



## THE SURVEYORS PROFESSIONAL REGULATIONS 1943

C. L. N. NEWALL, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington, this 1st day of  
December, 1943

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Surveyors Act, 1938, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council and on the recommendation of the Survey Board established by that Act, doth hereby make the following regulations.

### REGULATIONS

#### PART I.—PRELIMINARY

1. These regulations may be cited as the Surveyors Professional Regulations 1943.
2. These regulations are arranged as follows :—
  - Part I. Preliminary.
  - Part II.—Registration of Surveyors qualified in New Zealand.
  - Part III.—Establishment of Reciprocity.
  - Part IV.—Letters of Recommendation.
  - Part V.—Registration of Surveyors qualified Abroad.
  - Part VI.—Certificates and Registers.
  - Part VII.—Fees.
  - Part VIII.—Board of Appeal.
  - Part IX.—Review of Charges.
  - Part X.—Offences and Penalties.
3. These regulations shall come into force on the 1st day of January, 1944.
4. In these regulations, if not inconsistent with the context,—
  - “ The Act ” means the Surveyors Act, 1938 :
  - “ Reciprocating State ” means any State, dominion, colony, or other territory within His Majesty’s dominions or under His Majesty’s control, protection, or mandate with which reciprocal arrangements for the recognition of the status of surveyors have been made as herein provided and are for the time being in force :
  - “ The Board ” means the Survey Board constituted under the Act :
  - “ Secretary ” means the Secretary of the Survey Board :
  - “ Register ” means the Register of Surveyors directed to be kept pursuant to the Act :

“ Reciprocating Board ” means the body in any reciprocating State having powers and duties corresponding to those of the Board :

“ Registered surveyor ” means any person for the time being registered as a surveyor under the Act, and includes any person for the time being registered by or at the direction or with the approval of a reciprocating Board as a “ licensed,” “ qualified,” “ registered,” “ authorized,” or “ certificated ” surveyor or land surveyor, or by any other corresponding title in any reciprocating State :

“ Regulations under the Act ” includes—

- (a) The Survey Regulations 1940\* :
- (b) The Survey Examination Regulations 1943† :
- (c) These regulations.

5. The respective regulations and rules referred to in the table subjoined to this regulation are revoked :—

TABLE OF REVOKED REGULATIONS

Date of Enactment.	Published in Gazette.	
	Year.	Page.
12th November, 1920 .. .. .	1920	3134
20th March, 1923 .. .. .	1923	1793
8th April, 1925 .. .. .	1925	1849
25th January, 1929 .. .. .	1929	637
16th February, 1931 .. .. .	1931	382

6. All applications, certificates, and generally all documents, matters, acts, and things and all periods of time which originated or had effect under any rules or regulations heretofore enuring under the Act and are or were of continuing effect at the time of coming into force of regulations under the Act shall enure for the purpose of regulations under the Act as if they had originated under regulations under the Act and shall, where necessary, be deemed to have so originated.

## PART II.—REGISTRATION OF SURVEYORS QUALIFIED IN NEW ZEALAND

7. Every person who produces evidence to the satisfaction of the Board—

(a) That he is the holder of a Certificate of Competency as a surveyor issued or enuring under the Survey Examination Regulations 1943 ; and

(b) That he is of good character and reputation—  
shall be entitled to be registered as a Surveyor under the Act.

## PART III.—ESTABLISHMENT OF RECIPROCITY

8. (1) On being satisfied that in any territory within His Majesty's dominions or under His Majesty's control, protection, or mandate the profession of land surveyor is established upon a footing similar to that existing in New Zealand, and that satisfactory official control is exercised over the profession and that reciprocal recognition is or is about to be accorded there to New Zealand surveyors substantially in

\* Statutory Regulations 1940, Serial number 1940/52, page 138.

† Statutory Regulations 1943, Serial number 1943/195, page 421.

accordance with the provisions of these regulations relating to reciprocating States, the Board may, by resolution, decide that such territory be a reciprocating State for the purposes of these regulations.

(2) Any such resolution may from time to time be rescinded.

9. Until the Board otherwise decides, the following territories shall be deemed to be reciprocating States for the purposes of these regulations: New South Wales, Tasmania, South Australia, Victoria, Queensland, and Western Australia.

#### PART IV.—LETTERS OF RECOMMENDATION

10. Upon application in writing, accompanied by the prescribed fee, and either without further examination or after such oral examination as the Board deems necessary, the Board may grant a Letter of Recommendation in the form marked S.P. 1 in the Schedule hereto to any surveyor registered in New Zealand who desires to become a registered surveyor in any reciprocating State.

#### PART V.—REGISTRATION OF SURVEYORS QUALIFIED OUTSIDE NEW ZEALAND

11. Every person who produces evidence to the satisfaction of the Board—

- (a) That he is a registered surveyor as defined by these regulations;
- (b) That he is of good character and reputation; and
- (c) That he is the holder of a Letter of Recommendation bearing date not more than twelve months previous to the date of his application and issued by the Board of a reciprocating State in which he is a registered surveyor—

shall be entitled to be registered as a surveyor without examination and without experience in New Zealand of the duties of a surveyor.

12. Every person who produces evidence to the satisfaction of the Board—

- (a) That he is a registered surveyor as defined by these regulations;
- (b) That he is of good character and reputation; and
- (c) That he is prevented from obtaining a Letter of Recommendation from the Board of a reciprocating State in which he is a registered surveyor by reason of absence from that State—

shall be entitled to be registered as a surveyor without experience in New Zealand of the duties of a surveyor and after obtaining credit for a pass at an examination of the Board in such one or more of the examination subjects prescribed in the Survey Examination Regulations 1943 as the Board may in the circumstances require.

13. Every person who produces evidence to the satisfaction of the Board—

- (a) That he is the holder of a recognized certificate as defined by paragraph (b) of subsection (1) of section 13 of the Act granted in a country not being a reciprocating State, but being part of His Majesty's dominions, and being prepared to reciprocate in this particular with the reciprocating States; and
- (b) That he is of good character and reputation—

shall be entitled to be registered as a surveyor on complying with the following conditions:—

- (i) He shall complete not less than six months' professional service in the field with a practising registered surveyor or surveyors in New Zealand, and shall produce a certificate of competency from such surveyor or surveyors.

- (ii) He shall obtain credit for a pass at an examination of the Board in such one or more of the examination subjects prescribed in the Survey Examination Regulations 1943 as the Board may in the circumstances require.

**14.** Every person who produces evidence to the satisfaction of the Board—

- (a) That he is the holder of a recognized certificate as defined by paragraph (b) of subsection (1) of section 13 of the Act granted in a country not being a reciprocating State and not being a country to which Regulation 13 hereof applies ; and

- (b) That he is of good character and reputation—

shall be entitled to be registered as a surveyor on complying with the following conditions :—

- (i) He shall complete not less than two years' professional service in the field with a practising registered surveyor or surveyors in New Zealand, and shall produce a Certificate of Competency from such surveyor or surveyors :
- (ii) He shall obtain credit for a pass at an examination of the Board in such one or more of the examination subjects prescribed in the Survey Examination Regulations 1943 as the Board may in the circumstances require.

#### PART VI.—CERTIFICATES AND REGISTERS

**15.** The Certificate of Registration to be issued pursuant to section 19 of the Act shall be in the form marked S.P. 2 in the Schedule hereto.

**16.** As provided by section 18 of the Act, the Secretary shall keep in his office a Register of Surveyors in which shall be entered the names of all persons registered under the Act, the qualifications by virtue of which they are so registered, and such other particulars in relation thereto as may from time to time be prescribed by the Board.

**17.** There shall also be entered in the said Register the following other particulars :—

- (a) The address of every person so registered :
- (b) The date of registration.

**18.** The Secretary shall also, where necessary, keep a record of the career as surveyor of any person whose name is entered in the Register.

**19.** The Secretary shall also keep in his office lists of—

- (a) The names and addresses of all articulated pupils who have complied with the requirements set forth in the Survey Examination Regulations 1943, together with the names of the surveyors to whom they are articulated, and a complete record of all transfers of such articles :
- (b) The names, addresses, and qualifications of all persons to whom Certificates of Competency have been issued, together with the respective dates of issue :
- (c) All Letters of Recommendation, with the respective dates of issue :
- (d) Any charges that may be laid before the Board against any person, together with the finding of the Board :
- (e) Such indexes as may be necessary for the more convenient use of the Register and lists aforesaid.

## PART VII.—FEES

20. The following fees shall be payable to the Board in respect of the matters hereinafter referred to:—

	£	s.	d.
(1) Registration under the Act as a surveyor ..	2	2	0
(2) Issue of a Certificate of Registration ..	0	10	6
(3) Issue of a duplicate Certificate of Registration ..	0	5	0
(4) Restoration of name to Register after removal..	2	2	0
(5) Issue of a Letter of Recommendation ..	1	1	0
(6) Inspection of Register .. ..	0	2	6

## PART VIII.—BOARD OF APPEAL

*Notice of Decision of Survey Board*

21. Every person whose application for registration has been declined by the Survey Board, or whose name has been removed from the Register, or whose registration has been suspended, or from whom by decision of the Survey Board any moneys are recoverable, or upon whom any penalty has been imposed by decision of the Survey Board, shall be notified by the Secretary in writing. The notice shall specify the reason for such refusal, removal, suspension, or decision, if and so far as such reason is expressed in any resolution of the Board, and the section and subsection (if any) of the Act under which action has been taken.

*Board of Appeal*

22. Of the assessors to be appointed under section 37 of the Act, one shall be appointed by the Board, by resolution duly passed, and the other shall be appointed by the appellant, in writing, as hereinafter provided.

23. No person shall be capable of acting as an assessor except a surveyor duly registered under the Act.

24. If by reason of death, sickness, removal, or any other cause the Magistrate named as provided by Regulation 27 hereof shall be unable to discharge the duties laid down in these regulations, any other Magistrate may discharge such duties in the place of the Magistrate so named, and if no other Magistrate be available the assessors may from time to time adjourn the hearing of the appeal for such period, not exceeding fourteen days, and to such place as they think fit.

25. If by reason of death, sickness, or any other cause any assessor appointed as aforesaid shall not be present at the time and place fixed for the hearing of the appeal, then the Board or the appellant, as the case may be, shall either at the time of hearing or previously thereto make a fresh appointment of an assessor, and give notice in writing thereof forthwith to the Magistrate and to the other party, and the Magistrate may adjourn the hearing of the appeal for such time, not exceeding fourteen days, as he thinks fit.

*Notice by Parties*

26. Any person wishing to appeal shall give notice in the form marked S.P. 3 in the Schedule hereto, and shall specify therein the name of the person whom he appoints to act as assessor on his behalf at the hearing of the appeal, and such assessor shall give, in writing, his consent to act.

27. Within a period of twenty-one days after receipt of such notice of appeal the Board shall inform the appellant of the name of the Magistrate before whom the appeal will be heard and of the assessor appointed by the Board, and shall at the same time forward to such Magistrate a copy of the Board's decision and the notice of appeal therefrom, together with a notice of the appointment of an assessor by the Board.

#### *Time of Hearing*

28. The Magistrate shall fix a convenient time and place for the hearing of the appeal, such time to be not more than forty-two days after the receipt by the Board of the notice of appeal referred to in Regulation 26 hereof.

29. The Magistrate shall cause at least seven days' previous notice of such time and place to be given to each assessor, the Board, and the appellant.

#### *Procedure at Hearing*

30. The Board of Appeal may, in its discretion, receive any evidence that it thinks fit (whether on oath or otherwise), and may act on any statement, document, information, or matter which in the opinion of the Board of Appeal may assist it to deal with the matters before it, whether the same would be legally admissible in a Court of law or not.

31. In the matters not expressly provided for in the Act or by these regulations, the procedure of the Board of Appeal shall be such as the Magistrate may determine.

32. The Board of Appeal may from time to time adjourn the hearing or consideration or determination of the appeal as it thinks fit.

33. At the hearing of the appeal the appellant may himself appear or may be represented by some other person on his behalf, and the Survey Board may be represented by any member thereof or other person appointed by the Survey Board.

34. If the appellant or his representative fails to appear at the hearing, the Board of Appeal may determine the appeal in his absence on such evidence as is available. If he appears, the evidence shall be taken in his presence or in the presence of his representative or both.

35. The determination made in respect of an appeal shall be in writing signed by the Magistrate, and a copy of such determination shall be forwarded by the Magistrate to the appellant and to the Survey Board, and the Survey Board shall forthwith give effect to such determination. The Magistrate shall advise the Survey Board whether or not the determination was unanimously arrived at.

36. The assessors hearing any appeal may be paid such fee and allowance as may be considered reasonable by the Board of Appeal, but so that in no case shall the fee payable to any assessor exceed £2 2s. per diem, together with such reasonable travelling-expenses as are actually incurred by the assessor in attending a sitting of the Board of Appeal.

37. Any notice required to be given or document required to be served by these regulations may be given or served personally, or by registered letter addressed to the person to be served at his last known place of business or abode, and in the latter case shall be deemed to be served at the time when it would reach its address in the ordinary course of registered post.

## PART IX.—REVIEW OF CHARGES

**38.** In this Part of these regulations, if not inconsistent with the context,—

“Charges” and “professional charges” mean charges made by surveyors for work as such :

“Client” includes any person who admits or claims that he is or may be directly or contingently liable to a surveyor for payment of professional charges, or who is interested in the property out of which any charges are payable :

“Magistrate” means a Magistrate usually exercising jurisdiction in the Magistrate’s Court nearest to the place or to any one of the places where a surveyor carries on practice, and includes any Magistrate for the time being exercising jurisdiction in that Court in addition to or in substitution for a Magistrate usually exercising jurisdiction there :

“Surveyor” includes the executors or administrators of a deceased surveyor and any person to whom has been assigned or in whom is vested the right to recover charges due to a surveyor.

**39.** A client may at any time after the completion of survey work require the surveyor to deliver to him an account in writing of his charges.

**40.** A client may at any time within three months after receiving an account and prior to payment thereof make application in writing to the Magistrate to review any charges, and shall in such application set out his full name, his calling or description, and his full postal address, and the full name and full postal address of the surveyor concerned and the total amount of the charges. Such application shall be accompanied by a fee of 10s.

**41.** On receipt of the application the Magistrate shall fix a time and place for review of the charges and shall cause notice in writing thereof to be given to the client and the surveyor. Such time shall be not less than fourteen or more than forty-two days after receipt by the Magistrate of the application.

**42.** The Magistrate may, on the application of the client made to him not later than seven days before the date fixed for the hearing, order that a more complete or detailed account of the charges be delivered by the surveyor to the Magistrate and a copy thereof be delivered to the client, and the surveyor shall deliver such account accordingly not later than three days after service upon him of such order.

**43.** The surveyor may, not later than seven days before the date fixed for hearing, substitute and deliver to the Magistrate and to the client for any account of charges theretofore delivered by him another account for the same or another total and containing such details as he may wish to insert therein.

**44.** Not later than seven days before the date fixed for hearing, the surveyor may, by notice in writing delivered to the Magistrate and to the client and to the other person concerned setting out the full name, calling or description, and full postal address of any other person who is or may be jointly or severally and directly or contingently liable to him for payment of his charges, require that such person be a party to the review and shall deliver to such person the like account of charges as is delivered to the client, and such person shall thereupon be deemed to be a client within the meaning of this Part of these regulations.

45. Any party may appear and be represented at the hearing by a barrister or solicitor.

46. Upon reviewing the charges the Magistrate may receive evidence on oath or otherwise and may accept such evidence as he thinks fit, whether legally admissible or not.

47. The Magistrate may adjourn the hearing from time to time and place to place as he thinks fit.

48. The Magistrate shall have regard to any rules regulating charges or prescribing scales of charges that may for the time being be in force under section 12 of the Act, and also to the terms of any express contract, oral or in writing, made between the surveyor and client, but shall not be bound by any contract which he considers unfair or unreasonable, and shall give such decision as he considers reasonable in the circumstances of the case.

49. The decision of the Magistrate shall be given in writing, and the Magistrate shall cause copies thereof signed by him to be delivered to the client and the surveyor respectively.

50. When a review of charges has been made by a Magistrate, the surveyor shall not be entitled to recover against a client any sum for the work to which the charges relate otherwise than in accordance with the decision of the Magistrate.

51. Within three months after receiving an account in writing, and notwithstanding payment of any charges which have not been reviewed under these regulations, any client (including the person by whom payment was made) may apply to a Magistrate for review of the charges, and the foregoing provisions of these regulations shall apply to the application. Such application shall be accompanied by a fee of 10s.

52. If upon any review of charges under the last preceding regulation the amount which the Magistrate decides that the surveyor should reasonably have charged is less or more than the amount paid, then the difference shall be a debt due by the surveyor to the client or by the client to the surveyor, or as the case may be.

53. The Magistrate may, if he thinks it just and reasonable so to do, enlarge any of the times prescribed by this Part of these regulations.

54. Any document to be delivered to a surveyor or client may be delivered by being sent by registered-post letter addressed to the person in question at his full postal address set out in the proceedings or any substituted postal address notified by him in writing to the Magistrate and to the other party or parties to the proceedings, and such document shall be deemed to be delivered at the time when it would be delivered or available for delivery at the address stated therein in the ordinary course of registered post.

#### PART X.—OFFENCES AND PENALTIES

55. No person shall in any matter dealt with by regulations under the Act make, whether in writing or otherwise and whether to the Board or a member of the Board or the Secretary, any statement or representation which in any material respect is false or misleading or intended or likely to deceive.

56. Any person guilty of a breach of these regulations shall be liable to a fine not exceeding £50.



## SCHEDULE

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[Form No. S.P. 1

*Dominion of New Zealand*

### LETTER OF RECOMMENDATION

No. ....

THIS is to certify that the Survey Board, constituted under the Surveyors Act, 1938, has now reviewed the qualifications of Mr. ...., a registered surveyor of the Dominion of New Zealand, and recommends for favourable consideration any application for registration as a surveyor made by him to your Board.

Dated the ..... day of ....., 19...

[SEAL OF THE BOARD.]

.....

Chairman.

.....

Secretary.

Office of the Survey Board,  
Government Buildings, Wellington.

The Secretary,  
Surveyors' Board,

.....  
.....

[Form No. S.P. 2.

*Dominion of New Zealand*

### CERTIFICATE OF REGISTRATION

No.....

*The Survey Board, constituted under the Surveyors Act, 1938*

THIS is to certify that Mr. ...., having satisfactorily proved his qualifications, has been registered as a surveyor under the provisions of the Surveyors Act, 1938.

Dated the ..... day of ....., 19...

[SEAL OF THE BOARD.]

.....

Secretary.

Office of the Survey Board,  
Government Buildings, Wellington.

[Form No. S.P. 3.

### NOTICE OF APPEAL

To the Secretary, Survey Board, Wellington.

TAKE notice that I [*Full name*], of [*Full postal address and occupation*], do hereby appeal under section 37 of the Surveyors Act, 1938, against the decision of the Survey Board, conveyed to me by notice from the Secretary dated the ..... day of ....., 19..., [*Here insert "declining my application for registration", or "removing my name from the register", or "suspending my registration", or as the case may be*].

The following are the grounds upon which I make my appeal: [*Here insert fully the grounds of appeal*].

And I do hereby appoint [*Name in full*], of [*Full postal address and occupation*], as my assessor for the purposes of this appeal.

Dated at ..... this ..... day of ....., 19...

.....  
Signature of Appellant.

I hereby consent to act as an assessor for the purpose of this appeal.

.....  
Signature of Assessor for Appellant.

T. J. SHERRARD,  
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 9th day of December, 1943.

These regulations are administered in the Department of Lands and Survey.

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Price 9d.]