

SURVEYORS REGISTRATION COUNCIL OF NIGERIA ACT

ARRANGEMENT OF SECTIONS

Surveyors Council of Nigeria

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An Act to establish the Surveyors Registration Council of Nigeria for the registration of surveyors and to provide extensively for the regulation of the practice of the profession.

[1989 No. 44.]

[15th December, 1989]

[Commencement.]

Surveyors Council of Nigeria

1. Establishment of the Surveyors Council of Nigeria

(1) There is hereby established a body to be known as the Surveyors Council of Nigeria (hereafter in this Act referred to as "the Council").

(2) The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. Membership of the Council

(1) Subject to the provisions of this Act, the Council shall consist of a president who shall be a surveyor to be appointed by the President and the following other members, that is to say-

- (a) five persons to be appointed by the President of whom at least one shall be the Surveyors-General of the Federation and the others from amongst other interests in the field of surveying (including the Armed Forces) which in the opinion of the President ought to be represented;
- (b) the Surveyor-General of each of the States in the Federation;
- (c) twelve persons elected by the Nigerian Institute of Surveyors in the manner for the time being provided in its constitution; and
- (d) four persons appointed by the President from universities or other institutions offering courses leading to an approved qualification in surveying, no two of whom shall come from the same university or institution.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the procedure of the Council and the other matters mentioned therein.

[First Schedule.]

3. Qualifications and tenure of office of members

(1) A person shall not be appointed a member of the Council unless he is a citizen of Nigeria and is fully registered or qualified for registration as a surveyor under this Act and has been engaged in the practice of the profession for not less than five years.

(2) The president shall hold office for a period of three years and shall be eligible for re-appointment for one further period of three years and thereafter he shall no longer be eligible for re-appointment.

(3) Subject to the following provisions of this section, a person who is a member of the Council, other than as an *ex-officio* member, shall hold office for a period of three years.

(4) The office of a member of the Council shall become vacant if-

- (a) he becomes bankrupt or makes arrangements with his creditors; or
- (b) he is as a result of physical or mental illness unable to discharge his functions as a member of the Council; or
- (c) he is convicted of an offence involving dishonesty, fraud or moral turpitude.

(5) Any member of the Council holding office otherwise than by virtue of paragraphs (b) and (c) of subsection (1) of section 2 of this Act may, by notice to the Minister, resign his office.

(6) A person who has ceased to be a member of the Council (except in the manner provided in subsection (3) of this section) shall be eligible for re-appointment.

(7) Where a member of the Council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed or elected shall, as soon as may be, appoint, or as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provisions of this subsection shall not apply where a person holding office as a member of the Council has ceased to hold office at a time when the residue of his term does not exceed one year.

4. Functions of the Council

The Council is hereby charged with the general duty of-

- (a) determining who are surveyors for the purposes of this Act;
- (b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as members of the profession of surveying (in this Act referred to as "the profession") and reviewing those standards, from time to time, as circumstances may require;
- (c) securing, in accordance with the provisions of this Act, the establishment and maintenance of a register of persons entitled to practice the profession and the publication, from time to time, of lists of such persons;
- (d) regulating and controlling the practice of the profession in all its ramifications;
- (e) maintaining, in accordance with this Act, discipline within the profession; and
- (f) performing the other functions conferred upon the Council by this Act.

5. Financial provisions

(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

- (a) such monies as may be provided by the Federal Government to the Council by way of grant or by way of loan or otherwise howsoever; and
- (b) all other monies that may accrue to the Council under this Act.

(3) The Council shall prepare and submit to the Minister not later than 30th of September in each year an estimate of its expenditure and income during the next succeeding year.

(4) The Council shall keep proper accounts in respect of each year and proper records in relation to those accounts; and shall cause the accounts to be audited as soon as may be after the end of the year to which the accounts relate.

(5) The Council shall prepare and submit to the Minister not later than twelve months after its establishment and once in each year thereafter a report on the activities of the Council during the last preceding year, and shall include in the report a copy of the audited accounts of the Council for that year and of the auditors' report thereon.

(6) The Council shall not have power to borrow money or dispose of any property except with the prior consent of the Minister and it shall not have power to pay remunerations (including pensions), allowances or expenses to any member, employee of the Council or to any other person, except in accordance with the scales approved by the Minister.

6. Power of the Minister to give directives to the Council

The Minister may give to the Council directives of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directives.

The register

7. Appointment of registrar; preparation and maintenance of the register

(1) The Council shall appoint a fit and proper person to be the registrar for the purposes of this Act.

(2) The registrar shall prepare and maintain, in accordance with rules made by the Council under this section, a register of surveyors (in this Act referred to as "the register").

(3) The register shall contain the names, addresses, approved qualifications and such other particulars as may be specified by the Council, of all persons who are entitled in accordance with the provisions of this Act to be registered as surveyors and who apply in the specified manner to be so registered.

(4) The register shall consist of four parts of which the first shall be in respect of surveyors, the second in respect of pupil surveyors, the third in respect of survey technologists and the fourth in respect of survey technicians.

(5) Subject to the following provisions of this section, the Council may make rules with respect to the form and keeping of the register and the making of entries therein, and in particular-

- (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
- (b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;
- (c) authorising a registered person to have any surveying qualification which is registered in relation to his name in addition to or, as he may elect, in substitution for, any other qualification so registered;
- (d) specifying the fees to be paid to the Council in respect of the entry of names on the register and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid; and
- (e) specifying anything falling to be specified under the foregoing provisions of this section.

(6) Any rules made for the purposes of paragraph (d) of subsection (5) of this section shall not come into force until they are confirmed by the Minister.

(7) It shall be the duty of the registrar-

- (a) to correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
- (b) to make, from time to time, any necessary alterations to the registered particulars of registered persons;
- (c) to remove from the relevant part of the register the name of any registered person who has died or, as the case may be, has ceased to be entitled to be registered; and
- (d) to act as secretary to the Council at all meetings.

(8) If the registrar-

- (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and
- (b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the registrar may remove the particulars relating to the person in question from the relevant part of the register:

Provided that the Council may, for any reason which seems to it to be sufficient, direct the registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

8. Publication of register and list of corrections

(1) It shall be the duty of the registrar-

- (a) to cause a list of persons whose names and qualifications are contained in the register to be printed, published and put on sale to members of the public not later than six months from the beginning of the year in which this Act comes into force;
- (b) in each year after that in which a register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of corrections made to the register since it was last printed; and
- (c) to cause a print of each edition of the register and of each list of corrections to be deposited at all offices of the Council and the Council shall cause the registrar to keep the register and lists so deposited to remain open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document or documents read together, as being registered, is so registered, and that any person not so specified is not so registered.

Registration

9. Registration of surveyors

(1) Subject to rules made under subsection (5) of section 7 of this Act, a person shall be entitled to be registered as a surveyor if-

- (a) he passes the qualifying examination for registration, recognised or conducted by the Council under this Act; or
- (b) not being a Nigerian, he holds a qualification granted outside Nigeria which for the time being is accepted by the Council and he is by law entitled to practise for all purposes as a surveyor in the country in which the qualification was granted:

Provided that the other country accords Nigerian professional surveyors the same reciprocal treatment and that he satisfies the Council that he has had sufficient practical experiences as a surveyor.

(2) Any registration under subsection (1) (b) of this section shall be granted for one year and shall be renewable on an annual basis for another two years.

(3) Subject as aforesaid, a person shall also be entitled to be registered as a surveyor under this Act if he holds a certificate recognised by the Council and has not less than two years' post-qualification practical experience in the profession, and he has passed an examination approved by the Council.

(4) An applicant for registration under this Act shall, in addition to evidence of qualification, satisfy the Council that-

- (a) he is of good character;
- (b) he has attained the age of 21 years; and
- (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.

(5) A person shall be entitled to be registered as a pupil surveyor under this Act if-

- (a) he holds a certificate recognised by the Council and has not had two years' post-qualification practical experience in the profession; or
- (b) he has passed an examination approved by the Council and has not had two years' post-qualification practical experience in the profession.

(6) Any entry directed to be made in the register under subsection (5) of this section shall show that the registration is provisional, and no entry so made shall be converted to full registration without the consent of the Council specified in writing in that behalf.

(7) A person shall be entitled to be registered as a survey technologist or a survey technician under this Act if he has passed an examination approved, from time to time, by the Council and has had two years' practical experience as a survey technologist or a survey technician in an office approved by the Council.

10. Approval of institutions, courses of training and qualifications by the Council

(1) For the purposes of section 9 of this Act, the Council may approve-

- (a) any institution, whether in Nigeria or elsewhere, which the Council considers is properly organised and equipped for conducting a course of training approved by the Council under this section;
- (b) any course of training which is intended for persons who are seeking to become or are already members of the profession and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession; and
- (c) any qualification which, as a result of examination taken in conjunction with the course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill for the practice of the profession.

(2) The Council shall, from time to time, publish in the Federal *Gazette* a list of any qualifications in the profession approved by it and, subject thereto, the Council shall not approve any qualification granted by an institution in Nigeria unless such qualification has been included in the list published by the Council.

(3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval, the Council shall-

- (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;

- (b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and
- (c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection.

(4) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument; and the Council shall-

- (a) as soon as may be, publish a copy of every such instrument in the *Federal Gazette*; and
- (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

11. Appeal to the Federal High Court

(1) Where an application in respect of any registration is refused by the Council for any reason whatsoever, the applicant may, within the prescribed period and in the prescribed manner, appeal from the decision of the Council to the Federal High Court; and where such an appeal is brought, the Federal High Court may, after considering the representation made in the matter, either confirm or set aside the decision of the Council.

(2) Where the Federal High Court sets aside the decision of the Council, the Court shall direct the Council to register the applicant in the manner provided for in section 9 of this Act.

12. Supervision of instruction and examinations leading to approved qualification

(1) It shall be the duty of the Council to keep itself informed of the nature of the instruction given at approved institutions and examinations taken by persons attending approved courses of training and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to oversee such examinations.

(2) It shall be the duty of a visitor appointed under this section to report to the Council-

- (a) the sufficiency or otherwise of the instruction given to persons attending approved courses of training at institutions visited by him;
- (b) the sufficiency or otherwise of the examinations conducted at any institution inspected by him; and
- (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report,

but no visitor shall interfere with the giving of any instruction or the holding of any examinations.

(3) On receiving a report made in pursuance of this section, the Council shall, as soon as may be, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

13. Certificate of experience

(1) Any person who, having qualified as a surveyor by examination after the commencement of this Act or not earlier than two years before its commencement, as the case may be, satisfies the conditions specified in subsection (2) of this section, may apply for and shall be entitled to receive, free of charge, a certificate of experience in the prescribed form from the person mentioned in subsection (2) of this section, entitling him to be fully registered as a surveyor under this Act and such certificate shall, when received by the person provisionally registered, be filed with his application for full registration.

(2) The conditions referred to in subsection (1) of this section are that-

- (a) he shall have served his time for the prescribed period in Nigeria in an approved office with a view to obtaining a certificate of experience;
- (b) he shall, during his service in the approved office, have acquired practical experience under the personal supervision and guidance of at least one or more surveyors for such period as may be prescribed; and
- (c) the manner in which he carried out the duties in the approved office and his conduct shall have been satisfactory.

(3) It shall be the duty of the employer, being a surveyor supervising the work of a person employed with a view to obtaining a certificate of experience, to ensure that a person so employed is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (a) of subsection (2) of this section.

(4) Where, after having completed the prescribed period, a person affected applies for and is refused a certificate of experience he shall be entitled-

- (a) to receive from his employer particulars in writing of the grounds of the refusal; and
- (b) to appeal from the refusal to a committee of the Council in accordance with the rules made by the Council in that behalf (including rules as to the time within which appeals are to be brought),

and on any such appeal the committee may either dismiss the appeal or itself issue the certificate of experience in question or give such other direction in the matter, as it considers just.

(6) For the purposes of this section, "approved office" includes-

- (a) the office of-
 - (i) the Surveyor-General of the Federation;
 - (ii) the Surveyor-General of a State;
 - (iii) the Survey Department of the Federal Capital Territory, Abuja;

- (iv) any licensed surveyor in Nigeria;
- (v) the Department of Survey in each university or school recognised by the Minister to be engaged in the training of persons seeking to become surveyors;
 - (b) the office of the Head of Survey Regiment Corps of Engineers of the Nigerian Army;
 - (c) the office of the Hydrographer of the Nigerian Navy; and
 - (d) the officer of the Head of Aerial Photographic Unit of the Nigerian Air Force.

(7) Regulations made under section 21 of this Act may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria.

14. Certificate by the registrar to be evidence of registration, etc.

A certificate under the hand of the registrar to the effect that any person was or was not registered as a surveyor under this Act at any time or during any period specified in the certificate or as to any entry in the register or as to any act or proceedings of the Council shall, until the contrary is proved, be sufficient evidence of the matters specified therein.

15. Registrar to notify Institute of entries in register

The registrar shall, as soon as practicable, after the entry in the register of any person's name, or after the removal of such name from the register, give notice in writing to the Nigerian Institute of Surveyors of the entry or removal, as the case may be, together with all the particulars relevant thereto.

Professional discipline

16. Disciplinary powers of the Council

(1) There shall be established a body to be known as the Surveyors Disciplinary Committee (hereafter in this Act referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section and any other case of which the Disciplinary Committee has cognisance under the following provisions of this Act.

(2) The Disciplinary Committee shall consist of the president of the Council and ten other members of the Council appointed by the Council of whom not less than four shall be members of the Council holding office by virtue of paragraph (c) of section 2 (1) of this Act or where the number of those members is for the time being less than four, all those members.

(3) There shall be a body to be known as the Surveyors Investigating Panel (in this Act referred to as "the Investigating Panel") which shall be charged with the duty of-

- (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a surveyor or should for any other reason be the subject of proceedings before the Disciplinary Committee;

- (b) deciding whether the case should be referred to the Disciplinary Committee; and
- (c) submitting a report on any action taken by the Investigating Panel to the Disciplinary Committee.

(4) The Investigating Panel shall be appointed by the Council and shall consist of seven members of the Council.

(5) The registrar shall act as secretary to the Disciplinary Committee.

(6) The provisions of the Second Schedule to this Act shall, so far as applicable to the Disciplinary Committee and the Investigating Panel respectively, have effect with respect to those bodies.

[Second Schedule.]

17. Penalties for unprofessional conduct, etc.

(1) Where-

- (a) a registered or provisionally registered person under this Act is adjudged by the Disciplinary Committee to be guilty of infamous conduct in a professional respect; or
- (b) a person registered under this Act is convicted in Nigeria or elsewhere by any court or tribunal having power to award punishment for an offence (whether or not such an offence is punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of a surveyor; or
- (c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered,

the Disciplinary Committee may, if it thinks fit, give directions under subsection (2) of this section.

(2) The Disciplinary Committee may give a direction under subsection (1) of this section-

- (a) reprimanding that person; or
- (b) ordering the registrar to strike his name off the relevant part of the register; or
- (c) suspending him from practice by ordering him not to engage in practice as a surveyor for such period not exceeding six months as may be specified in the direction,

and any such direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.

(3) The Disciplinary Committee may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Disciplinary Committee, but-

- (a) no decision shall be deferred under this subsection for periods exceeding six months in the aggregate; and

- (b) no person shall be a member of the Disciplinary Committee for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the Disciplinary Committee when the decision was deferred.

(4) For the purposes of subsection (L) of this section, a person shall not be treated as convicted as mentioned in paragraph (a) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(5) When the Disciplinary Committee gives a direction under subsection (1) of this section, it shall cause notice of the direction to be served on the person to whom it relates.

(6) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the direction, appeal against the direction to the Federal High Court and the Disciplinary Committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal before the Federal High Court, the Disciplinary Committee shall be deemed to be a party thereto, whether or not it appears on the hearing of the appeal.

(7) A direction of the Disciplinary Committee under subsection (1) of this section shall take effect-

- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time; or
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed,

and not otherwise howsoever.

(8) A person whose name is removed from the register in pursuance of a direction of the Disciplinary Committee under this section, shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Disciplinary Committee on the application of that person.

(9) A direction under this section for the removal of a person's name from the register may prohibit an application under subsection (8) of this section by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Miscellaneous

18. Offences

- (1) Any person, not being a person duly registered under this Act, who-
- (a) for or in expectation of reward practises or holds himself out to practise as such; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a registered surveyor, shall be guilty of an offence under this section.

(2) If any person, for the purpose of procuring the registration of any name, qualification or other matter->

(a) makes a statement which is false in a material particular; or

(b) recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence under this Act.

(3) If the registrar or any other person employed by the Council wilfully makes any falsification in any matter relating to the register maintained under this Act, he shall be guilty of an offence.

(4) A person guilty of an offence under this Act shall be liable-

(a) on conviction in a magistrate's court, to a fine not exceeding N500 and, where the offence is a continuing one, to a further fine not exceeding N50 for each day during which the offence continues;

(b) on conviction in a High Court, to a fine not exceeding NI ,000 or imprisonment for a term not exceeding two years or to both such fine and imprisonment and, where the offence is a continuing one, to a further fine not exceeding NIOO for each day during which the offence continues.

(5) Where an offence under this section has been committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary, or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

19. Entitlement to practise, etc.

(1) A registered surveyor shall, (but to the extent only of his particular qualifications) be entitled to practise as a surveyor throughout the Federation.

(2) It shall be the duty of the person in charge of each university or other institution of higher learning in the Federation having a faculty, by whatever name called, at which there is held a course of training intended for persons who are seeking to become registered surveyors under this Act to furnish to the registrar, not later than the 31 st day of March in every year, a list of the names, and such other particulars as the Council may specify, of all persons who attended any such courses at the institution in question at any time during the last preceding year.

20. Recovery of fees

A person other than a fully registered surveyor shall not be entitled to recover, by process of law, fees or other valuable consideration whatsoever in respect of any act, matter or thing done or omitted to be done by him pursuant to any contract while purporting to act as a registered surveyor.

21. Regulations

In addition to any other power to make regulations under this Act, the Minister may make all such other regulations as may, in his opinion, be necessary or expedient for giving full effect to the provisions of this Act and for the administration thereof.

22. Repeal, transitional provisions, etc.

(1) The Survey Act 1958 and the Survey Act 1970 are hereby repealed.

(2) The Surveyors Licensing Board established pursuant to the Survey Act is hereby dissolved and, accordingly-

[Cap. 194 of the 1958 Edition 1970 No. 32.]

- (a) any person who immediately before the commencement of the Act held appointment as an employee of the said Board shall, on the commencement of this Act, be deemed to have been deployed to the Council as an employee thereof without further assurance than by virtue of this Act;
- (b) all property held by or on behalf of the said Board immediately before the commencement of this Act shall, on the commencement of this Act, be deemed to have been vested in the Council without further assurance than by virtue of this Act.

(3) Subject to the provisions of section 19 of this Act, anything made or done or having effect as if made or done before the commencement of this Act, under or for the purposes of the Survey Act 1958 or the Survey Act 1970 by the Surveyors Licensing Board or the Disciplinary Committee established thereunder and having any continuing or resulting effect with respect to-

- (a) the preparation and maintenance of the register;
- (b) the licensing and registration of persons as licensed surveyors; or
- (c) the taking of disciplinary actions against such licensed surveyors,

shall be treated from the commencement of this Act as if it were made or done under this Act by the Council or the Disciplinary Committee established by this Act, as the case may be.

(4) Any licensed surveyor who on the commencement of this Act is licensed under the enactments mentioned in subsection (1) of this section, shall be deemed to be registered as a surveyor under this Act; and without prejudice to the generality of the foregoing, the following categories of persons shall also be deemed to be registered on the commencement of this Act-

- (a) all past and present holders of the office of Surveyor-General of a State;
- (b) all past and present heads of the Survey Regiment of Corps of Engineers of the Nigerian Army;
- (c) past and present heads of the Hydrographic Department of the Nigerian Navy;
- (d) past and present heads of Aerial Photographic Unit of the Nigerian Air Force; and
- (e) such other persons who satisfy the qualification for exemption in paragraph 3 of the Second Schedule to the Survey (Examination and Licensing of

Surveyors) Regulations 1970, Papers I-V of Part II of the Surveyors Licensing Examinations and have been engaged in an approved office in Nigeria for not less than five years preceding the commencement of this Act.

(5) It shall be duty of the registrar to make in the relevant part of the register all the appropriate entries relating to any surveyor deemed to be registered under subsection (4) of this section.

(6) Where, before the commencement of this Act, a licensed surveyor had, in consequence of a decision under section 19 of the Survey Act 1958 had his licenced suspended or cancelled and had surrendered such licence under section 21 of the said Act, such a licensed surveyor shall, as from the commencement of this Act, be deemed to be subject to a direction under section 17 (1) of this Act, ordering the registrar to strike his name off the relevant part of the register.

(7) For the purposes of subsection (6) of this section, a licensed surveyor shall be entitled to make an application to the Disciplinary Committee under section 17 (8) of this Act at any time after the expiration of six months from the restoration of his licence, and the Disciplinary Committee may in its absolute discretion, and after such enquiry as it may consider desirable, either allow or refuse the application.

(8) Notwithstanding the provisions of subsections (1) and (2) of section 9 of this Act, a person shall be entitled to be registered as a surveyor under this Act if, before the commencement of this Act, he was entitled to be licensed to practice the profession of surveying or if he would be so entitled on the completion of a course of instruction or training in which he was then engaged at an institution recognised by the Council.

(9) For the purposes of subsection (8) of this section, any person who failed to complete such a course of instruction or training shall not be entitled to be registered as a surveyor under this Act.

23. Interpretation

(1) In this Act, unless the context otherwise requires-

"approved qualification" means any qualification which is for the time being approved by the Council;

"Council" means the Surveyors Council of Nigeria established under section 1(1) of this Act;

"Minister" means the Minister for the time being charged with responsibility for matters relating to surveying and "Ministry" shall be construed accordingly;

"profession" means the profession of surveying;

"register" means the register maintained under section 7 of this Act and "registered" shall be construed accordingly;

"registrar" means the registrar appointed in pursuance of section 7 of this Act;

"surveyor" means any person registered or deemed to be registered as such under this Act.

(2) For the purposes of this Act, a person is registered if his name is for the time being entered in the register.

(3) Any approval, consent, direction, notice, observation, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service, but subject to the provisions of rules made under the Second Schedule to this Act, be served by post.

24. Short title

This Act may be cited as the Surveyors Registration Council of Nigeria Act.

SCHEDULES

FIRST SCHEDULE

Supplementary provisions relating to the Council

Proceedings of the Council

1. Subject to the provisions of this Act and of section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote) the Council may make standing orders regulating the proceedings of the Council or of any committee thereof.

[Cap. 123.]

2. The quorum of the Council shall be eight and the quorum of any committee of the Council shall be determined by the Council.

3. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the president of the Council and in any case not less than four times in any year and if the president is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council, the president shall preside; but in his absence, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister who may give such direction as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

4. (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, and not more than one third of those persons may be persons who are not members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

5. (1) The fixing of the seal of the Council shall be authenticated by the signature of the president or of some other members authorised generally or specially by the Council to act for that purpose by the Council.

(2) Any contract or instrument, which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Council by any person generally or specially authorised to act for that purpose by the Council.

(3) Any document purporting to be a document duly executed under the seal of the Council, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

6. The validity of any proceedings of the Council or of a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

7. Any member of the Council, or any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to the contract or arrangement.

8. A person shall not, by reason only of his membership of the Council, be treated as holding an office in the public service of the Federation or of any State thereof.

SECOND SCHEDULE

Supplementary provisions relating to the Disciplinary Committee and Investigating Panel

The Disciplinary Committee

1. The quorum of the Disciplinary Committee shall be six.

2.(1) The Attorney-General of the Federation shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.

(2) The rules shall in particular provide-

- (a) for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
- (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;

- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Committee;
- (d) for enabling any party to the proceedings to be represented by legal practitioner;
- (e) subject to the provisions of subsection (6) of section 17 of this Act, as to the costs of proceedings before the Disciplinary Committee;
- (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Committee adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates; and
- (g) for publishing in the Federal *Gazette* notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off a register or that a person shall be suspended from practice.

3. For the purposes of any proceedings before the Disciplinary Committee, any member of the Disciplinary Committee may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court, as the case may require, writs of *subpoena ad testificandum* and *duces tecum*; but no person appearing before the Disciplinary Committee shall be compelled-

- (a) to make any statement before the Disciplinary Committee tending to incriminate himself; or
- (b) to produce any document under such writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years' standing.

(2) An assessor, when nominated in accordance with sub-paragraph (1) of this paragraph, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument, and where the appointment is not a general one, it shall have effect only in respect of a particular meeting of the Disciplinary Committee.

(3) Subject to the terms of his appointment, an assessor shall attend any meeting of the Disciplinary Committee as and when requested to do so by notice in writing given to him by the secretary not later than three clear days before the date appointed for the meeting, and shall thereat advise the Disciplinary Committee on questions of law arising in proceedings before it.

(4) Except where the Disciplinary Committee is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with this Act shall be tendered in the presence of every party or of his counsel.

(5) If the advice by the assessor to the Disciplinary Committee is given otherwise than in the presence of all parties, or as the case may be, of their counsel, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice given and the reaction thereto of the Disciplinary Committee.

The Investigating Panel

5. The quorum of the Investigating Panel shall be three.

6. (1) The Investigating Panel may, at any meeting attended by not less than six members thereof, make standing orders with respect to the Investigating Panel.

(2) Subject to the provisions of any such standing orders, the Investigating Panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Disciplinary Committee or the Investigating Panel shall be eligible for re-appointment as a member of that body for one further term and thereafter he shall no longer be eligible for re-appointment.

(2) A person may, if otherwise eligible, be a member of both the Disciplinary Committee and the Investigating Panel; but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.

8. The Disciplinary Committee or the Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to sub-paragraph (2) of paragraph 7 of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. The Disciplinary Committee and the Investigating Panel may each sit in two or more divisions.

10. Any document authorised or required by virtue of this Act to be served on the Disciplinary Committee or the Investigating Panel shall be served on the registrar.

11. Any expenses of the Disciplinary Committee or the Investigating Panel shall be defrayed by the Council.