

A BILL

*i n t i t u l e d*

An Act to amend the Licensed Land Surveyors Act 1958.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title**

1. This Act may be cited as the Licensed Land Surveyors (Amendment) Act 2024.

**New section 1A**

2. The Licensed Land Surveyors Act 1958 [*Act 458*], which is referred to as the “principal Act” in this Act, is amended by inserting after section 1 the following section:

**“Application**

**1A.** This Act shall apply to Peninsular Malaysia and the Federal Territory of Labuan.”.

**Amendment of section 2****3. Section 2 of the principal Act is amended—**

(a) by inserting after the definition of “boundary mark” the following definitions:

‘ “Director General of Survey and Mapping” means the officer performing the duties of the head of the Survey and Mapping Department Malaysia;

“Director of Survey and Mapping” means the officer performing the duties of the head of the Survey and Mapping Department Malaysia at a state;

“geomatics survey” means any survey undertaken for the purposes of production of or in connection with, maps, geomatics survey plans or information using survey-accurate techniques;

“geomatics survey plan” means a plan signed by a licensed land surveyor recording and depicting the work carried out by him on a geomatics survey, or a plan signed by an officer authorized by the Director General of Survey and Mapping to do so recording the work of a Government surveyor on a geomatics survey;’;

(b) by deleting the definition of “Director General of Survey”;

(c) by substituting for the definition of “Government surveyor” the following definition:

‘ “Government surveyor” means any public officer of Malaysia who is authorized by the Director General of Survey and Mapping to undertake any title survey or geomatics survey, and for the purposes of sections 8, 9 and 10 and paragraph 19(a), includes the Director General of Survey and Mapping;’;

(d) in the definition of “Minister”, by substituting for the word “lands” the words “survey and mapping”;

- (e) in the definition of “reciprocating territory”, by deleting the words “within the Commonwealth”;
- (f) in the definition of “Register”, by inserting after the word “kept” the words “and maintained”;
- (g) in the definition of “survey plan”, by substituting for the words “an officer authorized by the Director General of Survey to do so and recording the work of a Government Surveyor” the words “the Director General of Survey and Mapping, the Director of Survey and Mapping or the Deputy Director of Survey and Mapping recording the work of a Government surveyor on a title survey”; and
- (h) in the definition of “title survey”—
  - (i) by renumbering paragraph (a) as paragraph (aa); and
  - (ii) by inserting before paragraph (aa) as renumbered the following paragraph:

“(a) the preparation of a pre-computation plan;”.

#### **Amendment of section 4**

**4.** Section 4 of the principal Act is amended by substituting for subsection (1) the following subsection:

“(1) The Board shall consist of the following persons who are registered under section 9:

- (a) the Director General of Survey and Mapping;
- (b) the Deputy Director General of Survey and Mapping;
- (c) a Director of Survey and Mapping, appointed by the Minister; and
- (d) three licensed land surveyors who are resident and practising in the States of Peninsular Malaysia or the Federal Territory of Labuan, appointed by the Minister.”.

**Amendment of section 5**

5. Subsection 5(1) of the principal Act is amended—

- (a) by substituting for the words “Director General of Survey” the words “Director General of Survey and Mapping”; and
- (b) by substituting for the words “Deputy Director General of Survey” the words “Deputy Director General of Survey and Mapping”.

**Amendment of section 9**

6. Section 9 of the principal Act is amended—

- (a) in subparagraph (1)(b)(ii), by substituting for the words “the Republic of Singapore” the words “the Federal Territory of Labuan”; and
- (b) by inserting after subsection (2) the following subsection:

“(3) Any person who is registered under this section shall be entitled to use the abbreviation “LSr” before his name or in any way in association with his name.”.

**Amendment of section 13**

7. Section 13 of the principal Act is amended—

- (a) in subsection (1), by inserting after the words “title surveys” the words “and geomatics surveys”;
- (b) in subsection (2)—
  - (i) by substituting for the words “Director General of Survey” the words “Director General of Survey and Mapping”; and
  - (ii) by inserting after the words “title survey” the words “and geomatics survey”;

- (c) in subsection (3), by inserting after the words “title surveys” the words “and geomatics surveys”;
- (d) in subsection (4), by inserting after the words “title survey” the words “or geomatics survey”; and
- (e) by substituting for subsection (5) the following subsection:

“(5) For the purpose of obtaining data for a title survey or geomatics survey, a licensed land surveyor may, at all reasonable times be permitted to inspect relevant maps, plans and records of the Survey and Mapping Department Malaysia and to make copies of such information therefrom as he may require without payment of search fees, but he shall not remove any such maps, plans and records from the custody of the Survey and Mapping Department Malaysia and he will be held pecuniarily liable for any damage which he may cause to them while they are under his control.”.

#### **Amendment of section 14**

#### **8. Section 14 of the principal Act is amended—**

- (a) by renumbering the existing section as subsection (1);
- (b) in subsection (1) as renumbered—
  - (i) by substituting for the words “Government Survey Department” the words “Survey and Mapping Department Malaysia”;
  - (ii) by substituting for the words “field books, calculation sheets and survey data with the Survey Department and all such documents shall” the words “survey records and data with the Survey and Mapping Department Malaysia and such survey plan, survey records and data shall”; and

- (iii) by substituting for the words “the Director General of Survey or other officer appointed by him to approve the same on his behalf” the words “the Director General of Survey and Mapping, the Director of Survey and Mapping or the Deputy Director of Survey and Mapping”; and
- (c) by inserting after subsection (1) as renumbered the following subsection:

“(2) On completion of a geomatics survey as may be specified by the Director General of Survey and Mapping, the geomatics survey plan of which is to be lodged with the Survey and Mapping Department Malaysia, the licensed land surveyor who signs the geomatics survey plan thereof shall deposit such plan together with the relevant survey records and data with the Survey and Mapping Department Malaysia and such geomatics survey plan, survey records and data shall become the property of the Government and shall be filed as permanent survey records.”.

#### **Amendment of section 15**

9. Section 15 of the principal Act is amended by substituting for the words “the Director General of Survey or other officer appointed by him to approve survey plans on his behalf” the words “the Director General of Survey and Mapping, the Director of Survey and Mapping or the Deputy Director of Survey and Mapping”.

#### **Amendment of section 16**

10. Section 16 of the principal Act is amended—

(a) in subsection (1)—

- (i) by substituting for the words “Director General of Survey” the words “Director General of Survey and Mapping”; and
- (ii) by inserting after the words “title survey” the words “or geomatics survey”;

(b) in subsection (2)—

- (i) by substituting for the words “The Director General of Survey or other person authorized by him to approve survey plans” the words “The Director General of Survey and Mapping or any Government surveyor so authorized by him”;
- (ii) by inserting after the words “any error made by him” the words “on a title survey or geomatics survey”; and
- (iii) in the proviso—
  - (A) by inserting after the words “relevant survey plan” the words “or geomatics survey plan, as the case may be,”; and
  - (B) by substituting for the words “Survey Department” the words “Survey and Mapping Department Malaysia”;

(c) in subsection (3)—

- (i) by inserting after the words “within the time specified” the words “in the notice referred to in subsection (2)”;
- (ii) by inserting after the words “to correct such error” the words “to the title survey,”; and
- (iii) by substituting for the words “Director General of Survey” the words “Director General of Survey and Mapping, the Director of Survey and Mapping or the Deputy Director of Survey and Mapping”;

(d) in subsection (4), by substituting for the words “the Director General of Survey” the words “the Director General of Survey and Mapping or any Government surveyor so authorized by him”; and

(e) by inserting after subsection (4) the following subsection:

“(5) In the event of such licensed land surveyor refusing or neglecting within the time specified in the notice referred to in subsection (2) to correct such error to the geomatics survey, the Director General of Survey and Mapping or any Government surveyor so authorized by him shall report the facts to the Board for disciplinary action.”

### **Amendment of section 17**

**11.** Section 17 of the principal Act is amended—

- (a) by substituting for the words “the Board may—” the words “the Board may impose any one or any combination of two or more of the following disciplinary punishments:”;
- (b) in paragraph (a), by substituting for the words “strike off” the words “to strike off”;
- (c) in paragraph (b), by substituting for the word “suspend” the words “to suspend”;
- (d) in paragraph (c)—
  - (i) by substituting for the word “impose” the words “to impose”; and
  - (ii) by substituting for the words “five hundred ringgit” the words “one hundred thousand ringgit”; and
- (e) in paragraph (e), by substituting for the word “reprimand” the words “to reprimand”.

**Substitution of section 19**

**12.** The principal Act is amended by substituting for section 19 the following section:

**“Offences**

**19.** Any person who—

- (a) wilfully and falsely pretends, or takes or uses any name or title or abbreviation implying, that he is a licensed land surveyor or a Government surveyor;
- (b) not being a licensed land surveyor or a Government surveyor—
  - (i) undertakes any title survey or geomatics survey including professional consultancy work in connection with a title survey or geomatics survey; or
  - (ii) certifies to the accuracy of any title survey or geomatics survey or signs, certifies or initials any survey plan or geomatics survey plan;
- (c) not being a person acting under the immediate personal direction or supervision of a licensed land surveyor, carries out or undertakes to carry out any work in connection with any title survey or geomatics survey; or
- (d) uses any pre-computation plan, schedule of parcels, or any title survey or geomatics survey related documents, plans or drawings prepared or certified by a licensed land surveyor or a Government surveyor without the authorization of the licensed land surveyor or the Director General of Survey and Mapping, the Director of Survey and Mapping or the Deputy Director of Survey and Mapping, as the case may be,

commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred and fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.”.

**New section 19A**

**13.** The principal Act is amended by inserting after section 19 the following section:

**“Electronic submission of survey records and data and documents**

**19A.** (1) The Director General of Survey and Mapping may, subject to any conditions or specifications as he may determine, allow any survey records and data or any documents required to be submitted or furnished under this Act or regulations made under this Act to the Director General of Survey and Mapping to be submitted or furnished by an electronic medium or by way of an electronic transmission.

(2) The Board may, subject to any conditions or specifications as the Board may determine, allow any documents required to be submitted or furnished under this Act or regulations made under this Act to the Board to be submitted or furnished by an electronic medium or by way of an electronic transmission.

(3) The survey records and data and documents submitted or furnished by an electronic medium or by way of an electronic submission shall be deemed to have been submitted or furnished by a person to the Director General of Survey and Mapping or the Board, as the case may be, when the acknowledgment of receipt of such survey records and data or other documents are transmitted electronically by the Director General of Survey and Mapping or the Board to the person.”.

**Amendment of Schedule**

**14.** The Schedule to the principal Act is amended by substituting for the words “survey and delineate the boundaries of any lands I may be instructed to survey” the words “undertake any title survey or geomatics survey”.

**Transitional provisions**

**15.** (1) On the date of coming into operation of this Act, any person other than a licensed land surveyor or a Government surveyor who is undertaking any geomatics survey shall, within six months from the date of coming into operation of this Act—

(a) apply to the Board to have his name placed upon the Register in accordance with section 9 of the principal Act; and

(b) apply to the Board for a licence to practice as a licensed land surveyor to be issued to him in accordance with section 10 of the principal Act.

(2) Pending the determination of any of the applications referred to in subsection (1), the applicant may continue to undertake his geomatics survey and the Board may impose any conditions as the Board thinks fit in relation to the undertaking of the geomatics survey.

(3) Where any of the applications under subsection (1) is refused, the applicant shall cease to undertake the geomatics survey from the date the applicant is notified of the refusal and the Board may give any directions to the applicant as the Board thinks fit in relation to the cessation of the geomatics survey by the applicant.

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EXPLANATORY STATEMENT

This Bill (“the proposed Act”) seeks to amend the Licensed Land Surveyors Act 1958 (“Act 458”) primarily to bring up to date and enhance the provisions of Act 458 by inserting the provision on application of Act 458 to the Federal Territory of Labuan, by substituting for the terms “Director General of Survey”, “Deputy Director General of Survey”, “Director of Survey” and “Government Survey Department” wherever appearing the terms “Director General of Survey and Mapping”, “Deputy Director General of Survey and Mapping”, “Director of Survey and Mapping” and “Survey and Mapping Department Malaysia” respectively, by introducing provisions relating to geomatics survey, by introducing new offences under Act 458, by allowing electronic submission of survey records and data and any other documents under Act 458 and by providing for consequential or incidental matters.

2. *Clause 1* contains the short title of the proposed Act.
3. *Clause 2* seeks to introduce new section 1A into Act 458 to expressly provide for the application of Act 458 to the Federal Territory of Labuan. At present, Act 458 is applicable to the Federal Territory of Labuan by way of an extension of the Act made under the Federal Territory of Labuan (Extension and Modification of Licenced Land Surveyors Act) Order 2009 [P.U. (A) 456/2009] which comes into operation on 1 January 2010. With the insertion of the new section 1A into Act 458 and other amendments made to the provisions of Act 458 to reflect the application of the Act to the Federal Territory of Labuan, the Federal Territory of Labuan (Extension and Modification of Licenced Land Surveyors Act) Order 2009 will be revoked.
4. *Clause 3* seeks to amend section 2 of Act 458 to introduce new definitions into Act 458 and to amend the existing definitions used in Act 458.
5. *Clause 4* seeks to amend section 4 of Act 458 to clarify that all members of the Land Surveyors Board established under section 3 of Act 458 are persons who are registered under section 9 of Act 458.
6. *Clause 6* seeks to amend section 9 of Act 458 in subparagraph (1)(b)(ii) consequential to the insertion of the new section 1A into Act 458 under *clause 2* on the application of Act 458 to the Federal Territory of Labuan. Besides that, this *clause* also seeks to amend section 9 of Act 458 by inserting new subsection (3) to provide that any person registered under this section shall be entitled to use the abbreviation “LSr” before his name or in any way in association with his name.
7. *Clause 7* seeks to amend section 13 of Act 458 mainly to provide for the powers of a licenced land surveyor in respect of geomatics surveys.
8. *Clause 8* seeks to amend section 14 of Act 458 in subsection (1) to provide that the approval of the survey plan deposited with the Survey and Mapping Department Malaysia upon completion of a title survey shall be given by the Director General of Survey and Mapping, the Director of Survey and Mapping or the Deputy Director of Survey and Mapping. This is to be in line with the provisions of the National Land Code [Act 828]. Apart from that, this *clause* also seeks to introduce new subsection 14(2) into Act 458 to deal with the deposit of a geomatics survey plan with the Survey and Mapping Department Malaysia upon completion of a geomatics survey.
9. *Clause 9* seeks to amend section 15 of Act 458 on approval of title surveys to provide that no title survey or survey plan shall be accepted or adopted for the purpose of any written law unless it has been approved by the Director General of Survey and Mapping, the Director of Survey and Mapping or Deputy Director of Survey and Mapping.

10. *Clause 10* seeks to amend section 16 of Act 458 mainly to provide for the correction of errors made by a licensed land surveyor on a geomatics survey and the effects of refusal or neglect by the licensed land surveyor to correct such errors to the geomatics survey. Besides that, amendment is also made to the existing provision on correction of errors on the title surveys to provide that not only the Director General of Survey and Mapping but the Director of Survey and Mapping and the Deputy Director of Survey and Mapping may also undertake the correction of the title surveys departmentally in the event that any licensed land surveyor refuses or neglects to correct such error.

11. *Clause 11* seeks to amend section 17 of Act 458 to provide that the Board may impose any one or combination of two or more disciplinary punishment as specified in that section on a licensed land surveyor where the licensed land surveyor has been found to have been guilty of professional misconduct, or having been convicted of a criminal offence, is found by the Board to be unfit to practise as a licensed land surveyor. This *clause* also seeks to amend paragraph 17(c) of Act 458 to increase the fine which may be imposed on a licensed land surveyor as a disciplinary punishment from an amount not exceeding five hundred ringgit to an amount not exceeding one hundred thousand ringgit.

12. *Clause 12* seeks to substitute section 19 of Act 458 to introduce new offences under Act 458 in addition to the existing offences. This *clause* also seeks to increase the penalty for offences under this section.

13. *Clause 13* seeks to introduce new section 19A into Act 458 to provide that the Director General of Survey and Mapping and the Land Surveyor Board may, subject to any conditions or specifications as the Director General of Survey and Mapping or the Board, as the case maybe, may determine, allow any survey records and data or any documents required to be submitted or furnished under Act 458 or regulations made under Act 458 to be submitted or furnished by an electronic medium or by way of an electronic transmission.

14. *Clause 14* seeks to amend the Schedule to Act 458 on the form and manner of declaration by a person making an application to be registered under section 9 of Act 458.

15. *Clause 15* deals with transitional provisions.

16. Other amendments not specifically dealt with in this Explanatory Statement are minor or consequential in nature.

*FINANCIAL IMPLICATIONS*

This Bill will not involve the Government in any extra financial expenditure.

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