

*Surveyors, Auctioneers, and Brokers.***No. 15 of 1889.****An Ordinance relating to Land Surveyors, Auctioneers, and Brokers.**

WHEREAS it is expedient to provide for the registration and licensing of persons practising as surveyors within this colony, and to prevent unlicensed persons from carrying on business as auctioneers or brokers within the limits of any town in which a municipal council is or may be established: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

PART I.
Surveyors.

1 For the purposes of this Ordinance, no person shall be deemed—

Interpretation.

- (a) To practise as a surveyor who does not receive a fee or other remuneration for his work; or
- (b) To carry on trade or business as an auctioneer who does not sell at any public auction property, movable or immovable, of the aggregate value of fifty rupees and upwards; or
- (c) To carry on trade or business as a broker who does not at any time buy or sell for another property, movable or immovable, of the aggregate value of fifty rupees and upwards.

2 (1) From and after the expiration of three months from the date on which this Ordinance comes into operation no person shall practise as a surveyor in any part of this colony unless he shall have been registered as such by the Surveyor-General in his office at Colombo, or by the chief surveyor of the province in which such person resides in the office of such chief surveyor, in a book to be kept for that purpose.

All practising surveyors to be registered.

(2) No person shall be so registered as aforesaid unless his application for registration, which shall be in writing, is accompanied—

- (a) By an affidavit to the effect that he has practised as a surveyor in this island for at least five years previously to the date of such application; or
 - (b) By a license obtained from the Surveyor-General in manner hereinafter provided.
- (3) A fee of two rupees and fifty cents shall be charged for every such registration, and all such fees shall be accounted for and appropriated as the Governor shall from time to time direct.

3 No survey or plan, and no copy or tracing of any survey or plan, purporting to have been made or prepared by any surveyor after the expiration of the afore-mentioned period of three months, shall be receivable in evidence in any civil court in this colony, unless made or prepared by a registered surveyor who has been duly licensed under this Ordinance.

Court surveys to be made only by licensed surveyors.

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Examination
for license.

4 (1) Every applicant for a license, who is not a person described in schedule A hereto, shall pass such examination as may from time to time be prescribed by the Government, and notice of the time when and the subjects in which applicants shall be examined shall be published in the *Government Gazette* and two or more of the local newspapers at least one month previously to the date fixed for such examination.

(2) Every applicant shall at his option be examined by the Surveyor-General at Colombo or by such person and at such place within the province in which the applicant resides, as the Surveyor-General may appoint.

Fees.

5 Every applicant for a license shall, before being examined, pay to the Surveyor-General the following fees:

For an examination in surveying only ... Rs. 20
For an examination in surveying and levelling ... Rs. 35

All such fees shall be accounted for and appropriated as the Governor shall from time to time direct.

Exemptions
from
examination.

6 The persons described in schedule A hereto shall be exempted from passing the examination required by section 4, and shall be entitled to a license on their applying to the Surveyor-General therefor. And it shall be lawful for the Governor, in Executive Council, by Proclamation in the *Government Gazette*, to extend the said exemption to other persons who may be duly qualified to practise as licensed surveyors.

Stamp.

7 Every license shall be in the form contained in schedule B hereto, and shall bear a stamp of two rupees and fifty cents.

Registration and
license may be
cancelled.

8 (1) Whenever it shall be made to appear to any district court within whose jurisdiction any registered surveyor may reside, that such surveyor has been guilty of gross misconduct in the discharge of his duties as a surveyor, or that he has proved himself incapable of discharging such duties with advantage to the public, such court may, after a summary investigation of the matter of complaint, which may be preferred, by petition, by any aggrieved person, cancel the registration and the license, if any, of such surveyor, and award costs as it thinks fit. Every such cancellation shall be in the form of an order, which shall be subject to an appeal to the Supreme Court in like manner as any other order of such district court.

(2) Every such order of cancellation, unless the same be set aside on appeal, shall be communicated by the district court to the Surveyor-General, who shall give effect thereto; and where any license has been cancelled, the licensee shall forthwith return such license to the Surveyor-General.

List of persons
registered and
licensed to be
published.

9 The Surveyor-General shall cause to be published in the *Government Gazette* at the beginning of every month a list of all persons who shall have been registered or licensed as surveyors during the preceding month, and shall, upon any order of cancellation under section 8 being communicated to him, forthwith notify the same in the *Government Gazette*.

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10 Every person who, after the expiration of the aforementioned period of three months, shall practise, or attempt or profess to practise, as a surveyor, either without having been duly registered as such, or after his registration and license, if any, have been cancelled in manner aforesaid, shall be guilty of an offence, and shall be liable on a first conviction to a fine not exceeding one hundred rupees, and on every subsequent conviction to a fine not exceeding five hundred rupees.

Penalty for practising without license.

11 Every surveyor licensed under this Ordinance shall be deemed to have been specially licensed by the Surveyor-General for the purposes of "The Land Registration Ordinances, 1877 and 1889."

Surveys under Land Registration Ordinances.

12 Nothing hereinbefore contained shall apply to any surveyor for the time being in the service of the Government, or shall prejudicially affect the operation of any existing or future enactments relating to plans or surveys purporting to be signed by the Surveyor-General or any officer on his behalf.

Government surveyors and Surveyor-General.

PART II.

Auctioneers and Brokers.

13 From and after the expiration of three months from the date on which this Ordinance comes into operation, no person shall carry on the trade or business of an auctioneer or of a broker within the limits of any town in which a municipal council is or shall be established, unless he shall have obtained a license from the chairman of such council in the form in schedule C hereto.

License necessary to carry on business as auctioneer or broker within municipalities.

14 Every such license shall continue in force from the day on which it is granted till the thirty-first day of December next ensuing, and shall specify the conditions on which it is granted and the municipal limits within which it may be used.

Duration, conditions, and limitation of license.

15 A fee of forty rupees shall be payable for every such license, and such fee shall form part of the municipal fund of the town for which the license is granted. Provided that where the same person obtains a license as auctioneer and also a license as broker, he shall pay only a fee of sixty rupees for both such licenses.

Fees.

16 (1) The chairman of the municipal council may, for good reason to be assigned by him in writing, refuse to grant any such license, and may in his discretion attach such conditions thereto as he may deem expedient, and may cancel such license in the event of the breach of any such condition being proved to his satisfaction.

Chairman may refuse to issue license and attach conditions and may cancel license.

(2) Any person aggrieved by an order of the chairman refusing to grant or cancelling a license may appeal to the Governor, in Executive Council, within seven days from the date of such order, and the decision of the Governor, in Executive Council, shall be final and conclusive.

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List of licensed auctioneers and brokers to be published.

17 The chairman of the municipal council shall at the beginning of every month cause to be published in the *Government Gazette* and in one or more of the local newspapers a list of the persons to whom licenses shall have been granted by him during the preceding month; and if at any time he shall cancel any such license and such cancellation shall not be set aside on appeal to the Governor, in Executive Council, he shall publish in like manner as aforesaid the name of the person whose license shall have been so cancelled.

Penalty for practising without license.

18 Every person who, after the expiration of the aforementioned period of three months, shall carry on, or attempt or profess to carry on, trade or business as an auctioneer or as a broker either without having obtained or after he shall have been deprived of any such license as aforesaid, shall be guilty of an offence, and shall be liable on a first conviction to a fine not exceeding one hundred rupees and on every subsequent conviction to a fine not exceeding five hundred rupees.

SCHEDULE A.

Members of the Institution of Civil Engineers, England.

Members of the Institution of Civil Engineers, Ireland.

Associate Members of the Institution of Civil Engineers, England.

Holders of Diplomas in Civil Engineering issued by any of the English, Irish, Scotch, or Indian Universities.

Holders of Diplomas issued by the Royal Indian Engineering College, Cooper's Hill.

Persons who have served, under Articles of Indenture and for a period of not less than three years, a Member or Associate Member of the Institution of Civil Engineers, England, or a Member of the Institution of Civil Engineers, Ireland, or Civil Engineer or Land Surveyor in private practise in Great Britain or Ireland, and who hold certificates of proficiency in surveying.

Holders of Certificates of proficiency in surveying from the Executive Officer or a Divisional Officer of the Royal Engineers employed on the Ordnance Survey of the United Kingdom, or from the Director or other principal officer of the Revenue Survey of India.

Holders of Certificates of proficiency in surveying issued by the Surveyor-General of Ceylon to any officer who has served in the local Survey Department as Chief, District, or Assistant Surveyor.

SCHEDULE B.

Form of License to practise as a Surveyor.

I, ———, Surveyor-General of the Island of Ceylon, do hereby authorize and license ———, of ———, to practise as a Surveyor (or as a Surveyor and Leveller) in the Island of Ceylon.

—————
Surveyor-General.

The ——— day of ———, 18 —.

SCHEDULE C.

Form of License to practise as an Auctioneer or Broker.

I, _____, Chairman of the Municipal Council of _____, do hereby authorize _____, of _____ aforesaid, to carry on trade or business as an Auctioneer (or as a Broker) within the limits of the _____ Municipality.

This license expires on thirty-first December, 18 —, and is issued subject to the conditions on the back hereof. Any breach of the said conditions involves the cancellation of the license.

Chairman, Municipal Council.

The _____ day of _____, 18 —.

31st October, 1889.
