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KANTOOR VAN DIE STAATSPRESIDENT

No. 725.

23 April 1986

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 37 van 1986: Wysigingswet op Professionele Landmeters en Tegnieese Opmeters, 1986.

STATE PRESIDENT'S OFFICE

No. 725.

23 April 1986

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 37 of 1986: Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1986.

Wet No. 37, 1986

WYSIGINGSWET OP PROFESSIONELE LANDMETERS EN
TEGNIËSE OPMETERS, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordeninge aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Professionele Landmeters en Tegniëse Opmeters, 1984, ten einde sekere verouderde benamings te vervang; voorsiening te maak vir die vul van 'n vakature in die Adviserende Onderwyskomitee vir Professionele Landmeters en Tegniëse Opnemers; verdere voorsiening te maak vir die registrasie van tegniëse opmeters; en sekere uitgediende wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 April 1986.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 1 van
Wet 40 van 1984.

1. Artikel 1 van die Wet op Professionele Landmeters en Tegniëse Opmeters, 1984 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van "departement" deur die volgende omskrywing te vervang:
"departement" die Departement van **[Gemeenskapsontwikkeling]** Openbare Werke en Grondsake;"
- (b) deur die omskrywing van "Direkteur-generaal" deur die volgende omskrywing te vervang:
"Direkteur-generaal" die Direkteur-generaal: **[Gemeenskapsontwikkeling]** Openbare Werke en Grondsake;" en
- (c) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister" die Minister van **[Gemeenskapsontwikkeling]** Kommunikasie en van Openbare Werke;"

Wysiging van
artikel 3 van
Wet 40 van 1984.

2. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) van subartikel (2) deur die volgende 20 paragraaf te vervang:
"(c) een professionele landmeter wat deur die **['Institute of Land Surveyors of Natal' ingestel deur Wet No. 28 van 1905, soos gewysig deur Wet No. 24 van 1908, van Natal]** Instituut van Professionele Land- 25 meters van Natal benoem word;"
- (b) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:
"(d) een professionele landmeter wat deur die Instituut van **Professionele Landmeters** van die Oranje-Vry- 30 staat benoem word;" en
- (c) deur paragraaf (e) van subartikel (2) deur die volgende paragraaf te vervang:
"(e) twee professionele landmeters wat deur die **['Institute of Land Surveyors of the Transvaal' ingestel 35**

PROFESSIONAL LAND SURVEYORS' AND TECHNICAL
SURVEYORS' AMENDMENT ACT, 1986

Act No. 37, 1986

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Professional Land Surveyors' and Technical Surveyors' Act, 1984, so as to replace certain obsolete designations; to provide for the filling of a vacancy in the Education Advisory Committee for Professional Land Surveyors and Technical Surveyors; to make further provision for the registration of technical surveyors; and to repeal certain obsolete laws; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 9 April 1986.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

1. Section 1 of the Professional Land Surveyors' and Technical Surveyors' Act, 1984 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the substitution for the definition of "department" of the following definition:
 "department" means the Department of **[Community Development]** Public Works and Land Affairs;";
 - 10 (b) by the substitution for the definition of "Director-General" of the following definition:
 "Director-General" means the Director-General: **[Community Development]** Public Works and Land Affairs;"; and
 - 15 (c) by the substitution for the definition of "Minister" of the following definition:
 "Minister" means the Minister of **[Community Development]** Communications and of Public Works;".
2. Section 3 of the principal Act is hereby amended—
 - 20 (a) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
 "(c) one professional land surveyor nominated by the Institute of Professional Land Surveyors of Natal **[established by Act No. 28 of 1905, as amended by Act No. 24 of 1908, of Natal]**";
 - 25 (b) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
 "(d) one professional land surveyor nominated by the Institute of Professional Land Surveyors of the Orange Free State;"; and
 - 30 (c) by the substitution for paragraph (e) of subsection (2) of the following paragraph:
 "(e) two professional land surveyors nominated by the Institute of Professional Land Surveyors of the

Amendment of
section 1 of
Act 40 of 1984.

Amendment of
section 3 of
Act 40 of 1984.

Wet No. 37, 1986

WYSIGINGSWET OP PROFESSIONELE LANDMETERS EN
TEGNIËSE OPMETERS, 1986

- kan binne een jaar vanaf die inwerkingtreding van hierdie Wet by die] en wat binne twee jaar of dié verdere tydperk wat die Minister, na oorleg met die raad, by kennisgewing in die *Staatskoerant* bepaal, na die inwerkingtreding van hierdie Wet by die Hoofdirekteur aansoek doen om 'n proefopmeting beoog in subartikel (1) (a) (iii) of (b) (iii) uit te voer, en wat die opmeting ten genoë van die Hoofdirekteur uitvoer binne die tydperk deur hom bepaal, en wat binne ses maande nadat die Hoofdirekteur skriftelik aangedui het dat die opmeting aldus uitgevoer is, aan die vereistes in subartikel (1) (a) (iv) of (b) (iv) bedoel, voldoen, kan voor die verstryking van genoemde tydperk van ses maande by die raad in die voorgeskrewe vorm aansoek doen om as 'n opmeter of opmetingstegnikus, na gelang van die geval, geregistreer te word, en die raad moet, behoudens die bepalings van artikel 24 (1), so 'n persoon as 'n opmeter of opmetingstegnikus, na gelang van die geval, registreer en laat sy naam in die toepaslike register inskryf en laat 'n sertifikaat van registrasie in die voorgeskrewe vorm kosteloos aan hom uitreik.”; en
- (b) deur subparagraaf (ii) van paragraaf (b) van subartikel (4) deur die volgende subparagraaf te vervang:
- “(ii) om sy nering in enige deel van die Republiek te beoefen maar slegs onder die persoonlike toesig van die professionele landmeter, opmeter of die ander geskikte gekwalifiseerde persoon wat voorgeskryf word: Met dien verstande dat die bepalings van hierdie subparagraaf met betrekking tot persoonlike toesig, behoudens die voorwaardes wat die raad bepaal, nie van toepassing is nie ten opsigte van iemand wat binne **[een]** twee jaar of dié verdere tydperk wat die Minister, na oorleg met die raad, by kennisgewing in die *Staatskoerant* bepaal, vanaf die inwerkingtreding van hierdie Wet bewyse aan die raad voorlê dat hy opmetingswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is, vir 'n tydperk wat die raad voldoende ag, sonder toesig verrig het; en”.

Vervanging van
artikel 40 van
Wet 40 van 1984.

5. Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang:

“Uitleg van
Wet 22 van
1904 van
Kaap die
Goeie Hoop.

40. Die ‘Institute of Government Land Surveyors’ Incorporation Act, 1904’ (Wet No. 22 van 1904), van die Kaap die Goeie Hoop, word uitgelê asof dit te alle tersaaklike tye voor die herroeping daarvan deur artikel 6 van die Wysigingswet op Professionele Landmeters en Tegniëse Opmeters, 1986, voorsiening gemaak het vir die instelling van twee regsper- sone met die name—
- (a) die Instituut van Professionele Landmeters van die Oostelike Kaap, wat professionele landmeters verteenwoordig wat in die gebied praktiseer waaruit die regsgebied van die Oos-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika op die datum van inwerkingtreding van hierdie Wet bestaan; en
- (b) die Instituut van Professionele Landmeters van die Westelike Kaap, wat professionele landmeters verteenwoordig wat in enige ander deel van die provinsie van die Kaap die Goeie Hoop as die gebied in paragraaf (a) vermeld, praktiseer, waarop die bepalings van genoemde Wet, behalwe artikel 1 daarvan, dienooreenkomstig van toepassing **[is]** was asof genoemde artikel 1 vir die instelling van genoemde twee Institute voorsiening gemaak het.”.

PROFESSIONAL LAND SURVEYORS' AND TECHNICAL
SURVEYORS' AMENDMENT ACT, 1986

Act No. 37, 1986

may, within one year from the commencement of this Act and who within two years or such further period as

the Minister, after consultation with the council, may determine by notice in the *Gazette*, after the commencement of this Act applies to the Chief Director to carry out a trial survey contemplated in subsection (1) (a) (iii) or (b) (iii), and who carries out that survey to the satisfaction of the Chief Director within the period determined by him, and who within six months after the Chief Director has indicated in writing that such survey has been so carried out, complies with the requirements contemplated in subsection (1) (a) (iv) or (b) (iv), may before the expiry of the said period of six months apply in the prescribed form to the council to be registered as a surveyor or a survey technician, as the case may be, and the council shall, subject to the provisions of section 24 (1), register any such person as a surveyor or a survey technician, as the case may be, and cause his name to be entered in the appropriate register and a certificate of registration in the prescribed form to be issued to him free of charge.”; and

(b) by the substitution for subparagraph (ii) of paragraph (b) of subsection (4) of the following subparagraph:

“(ii) to carry on his calling in any part of the Republic but only under the personal supervision of such professional land surveyor, surveyor or other suitably qualified person as may be prescribed: Provided that the provisions of this subparagraph relating to personal supervision shall, subject to such conditions as the council may determine, not apply in respect of any person who, within [one year] two years or such further period as the Minister, after consultation with the council, may determine by notice in the *Gazette*, from the commencement of this Act, submits to the council proof that he has, unsupervised, performed for such period as the council may deem sufficient, survey work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and”.

5. The following section is hereby substituted for section 40 of the principal Act:

Substitution of
section 40 of
Act 40 of 1984.

“Construction of Act 22 of 1904 of Cape of Good Hope.

40. The Institute of Government Land Surveyors' Incorporation Act, 1904 (Act No. 22 of 1904), of the Cape of Good Hope, shall be construed as if it had at all relevant times before the repeal thereof by section 6 of the Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1986, provided for the establishment of two juristic persons under the names of—

- (a) the Institute of Professional Land Surveyors of the Eastern Cape, representing professional land surveyors practising within the area consisting of the area of jurisdiction of the Eastern Cape Division of the Supreme Court of South Africa on the date of commencement of this Act; and
- (b) the Institute of Professional Land Surveyors of the Western Cape, representing professional land surveyors practising within any part of the province of the Cape of Good Hope other than the area mentioned in paragraph (a),

to which the provisions of the said Act, except section 1 thereof, accordingly [apply] applied as if the said section 1 had provided for the establishment of the said two Institutes.”.

