

THE LAND SURVEYORS REGISTRATION BILL, 2021

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THE LAND SURVEYORS REGISTRATION BILL, 2021

A Bill for

AN ACT of Parliament to provide for the training, registration, licensing and regulation of land surveyors and for connected purposes.

ENACTED by the Parliament of Kenya as follows—

	PART I – PRELIMINARY
Short title.	1. This Act may be cited as the Land Surveyors Registration Act, 2021.
Interpretation.	2. In this Act, unless the context otherwise requires—
	“Board” means the Land Surveyors’ Board established under section 3 ;
	“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to land surveying and mapping;
	“cadastral survey” means land surveys leading to the registration of interest in land;
	“category” means consulting land surveyor, land surveyor, graduate land surveyor or land survey technician;
	“consulting land surveyor” means a Land Surveyor registered as such under section 23 of this Act;
	“consulting land surveying services” includes consultancy and advisory services in Land Surveying as defined in Section 2 of the Land Surveying and Mapping Act, 2021;

	“County Director of Surveys” refers to an office established within the County Public Service in accordance with the Land Surveying and Mapping Act, 2021;
	“graduate land surveyor” means a person accredited as such under section 19 of this Act;
	“land” has the meaning assigned to it under Article 260 of the Constitution of Kenya, 2010;
	“land surveying” has the meaning assigned to it under section 2 of the Land Surveying and Mapping Act, 2021;
	“land surveyor” means a person registered as such under section 21 of this Act and who holds a valid license;
	“land surveying firm” means a land surveying firm registered under this Act;
	“land survey technician” means a person accredited as such under section 17 of this Act;
	“licence” means annual practicing certificate issued under section 4 ;
	“register” means the register of Land Surveyors kept in accordance with section 7 of this Act;
	“registrar” means the Registrar of the Board appointed under section 13 of this Act;
	“Surveyor-General” means the Surveyor General appointed under section 3 of the Land Surveying and Mapping Act, 2021;
	PART II – THE LAND SURVEYORS’ BOARD

The Land Surveyors Registration Bill, 2021

Establishment of Board.	<p>3. (1) There is established a board, to be known as the Land Surveyors Board.</p>
	<p>(2) The Board shall be a body corporate with perpetual succession, and a common seal and shall in its corporate name, be capable of—</p> <ul style="list-style-type: none"> (a) suing and being sued; (b) taking, purchasing or otherwise acquiring, holding and disposing of movable and immovable property; (c) borrowing money; (d) entering into contracts; and (e) doing or performing all such other things or acts necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.
Headquarters.	4. The headquarters of the Board shall be in Nairobi.
Membership of the Board.	<p>5.(1) The Board shall consist of—</p> <ul style="list-style-type: none"> (a) A chairperson who is a Land Surveyor in private practice appointed by the President (b) the Surveyor-General; (c) Four land surveyors appointed by the Cabinet Secretary, of whom— <ul style="list-style-type: none"> (i) one shall be nominated by the Cabinet Secretary for the time being responsible for infrastructure; (ii) one shall be nominated by the Council of Governors;

	<p>(iii) one shall be nominated by the Cabinet Secretary for the time being responsible for education from universities accredited to offer degrees in land surveying recognized under this Act; and</p> <p>(iv) one shall be nominated by the National Land Commission;</p>
	<p>(d) four land surveyors in private practice with not less than 10 years post qualification experience nominated by the Institution of Surveyors of Kenya and appointed by the Cabinet Secretary;</p>
	<p>(e) one person nominated by the Cabinet Secretary in the Ministry for the time being responsible for matters relating to finance</p>
	<p>(f) The Registrar who shall be the Chief Executive Officer and an <i>ex officio</i> member of the Board.</p>
	<p>(2) The members of the Board under subsection (1)(a), (d) and (f) shall be appointed by notice in the Gazette.</p>
	<p>(3) The members of the Board appointed under subsection (1)(a), (d) and (f) shall serve for a term of three years and shall be eligible for re-appointment for one term of three years.</p>
	<p>(4) Notwithstanding subsection (3), the members appointed under subsection (1)(f) shall hold office for a term of three years but two shall retire after the first term and subsequently the longest serving members in the Board who shall have completed two consecutive terms shall retire and shall not be eligible for re-appointment.</p>

Vacancy in the Board.	<p>6. A member, other than an <i>ex-officio</i> member of the Board may at any time —</p>
	(a) resign from office by notice, in writing, to the Cabinet Secretary;
	(b) be removed from office by the Cabinet Secretary on recommendation of the Board if that member—
	<p>(i) has been absent from three consecutive meetings of the Board without the permission of the chairperson;</p> <p>(ii) is convicted of a criminal offence and sentenced to imprisonment for a term of six months or more without an option of a fine;</p> <p>(iii) becomes, for any reason including infirmity, incompetent or incapable of performing the functions of the office;</p> <p>(iv) ceases to be a Land Surveyor under this Act; or</p> <p>(v) is otherwise unable or unfit to discharge his functions.</p>
Functions of the Board.	<p>7. The Board shall—</p>
	(a) register land surveyors;
	(b) conduct the examination of candidates for admission as Land Surveyors in accordance with the provisions of this Act;
	(c) licence land surveyors;

	<ul style="list-style-type: none">(d) hear and determine appeals from candidates with regard to examination matters;(e) keep and maintain a Register of land surveyors and accredited firms in both manual and electronic form;(f) enter and inspect survey business premises for verification of registration status of the practitioners(g) take disciplinary proceedings against land surveyors for any form of misconduct in accordance with the provisions of this Act:(h) hear and determine complaints against a land surveyor;(i) Hear and determine disputes between land Surveyors and any office established under this Act.(j) In collaboration with the relevant authorities, accredit land surveying programmes in private and public universities and other tertiary institutions offering courses in land surveying and mapping;(k) keep and maintain a register of accredited training institutions;(l) assess, approve or reject qualifications obtained from foreign institutions offering land surveying courses;(m) oversee continuing professional training and development for land surveyors;(n) oversee internship of graduate land surveyors and land survey technicians;
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	<ul style="list-style-type: none"> (o) determine the scale of fees to be charged for professional land surveying and mapping services rendered; (p) determine and define disciplines of land surveying recognized under this Act; (q) develop and enforce a code of conduct for land surveyors; and (r) advice the Surveyor General on all matters relating to the practice of land surveying and mapping; (s) carry out such other functions related to the implementation of this Act.
Powers of the Board.	<p>8.(1) The Board shall have all the powers necessary for the execution of its functions under this Act.</p>
	<p>(2) Without prejudice to the generality of subsection (1), the Board shall have powers to—</p>
	<ul style="list-style-type: none"> (a) control, supervise and administer all assets of the board in such manner and for such purpose as best promotes the purpose of its establishment; (b) manage the funds of the Board, including its reserves; (c) open bank accounts for the funds of the Board; (d) engage staff, on terms and conditions, as it may consider necessary for performance of its functions, including establishing retirement benefits funds and medical funds for them and making contributions to those funds for their benefit;

	<p>(e) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;</p> <p>(f) invest any moneys of the Board not immediately required in furtherance of its objects;</p> <p>(g) collaborate with land surveying and mapping training institutions, professional associations, land surveying and mapping organizations and other relevant bodies in matters relating to training and professional development of land surveyors;</p> <p>(h) undertake any other activity that may be necessary for the fulfilment of any of its functions under this Act.</p>
Committees of the Board.	<p>9.(1) The Board may establish committees consisting of members of the Board to deal with such matters as the Board may specify.</p>
	<p>(2) The Board may co-opt any person with appropriate knowledge and skills to be a member of any committee established under subsection (1) provided that such co-opted members shall not be more than one third of the committee and shall not chair the committees.</p>
	<p>(3) The decisions by the committees established under subsection (1) shall be ratified by the Board before implementation.</p>

Delegation by the Board.	<p>10. Subject to this Act the Board may by resolution either generally or in any particular case delegate to any committee of the board, or to any member, officer, employee or agent of the Board the exercise of any of the functions or duties of the Board under this Act:</p> <p>Provided that no such delegation shall be deemed to divest the Board of all or any of its powers, duties or functions.</p>
Conduct of business and affairs of the Board.	<p>11.(1) The conduct and regulation of the business and affairs of the Board shall be as provided for in the First Schedule.</p>
	<p>(2) Subject to the First Schedule, the Board shall regulate its own procedures.</p>
Remuneration of Board members.	<p>12. The Board shall pay its members such remuneration, fees or allowances for expenses as it may determine after consultation in writing with the Cabinet Secretary and on the written advice of the Salaries and Remuneration Commission.</p>
The Registrar.	<p>13. There shall be a Registrar of the Board, who shall be appointed by the Board, in consultation with the Cabinet Secretary, on such terms and conditions of service as the Board shall specify, in writing in the instrument of appointment.</p>
	<p>(2) A person is qualified for appointment as the Registrar if that person—</p>
	<p>(a) is registered as a land surveyor under this Act;</p> <p>(b) has at least a Bachelor’s degree in land surveying from a university recognized by the Board;</p>

	<p>(c) has knowledge, competence and at least ten years' experience in matters relating to land surveying;</p> <p>(d) has at least five years' experience in senior management in the public or private sector; and</p> <p>(e) meets the requirements of Chapter Six of the Constitution.</p>
	<p>(3) The Registrar shall be the Chief Executive Officer of the Board and shall, subject to the direction of the Board, be responsible for the day to day management of the Board and an <i>ex-officio</i> member of the Board with no right to vote at any meetings of the Board.</p>
<p>Functions of the Registrar.</p>	<p>14. The Registrar shall—</p>
	<p>(a) maintain the Register of all persons registered in accordance with this Act;</p> <p>(b) issue certificates of registration and licences as directed by the Board;</p> <p>(c) keep all documents and records including records of all assets of the Board;</p> <p>(d) prepare all documents due for publication in the <i>Gazette</i> as directed by the Board;</p> <p>(e) implement decisions of the Board;</p> <p>(f) keep the seal of the Board in such custody as the Board may direct;</p> <p>(g) be responsible for the overall direction of the staff of the Board;</p>

	<p>(h) manage the budget of the Board to ensure that its funds are properly expended and accounted for;</p> <p>(i) perform such other functions as the Board may determine from time to time.</p>
Corporation Secretary.	<p>15.(1) The Board shall competitively recruit a person qualified, in terms of the law governing the practice of public secretaries in Kenya, to serve as the Secretary to the Board.</p>
	<p>(2) The Secretary to the Board shall be responsible for arranging the business and meetings of the Board, the keeping of records of the Board's meetings, the keeping of the records of the proceedings of the Board, and perform such other duties as the Board may direct.</p>
Staff.	<p>16. The Board may employ such other officers, staff or agents as it considers necessary for the discharge of its functions and duties under this Act, upon such terms and conditions as the Board may determine, in consultation with the relevant Government agencies.</p>
<p>PART III—PROVISIONS RELATING TO REGISTRATION</p>	
Qualifications for accreditation as a land survey technician.	<p>17. A person shall be eligible for accreditation under this Act as a land survey technician if that person—</p>
	<p>(a) holds a diploma in Land Surveying or its equivalent from a recognized institution or such other qualifications as the Board may determine;</p> <p>(b) is a citizen or a permanent resident of Kenya; and</p>

	(c) is a technician member of the Institution of Surveyors of Kenya.
Application for accreditation as a land survey technician.	18.(1) A person eligible for accreditation as a land survey technician under this Act shall apply to the Board for accreditation in a prescribed manner.
	(2) An application made under subsection (1) shall be accompanied with certified copies of the relevant certificates and such other documents as may be necessary to prove qualification for accreditation and pay the prescribed fee.
	(3) All such persons so accredited shall be required to pay an annual prescribed fee as may be prescribed by the Board from time to time.
Qualifications for accreditation as a graduate land surveyor.	19.(1) A person shall be eligible for accreditation under this Act as a graduate land surveyor if that person—
	(a) holds a Bachelor’s degree in land surveying from a university recognized by the Board;
	(b) is a citizen or a permanent resident of Kenya;
	(c) is a Graduate Member of the Institution of Surveyors of Kenya; and
	(d) meets such other qualifications as the Board may determine.

Application for accreditation as graduate land surveyor.	<p>20.(1) A person eligible for accreditation as a graduate land surveyor shall apply to the Board in the prescribed manner.</p>
	<p>(2) An application under subsection (1) shall be accompanied with certified copies of the relevant certificates and such other documents as may be necessary to prove qualification for accreditation and the prescribed fee.</p>
	<p>(3) A person accredited shall be required to pay such annual fee as may be prescribed by the Board from time to time.</p>
Qualifications for registration as a land surveyor.	<p>21. A person shall be eligible for registration as a land surveyor, if that person—</p>
	<p>(a) is a citizen or a permanent resident of Kenya;</p> <p>(b) is a holder of a Bachelor’s degree in land surveying from a university recognized by the Board;</p> <p>(c) has at least two years practical experience as an accredited Graduate Land Surveyor under a land surveyor;</p> <p>(d) is a Full Member of the Institution of Surveyors of Kenya or is registered to practice as a Land Surveyor in any country which the Board may, by notice in the Gazette, approve; and</p> <p>(e) has passed the Land Law Exam administered by the Board and any other examinations that may be prescribed by the Board.</p>

<p>Application for registration as a land surveyor.</p>	<p>22.(1) A person eligible for registration under this Act as a land surveyor shall apply to the Board in the prescribed manner.</p>
	<p>(2) An application made under subsection (1) shall be accompanied by certified copies of the relevant certificates and such other documents as may be necessary to prove qualification for registration and the prescribed fee.</p>
	<p>(3) An applicant who meets the requirements of section 21 shall be registered and issued with a certificate of registration as a land surveyor.</p>
<p>Qualification for Registration as a consulting land surveyor.</p>	<p>23. A person shall be eligible for registration as a consulting land surveyor, if that person—</p>
	<p>(a) is a land surveyor;</p> <p>(b) has at least ten years post registration experience in a land surveying discipline recognized under this Act; and</p> <p>(c) has achieved a standard of competence in a relevant land surveying discipline as may be determined by the Board.</p>
<p>Application for registration as a consulting land surveyor.</p>	<p>24.(1) A person eligible for registration as a Consulting Land Surveyor under this Act shall apply to the Board for registration in the prescribed manner.</p>
	<p>(2) An application under subsection (1) shall be accompanied with certified copies of the certificates and such other documents as are necessary to prove qualification for registration and the prescribed fee.</p>

<p>Registration of a foreigner as a land surveyor.</p>	<p>25. A foreign person shall not be registered as a land surveyor unless that person—</p> <ul style="list-style-type: none"> (a) is a holder of a license to practice as a land surveyor in any country which the Cabinet Secretary on the advice of the Board may, by notice in the Gazette, approve or is a holder of the qualification of Fellow or Professional Associate of the Royal Institute of Chartered Surveyors in subdivision V (Land Surveying); (b) satisfies the Board that he or she has proven experience in land surveying; (c) satisfies the Board that he or she is capable of conducting land surveying in accordance with the provisions of this Land Surveying and Mapping Act, 2021; (d) is a member of a relevant professional body recognized by the Board; and (e) is a resident of Kenya with a valid working permit.
<p>Application for registration of a foreigner as a land surveyor.</p>	<p>26.(1) A foreign person who is eligible for registration as land surveyor under this Act shall apply to the Board in the prescribed manner and form.</p>
	<p>(2) An application made under subsection (1) shall be accompanied with certified copies of the relevant certificates and such other documents as may be prescribed by the Board to prove qualification for registration and the prescribed fee.</p> <p>(3) A foreign person who fails to register with the Board to practice as a Land Surveyor commits an offence and is liable on conviction to a fine not exceeding one million Kenya Shillings or</p>

	imprisonment for a term not exceeding six months or both.
Temporary registration.	27.(1) A foreign person may be considered for temporary registration as a land surveyor if that person satisfies the Board that the person—
	<p>(a) is not ordinarily resident in Kenya;</p> <p>(b) intends to be present in Kenya in the capacity of a Land Surveyor for the express purpose of carrying out specific land survey work;</p> <p>(c) has met the requirements of section 25.</p>
	(2) An application for registration under this section shall be in the prescribed manner and shall be accompanied by the prescribed fee.
	(3) The Board may, while in the process of considering an application under subsection (2) require an applicant to appear before it and require the applicant to produce documentary evidence of the applicant’s work or employment immediately prior to entering in Kenya.
	(4) The registration of a person under this section shall be valid for a period of one year renewable subject to the duration of the work.
	(5) Where the expertise skills of the applicant are not available in Kenya, the Board shall notify the applicant and require the applicant to provide an undertaking that the applicant shall work in partnership with a land surveyor so as to fill the skills gap.
	(6) Subject to subsection (4), the Board may approve temporary registration for a period not exceeding one calendar year.

Registration of a land surveying firm.	28. Subject to the provisions of this Act, a person may register a land surveying firm if—
	(a) in the case of a sole proprietorship—
	<ul style="list-style-type: none"> (i) that person is a Citizen or Permanent Resident of Kenya; (ii) that person is a land surveyor; and (iii) the firm has a certificate of registration of a business name or a certificate of incorporation; or
	(b) in the case of a partnership—
	<ul style="list-style-type: none"> (i) all the partners are land surveyors with valid practicing certificates; (ii) the partners are citizens or permanent residents of Kenya; and (iii) the firm has a certificate of registration of a business name or a certificate of incorporation.
Application for registration of a land surveying firm.	29.(1) A person who wishes to register a land surveying firm under this Act shall apply to the Board in the prescribed form and pay the prescribed fee.
	(2) An application made under subsection (1) shall be accompanied by—
	<ul style="list-style-type: none"> (a) such documents as are necessary to prove qualification for registration; (b) the firm's profile of activities;

	<p>(c) the curriculum vitae of partners or directors; and</p> <p>(d) a written commitment that the Board shall be allowed to verify the suitability of the firm for the purposes of registration.</p>
	<p>(3) The Board may require the applicant to furnish such further information or evidence of eligibility for registration as it may consider necessary and may require the applicant(s) to appear in person for an interview before the Board.</p>
	<p>(4) The Board may register a land surveying firm as a consulting land surveying firm if at least one of the directors is a consulting land surveyor.</p>
Effect of registration.	<p>30.(1) A person whose name has been entered in the Register as a land surveyor or consulting land surveyor shall—</p>
	<p>(a) for as long as the name of the person remains in the Register, be entitled to adopt and use the style and title 'Land Surveyor' or 'Consulting Land Surveyor' or 'surveyor' after or before their name or such contraction thereof as the Board may, from time to time, approve; and</p> <p>(b) subject to the provisions of the Land Surveying and Mapping Act, 2021, offer their professional land surveying and mapping services to the public for gain or reward or by way of trade or for employment.</p>
	<p>(2) land surveyors or consulting land surveyors shall have the sole discretion of using the title 'surveyor' or 'land surveyor' or 'consulting land surveyor' before their names.</p>

	<p>(3) A person, who is not registered as a land surveyor or a consulting land surveyor under this Act, who uses the title “land surveyor” or “consulting land surveyor” or surveyor before or after their names commits an offence.</p>
Register.	<p>31.(1) The Registrar shall keep and maintain a Register of Land Surveyors, accredited persons and land surveying firms registered under this Act in such manner as the Board may prescribe.</p>
	<p>(2) The Register shall show the following details against the name of a person or firm whose name is entered in the Register—</p>
	<ul style="list-style-type: none"> (a) date of entry; (b) address; (c) qualifications; (d) category of registration; (e) surveying discipline; (f) nationality; and (g) such other particulars as the Board may, from time to time, direct.
	<p>(3) A person may inspect the Register and obtain from the Registrar a copy of or an extract from the Register subject to Access to information Act, on payment of a prescribed fee.</p>
Alteration of the Register.	<p>32.(1) The Registrar shall, from time to time, make changes or corrections in the Register relating to any entry on recommendation of the Board.</p>
	<p>(2) Any changes or corrections in the entries made under this section shall be made by the Registrar as</p>

	soon as it is practical after receipt of notification thereof but not later than fourteen days upon notification.
Removal of persons from the Register.	33. The Registrar shall remove from the Register as directed by the Board—
	(a) the name of any person—
	<ul style="list-style-type: none"> (i) found to be of unsound mind; (ii) convicted of an offence under this Act; (iii) whose name the Board has, under section 34 of this Act directed that it should be removed from the Register; (iv) declared bankrupt; (v) who causes or permits or suffers any sole proprietorship, partnership or body corporate in which he is a sole proprietor, partner, director or shareholder to practice prior to its registration as a land surveying firm or after the Board has suspended or cancelled its registration; (vi) who has failed within a period of six months from the date of an inquiry sent by the Registrar by prepaid registered letter to the last known address appearing in the Register against his name, to respond to an inquiry of the Board; or (vii) who requests that his name be removed from the Register, in which case that person may be required to satisfy the Board by way of an affidavit lodged with the Board that criminal proceedings under this Act are not being or to the best of his knowledge are not likely to be taken against him;

	<p>(b) any person whose name has been fraudulently entered; and</p> <p>(c) a firm which has ceased to practice or wound up by a court order.</p>
<p>Reinstatement of license and termination of suspension.</p>	<p>34. Where an order has been made by the Board or court 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, reinstate the licence and cause the name of that person to be restored to the register, or, as the case may be, terminate the suspension of the existing licence and registration, either without fee or on payment of such fee, not exceeding the licence fee, as the Board may determine.</p>
<p>Publication of Registration.</p>	<p>35.(1) The Registrar shall cause to be published in the <i>Gazette</i> not later than the 31st day of March of every calendar year, particulars of all compliant land surveyors, consulting land surveyors and registered land surveying firms.</p>
	<p>(2) A publication made under this section shall be <i>prima facie</i> evidence that a person or firm named therein is registered under this Act and the deletion from the register of the name of any person or firm notified by such publication, or the absence of the name of any person or firm from such publication, shall be <i>prima facie</i> evidence that such person or firm is not so registered.</p>
	<p>(3) A person or a firm whose details have not been entered, or erroneously entered into the Register, shall notify the Registrar within thirty days from the date of publication of particulars of registration in the <i>Gazette</i> pursuant to subsection (1), for the necessary correction or amendment to be made, upon which the</p>

	Registrar shall publish in the <i>Gazette</i> the corrected or amended particulars with respect to that person or firm within twenty one days from date of notification.
Publication of notice of grant, revocation or suspension of license.	36. The Registrar shall publish a notice of the grant, revocation or suspension of any license, or of the termination of the suspension thereof, under this Part in the <i>Gazette</i> and in at least two newspapers with a nationwide circulation.
	PART IV – PROVISIONS RELATING TO LICENSING AND PRACTICE
Practicing License.	37. (1) A person qualifies to be licensed by the Board when such person—
	<ul style="list-style-type: none"> (a) is registered as a land surveyor; (b) has paid the prescribed annual fee as may be determined by the Board from time to time; (c) has obtained a certificate of good standing from the Institution of Surveyors of Kenya; and (d) has complied with the provisions of this Act.
	(2) The Board shall issue a licence to an applicant who meets the requirement of subsection (1) in the prescribed form upon the payment of the prescribed fee.
	(3) A licence issued under subsection (2) shall be in the prescribed form, bear the date on which it is issued and shall expire on the 31 st December in each year.
	(4) The Registrar shall enter a note of the date of issue of every licence on the register.

	(5) Anyone who practices as a Land Surveyor without a licence commits an offence under this Act commits an offence, and is liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.
Renewal of a practicing licence.	38. The Board shall renew the licence of a person who meets the requirements of section 37 .
	PART V – COMPLAINTS AND DISCIPLINE BY THE BOARD
Complaints and disciplinary proceedings by the Board.	39.(1) A person who being dissatisfied with any land surveying and mapping services offered or alleging a breach of the standards of conduct, specified by the Board from time to time, by a land surveyor under this Act, may make, in a prescribed manner, a written complaint to the Board.
	(2) The Board shall establish an <i>ad hoc</i> committee to hear and determine any disciplinary matters against a land surveyor licensed under this Act.
	(3) The Board shall afford the person whose conduct is being inquired into an opportunity to being heard, either in person or by a legal representative during an inquiry held by the Board under subsection (1).
	(4) 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 regulations made under this Act, enforce the attendance of persons as witnesses and the production of books and documents as evidence.
	(5) Any person who, having been summoned by the Board to attend before it, fails so to attend, or fails to produce any books or documents which he is

	required to produce, shall be guilty of an offence and liable to a fine not exceeding two hundred thousand shillings or to twelve months imprisonment or to both such imprisonment and fine.
	(6) Subject to this section and rules of procedure made under this Act, the Board may regulate its own procedure in disciplinary proceedings.
	(7) Where, after an inquiry under subsection 6, the Board determines that a land surveyor licensed under this Act is —
	<p>(a) guilty of professional misconduct; or</p> <p>(b) convicted of a criminal offence under this Act, the commission of which, in the opinion of the Board, has dishonored the land surveyor in the public estimation; or</p> <p>(c) guilty of negligence or malpractice in respect of his/her profession; or</p> <p>(d) guilty of impropriety or misconduct in respect of the profession; or</p> <p>(e) found by the Board to be unfit to practice.</p> <p>the Board may—</p>
	<p>(i) reprimand such land surveyor; or</p> <p>(ii) cancel the practicing licence of such land surveyor; or</p> <p>(iii) suspend such person's registration for a period not exceeding two years; or</p> <p>(iv) impose a fine, for a land surveyor, not exceeding two hundred and fifty</p>

	<p>thousand shillings and, for a land surveying firm, a fine of three million shillings; or</p> <p>(v) Deregister such Land Surveyor.</p>
	<p>(8) A person whose name has been removed from the Register or whose licence has been cancelled or suspended under the provisions of this Act shall—</p>
	<p>(a) surrender their certificate of registration or the licence to the Registrar; and</p> <p>(b) Not engage in any land survey practice.</p>
	<p>(9) A person who fails to surrender the licence as required under subsection (8)(a) commits an offence and is liable on conviction, in case of a natural person, to a fine of fifty thousand shillings and, in case of a legal person, to a fine of one hundred thousand shillings.</p>
	<p>(10) The power to direct the removal of the name of a person from the Register or to cancel that person's licence shall include the power exercisable in the same manner to direct that during such period as may be specified in the order, the registration of that person's name in the Register or the licence issued to the person shall not have effect.</p>
	<p>(11) The provisions of this section, in so far as they relate to cancellation or suspension of licences, shall be in addition to and not in derogation of the provisions of section 33.</p>
	<p>(12) Despite any other provisions in this Act, the Board shall not remove the name of a person from the Register, or cancel a licence issued to that person unless—</p>

	<p>(a) at least two thirds of the members of the Board so decide;</p> <p>(b) the Board has given the licensee at least twenty one calendar days' notice of its intention to cancel a licence; and</p> <p>(c) it has provided the licensee with an opportunity to make representation to the Board.</p>
Appeal to High Court.	<p>40. Any person aggrieved by a decision of the Board under this Act may, within one month after the date of the decision, appeal to the High Court against the decision, and, on any such appeal, the High Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal.</p>
	<p>PART VI – PROVISIONS RELATING TO OFFENCES AND PENALTIES</p>
False registration or licensing.	<p>41.(1) A person who willingly procures or attempts to procure registration or licensing under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.</p>
	<p>(2) Where a company or a firm is found liable for having procured registration fraudulently, such a company or firm shall be liable to a fine not exceeding one million shillings.</p>
	<p>(3) The Registrar shall remove from the Register the name of any person registered or licensed under</p>

	<p>this Act who is convicted of an offence under this section and cancel the licence held.</p>
Professional misconduct.	<p>42. A land surveyor licensed under this Act commits professional misconduct if that person—</p>
	<ul style="list-style-type: none"> (a) deliberately fails to follow the standards of conduct and practice of the Land Surveying profession set by the Board; (b) commits gross negligence in the conduct of his/her professional duties; (c) charges below the prescribed scale of fees specified in this Act; (e) allows another person to practise in their name, where that person—
	<ul style="list-style-type: none"> (i) is not a holder of a licence; (ii) is not in partnership with them; (iii) takes advantage of a client by abusing position of trust, expertise or authority; (iv) lacks regard or concern for client’s needs or rights; or (iv) shows incompetence or inability to render professional land surveying services.
Offences by persons or training institutions.	<p>43. A person who, being in charge of a training institution which is not recognized by the Board as an institution offering accredited programs under this Act—</p>
	<ul style="list-style-type: none"> (a) admits to the institution under his charge any person for purposes of training in the land surveying profession;

	<p>(b) purports to be conducting a course of training or examining persons seeking registration under this Act; or</p> <p>(c) issues any document, statement, certificate or seal implying that—</p>
	<p>(i) the holder thereof has undergone a course of instruction or has passed an examination recognized by the Board; and</p> <p>(ii) the institution under the person’s charge is recognized by the Board as an institution for training of person seeking registration,</p>
	<p>commits an offence and is liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years, or to both.</p>
<p>Prohibition for the use of the term.</p>	<p>44.(1) The term “surveyor” and “land surveyor” are protected under this Act and shall only be applied to persons or bodies fulfilling the requirements of this Act.</p>
	<p>(2) A person who, being not registered or licensed under this Act—</p>
	<p>(a) willfully and falsely takes or uses in any way the style or form or title of “surveyor or ‘land surveyor” in describing his/her occupation or his/her business or any other name, style, title, addition or description implying whether in itself or in the circumstances in which it is used, that such person or body or persons is a ‘surveyor or ‘land surveyor; or</p>

	<p>(b) displays any sign, board, card or other device or uses a prescribed stamp or seal representing or implying that the person is a surveyor or land surveyor.</p> <p>commits an offence and liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.</p>
	<p>(3) The Board may, on application, grant exemptions, in accordance with any written International Convention or Treaty ratified by Kenya, to any person or group of persons for the use of the description or use of the term ‘surveyor’ or ‘land surveyor’.</p>
Offences relating to unqualified persons.	45. Any person who—
	<p>(a) fraudulently procures or attempts to have himself or any other person registered as a land surveyor by the Board under this Act; or</p> <p>(b) not being registered or accredited under this Act, falsely pretends to be such, or falsely takes or uses any title or description implying, whether in itself or in the circumstances in which it is taken or used, that such person is registered or accredited or is qualified to practice as such;</p> <p>commits an offence, and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.</p>
Offence relating to a Land Surveyor allowing unqualified persons to practice.	46. A Land Surveyor who allows an unqualified person to perform any land surveys commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand shillings

	or to imprisonment for a term not exceeding three months or to both.
Prohibition of employment of unregistered persons.	46. (1) A person shall not employ or continue to employ any person to offer land surveying and mapping services or works if that person is not registered or accredited under this Act.
	(2) A person shall not take up or continue in any employment as a land surveyor or consulting land surveyor unless that person is registered as a land surveyor or consulting land surveyor.
	(3) A person shall not employ or engage a graduate land surveyor or a land survey technician in any work or professional land surveying or mapping services or works unless that graduate land surveyor or land survey technician is accredited in accordance with this Act and is under the supervision of a land surveyor.
	(4) A person who contravenes any provision of this section commits an offence and liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.
Restriction of the right to submit documents.	47. (1) A person who is not licensed as a land surveyor or firm shall not be entitled to submit plans, surveys, drawings, schemes, proposals, reports, designs or studies to any person or authority in Kenya.
	(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.

Obstruction of officers of the Board.	48. A person who obstructs or hinders, or knowingly makes a false or misleading statement to any member, officer, servant or agent of the Board who is carrying out duties under this Act, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.
Offences by body corporates or firms.	49. Section 23 of the Penal Code shall apply where an offence under this Act is committed by a partnership, firm or incorporated body.
PART VII – FINANCIAL PROVISIONS	
Financial year.	50. The financial year of the Board shall be the period of twelve months ending on the thirtieth of June in each year.
Funds of the Board.	51. The funds and resources of the Board shall consist of—
	<ul style="list-style-type: none"> (a) monies appropriated by Parliament for the purposes of the Board; (b) funds accruing from investments made by the Board; (c) grants, loans, gifts or donations from the Government or any other source; (d) licence fees charged in accordance with this Act; (e) revenue earned from the activities of the Board under this Act; (f) any monies accruing to the Board in the performance of its functions under this Act.

Investment of funds. No. 18 of 2012.	52. Any funds of the Board not immediately required for any purpose under this Act may be invested in line with the Public Finance Management Act, 2012.
Annual estimates. No. 18 of 2012.	53. The annual estimates of the Board shall be prepared in accordance with the Public Finance Management Act, 2012.
Accounts and audit.	54. (1) The Board shall cause to be kept all proper audit books and records of accounts of the income, expenditure, assets and liabilities of the Board.
No. 18 of 2012 No. 34 of 2015	(2) The accounts of the Board shall be audited and reported upon in accordance with the Public Finance Management Act, 2012 and the Public Audit Act, 2015.
Charges and fees.	55. (1)The Board shall prescribe any fees required to be prescribed under this Act from time to time. (2) The fees prescribed by the Board shall be published in the <i>Gazette</i> .
Annual report.	56. The Board shall, not more than ninety days after the end of each financial year, submit to the Cabinet Secretary an annual report relating generally with the activities and operations of the Board and such other information as the Cabinet Secretary may request in writing.
PART VIII – MISCELLANEOUS PROVISIONS	
Regulations.	57. The Cabinet Secretary may, in consultation with the Board, make regulations generally for the better carrying into effect the provisions of this Act, and such regulations may—
	(a) provide for the appointment by the Board from amongst its members of sub-

	<p>committees and the co-option of persons thereto;</p> <p>(b) prescribe the form and method of keeping the Register under this Act;</p> <p>(c) prescribe forms, methods and regulations concerning conditions for issuance of licences;</p> <p>(d) prescribe the manner and subject matter of courses pertaining to training and continuing professional development;</p> <p>(e) prescribe the standards and conditions of professional practice for persons registered or licensed under this Act which shall not be limited to conditions of engagement for land surveying and mapping services in projects where Land Surveyors work with other professionals, scales of fees applicable to such engagements, hourly rates applicable for report and advisory work and any other guidelines for ethical professional practice of land surveying;</p> <p>(f) prescribe the registration procedure and any other powers and duties to be assigned to Consulting Land Surveyors;</p> <p>(g) provide for enforcing the attendance of witnesses and the production of books and documents at an inquiry by the Board;</p> <p>(h) prescribe the evidence which shall be produced and the conditions which shall be fulfilled by any person applying for registration or accreditation under this Act;</p> <p>(i) prescribe the method of examination of persons desirous of qualifying for</p>
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	<p>registration and the syllabus of subjects therefor; the fees payable for examination; and the nature and period of previous services or training required;</p> <ul style="list-style-type: none">(j) prescribe what certificates of examination, diplomas, degrees, licences or titles, other than those prescribed by this Act, shall be recognized by the Board for the purpose of exempting a person from passing the whole or any part of any examination of the Board;(k) prescribe the procedure for registration under this Act;(l) prescribe the procedure which shall be followed by the Board in hearing and determining any dispute between a Land Surveyor and his client as to the fees charged by the Land Surveyor;(m) prescribe the procedure which shall be followed by the Board in hearing and determining any dispute between the Surveyor-General and a Land Surveyor as to the application of any regulation in which provision is made for reference to the Board;(n) prescribe the procedure which shall be followed by the Board in hearing and determining any dispute between the Surveyor-General and a Land Surveyor as to the application of any regulation in which provision is made for reference to the Board;(o) prescribe the fees or charges to be paid in respect of the hearing of any dispute by the Board;(p) prescribe the manner in which the attendance of witnesses and the production of books and documents at such an inquiry shall be obtained and enforced;(q) prescribe forms to be used in connection with this Act or fees to be charged under this Act;
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	<p>(r) make regulations to guide the implementation of the code of conduct; and</p> <p>(s) prescribe anything required under this Act to be prescribed.</p>
<p>Transitional provisions.</p>	<p>58.(1) The provisions of the Second Schedule shall, upon the repeal of the Survey Act, Cap 299 have effect with respect to the transfer of the functions, employees, assets and liabilities of Land Surveyors' Board in the Survey Act, Cap 299 [now repealed] to the new Land Surveyors' Board established under this Act and to all matters incidental to such transfer.</p> <p>(2) All persons licensed under the Survey Act, Cap 299 (now repealed) shall be deemed to have been registered under this Act, without having to apply for new registration, and shall enjoy all rights and privileges as provided under this Act.</p> <p>(3) A Practicing License issued under the Survey Act, Cap 299 (now repealed) shall be valid until the end of the year it was issued.</p> <p>(4) A person who was running a land surveying and mapping firm before the enactment of this Act and which does not meet the requirements of section 28 of this Act shall be required to comply with the requirements within one year from the date of commencement of this Act or wind up the operations of the firm if unable to comply with the provisions of the Act within the specified time.</p> <p>(5) A Graduate Land Surveyor who at the time of commencement of this Act, will have attained two years as an Approved Assistant under the Survey Act, Cap 299 (now repealed) will be exempted from the requirement of being accredited by the Board before registration as a Land Surveyor.</p>

FIRST SCHEDULE

[Section 11.]

PROVISIONS RELATING TO MEETINGS OF THE BOARD

1. The Board shall meet not less than four times in every financial year and not more than 4 months shall elapse between the date of one meeting and the next meeting.
2. The chairperson shall within seven days of receipt of an application of at least a majority of the members convene a special meeting of the Board.
3. Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.
4. The quorum at a meeting of the Board shall be two thirds of the members of the Board.
5. The chairperson shall preside at the meetings of the Board and in his absence the vice-chairperson, and in his absence, the members shall elect a chairman from amongst themselves to preside at the meeting.
6. The matters of the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.
7. The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.
8. Except as provided by this Schedule, the Board may regulate its own procedures.
9. The seal of the Board shall be authenticated by the signature of the chairperson and the Registrar and any document required by law to be made under seal and all decisions of the Board shall be authenticated by the chairperson and the Registrar.
10. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practical after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during the consideration of the matter: Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to

participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question. (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

SECOND SCHEDULE
[Section 58.]
TRANSITIONAL PROVISIONS

1. Interpretation

In this Part, unless the context otherwise requires;

“assets” include all property movable or immovable and all estates, easements and rights whether equitable or legal in, over or out of property, choses-in-action, money or goodwill of the former Board whether situated in Kenya or elsewhere;

“former Board” means the Land Surveyors’ Board established under section 7 of the Survey Act (now repealed);

“new Board” means the Land Surveyors’ Board established under this Act;

“inaugural day” means the date of inauguration of the new Board established under this Act, which date shall fall immediately after the commencement of this Act and upon completion of winding up of the affairs of the former Board, on which the new Board shall be declared by the Cabinet Secretary to assume full responsibility of the roles falling within its mandate by virtue of this Act;

“liabilities” means liabilities, debts, charges, duties and obligations of every description, whether present or future, actual or contingent, and whether to be observed or performed in Kenya or elsewhere;

“rights” means all rights, powers, privileges and immunities whether actual, contingent or prospective, whether observed or performed in Kenya or elsewhere;

“Survey of Kenya” means the Survey of Kenya established under the Survey Act (now repealed) and its successor established under the Land Surveying and Mapping Act;

“vesting day” means the day specified by the Cabinet Secretary responsible for Finance under section 7 of this Schedule; and

“vesting order” means the order specified by the Cabinet Secretary responsible for Finance under section 7 of this Schedule.

2. Winding up of former Board

The Board members of the former Board shall remain in office for the purpose of winding up the affairs of the former Board:

Provided that the Cabinet Secretary may by notice in the Gazette dissolve the Board referred to in this subsection upon the completion of the winding up of the affairs of the former Board upto such a time of handing over to the Board constituted under this Act, but not later than 21 days after constitution of the Board.

3. Transfer of functions

On the inaugural date for the new Board, all functions of the former Board shall be deemed to have been transferred or assigned to the new Board.

4. Transfer of rights, powers, etc.

All rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on or enforceable against the Government in respect of the functions of the former Board, shall on the inaugural date be transferred to, vested in, imposed on or be enforceable against the new Board.

5. Directions, orders issued before commencement

All lawful directions, orders, rules, authorizations and other things published, made, given or done by the former Board or subsidiary legislation thereunder, subsisting at the inaugural date shall on and after that day be deemed to have been published, given, made or done by the new Board.

6. Acts or action performed before commencement of this Act

(1) Any legal act or thing done or purported to be made or done or any act or thing omitted to be done on behalf of or in the name of the former Board prior to the inaugural date of the new Board by any person acting in good faith and with due or apparent authority in that behalf shall be deemed to be an act or thing made or done or omitted to be done, as the case may be, by the new Board.

(2) All legal directions, orders, rules, authorization and other things published, made, given or done by the former Board, or subsidiary legislation thereunder subsisting at the inaugural date shall on and after that date be deemed to have been published, given, made or done by the new Board.

7. Transfer of assets and liabilities of the former Board

(1) The Cabinet Secretary responsible for Finance, in consultation with the Cabinet Secretary responsible for Lands, may by notice in the Gazette, specify the date or dates and the manner in which the assets and liabilities of the former Board shall be transferred to and vested in the new Board.

(2) References in this Schedule to assets and liabilities of former Board shall be references to all such assets and liabilities, whether or not capable of being transferred or assigned by the former Board.

(3) A notice under subsection (1) shall specify the assets and liabilities of the former Board which are to be transferred to the new Board.

(4) If, on the inaugural day, any suit, appeal, arbitration or other proceedings of whatever nature and wheresoever instituted in relation to the business of the former Board which is by virtue of this section, transferred to the new

Board, shall not abate, be discontinued or be in any way prejudicially affected by reason of such transfer of the business of the former Board or of anything contained in this Act, and any suit, appeal arbitration or other proceedings shall be continued, and enforced by or against the new Board.

(5) In the case of assets and liabilities arising under any loans which vest in the new Board, the new Board may enter into such arrangements or agreements over such rights and liabilities with the Government or any other third party.

(6) Any assets and liabilities of the former Board which are not to be vested in the new Board shall be disposed of in such manner as the Cabinet Secretary responsible for Finance, in consultation with the Cabinet Secretary responsible for Lands, shall determine.

8. Updating of records

Every public officer having the power or duty to effect or amend any entry in a register relating to the affairs of the former Board, or to issue or amend any certificate upon request made by or on behalf of the former Board, shall do all such things as are by law necessary to give final effect to those affairs in any order made under this Schedule.

9. Records transfer

With effect from the transfer and vesting date, all documents, records and admissions, digital or otherwise, in relation to past and on-going contracts and consultancies' which would, before that date, have been evidence in respect of any matter for or against the former Board shall be deemed to be transferred to the new Board and shall be admissible evidence for or against the new Board.