ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER L20

LAND SURVEYORS ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 6/2010, in force 1 November 2010
Act 7/2010, in force 1 November 2010
U.K. S.I. 2019 No. 852, in force 14 May 2019

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LAND SURVEYORS ACT

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LAND SURVEYORS ACT

PART 1
PRELIMINARY

Interpretation

1. In this Act—

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

"Board" means the Land Surveyors Board established pursuant to the provisions of section 3;

"Chief Surveyor" means the Chief Surveyor appointed under section 2;

"Court" means a Judge of the High Court;

"Land Registry" means the Registry established by the Registered Land Act;

"licenced surveyor" means a surveyor licenced under this Act;

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

"plan" includes a map, plot, diagram, aerial photograph or a mosaic compiled from aerial photographs approved by the Chief Surveyor as suitable for survey purposes;

"prescribed" means prescribed by regulation made under this Act;

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

"registered land" means land registered in the Land Registry;

"registered owner" means any person having a legal interest in registered land;

"Registrar" means the Registrar of Lands as defined in the Registered Land Act;

"regulation" means a regulation made under section 27;

"survey" means a survey defining the boundaries of any land in Anguilla and includes a survey for the purposes of the Registered Land Act;

"Survey Department" means the department of the Government of Anguilla exercising functions relating to surveys;

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"surveyor" means a licensed land surveyor or an officer of the Survey Department authorised by the Chief Surveyor to carry out surveys.

Chief Surveyor and his duties

2. (1) There shall be a Chief Surveyor appointed by the Governor who shall, subject to the provisions of this Act—

(a) direct and control all public surveys;

(b) supervise and control all other surveys;

(c) examine all general and particular plans of survey before any registration of land is effected in accordance with the Registered Land Act and approve such plans if satisfied that such surveys have been carried out and the plans prepared in accordance with the regulations;

(d) take charge of and preserve all survey records;

(e) cancel or amend in accordance with the provisions of any law, any survey plan or diagram found to be incorrect, out-dated or inadequate; and

(f) prepare, certify and issue at the request of any person upon payment of the prescribed fees, copies of diagrams and documents filed within his department which are available to the public.

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

PART 2

LAND SURVEYORS BOARD

Establishment of the Land Surveyors Board

3. (1) There shall be established a Board, to be known as the Land Surveyors Board, consisting of the Chief Surveyor, who shall be the Chairman of the Board, and 2 other persons appointed by the Governor and who shall (if practicable) be surveyors licensed to practise in Anguilla. The Chairman of the Board may from time to time co-opt a member of the legal department to assist in its deliberations.

(2) A member of the Board appointed by the Governor shall hold office for 2 years, and may at any time resign his appointment by notice in writing given to the Governor.

(3) The Governor may at any time cancel the appointment of a member of the Board under subsection (2).

(4) The Board may, from time to time, appoint a secretary who shall hold office during the pleasure of the Board.

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Duties of the Board

4. It shall be the duty of the Board—

(a) to grant to persons duly qualified therefor in accordance with the provisions of this Act licences to practise land surveying in Anguilla;

(b) to provide for examinations to be taken by applicants for such licences;

(c) to keep a register of all licensed surveyors in accordance with section 7;

(d) to take disciplinary proceedings against licensed surveyors in accordance with the provisions of this Act;

(e) to hear and determine any dispute between any licensed surveyor and his client as to the fees charged by the licensed surveyor; and

(f) to perform such other functions as are prescribed by this Act or the regulations.

Licensing of land surveyors

5. (1) A licence to practise land surveying may be granted—

(a) by the Governor to any Anguillian or citizen of Anguilla who holds a diploma in land surveying or an equivalent qualification from a recognised institution in the Commonwealth or the United States of America, and has, either—

(i) completed not less than 3 years post-qualification experience working with a licensed land surveyor, or

(ii) completed not less than 5 years post-qualification experience as a survey technician and since obtaining his diploma or equivalent qualification as aforesaid has completed not less than one year post-qualification experience with a licensed land surveyor; or

(U.K. S.I. 2019 No. 852, s. 13(c))

(b) by the Board to any person who has passed such examination as the Board shall from time to time prescribe.

(2) In subsection (1)(a), "Anguillian" means a person who is regarded as an Anguillian under section 80(2) of the Constitution of Anguilla.

(U.K. S.I. 2019 No. 852, s. 13(c))

Form of licence and fee

6. (1) A licence granted by the Governor shall be in Form 1 in Schedule 1 and a licence granted by the Board shall be in Form 2 in Schedule 1.

(2) There shall be payable to the Comptroller of Inland Revenue in respect of the grant of a licence to a surveyor such fee as may be prescribed.

(Act 6/2010, s. 41)

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Register of licensed surveyors

7. The Board shall cause a register to be kept which shall contain the names, addresses and qualifications of all persons to whom licences have been granted, the date upon which each such licence was granted and any other particulars which may be prescribed.

Disciplinary powers of the Board

8. (1) Where, after due enquiry by the Board, a licensed surveyor has been found to have been guilty of professional misconduct, or, having been convicted of a criminal offence, is found by the Board to be unfit to practise, the Board may—

(a) revoke the licence granted to the licensed surveyor;

(b) suspend the licence granted to the licensed surveyor for a period not exceeding 3 years;

(c) impose a fine not exceeding $1,250 on the licensed surveyor; or

(d) reprimand the licensed surveyor.

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

(3) For the purpose of proceedings at any inquiry held by the Board, the Board may administer oaths and affirmations and may, subject to the provision of any regulation made under this Act, enforce the attendance of persons as witnesses and the production of books and documents.

(4) Any person who, having been summoned by the Board in the form prescribed in Schedule 2 to attend before it, fails so to attend, or fails to produce any books or documents which he is required to produce, is guilty of an offence against this Act.

Appeal to the Court

9. Any person aggrieved by a decision of the Board under section 8, or under section 23(4), may within one month after the date of the decision, appeal to the Court against the decision, and, on any such appeal, the Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal.

Grant of new licence and termination of suspension

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

Notice of grant, revocation, etc. of licence to be published in *Gazette*

11. Notice of the grant, revocation or suspension of any licence, or of the termination of the suspension thereof, under this Part shall be by public notice.

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PART 3

CONDUCT OF SURVEYS

Duties of licensed surveyors and non-liability of Government

12. (1) Every surveyor shall carry out every survey undertaken by him in such manner as will ensure that the survey accords in all respects with the provisions of this Act and the regulations; and shall be responsible for the correctness and completeness of every survey carried out by him or under his supervision, but the Chief Surveyor may, in his discretion in the case of a particular survey, by notice in writing to the licensed surveyor, direct that the standards of accuracy prescribed by such regulations may be relaxed in such manner, to such extent and subject to such conditions as he may specify in the notice.

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

Surveys of land to be conducted under the direction of the Chief Surveyor

13. Any survey of land for the purposes of the Registered Land Act shall be carried out under and in accordance with the directions of the Chief Surveyor.

Unlicensed persons not to undertake professional surveying

14. No person, other than a surveyor, shall—

(a) survey any holding or land for the purpose of preparing any plan which is attached to, or is referred to in, any document or instrument purporting to confer, declare transfer, limit, extinguish or otherwise deal with or affect any right, title or interest, whether vested or contingent, to, in or over any holding or land, being a document or instrument which is required to be registered, or is ineffectual until registered, under any law for the time being in force relating to the registration of transactions in, or of title to, land; or

(b) perform any survey which affects or may affect the definition of the boundaries, or the location of survey marks, of any holding or land registered or to be registered under any law for the time being in force relating to the registration of land or of title to land.

Powers in relation to public surveys

15. (1) For the purposes of any public survey, the Chief Surveyor or any surveyor authorised by him may enter upon any land with such assistants as may reasonably be required, and may affix or set up or place thereon or therein trigonometrical stations, monuments, survey beacons, marks or poles, and do all things necessary for such survey.

(2) The surveyor shall, when practicable, give reasonable notice to the owner or occupier of the land of his intention to enter thereon. Where the owner or occupier cannot be found, notice may be placed in a conspicuous place on the land.

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Compensation

16. Compensation shall be payable out of the Consolidated Fund to the owner of any crops or trees cut or damaged in the exercise of any of the powers conferred by section 15, and if any question shall arise as to the amount of compensation to be paid or the right of a claimant to recover compensation, such question shall, in default of agreement between the Chief Surveyor and all persons concerned, be finally determined by the Magistrate on application made by the Chief Surveyor or any person authorised by him in that behalf or by any person claiming to be entitled to compensation under the provisions of this section.

(2) Save at the discretion of the Chief Surveyor, no application under subsection (1) by a person claiming to be entitled to compensation shall be granted if it is made more than 30 days after the date on which the crop or trees in respect of which the claim is brought were cut or damaged.

(Act 7/2010, s. 26, as am. in L.R. 15/12/2010)

Power of surveyor to enter land

17. (1) After giving notice as required by section 15(2), any surveyor may, with assistants, for the purpose of surveying any land which he is employed to survey, enter on and pass over any land, whether private or public, causing as little inconvenience to the owner or occupier of such land as is consistent with his duties.

(2) Compensation shall be payable for any damage done to any land by reason of the exercise of the powers contained in subsection (1).

(3) Where a surveyor is an employee of the Government, compensation shall be assessed in accordance with the procedure set out in section 16.

(4) Where the surveyor is not an employee of the Government, any compensation payable shall be subject to agreement between the surveyor and the aggrieved party or parties, but, where such agreement is not possible, the Chief Surveyor shall act as arbitrator and, in default of agreement between the Chief Surveyor and all persons concerned, compensation shall be determined by the Magistrate as set out in section 16.

(5) No compensation shall be payable out of the Consolidated Fund for damage to land by reason of the exercise of the powers contained in subsection (1) by a surveyor who is not an employee of the Government.

(Act 7/2010, s. 26, as am. in L.R. 15/12/2010)

PART 4

PRESERVATION OF SURVEY MARKS

Penalty for removing survey boundary marks

18. Any unauthorised person who shall wilfully obliterate, remove, or damage any trigonometrical station, monument, survey beacon, mark or pole or any boundary mark affixed, set up or placed for the purpose of conducting any public or other survey under this Act is guilty of an offence and, in addition to any other punishment imposed, on summary conviction, may be ordered to pay the cost of repairing or replacing the thing obliterated, removed or damaged and of making any survey rendered necessary by the act for which the conviction is had.

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Penalty for obstructing surveyors

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

Recovery of money due

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

Delegation of functions

21. (1) The Chief Surveyor may by public notice delegate any of his functions under this Act to any officer of the Survey Department by name or office.

(2) Any such delegation shall be revocable at will and no delegation shall prevent the exercise by the Chief Surveyor of any function.

PART 5

GENERAL

Deposit of survey plans and records with Chief Surveyor

22. (1) Every surveyor who executes any survey in accordance with the provisions of this Act and of the regulations shall send to the Chief Surveyor all plans, field notes and computations relating thereto, and all such plans, field notes and computations shall be deposited in the Survey Department and shall become the property of the Government.

(2) No plan deposited in the Survey Department in accordance with subsection (1) shall be altered or amended in any way without the permission of the Chief Surveyor.

Correction of errors

23. (1) The Chief Surveyor may at any time undertake such field and office checks on the survey work of a licensed surveyor as he thinks fit.

(2) The Chief Surveyor may, by notice in writing, instruct any licensed surveyor to correct at his own expense within a time specified in such notice any error made by him in the survey represented by the plan submitted for authentication.

(3) In the event of such licensed surveyor refusing or neglecting within the time specified to correct such error, it shall be lawful for the Chief Surveyor to undertake such correction and to recover the whole cost of such correction from the licensed surveyor concerned.

(4) If such licensed surveyor refuses or neglects to pay the cost of the correction referred to in subsection (3) within 14 days of the same having been demanded of him, the Chief Surveyor may report the facts to the Board for disciplinary action, and after due inquiry the Board may order such licensed surveyor to pay the cost of correction to the Chief Surveyor; and if such licensed surveyor refuses or neglects to comply with such order within one month after the date of the order, the Board may, subject

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to the provisions of section 20, suspend the licence of the licensed surveyor until the cost of the correction has been paid, or for a period not exceeding 3 years, whichever it thinks fit.

Authentication of plans

24. (1) No land shall be deemed to have been surveyed or resurveyed until the plan thereof has been authenticated by the signature of the Chief Surveyor.

(2) Every plan authenticated by the Chief Surveyor under subsection (1) shall in any court or in any proceeding of a legal or quasi-legal nature be conclusive evidence of the survey information comprised therein unless and until such plan is cancelled by the Chief Surveyor by virtue of section 25.

(3) Every plan purporting to bear the signature of the Chief Surveyor for the purpose of subsection (1) shall be deemed to be properly authenticated unless and until the contrary is proved.

Chief Surveyor may cancel authentication of plan

25. (1) Where, in the case of a document or instrument to which an authenticated plan is attached, or in which reference to such a plan is made—

(a) the plan is found to be inaccurate by reason of any error or omission in the survey; or

(b) the plan does not conform with the terms and conditions subject to which permission to subdivide the land to which the plan relates has been given;

the Chief Surveyor may cancel the authentication of such plan and may recall any copies which may have been issued, and in every case section 23 shall apply.

(2) The Chief Surveyor shall forthwith upon the cancellation of the authentication of any plan notify in writing—

(a) the owner of the land to which such plan relates;

(b) the surveyor by whom the survey was executed; and

(c) the Registrar.

Aerial surveys

26. (1) Any person who intends to carry out any aerial photography of Anguilla for use in mapping or similar purpose shall, before carrying it out, give to the Chief Surveyor in writing not less than one month's notice of his intention so to do.

(2) Any person who has carried out any such aerial photography shall, if the Chief Surveyor so requires in writing—

(a) produce to the Chief Surveyor for his inspection all of the photographs thereby produced or such of them as the Chief Surveyor may specify; and

(b) supply to the Chief Surveyor, at the Chief Surveyor's cost, such copies and diagrams as the Chief Surveyor may require of such photographs, but the supply of photographs to the Chief Surveyor under this section shall not in any way affect the copyright therein of the person supplying them or other owner of such copyright.

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Regulations

27. The Governor may make regulations—

(a) prescribing the manner in which surveys are to be made, the records to be kept by licensed surveyors and the manner of keeping the same;

(b) prescribing the manner in which survey marks shall be constructed;

(c) with regard to plans of survey and their preparation and the matters to be shown thereon;

(d) with regard to the publication, issue, service and form of the notices to be published, issued or served under this Act or the regulations;

(e) prescribing the returns to be made by licensed surveyors to the Chief Surveyor;

(f) requiring the surveyors to report to the Chief Surveyor matters connected with surveys on which they are engaged or with previous surveys, ascertained by them during the course of their work;

(g) for securing the maintenance of survey marks in their correct position and the preservation of the same;

(h) providing for the checking of surveys alleged to be erroneous and for the payment of the expenses of such checking;

(i) providing for the checking of tapes and instruments used by surveyors;

(j) providing for and regulating the inspection and the taking of copies of plans of surveys in any office of the Survey Department;

(k) prescribing any fees which may be charged under this Act;

(l) prescribing the syllabuses of examinations for the purpose of section 5;

(m) prescribing any other matters which this Act requires or authorises to be prescribed by him;

(n) prescribing a penalty not exceeding $1,000 for a breach of any such regulation; and

(o) generally for giving effect to the purposes of this Act so far as the Chief Surveyor and the Governor are the appropriate authorities therefor.

General penalty

28. Any person who contravenes or fails to comply with any provision of sections 2(2), 8(4), 14(a), 14(b), 18, 19, 22(1), 22(2), 26(1) and 26(2) is guilty of an offence and, unless otherwise provided, is liable on summary conviction to a fine of $2,500 or to imprisonment for a term of 6 months or to both.

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Onus of compliance

29. Where there exists a relationship of master and servant, principal and agent, or corporation and officer of that corporation, every such person concerned in that behalf shall be jointly and severally responsible for compliance with the provisions of this Act.

Citation

30. This Act may be cited as the Land Surveyors Act, Revised Statutes of Anguilla, Chapter L20.

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SCHEDULE 1

FORM OF LICENCE

FORM 1

(Section 6(1))

LAND SURVEYORS ACT

LICENCE TO LAND SURVEYOR BY GOVERNOR

Whereas His Excellency the Governor is satisfied that ……..…… of ……..….. is a fit and proper person to be licensed as a land surveyor;

Now therefore, I ……..……..…… Governor of Anguilla, under the powers vested in me by section 5 of the above-mentioned Act hereby authorise the above-named person to practise as a land surveyor in Anguilla.

Dated this …….. day of ……, 20…….. .

……..……..…
Governor of Anguilla

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FORM 2

(Section 6(1))

LAND SURVEYORS ACT

LICENCE TO LAND SURVEYOR BY BOARD

Whereas the Land Surveyors Board has duly satisfied itself that …… of …….. by virtue of *(here state particulars of examination and qualifications)* ……..……. ……..…… ……... is duly qualified to practise as a land surveyor;

Now therefore, I …… Chairman of the Land Surveyors Board under and by virtue of the provisions of the above-mentioned Act hereby authorise the said ……. ……. to practise as a land surveyor in ……. .

Dated this …….. day of ……, 20…….. .

……..……..…
Chairman

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SCHEDULE 2

(Section 8(4))

LAND SURVEYORS ACT

SUMMONS TO WITNESS

In the Matter of ……., a licensed surveyor

In the Matter of the Land Surveyors Act

To [1]……

You are hereby summoned to attend before the Land Surveyors Board at [2] …… on the ……. day of …….., 20…… at the hour of ……. and so from day to day until the above matter is heard to give evidence respecting such matter and also to bring with you and produce at the time and place aforesaid—[3] ……..
……
…… .

Given under my hand this …… day of ……, 20 …….. .

……
Chairman, Land Surveyors Board

[1] Name and address of person summoned

[2] Place

[3] Here specify the documents required

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