

REPRINTED ACT
[WITH AMENDMENTS INCORPORATED]

SURVEYORS

REPRINTED AS ON 1 OCTOBER 1983

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THE SURVEYORS ACT 1966

1966, No. 15

An Act to consolidate and amend the Surveyors Act 1938 and its amendments
[2 September 1966]

1. Short Title—This Act may be cited as the Surveyors Act 1966.

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

“Board” means the Survey Board constituted under this Act:

“Council” means the Council of the New Zealand Institute of Surveyors constituted under this Act:

“Chief Surveyor” means a Chief Surveyor appointed under the Land Act 1948:

“Institute” means the New Zealand Institute of Surveyors constituted under this Act:

“Minister” means the Minister of Lands:

“Prescribed” means prescribed by this Act, or by rules or regulations for the time being in force under this Act:

“Registered surveyor” means a person registered as a surveyor under section 12 of this Act, or under the corresponding provisions of any previous Act:

“Secretary” means the Secretary of the Board:

“Surveying” means land surveying; and “survey” and “surveyor” have corresponding meanings:

“Surveyor-General” means the Surveyor-General appointed under the Land Act 1948, and includes his deputy.

Cf. 1938, No. 4, s. 2

Survey Board

3. Survey Board constituted—(1) There shall continue to be a Board, to be known as the Survey Board, which shall be the same Board as that established by the Surveyors Act 1938 and existing under the same name at the passing of this Act.

(2) The Board shall consist of—

- (a) The Surveyor-General, who shall be the Chairman; and
- (b) Four registered surveyors appointed by the Minister, of whom 2 shall be appointed on the recommendation of the Institute.

(3) The powers of the Board shall not be affected by any vacancy in its membership.

(4) Except as otherwise provided in this section, every appointed member of the Board shall hold office for a term of one year, and shall be eligible for reappointment from time to time.

(5) Any appointed member of the Board may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister.

(6) When the office of any appointed member of the Board becomes vacant by death, resignation, or removal from office, the vacancy so created shall as soon as practicable be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred.

(7) Unless he sooner vacates his office as provided in subsection (5) of this section, every member of the Board shall continue in office until his successor comes into office, notwithstanding that his term of office may have expired.

Cf. 1938, No. 4, s. 3

4. Meetings of Board—(1) At any meeting of the Board 3 members shall form a quorum.

(2) Every question before any meeting of the Board shall be determined by a majority of the votes of the members present and voting thereon.

(3) At any meeting of the Board the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(4) Subject to the provisions of the Act and of any regulations for the time being in force under this Act, the Board may regulate its own procedure.

Cf. 1938, No. 4, s. 4

5. Remuneration and travelling allowances—(1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Board, out of the Survey Board Account, under section 34 of this Act, remuneration by way of fees, salaries or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Cf. 1938, No. 4, s. 5

6. Officers and employees of Board—(1) The Board may from time to time appoint a Secretary and such other officers and employees, including acting or temporary or casual officers and employees, as it thinks necessary, and, subject to any contract of service, may at any time remove the Secretary or any other such officer or employee from his office or employment.

(2) Before any officer or employee entrusted by the Board with the custody or control of money by virtue of his office or employment enters on the duties of his office or employment, the Board shall take sufficient security for the faithful execution of his office or employment.

Cf. 1938, No. 4, s. 6

Registration of Surveyors

[7. Qualifications for registration]—(1) Every person who is not less than 21 years of age shall be entitled to be registered under this Act if he satisfies the Board that he is of good character and reputation and that—

(a) He has obtained a certificate of competency as a surveyor in accordance with regulations made under this Act; or

(b) He is the holder of a recognised certificate granted in a reciprocating country; or

(c) He is the holder of a recognised certificate granted in a country that is not a reciprocating country, and he has such experience in New Zealand of the duties of a surveyor as is prescribed by regulations made under this Act.

(2) For the purposes of this section, the term "recognised certificate" means a certificate, diploma, degree, or licence granted by a university, college, board, or other authority and recognised by the Board as furnishing sufficient evidence of the possession by its holder of the requisite knowledge and skill for the efficient practice of the profession of surveying.

(3) For the purposes of this section, the term "reciprocating country" means any country, state, or other territory—

(a) In which, in the opinion of the Board, the profession of land surveying is established on a basis similar to that in New Zealand and satisfactory official control is exercised over the profession; and

(b) Which recognises, to such extent as the Board considers reasonable, the qualifications of New Zealand surveyors.]

This section was substituted for the original s. 7 by s. 2 (1) of the Surveyors Amendment Act 1976.

8. Application for registration—(1) Application for registration as a registered surveyor under this Act shall be made in writing addressed to the Secretary of the Board. Every such application shall be accompanied by the prescribed fee.

(2) Every application for registration shall be accompanied by a copy thereof which shall, on receipt by the Secretary, be forthwith forwarded by him to the Institute.

Cf. 1938, No. 4, s. 14

9. Objections by Institute—(1) Within 28 days after the receipt by the Institute of a copy of any application as aforesaid, the Institute may give notice in writing to the Secretary of the Board of its desire to object to the registration of the applicant, and of the grounds of the objection. A copy of the notice shall at the same time be sent by the Institute to the applicant.

(2) The Board shall appoint a convenient time and place for hearing the objection, and shall give notice thereof in writing to the applicant and to the Secretary of the Institute at least 7 clear days before the time so appointed.

(3) Both the applicant and the Institute shall be entitled to be present and to be heard, and may be represented by counsel or otherwise at the hearing of the objection.

Cf. 1938, No. 4, s. 16

10. Applications to be considered by Board—(1) As soon as practicable after the receipt of any application for registration, the Board shall consider the application, and shall give such directions in respect thereof as it thinks fit and as are hereinafter authorised.

(2) Before giving any such directions, the Board may, if it thinks fit, examine on oath or otherwise the applicant, or any person objecting to the application, or any other person, with respect to the application. For the purposes of this subsection the Chairman of the Board may administer an oath to any person.

(3) The Board may also, if it thinks fit, require any person to verify by statutory declaration any statement made by him with respect to any application, or with respect to any objection to an application.

Cf. 1938, No. 4, s. 15

11. Secretary to observe directions of Board—(1) If the Board, after considering any application and objection as

aforesaid, is of opinion that the applicant is entitled to be registered under this Act, it shall so direct, and the Secretary shall thereupon register the applicant, and shall notify him accordingly.

(2) If the Board, after considering any application and objection as aforesaid, is of opinion that the applicant is not entitled to be so registered, it shall direct accordingly, and the Secretary shall thereupon refuse to register the applicant, and shall notify him accordingly.

Cf. 1938, No. 4, s. 17

12. Register of Surveyors—(1) Registration under this Act shall be effected by the entry in the Register of Surveyors (which shall be kept by the Secretary) of the name and address of the applicant, the qualifications by virtue of which he is registered, the date of registration, and such other particulars as may be prescribed.

(2) The Register of Surveyors shall be open to inspection by the public at the office of the Board during ordinary office hours on payment of the prescribed fee.

Cf. 1938, No. 4, s. 18

13. Certificate of registration—The Secretary shall, on application in that behalf made to him at any time by a registered surveyor and on payment of the prescribed fee, issue to that registered surveyor a certificate of registration.

Cf. 1938, No. 4, s. 19

14. Penalty for wrongfully procuring registration—Every person commits an offence and is liable on summary conviction to a fine not exceeding [\$500] who—

- (a) Wilfully makes or causes to be made any false entry in or falsification of the register; or
- (b) Procures or attempts to procure himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing.

Cf. 1938, No. 4, s. 20

The expression "\$500" was substituted for the expression "\$200" (as substituted by s. 7 of the Decimal Currency Act 1964) by s. 3 of the Surveyors Amendment Act 1976.

15. Registrars to notify Secretary of deaths of registered surveyors—Every Registrar of Births and Deaths in New Zealand, on receiving notice of the death of any registered

surveyor, shall forthwith transmit by post to the Secretary a certificate under his hand of that death; and on the receipt of that certificate the Secretary shall remove the name of the deceased registered surveyor from the register.

Cf. 1938, No. 4, s. 21

16. Registered surveyors to notify changes of address—Every registered surveyor who at any time changes his address as appearing in the register shall, within one month thereafter, send to the Secretary a notice of his new address; and the Secretary shall thereupon alter the entry in the register relating to that registered surveyor accordingly.

Cf. 1938, No. 4, s. 22

17. Name to be removed from register if registered surveyor cannot be found, etc.—(1) The Secretary may at any time, and shall if the Board so directs, send to any registered surveyor, by registered letter addressed to him at his address as appearing on the register, an inquiry as to whether or not he desires to have his name retained on the register.

(2) If no reply to the letter is received within 6 months after it is posted, or if the letter is not delivered and is returned to the Secretary, the Secretary shall, if the Board so directs, remove from the register the name of the registered surveyor to whom the letter was sent.

(3) Any person whose name has been removed from the register pursuant to this section may apply to the Secretary to have his name restored to the register, and on payment of the prescribed fee his name shall be restored to the register accordingly.

Cf. 1938, No. 4, s. 23

18. Additional certificates, etc., may be entered in register—(1) Every registered surveyor who obtains any approved certificate, diploma, degree, or licence, other than that by virtue of which he is registered, may apply to the Board to amend the register so far as it relates to his qualifications.

(2) On such application the Board, if satisfied that the applicant is entitled to the certificate, diploma, degree, or licence in respect of which the application is made and that it is one of a kind approved by the Board for the purposes of this section, shall direct the Secretary to amend the register accordingly; and the Secretary shall thereupon insert in the register particulars of the certificate, diploma, degree, or licence.

Cf. 1938, No. 4, s. 24

19. Correction of register—(1) If any person has been registered under this Act or under any previous Act by reason of any false or fraudulent representation or declaration, made either orally or in writing, or if any person not entitled to be registered under this Act or under any previous Act has been so registered, the Board shall cause the name of that person to be removed from the register, and the fact of the removal shall be notified by the Secretary in the *Gazette*.

(2) If any particulars appearing in the register in respect of the name, qualifications, or address of any registered surveyor are proved to the satisfaction of the Board to be, or are to the knowledge of the Board, false or erroneous in any respect, the Board shall direct the Secretary to erase those particulars from the register, or otherwise to amend the register, and the Secretary shall thereupon amend the register accordingly.

(3) The provisions of subsection (2) of this section shall apply, notwithstanding the fact that at the time when the entry in the register was made the registered surveyor actually had the qualifications of which particulars appear in the register, or that at that time the entry was otherwise correct.

Cf. 1938, No. 4, s. 25

20. Removal of name from register or suspension where similar action taken outside New Zealand—(1) The Board may cause to be removed from the register the name of any person registered under paragraph (b) [or paragraph (c)] of subsection (1) of section 7 of this Act, or the corresponding provisions of any previous Act, by virtue of a certificate granted out of New Zealand and recognised as provided in that section, if the Board is satisfied that the certificate has been revoked or cancelled by the authority that granted it.

(2) If the Board is satisfied that any certificate recognised as aforesaid has been suspended for any period by the authority that granted it, the Board may suspend the registration under this Act of the holder of the certificate for the same period or for any unexpired portion of that period.

(3) If any person registered under paragraph (a) of subsection (1) of section 7 of this Act, or the corresponding provisions of any previous Act, by virtue of a certificate of competency granted in New Zealand, has been authorised by any competent authority to practise his profession out of New Zealand and his right to so practise is thereafter suspended for any period, the Board may, if it thinks fit, suspend his registration

under this Act for the same period or for any unexpired portion of that period.

Cf. 1938, No. 4, s. 26

In subs. (1) the words in square brackets were inserted by s. 2 (2) of the Surveyors Amendment Act 1976.

21. Removal of name from register if registered surveyor guilty of grave misconduct—(1) The Board may cause the name of any registered surveyor to be removed from the register if it is satisfied, after inquiry as provided in section 22 of this Act, but not otherwise,—

- (a) That either before or after his registration he has been convicted by any Court in New Zealand of any offence punishable by imprisonment for a term of 2 years or upwards;
- (b) That he has been guilty of such improper [or unprofessional] conduct as renders him, in the opinion of the Board, unfit to be a registered surveyor;
- [(c) That he has certified to the accuracy of any survey or of any plan in relation to a survey without having personally carried out or supervised that survey and the field operations connected therewith;
- (ca) That he has certified to the accuracy of any survey or of any plan in relation to a survey without having checked the accuracy of the entries in any field book and the accuracy of all calculations, working plans, and other survey records that may have been made by any person employed by him in connection therewith;]
- (d) That he has certified to the accuracy of any survey carried out by him or under his personal supervision if the operations of pegging and ground marking, and all other requirements of the survey, have not been carried out in accordance with the regulations for the time being in force under this Act relating to the conduct of surveys and the other operations incidental thereto;
- (e) That he has certified to the accuracy of any survey or plan knowing it to be defective;
- (f) That, by reason of negligence or incompetence, he has habitually made defective surveys, or has habitually made surveys to which he has not applied adequate checks;
- (g) That he has made any entry in any field book or copy of a field book or other survey record which purports

19. Correction of register—(1) If any person has been registered under this Act or under any previous Act by reason of any false or fraudulent representation or declaration, made either orally or in writing, or if any person not entitled to be registered under this Act or under any previous Act has been so registered, the Board shall cause the name of that person to be removed from the register, and the fact of the removal shall be notified by the Secretary in the *Gazette*.

(2) If any particulars appearing in the register in respect of the name, qualifications, or address of any registered surveyor are proved to the satisfaction of the Board to be, or are to the knowledge of the Board, false or erroneous in any respect, the Board shall direct the Secretary to erase those particulars from the register, or otherwise to amend the register, and the Secretary shall thereupon amend the register accordingly.

(3) The provisions of subsection (2) of this section shall apply, notwithstanding the fact that at the time when the entry in the register was made the registered surveyor actually had the qualifications of which particulars appear in the register, or that at that time the entry was otherwise correct.

Cf. 1938, No. 4, s. 25

20. Removal of name from register or suspension where similar action taken outside New Zealand—(1) The Board may cause to be removed from the register the name of any person registered under paragraph (b) [or paragraph (c)] of subsection (1) of section 7 of this Act, or the corresponding provisions of any previous Act, by virtue of a certificate granted out of New Zealand and recognised as provided in that section, if the Board is satisfied that the certificate has been revoked or cancelled by the authority that granted it.

(2) If the Board is satisfied that any certificate recognised as aforesaid has been suspended for any period by the authority that granted it, the Board may suspend the registration under this Act of the holder of the certificate for the same period or for any unexpired portion of that period.

(3) If any person registered under paragraph (a) of subsection (1) of section 7 of this Act, or the corresponding provisions of any previous Act, by virtue of a certificate of competency granted in New Zealand, has been authorised by any competent authority to practise his profession out of New Zealand and his right to so practise is thereafter suspended for any period, the Board may, if it thinks fit, suspend his registration

under this Act for the same period or for any unexpired portion of that period.

Cf. 1938, No. 4, s. 26

In subs. (1) the words in square brackets were inserted by s. 2 (2) of the Surveyors Amendment Act 1976.

21. Removal of name from register if registered surveyor guilty of grave misconduct—(1) The Board may cause the name of any registered surveyor to be removed from the register if it is satisfied, after inquiry as provided in section 22 of this Act, but not otherwise,—

(a) That either before or after his registration he has been convicted by any Court in New Zealand of any offence punishable by imprisonment for a term of 2 years or upwards:

(b) That he has been guilty of such improper [or unprofessional] conduct as renders him, in the opinion of the Board, unfit to be a registered surveyor:

[(c) That he has certified to the accuracy of any survey or of any plan in relation to a survey without having personally carried out or supervised that survey and the field operations connected therewith:

(ca) That he has certified to the accuracy of any survey or of any plan in relation to a survey without having checked the accuracy of the entries in any field book and the accuracy of all calculations, working plans, and other survey records that may have been made by any person employed by him in connection therewith:]

(d) That he has certified to the accuracy of any survey carried out by him or under his personal supervision if the operations of pegging and ground marking, and all other requirements of the survey, have not been carried out in accordance with the regulations for the time being in force under this Act relating to the conduct of surveys and the other operations incidental thereto:

(e) That he has certified to the accuracy of any survey or plan knowing it to be defective:

(f) That, by reason of negligence or incompetence, he has habitually made defective surveys, or has habitually made surveys to which he has not applied adequate checks:

(g) That he has made any entry in any field book or copy of a field book or other survey record which purports

to have been derived from actual observation or measurement in the field, if in fact it has not been so derived:

- (h) That he has supplied to the Surveyor-General any erroneous information in relation to any survey, land boundaries, or survey pegs knowing that information to be erroneous in any material particular:
- (i) That without reasonable cause he has failed to perform any duty imposed on registered surveyors under any regulation made for any of the purposes specified in paragraph (f) of section 41 of this Act.

(2) The name of any registered surveyor shall not be removed from the register under paragraph (a) of subsection (1) of this section by reason of any offence committed before the date of his registration, if at that date the Board was aware of his conviction in respect of that offence.

(3) Notwithstanding anything in subsection (1) of this section but subject to subsection (2) of this section, the Board may exercise the powers conferred on it by the said subsection (1) in relation to the conviction of any person on the receipt of and pursuant to a certificate of the conviction issued by the Registrar of the Court in which the person was convicted, whether or not a complaint has been made and whether or not a Chief Surveyor [or the Institute] has investigated the matter.

(4) The fact that any survey or plan may have been approved by the Surveyor-General or by any other officer of the Survey Branch of the Department of Lands and Survey on behalf of the Surveyor-General shall be no defence to a charge under this section in relation to a defective survey or plan.

Cf. 1938, No. 4, s. 27

In subs. (1) (b) the words in square brackets were inserted by s. 4 (1) of the Surveyors Amendment Act 1976.

In subs. (1), paras. (c) and (ca) were substituted for the original para. (c) by s. 4 (2) of the Surveyors Amendment Act 1976.

In subs. (3) the words in square brackets were inserted by s. 4 (3) of the Surveyors Amendment Act 1976.

22. Inquiry by Board into charges of misconduct—

(1) Every complaint that any registered surveyor has been guilty of any act or default specified in subsection (1) of section 21 of this Act shall be referred to the Chief Surveyor of the district in which the act or default is alleged to have been done or made, and the Chief Surveyor shall investigate the matter and report thereon in writing to the Board:

[Provided that the Institute may investigate and report in writing to the Board on a complaint that a registered surveyor has been guilty of an act or default specified in paragraph (b)

of the said subsection (1) and, if it does so, the Chief Surveyor need not investigate the matter or report thereon to the Board].

(2) On receiving any such report from a Chief Surveyor [or the Institute], or on receiving any certificate of conviction under subsection (3) of section 21 of this Act, the Board shall hold an inquiry into the matter.

(3) The Board shall give to the registered surveyor concerned not less than 30 clear days' notice in writing of its intention to hold the inquiry, and of the time and place of hearing, and of the nature of the charge to be inquired into. The notice may be served personally or by registered letter addressed to the registered surveyor concerned at his last known place of business or abode.

(4) At the inquiry the registered surveyor concerned shall be entitled to be present and to be heard, and may be represented by counsel or otherwise.

(5) [A Chief Surveyor who makes an] investigation and report as aforesaid shall not be competent to act as a member of the Board for the purposes of the inquiry or of the deliberations of the Board thereon.

[6] At the inquiry the Board may determine that an amount to be specified by the Board, being the whole or any portion of the cost to the Board of the inquiry and the whole or any portion of the cost of any field inspections undertaken by direction of the Surveyor-General for the purpose of testing the accuracy of any survey that is found to be defective, may be recovered from the registered surveyor concerned as a debt due to the Crown, and the amount so specified shall thereupon become recoverable accordingly. Any amount representing the whole or any portion of the cost to the Board of an inquiry that is recovered from a registered surveyor shall be paid to the Board.]

(7) Every complaint shall be prosecuted at the inquiry by the Chief Surveyor of the district in which the act or default complained of is alleged to have been done or made, or, failing him, by such other person as the Surveyor-General shall appoint, except where the complaint is made . . . by the Institute and is prosecuted by the Institute. The Chief Surveyor or his substitute and the Institute may be heard and may be represented by counsel or otherwise at the inquiry.

Cf. 1938, No. 4, s. 28

In subs. (1) the proviso was added by s. 5 (1) of the Surveyors Amendment Act 1976.

In subs. (2) the words in square brackets were inserted by s. 5 (2) of the Surveyors Amendment Act 1976.

In subs. (5) the words in square brackets were substituted for the words "The Chief Surveyor who makes the" by s. 5 (3) of the Surveyors Amendment Act 1976.

Subs. (6) was substituted for the original subs. (6) by s. 5 (4) of the Surveyors Amendment Act 1976.

In subs. (7) the words "in the first instance" were omitted by s. 5 (5) of the Surveyors Amendment Act 1976.

23. Further disciplinary powers of Board—(1) After any inquiry made under section 22 of this Act into a complaint against a registered surveyor, the Board may, by writing under the hand of the Chairman, impose on the registered surveyor a penalty not exceeding [\$1,000], or suspend him from practice for any period not exceeding 12 months.

(2) Every monetary penalty imposed by the Board under this section shall be recoverable as a debt due to the Board by proceedings taken by the Secretary in his own name on behalf of the Board.

(3) While any order of suspension from practice under this section remains in force, the registered surveyor's registration shall be deemed to be suspended, but forthwith on the expiry of the order his rights and privileges as a registered surveyor shall be revived.

(4) An order of suspension shall not take effect in any case until the expiration of 21 clear days after the notification by the Board to the registered surveyor of the making of the order. If within that period he gives due notice of appeal under section 24 of this Act, the order shall not take effect unless and until it is confirmed by the Board of Appeal or the appeal is for any reason dismissed by that Board:

Provided that, unless the Board of Appeal otherwise orders, the period of suspension specified in the order shall commence on the day when the order takes effect.

(5) The powers conferred on the Survey Board by this section are in addition to its powers under sections 19, 20, 21, and 22 of this Act.

Cf. 1938, No. 4, s. 32

In subs. (1) the expression "\$1,000" was substituted for the expression "\$200" (as substituted by s. 7 of the Decimal Currency Act 1964) by s. 6 of the Surveyors Amendment Act 1976.

[24. Appeals from decisions of Board]—(1) Any person who is dissatisfied with a decision of the Board relating to—
(a) An application by him for registration; or
(b) The removal of his name from the register; or
(c) The suspension of his registration; or
(d) His suspension from practice; or
(e) The recovery from him of any money; or
(f) The imposition on him of any penalty; or
(g) An appeal by him under section 32A of this Act—
may, within 3 months after the date on which notice of the

decision has been communicated to him by the Secretary, appeal to the Administrative Division of the [[High Court]] against the whole or any part of the decision.

(2) At the hearing of the appeal, the Court shall hear all evidence tendered and representations made by or on behalf of the appellant, the Board, and other persons which the Court considers relevant to the subject-matter of the appeal.

(3) The Court may at the hearing receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectually with the matters before it, whether or not it would be otherwise admissible in a Court of law.

(4) The Court in its discretion may, having regard to the interests of all parties concerned and to the public interest, order that the hearing or any part of it shall be held in private.

(5) Subject to the provisions of this section, the procedure in respect of any appeal shall be in accordance with rules of Court.

(6) After hearing the appeal, the Court may confirm, modify, or reverse the decision or part of the decision appealed against and may make such orders as the Court thinks fit:

Provided that nothing in this subsection shall be construed to give the Court power to review any part of the Board's decision other than the part against which the appellant has appealed.]

This section was substituted for the original s. 24 by s. 7 (1) of the Surveyors Amendment Act 1976. See s. 7 (2) of that Act.

In subs. (1) the reference to the High Court was substituted for a reference to the Supreme Court by s. 12 of the Judicature Amendment Act 1979.

25. Certificate by Secretary to be evidence of registration, etc.—A certificate under the hand of the Secretary to the effect that any person was or was not a registered surveyor under this Act or under any previous Act at any time or during any period specified in the certificate, or as to any entry in the Register of Surveyors or as to any act or proceeding of the Board, shall be sufficient evidence of the matters therein specified, in the absence of proof to the contrary.

Cf. 1938, No. 4, s. 39

New Zealand Institute of Surveyors

26. Constitution of New Zealand Institute of Surveyors—(1) There shall continue to be a body to be known as the New Zealand Institute of Surveyors, which shall be the same Institute as that established by the Surveyors Act 1938 and existing under the same name at the passing of this Act.

(2) The Institute shall be a body corporate with perpetual succession and a common seal, and may purchase or otherwise

acquire, hold, dispose of, and alienate real and personal property, and sue and be sued, and do and suffer all such acts and things as bodies corporate may lawfully do and suffer.

Cf. 1938, No. 4, s. 7 (1), (2)

27. Functions of Institute—The functions of the Institute shall be—

- (a) To promote and encourage proper conduct amongst registered surveyors and all other persons who constitute the several classes of membership of the Institute:
- (b) To suppress illegal, dishonourable, improper, and objectionable practices amongst registered surveyors and all other persons who constitute the several classes of membership of the Institute:
- (c) To preserve and maintain the integrity and status of the profession of surveying:
- (d) To provide opportunities for the acquisition and diffusion of knowledge in relation to surveying and allied subjects:
- (e) To consider and suggest amendments in the law relating to surveys and surveying:
- (f) To provide means for the amicable settlement of professional differences:
- (g) Generally to protect and promote the interests of the profession of surveying and the interests of the public in relation to surveys and surveying.

Cf. 1938, No. 4, s. 7 (3); 1962, No. 105, s. 2

28. Membership of Institute—(1) The Institute shall consist of corporate members and non-corporate members.

(2) Every corporate member shall be classified as a Fellow or a member in accordance with the rules of the Institute.

(3) Every non-corporate member shall be classified as an honorary member or a graduate member or an associate member or a student member in accordance with the rules of the Institute.

(4) Every registered surveyor holding a current annual practising certificate under section 33 of this Act shall be a corporate member of the Institute, whether or not he applies for membership.

[(5) Notwithstanding subsection (4) of this section, if any registered surveyor satisfies the Board that he has conscientious objection to membership of the Institute, the Board may exempt him from membership on such conditions (if any) as the Board may from time to time impose; and a registered

surveyor so exempted shall not be a member of the Institute while his exemption is in force and all conditions imposed in respect thereof are complied with. Every registered surveyor who, by reason only of an exemption granted under this subsection, is not a member of the Institute shall pay to the Board all fees and payments that he would be required to pay to the Institute if he were a member thereof and if he held a current annual practising certificate, and such fees and payments shall be paid to the Board at the times and on the conditions that would apply if they were payable to the Institute.]

(6) Every registered surveyor who ceases to be registered under this Act shall thereupon cease to be a member of the Institute unless he retains his membership in accordance with subsection (8) of this section.

(7) Every registered surveyor who ceases to hold a current annual practising certificate under this Act shall thereupon cease to be a member of the Institute unless he retains his corporate membership or is admitted to non-corporate membership in accordance with subsection (8) of this section.

(8) Any person, whether or not he is a registered surveyor, who is eligible according to the rules of the Institute, may be retained or admitted as a corporate or non-corporate member of the Institute, on the terms and conditions provided in those rules.

Cf. 1938, No. 4, s. 8; 1960, No. 91, s. 2; 1962, No. 105, s. 3 (1)

Subs. (5) was substituted for the original subs. (5) by s. 8 (1) of the Surveyors Amendment Act 1976. See s. 8 (2) of that Act.

29. Council of Institute—(1) The Institute shall be governed by a Council of corporate members.

(2) Subject to subsection (11) of this section, the Council shall consist of a President, 2 Vice-Presidents, and not less than 7 councillors, of whom one shall be appointed by the Surveyor-General before each annual general meeting of the Institute.

(3) The President, the 2 Vice-Presidents, and the councillors, other than the councillor appointed by the Surveyor-General, shall be elected by the corporate members of the Institute by ballot from among their number.

[(3A) If in any year the number of members of the Council residing in the provincial district of Wellington south of the 41st parallel of south latitude is less than 4, the Council may appoint such number of additional councillors as will make the number of such members 4. Every councillor so appointed shall hold office until the annual election of officers following the date of his appointment.]

(4) The President shall hold office for 2 years.

(5) The councillor appointed by the Surveyor-General shall hold office for one year.

(6) Immediately before the annual general meeting in every year, the Vice-President who has held office longer, since his last election as such, shall retire. In any case where the question arises as to which of 2 Vice-Presidents who have held office for the same period should retire, the question shall (unless they otherwise agree between themselves) be determined by lot.

(7) Notwithstanding anything to the contrary in subsection (6) of this section, every Vice-President who has been appointed to fill an extraordinary vacancy shall retire from office immediately before the first annual general meeting of the Institute held after his appointment to fill that vacancy. Where only one of the Vice-Presidents for the time being in office has been so appointed, the other shall not be required to retire in accordance with that subsection.

(8) Immediately before the annual general meeting in every year, the 2 elected councillors who have held office longest, since their last elections as such, shall retire. In any case where the question arises as to which of 2 or more councillors who have held office for the same period should retire, the question shall (unless they otherwise agree among themselves) be determined by lot.

(9) Notwithstanding anything to the contrary in subsection (8) of this section, every councillor who has been appointed to fill an extraordinary vacancy shall retire from office immediately before the first annual general meeting of the Institute held after his appointment to fill that vacancy. Where 2 or more councillors for the time being in office have been so appointed, no elected councillor shall be required to retire in accordance with that subsection. Where only one councillor for the time being in office has been so appointed, only one elected councillor shall be required to retire in accordance with that subsection.

(10) Notwithstanding anything in the foregoing provisions of this section, every member of the Council shall continue in office until his successor is elected or appointed, and shall be eligible for re-election, reappointment, election, or appointment, as the case may be, to the office previously held by him or to any other office.

(11) In any case where the President retires and is not elected or elected or appointed to that or any other office, the Council may appoint him as a councillor in addition to the

councillors provided for by subsection (2) of this section. Any person appointed as a councillor under this subsection shall hold office as such until the next annual election of councillors. [After that next annual election the Council may reappoint any such person as a councillor in addition to the councillors otherwise provided for in this section. Any person so reappointed shall hold office as such only until the next annual election of councillors and, unless he again becomes President of the Council, shall not be further reappointed as a councillor under this subsection.]

(12) The constitution or acts of the Council shall not be invalidated or questioned on the ground that the number of the members of the Council is incomplete, or because of any error or irregularity in the election or appointment of any member.

(13) At any meeting of the Council 5 members of the Council, or such other number as may from time to time be prescribed by the rules of the Institute, shall form a quorum.

Cf. 1938, No. 4, s. 9

Subs. (3A) was inserted by s. 2 of the Surveyors Amendment Act 1972.

In subs. (11) the words in square brackets were added by s. 9 of the Surveyors Amendment Act 1976.

30. Powers of Council—(1) The Council shall transact all the ordinary business of the Institute, and shall cause proper minutes of its proceedings to be kept.

[(1A) The Council may from time to time make, alter, and rescind rules regulating the charges or fees, and prescribing the scales of charges, that may be made or charged by registered surveyors or corporate or non-corporate members of the Institute for doing any survey work.

(1B) No rule or alteration to a rule made under subsection (1A) of this section shall come into force until it is approved by the Minister on the recommendation of the Board.]

(2) The Council may appoint committees with such delegated powers as the Council thinks fit.

(3) Subject to the provisions of this Act and of any rules or regulations for the time being in force under this Act, the Council may regulate its own procedure.

Cf. 1938, No. 4, s. 10

Subss. (1A) and (1B) were inserted by s. 2 of the Surveyors Amendment Act 1971.

31. Officers and employees of Institute—(1) The Council may from time to time appoint a Secretary and such other officers and employees, including acting or temporary or casual officers and employees, as it thinks necessary for the effi-

cient performance of its functions, and, subject to any contract of service, may at any time remove the Secretary or any other such officer or employee from his office or employment.

(2) Any person may hold office concurrently as an officer of the Board and as an officer of the Institute.

Cf. 1938, No. 4, s. 11

32. Rules of Institute—(1) The Institute may from time to time, at a general meeting of corporate members at which not less than 30 corporate members are present, make, alter, and rescind rules, not inconsistent with this Act or with any regulations for the time being in force under this Act, for all or any of the following purposes:

- (a) For the regulation and good government of the Institute and its affairs;
- (b) For the regulation and good government of all persons who constitute the several classes of membership of the Institute;
- (c) Regulating the election of the President, Vice-Presidents, and councillors, and the filling of extraordinary vacancies in the Council;
- (d) Regulating the audit of the accounts of the Institute and the appointment of auditors, and prescribing their qualifications;
- (e) Providing for the issue of annual practising certificates, and prescribing the fees payable in respect thereof;
- (f) Providing for the several classes of membership of the Institute and the various rights, duties, and privileges attached thereto;
- (g) Regulating the admission to and retention in the several classes of membership of the Institute of persons, and their removal therefrom, including persons who do not hold current annual practising certificates under this Act, or who are not registered surveyors;
- (h) Providing for and regulating the granting of certificates relating to the several classes of membership of the Institute;
- (i) Providing for the convening of ordinary and special meetings of the Institute and of the Council, and regulating the quorum, the representation of the several classes of membership, and the procedure at such meetings;
- (j) Providing for the conferring of fellowships, honorary memberships, and other distinctions;

- (k) Prescribing the fees or payments, annual or otherwise, to be paid by the several classes of membership, and fixing the amounts of the fees or other payments payable by each class of membership and exempting any particular person or class or classes of membership from payment of any particular fee or other payment;

(l) *Repealed by s. 3 (1) of the Surveyors Amendment Act 1971.*

- (m) Regulating the professional conduct of all persons who constitute the several classes of membership of the Institute:

[(ma) Regulating the form and content of the memoranda and articles of association of companies that provide surveying services and the members of which include at least one member of the Institute; and providing that members of the Institute shall not be members of any such company unless the memorandum and articles of association thereof have been approved by the Council as being in accordance with the rules of the Institute:]

- (n) Imposing a fine not exceeding [\$1,000] on any member of the Institute for the breach of any rule made under this section [or under subsection (1A) of section 30 of this Act];

- (o) Providing for such matters as may be necessary for the administration of the affairs of the Institute and generally for carrying into full effect the objects for which the Institute is formed.

(2) No rules made under this section shall come into force until they are approved by the Minister

(3) Any fine imposed on any member of the Institute under any rule made under this section shall be recoverable as a debt due from the member to the Institute:

[Provided that no such fine shall be recoverable while an appeal against the decision imposing the fine is awaiting determination].

Cf. 1938, No. 4, s. 12; 1962, No. 105, s. 3 (2)

In subs. (1), para. (ma) was inserted by s. 10 (1) of the Surveyors Amendment Act 1976.
In subs. (1) (n) the expression "\$1,000" was substituted for the expression "\$20" (as substituted by s. 7 of the Decimal Currency Act 1964) by s. 10 (2) of the Surveyors Amendment Act 1976, and the words in the second set of square brackets were added by s. 3 (2) of the Surveyors Amendment Act 1971.

In subs. (2) words were omitted by s. 3 (3) of the Surveyors Amendment Act 1971.
In subs. (3), the proviso was added by s. 10 (3) of the Surveyors Amendment Act 1976.

[32A. Appeal against imposition of fine by Institute—

- (1) Any person on whom a fine has been imposed under any rule made under section 32 of this Act may, within 3 months

after the date on which notice of the imposition of the fine has been communicated to him and by written notice of appeal to the Board and the Institute, appeal to the Board against the imposition of the fine.

(2) At the hearing of the appeal, the Board shall hear all evidence tendered and representations made by or on behalf of the appellant, the Institute, and other persons which the Board considers relevant to the subject-matter of the appeal.

(3) The Board may at the hearing receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectually with the matter before it, whether or not it would be otherwise admissible in a Court of law.

(4) Subject to the provisions of this section, the procedure in respect of any appeal shall be as determined by the Board.

(5) After hearing the appeal, the Board may confirm, modify, or reverse the decision imposing the fine appealed against.]

This section was inserted by s. 11 of the Surveyors Amendment Act 1976.

Annual Practising Certificates

33. Registered surveyors to have annual practising certificates—(1) In this section "year" means a year ending with the 30th day of June.

(2) Notwithstanding anything to the contrary in this Act, no person shall be entitled to act as a registered surveyor unless he is the holder of an annual practising certificate issued in accordance with this section:

[Provided that a registered surveyor who does not hold an annual practising certificate for a year may act as a registered surveyor at any time during that year if he is exempt from membership of the Institute pursuant to section 28 (5) of this Act at the time he so acts and he has paid to the Board all fees and payments that he would be required to pay to the Institute if he were a member thereof throughout that year and if he held an annual practising certificate for that year].

(3) Every person who acts as a registered surveyor in breach of subsection (2) of this section commits an offence and is liable on summary conviction to a fine not exceeding [\\$25] for every day during which the offence has continued.

(4) Subject to the payment of the prescribed fee, the Secretary of the Institute, on application in that behalf by any registered surveyor, shall issue to him an annual practising certificate. Any such certificate shall be in force during the year in which it is issued;

Provided that if at any time during the currency of any such certificate the holder of it ceases to be a registered surveyor, the certificate shall be deemed to be cancelled.

(5) Every person entitled to receive an annual practising certificate under this section shall be deemed to have obtained that certificate when he has duly applied for it to the Secretary of the Institute and has paid the prescribed fee.

(6) The Secretary of the Institute shall keep a register of the names and addresses of all persons to whom annual practising certificates have been issued under this section.

Cf. 1938, No. 4, s. 33

In subs. (2) the proviso was added by s. 12 (1) of the Surveyors Amendment Act 1976. In subs. (3) the expression "\$25" was substituted for the expression "\$10" (as substituted by s. 7 of the Decimal Currency Act 1964) by s. 12 (2) of the Surveyors Amendment Act 1976.

Financial Provisions

34. Application of fees, etc., received by Board—(1) The Secretary shall take and receive the fees prescribed by regulations for the time being in force under this Act as payable to the Board in respect of the matters specified in the regulations.

(2) Until the prescribed fee has been paid, the Secretary may decline to do any act, or to permit any act to be done, or to receive any document, in respect of which that fee is payable.

(3) All fees, monetary penalties, and other money received on behalf of the Board under this Act shall be forthwith paid into a bank approved by the Board to the credit of an account to be called the Survey Board Account, and may be applied by the Board as follows:

- (a) In payment of the expenses incurred by the Board in respect of its functions under this Act, including the remuneration of the Secretary and other officers and employees of the Board, and the cost of the audit of its accounts;
- (b) In payment of any fees, salaries or allowances, travelling allowances, or expenses payable in accordance with this Act to members of the Board;
- (c) In payment, at such rates as may from time to time be approved by the Minister of Finance, of the expenses in whole or in part of not more than 2 delegates appointed to represent the Board at any conference in New Zealand or Australia of persons engaged or qualified to engage in the profession of surveying;

(d) In the purchase of books or other publications relating to surveying, or the purchase of any instruments or materials deemed necessary by the Board for carrying out its functions under this Act:

(e) Otherwise for the payment of any expenditure lawfully incurred by the Board.

(4) No such money shall be withdrawn from the bank account except by cheque signed by any 2 of such members of the Board as are nominated for the purpose, or by one such member and the Secretary. All negotiable and other instruments requiring endorsement shall be endorsed by such person or persons as may from time to time be authorised in that behalf by the Board.

(5) Every payment of money by the Board shall be authorised by a prior resolution of the Board or shall be submitted to the Board for confirmation at its first ordinary meeting after the date of payment.

(6) The Board may from time to time, as it thinks fit, invest any money for the time being not required for any of the purposes referred to in subsection (3) of this section by depositing it in the Post Office Savings Bank or with any bank or other institution authorised to receive money on deposit.

Cf. 1938, No. 4, s. 34 (1)-(4)

35. Accounts—(1) The Board shall keep full and true accounts of all money received and expended by it.

(2) The accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all the powers that it has under [the Public Finance Act 1977] in respect of public money and the audit of the accounts of local authorities.

(3) As soon as practicable after the end of each financial year ending with the 31st day of March, the Board shall cause to be prepared and submitted to the Audit Office full and true statements and accounts of all its income and expenditure in that year and of its assets and liabilities at the end of that year.

Cf. 1938, No. 4, s. 34 (5)

In subs. (2) the Public Finance Act 1977, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Public Revenues Act 1953.

36. Unauthorised expenditure—The Board may in any financial year, out of its funds, expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the whole to more than [**\$500**].

The expression "\$500" was substituted for the expression "\$100" (as substituted by s. 7 of the Decimal Currency Act 1964) by s. 15 of the Surveyors Amendment Act 1976.

37. Fees payable to Institute—(1) The Secretary of the Institute shall take and receive the fees prescribed by the rules of the Institute as payable to the Institute in respect of the matters specified in the rules.

(2) Until the prescribed fee has been paid, the Secretary of the Institute may decline to do any act, or to permit any act to be done, or to receive any document, in respect of which that fee is payable.

Cf. 1938, No. 4, s. 35

38. Institute to contribute to Board's funds—(1) The Council shall from time to time pay to the Board, out of the funds of the Institute, such sums [not exceeding, in any financial year ending with the 31st day of March, such amount as is agreed by the Board and the Council as the maximum amount payable by the Council under this section for that financial year] as may, with the money of the Board, be required for payment of the expenditure lawfully incurred by the Board at any time after the 31st day of March 1966 (whether before or after the passing of this Act).

(2) If any question arises as to the amount to be paid by the Institute under this section in any financial year, it shall be determined by the Minister, whose decision shall be final.

Cf. 1938, No. 4, s. 36

In subs. (1) the words in square brackets were substituted for the words "not exceeding \$300 in any financial year ending with the 31st day of March," (as amended by s. 7 of the Decimal Currency Act 1964) by s. 14 of the Surveyors Amendment Act 1976.

Offences

39. Unregistered persons not to act as registered surveyors—(1) Every person, whether employed in the Public Service or not, commits an offence and is liable on summary conviction to a fine not exceeding [**\$500**] who, not being a registered surveyor,—

(a) Performs or executes, or undertakes to perform or execute, any surface survey intended to form the basis of any plan or diagram pertaining to any instrument registered or intended to be registered under the Land Transfer Act 1952 or the Deeds Registration Act 1908, whether or not the plan or diagram is itself intended for registration:

Provided that this paragraph shall not apply in any case where the District Land Registrar intimates in writing that he does not propose to exercise the power conferred on him by section 167 of the Land Transfer Act 1952 to require the deposit of a plan:

- (b) Performs or executes, or undertakes to perform or execute, any survey affecting the delimitation of boundaries or the location of survey pegs in connection with any land for the purposes of the registration of any instrument under the Land Transfer Act 1952 or the Deeds Registration Act 1908:
- (c) Performs or executes, or undertakes to perform or execute, any surface survey of any Crown land within the meaning of the Land Act 1948 which is intended to form the basis of any plan or diagram, or which affects the delimitation of boundaries or the location of survey pegs:
- (d) Performs or executes, or undertakes to perform or execute, any surface survey of any Maori land within the meaning of the Maori Affairs Act 1953 which—
 - (i) Is intended to form the basis of any plan or diagram to be attached to or form part of any order of the Maori Land Court; or
 - (ii) Affects the delimitation of boundaries or the location of survey pegs for the purposes of any such order:
- (e) Performs or executes, or undertakes to perform or execute, any surface survey or inspection of any land which is intended to form the basis of any plan or diagram to be used for the purposes of any coal mining right under [the Coal Mines Act 1979] or any mining privilege under [the Mining Act 1971], or any application for a coal mining right or mining privilege, or which affects the delimitation of boundaries or the location of survey pegs for the purposes of any such coal mining right, mining privilege, or application:
- (f) Places in position in relation to any land any peg or other mark, not being a survey peg or survey mark, which may reasonably be mistaken by any person for a survey peg or survey mark placed in that position by a registered surveyor for the purposes of any survey:
- (g) Being an officer of the Department of Lands and Survey, certifies to the correctness of any plan or diagram purporting to delineate or define the boundaries of any land, or purporting for the purposes of any easement over land to delineate or define any line or

[(2) Notwithstanding subsection (1) of this section, a person who does any act referred to in that subsection shall not commit an offence under that subsection if—

- (a) Pursuant to the provisions of any other enactment, whether express or implied, that act may be done by persons who are not registered surveyors; or
- (b) He is under the personal supervision of a registered surveyor while doing that act.]

(3) No proceedings for an offence against this section shall be commenced except by information laid by the Secretary or some other officer of the Board or by a member of the Board, acting pursuant to a resolution of the Board. The laying of an information for an offence against this section shall be sufficient evidence that the requirements of this subsection have been complied with, in the absence of proof to the contrary.

Cf. 1938, No. 4, ss. 29, 30

In subs. (1) the expression "\$500" was substituted for the expression "\$200" (as substituted by s. 7 of the Decimal Currency Act 1964) by s. 15 (1) of the Surveyors Amendment Act 1976.

In subs. (1)(e) the Coal Mines Act 1979 and the Mining Act 1971, being the corresponding enactments in force at the date of this reprint, have been substituted for the repealed Coal Mines Act 1925 and the repealed Mining Act 1926.

Subs. (2) was substituted for the original subs. (2) by s. 15 (2) of the Surveyors Amendment Act 1976.

40. Improper use of terms implying registration, or membership of Institute—(1) Every person commits an offence who, not being a registered surveyor [or a company of which at least one member is a registered surveyor], uses, or causes or permits to be used, any written words, titles, or initials, or any abbreviation of any words, titles, or initials, which are intended to cause or may reasonably cause any person to believe that the person using them is a registered surveyor or is qualified to act as such.

(2) Every person commits an offence who, not being a member of the Institute, uses, or causes or permits to be used, any written words, titles, or initials, or any abbreviation of any words, titles, or initials, which are intended to cause or may reasonably cause any person to believe that the person using them is a member of the Institute.

(3) Every person who commits an offence against this section is liable on summary conviction to a fine not exceeding [\$500], and, if the offence is a continuing one, to a further fine not exceeding [\$25] for every day during which the offence has continued.

Cf. 1938, No. 4, s. 31

In subs. (1) the words in square brackets were inserted by s. 16 (1) of the Surveyors Amendment Act 1976.

In subs. (3) the expressions "\$500" and "\$25" were substituted for the expressions "\$200" and "\$10" (as substituted in each case by s. 7 of the Decimal Currency Act 1964) by s. 16 (2) (a) and (b) of the Surveyors Amendment Act 1976.

Regulations

41. Regulations—The Governor-General may from time to time by Order in Council, on the advice of the Minister given on the recommendation of the Board, make regulations for all or any of the following purposes:

- (a) Prescribing the form of and the method of keeping the Register of Surveyors;
- (b) Prescribing the forms of applications, certificates, and other documents required under this Act;
- (c) Prescribing the fees payable to the Board in respect of examinations, and of registration under this Act, and in respect of the restoration of names after their removal from the register, and in respect of any other alteration of or addition to the register; and also prescribing fees for the issue of certificates of registration and other certificates, and for copies of certificates, and for inspections of the register;
- [(d) Prescribing the requirements that a person must fulfil in order to obtain a certificate of competency and the experience in New Zealand that a person must have for the purposes of section 7 (1) (c) of this Act; prescribing the subject-matter of examinations to be conducted by the Board and the standards required to be obtained by successful candidates, and regulating the conduct of such examinations; and providing that exemptions and dispensations from any of the requirements of the regulations or of the Board in relation to certificates of competency, examinations, or professional experience may be granted on such conditions (if any) as are specified in the regulations;]
- (e) Regulating the procedure of the Board;
- [(f) Regulating the conduct of surveys, including special provisions for specified types of plans prepared by registered surveyors or surveys and provisions for ensuring the accuracy of plans prepared by registered surveyors and surveys under any Act relating to or affecting surveys of land; providing that plans prepared by registered surveyors and all sources of information necessary for the preparation thereof

shall be submitted to a Chief Surveyor for examination or approval before their use for any purpose or purposes; providing for amendments and additions to plans prepared by registered surveyors in accordance with requisitions in that behalf made by a Chief Surveyor or other person authorised to make them; and providing for the delivery to a Chief Surveyor or other person authorised to receive them and the custody of plans and information prepared by registered surveyors:]

- (g) Providing for such other matters as may be necessary for the efficient discharge by the Board of its duties and functions under this Act;
- (h) *Repealed by s. 17 (2) of the Surveyors Amendment Act 1976.*
- (i) Providing for the taxation or review by the Council or a committee thereof, or by a [District Court Judge], of charges made by any registered surveyor or any corporate or non-corporate member of the Institute for survey work;
- [(j) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act; and prescribing the fines, not exceeding \$1,000, that may be imposed in respect of any such offence:]
- (k) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

Cf. 1938, No. 4, s. 40

Paras. (d), (f) and (j) were substituted for the former paras. (d), (f) and (j) respectively by s. 17 (1) of the Surveyors Amendment Act 1976.

In para. (i) the reference to a District Court Judge was substituted for a reference to a Magistrate by s. 18 (2) of the District Courts Amendment Act 1979.

Repeals and Savings

42. Repeals, savings, and consequential amendment—

- (1) The following enactments are hereby repealed:
 - (a) The Surveyors Act 1938;
 - (b) The Surveyors Amendment Act 1960;
 - (c) The Surveyors Amendment Act 1962;
 - (d) So much of the First Schedule to the Fees and Travelling Allowances Act 1951 as relates to the Survey Board, and so much of the Second Schedule to that Act as relates to the Surveyors Act 1938.
- (2) All references in the Public Works Act 1928, the Land Transfer Act 1952, the Municipal Corporations Act 1954, or the Counties Act 1956, or in any other Act, to authorised surveyors or to licensed surveyors or to registered surveyors shall

hereafter, unless the context otherwise requires, be read as references to registered surveyors within the meaning of this Act.

(3) *This subsection amended s. 2 of the Land Act 1948, reprinted 1972, Vol. 2, p. 1565.*