemed to be properly constituted notwithstanding any vacancy amongst its members or any defect in the appointment of a member thereof.

10 of 1990.

(6) The quorum for any meeting of the Board shall be three members of whom one at least shall be the Commissioner or the Principal Surveyor. The Principal Surveyor shall, in the absence of the Chairperson preside at meetings.

(7) Any decision of the Board shall be by a majority of the votes of the members present and voting. In the event of an equality of votes, the person presiding at that meeting shall have a casting vote.

(8) The Board shall maintain proper records of its meetings and the transaction of business at such meetings.

Duties of the Board.

5.-(1) It shall be the duty of the Board,

- (a) to recommend to the Minister persons duly qualified for the grant, in accordance with Act, of a licence to practice land surveying in Belize;
- (b) to hold examinations for applicants for such licences;
- (c) to examine and interview applicants for the purpose of determining whether they are eligible to sit the

examination or to be exempted from any part or the whole of the examination;

- (d) to keep a register of all licensed surveyors in accordance with section 8 of this Act;
- (e) to hold disciplinary proceedings against licensed surveyors in accordance with the provisions of this Act;
- (f) to perform such other functions as are required by this Act or any regulations made thereunder;
- (g) to advise the Minister on matters connected with land surveying and the advancement of the study and practice of land surveying in Belize;
- (h) to do such other things as may be necessary to achieve the objects of this Act.

(2) Subsection (1)(b) and (c) of this section, shall not apply to a national of a CARICOM Member State who possesses a qualification recognised and approved by the Council of Human and Social Development.

22 of 2004.

6.-(1) The Board shall not recommend the grant of a licence to practice land surveying to any person unless such person bears a good character and has passed such examination as may from time to time be prescribed or has obtained from the Board exemption from any part or the whole examination and ,

Qualifications for the grant of licence.

- (a) has had professional training outside Belize;
- (b) has served a minimum of two years' service with a surveyor, if he has had academic training outside Belize;
- (c) has served a minimum of three years' service with a surveyor, if he has to sit for the whole examination.

22 of 2004.

(1A) Notwithstanding anything to the contrary in subsection (1) of this section, the Board shall recommend to the Minister the grant of a licence to a national of the CARICOM Member State who possesses a qualification recognised and approved by the Council of Human and Social Development, and subject to subsection (2) of this section shall not apply to such nationals.

(2) The Board shall conduct the examination and the interview, if any, of the applicant within six months from the date of his written approval.

Grant of Licence.

7.—(1) The Minister shall, on receipt of the recommendation of the Board for the grant of a licence to any applicant to practice as a surveyor, grant such licence to such applicant in the form prescribed in the First Schedule and cause his name to be entered in the register of licensed surveyors.

(2) There shall be payable to the Accountant-General in respect of the grant of a licence to practice as a surveyor such fee as may be prescribed.

Register of licensed surveyors.

8. The Board shall keep a register which shall contain the names, addresses and qualifications of all persons to whom licenses have been granted, the date on which each such licence was granted, and if revoked or suspended, the date of revocation or suspension, and any other particulars which may be prescribed.

Disciplinary powers of the Board.

9.—(1) Where, after due inquiry by the Board, a licensed surveyor is found to be guilty of professional misconduct, or having been convicted of a criminal offence involving dishonesty, is considered by the Board to be unfit to practice, the Board shall recommend accordingly to the Minister, and the Minister shall have power,

- (a) to revoke the licence granted to such licensed surveyor and cause his name to be removed from the register of licensed surveyors;
- (b) to suspend the licence for a period not exceeding three years and during that period cause his name to be removed from the register of licensed surveyors; or

(c) to reprimand such licensed surveyor,

the Board shall notify the surveyor forthwith of the Minister's order and any person practicing as a surveyor during any period when his licence was not in force commits an offence.

(2) Upon any inquiry held by the Board under subsection (1) of this section, the person whose conduct is being inquired into shall be afforded an opportunity of being heard, either in person or by an attorney-at-law.

(3) The Board may on its own motion, and shall when requested to do so by any person whose conduct is being inquired into, summon any person in the form prescribed in the Second Schedule to appear before the Board at a certain time and place to be specified and set forth in such summons and to give evidence concerning the matter of the inquiry or to produce such documents as may be specified in such summons.

(4) The Board shall record any evidence which may be adduced and its decision and reasons therefor, and the person affected by the decision shall be entitled to a copy of such record.

(5) For the purpose of any proceedings at any inquiry held by the Board, the Chairperson or any other person presiding at the inquiry may administer oaths and affirmation and may, subject to the provisions of this Act or any regulations made thereunder, enforce the attendance of persons as witnesses and the production of books and documents.

(6) Any person who, 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, commits an offence.

(7) Where a licence is revoked or suspended under subsection (1) of this section, the person to whom it was granted shall, notwithstanding any appeal against the revocation or suspension, surrender it to the Board within fourteen days of the revocation or suspension, and a failure to do so shall be an offence.

10.—(1) Where a licence is revoked or suspended, the Board may, either of its own motion or on the application of the person concerned, and in

Restoration of licence.

either case after holding such inquiry as the Board thinks fit, recommend in the case of revocation the grant of a new licence and in the case of suspension, the termination of such suspension.

(2) The provisions of section 7 of this section, shall apply to the grant of a new licence hereunder.

(3) Upon a recommendation of the Board for the termination of the suspension of a licence to practice as a surveyor, the Minister shall restore the licence to the surveyor concerned.

11. Notice of the grant, revocation or suspension of any licence, or of the termination of the suspension thereof, shall be published in the *Gazette*.

11A.—(1) A national of a CARICOM Member State who is registered as a land surveyor under this Act shall not require a work permit, a visa or other immigration permit to enter, remain in, or leave Belize for the purpose of practicing as a land surveyor.

(2) Subsection (1) of this section applies notwithstanding anything to the contrary in any other law.

(3) Notwithstanding anything to the contrary in any other law, the provisions of this Act shall apply equally and without discrimination to citizens of Belize and nationals of CARICOM Member States.

PART III

Conduct of Surveys

12. No person, other than a surveyor, shall,

- (a) survey any land for the purpose of preparing any plan which is attached 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 land;

Grant of licence to be gazetted.

CARICOM nationals.

22 of 2004.

Unlicensed persons prohibited from surveying.

- (b) perform any survey which affects or may affect the definition of the boundaries, or the location of survey marks, of any land.

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 Act 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,

Conduct of surveys.

Provided that the Commissioner 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) Every person employed to assist any surveyor in making a survey, who willfully and fraudulently makes a wrong measurement, or does any other act with intent to falsify a survey, commits an offence.

(3) 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 accepted for registration under the Registered Land Act, Cap. 194.

(4) Every licensed surveyor shall, within two months of the making of a plan following upon a survey, furnish the original thereof to the Commissioner, who shall preserve the same in keeping with the Registered Land Act, Cap. 194.

14.—(1) For the purposes of any public survey or in the performance of any of his functions, the Commissioner or any surveyor authorised by him may, with notice to the owner or possessor, enter upon any land with such assistants as may reasonably be required, and may affix or set up or place thereon or therein trigonometrical stations, monuments, survey beacons, marks or poles, and do all things necessary for such survey.

Public Surveys.

(2) Compensation shall be paid out of the Consolidated Revenue Fund to the owner of any crops or cultivated trees cut or damaged in the

exercise of any of the powers conferred by subsection (1) of this section, 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 Commissioner and all persons concerned, be finally determined by a magistrate having jurisdiction in the district in which the damage occurred, on application made by the Commissioner, or any person authorised by him in that behalf, or by any person claiming to be entitled to compensation under this section:

Provided that, except at the discretion of the Commissioner, 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.

Other surveys.

15.—(1) Any surveyor engaged in a survey other than a public survey to survey any parcel of land shall, before he proceeds to run any lines, give seven days notice of such proposed survey to the reputed owners or possessors of that land, and such other owners or possessors of adjoining lands as may be affected thereby.

(2) Where the whereabouts of such owners or possessors are not known, the notice of the proposed survey shall be published in the *Gazette* or in a newspaper circulating in the district where the land is situated and a copy thereof shall be posted in a conspicuous place on the land at least two weeks before the day of the survey.

(3) After giving notice as required by subsection (1) or (2) of this section, any surveyor and any person assisting such surveyor may, 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 possessor of such land as is consistent with his duties.

(4) Compensation shall be paid for any damage done to any land by reason of the exercise of the powers contained herein and any such 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 Commissioner shall act as arbitrator and, in default of a settlement by such arbitration, compensation shall be finally determined by a magistrate having jurisdiction in the district in which the damage occurred, on the application of any person claiming to be entitled to the compensation.

16.—(1) Every licensed surveyor who executes any survey in accordance with the this Act, or any regulations made thereunder, shall deposit with the Commissioner the original of the plan of such survey and the field notes and computations made by him following upon such survey, and all such plans so deposited in the Lands and Surveys Department shall become the property of the Government,

Deposit of plans with the Commissioner.

Provided that in the case of lands not falling within a compulsory registration area under the Registered Land Act, Cap. 194, a plan deposited with the Commissioner under subsection (1) of this section shall be kept carefully by the Commissioner together with a book containing an index of such plans showing the names of the alleged owner of the land as well as the name of the property, if any, specified in the plan.

(2) No plan so deposited and authenticated in terms of section 18 of this Act, shall be altered or amended in any way without the permission of the Commissioner.

17.—(1) The Commissioner may at any time undertake such field and office checks on the survey work of a surveyor as he thinks fit, or as recommended by the Board.

Rectification of errors in surveys.

(2) The Commissioner may, after receiving a plan for authentication under section 18, by notice in writing within one year of the receipt thereof, instruct any licensed surveyor to correct at his own expense, within six months of such notice, any error made by him in the survey represented by the plan.

(3) In the event of such licensed surveyor neglecting within the time specified to correct such error, the Commissioner may undertake such correction and recover the whole cost of the correction from the licensed surveyor concerned.

(4) If the licensed surveyor refuses or neglects to pay the cost of the correction referred to in subsection (3) of this section within fourteen days of the cost having been demanded of him, the Commissioner may report the facts to the Board for disciplinary action.

(5) The Board may after due inquiry, order the licensed surveyor to pay the cost of correction to the Commissioner, and if the licensed surveyor refuses or neglects to comply with such order within one month after the date of the order, the Board may recommend to the Minister the suspension of the licence of the licensed surveyor.

Authentication of plans.

18. No land shall be considered to have been surveyed or resurveyed until the plan thereof has been registered and authenticated by the signature of the Commissioner. Such registration and authentication shall be completed as soon as may be after the receipt of the documents in the office of the Commissioner, and in any case not later than thirty days from such date of receipt.

Cancellation of authentication.

19.-(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 Commissioner may cancel the authentication of such plan and may recall any copies which may have been issued.

(2) The Commissioner shall forthwith upon the cancellation of the authentication of any plan notify that fact in writing to,

- (a) the owner of the land to which such plan relates;
- (b) the surveyor by whom the survey was executed; and
- (c) the Registrar.

20.—(1) Any person who intends to carry out any aerial photography of Belize or a part thereof for use in mapping or similar purpose shall, before carrying out the survey, give to the Commissioner in writing not less than one month's notice of his intention to do so.

Aerial surveys.

(2) Any person who carries out any such aerial photography shall, if the Commissioner so requires in writing ,

- (a) produce to the Commissioner for his inspection all of the photographs thereby produced or such of them as the Commissioner may specify; and
- (b) supply to the Commissioner at the Commissioner's cost such copies and diagrams as the Commissioner may require of such photographs,

Provided that the supply of photographs to the Commissioner under this section shall not in any way affect the copyright therein of the person supplying them or other owner of such copyright.

21. Any person who 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 Act, or any workman or other person acting in aid of any such surveyor, commits an offence.

Obstruction to surveys.

PART IV

Preservation of Survey Marks & General Provisions

22. Any unauthorised person who wilfully obliterates, removes, or damages any trigonometrical station, monument, survey beacon, mark or posts or any boundary mark affixed, set up or placed for the purpose of conducting any public or other survey under this Act commits an offence.

Removing boundary marks an offence.

- Appeals. **23.** Any person aggrieved by a decision of the Board under section 9, or under section 17 (5) of this Act, may within thirty days after the date the notification of the decision, appeal to the Supreme Court against the decision, and on such appeal, the Supreme Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal, and no appeal shall lie from an order of the Supreme Court under this section.
- Regulations. **24.** The Minister may make regulations,
- (a) prescribing the manner in which surveys are to be made, the records to be kept and the manner of keeping such records;
 - (b) prescribing the manner in which important survey marks such as trigonometrical stations and large framework control points shall be constructed;
 - (c) with regard to plans of survey and their preparation and the matter 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 Act or any regulations made thereunder;
 - (e) specifying the matters on which surveyors shall report to the Commissioner, connected with surveys on which they are engaged or with previous surveys and ascertained by them during the course of their work;
 - (f) for securing the maintenance of survey marks in their correct position and the preservation of them;
 - (g) providing for the checking of surveys alleged to be erroneous and for the recovery of the expenses of such checking;
 - (h) providing for the checking of tapes and instruments used by surveyors;

- (i) providing for and regulating the inspection and the taking of copies of plans of surveys in the office of the Lands and Surveys Department;
- (j) prescribing the minimum accuracy required from any survey work;
- (k) prescribing any fees which may be charged under this Act;
- (l) prescribing the syllabi of examinations and the scheme of exemption for the purpose of section 6 of this Act;
- (m) prescribing any returns to be made by licensed surveyors to the Commissioner;
- (n) prescribing any other matters which this Act requires or authorises to be prescribed by him; and
- (o) generally for giving effect to the principles and provisions of this Act.

25.—(1) Any person who contravenes or fails to comply with any of the provisions of this Act or any regulation made thereunder for which no penalty is specifically provided commits an offence and on summary conviction thereof is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Offences and penalties.

(2) No prosecution under this Act shall be commenced except by or with the written sanction of the Commissioner.

(3) Upon the conviction of any person for any offence under section 21 or 22 of this Act, the court may, in addition to such punishment as it may impose under subsection (1) of this section, order the person convicted to pay to the Commissioner such sum as may be certified by the Commissioner as the costs incurred in repairing or replacing the thing obliterated, removed or damaged and of making any survey rendered necessary by the act for which he was convicted.

Liability joint and several.

26. Where there exists a relationship of master and servant or principal and agent, such servant and master, or the agent and the principal as the case may be, and, in the case of a corporation and an officer of that corporation, the officer and every director of that corporation shall be jointly and severally responsible for compliance with the provisions of this Act and liable in the event of default thereof to the penalties prescribed.

Officers in the service of the Land and Surveys Department.

27. Nothing in this Act shall render it necessary for any person appointed as a surveyor in the public service to obtain a licence to act as a land surveyor in the public service for so long as he remains in such service.

Savings.

28.—(1) Every surveyor who at the commencement of this Act held a certificate issued to him under the provisions of the Land Surveyors Act, Ch. 11, R. L. 1958 repealed by this Act shall be granted a license under this Act without the payment of any fee therefor.

(2) Every survey plan prepared or maintained under the provisions of the repealed Land Surveyors Act, Ch. 11 R. L 1958 shall be deemed to be an authenticated plan under section 18 of this Act.

FIRST SCHEDULE

LAND SURVEYORS ACT

Licence to Land Surveyor

[Section 7]

WHEREAS the Land Surveyors' Board established under the above-mentioned Act is satisfied that Mr./Miss/Mrs.

.....
.....of by
virtue of (here state particulars of qualifications)
..... is duly qualified to practice as a Land Surveyor,
and has recommended the grant to him of a licence to practice as such
surveyor;

NOW therefore, I

Minister responsible for survey matters, in pursuance of the provisions
of the above-mentioned Act, hereby authorise the said
..... to practice as a Land Surveyor in Belize.

DATED this..... day of 20.....

Minister Responsible For Survey Matters.

SECOND SCHEDULE

THE LAND SURVEYORS ACT
Summons to Witness before
the Land Surveyors' Board
[Section 9 (3) and (6)]

In the matter of A.B., a Licensed Surveyor

TO: (1).----

You are hereby summoned to attend before the Land Surveyors' Board

(2)at.....onthe.....dayof.....

20 ... 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)-----

Please note that failure to attend or to give evidence or to produce any
document as required will constitute an offence punishable with a fine not
exceeding five hundred dollars or imprisonment for a term not exceeding
six months, or both such fine and term of imprisonment.

GIVEN under my hand this..... day of 20.....

Chairperson,
Land Surveyors' Board.

INSERT

(1) *Name and address of person summoned.*

(2) *Place.*

(3) *Here specify the documents required to be produced.*