



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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### CONTENTS

*Page*

#### GOVERNMENT NOTICE

No. 174 Promulgation of Professional Land Surveyors', Technical Surveyors' and Survey Technicians' Amendment Act, 1995 (Act 16 of 1995), of the Parliament .....

1

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## Government Notice

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#### OFFICE OF THE PRIME MINISTER

No. 174

1995

#### PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 16 of 1995: Professional Land Surveyors', Technical Surveyors' and Survey Technicians' Amendment Act, 1995.

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Act No. 16, 1995

**PROFESSIONAL LAND SURVEYORS',  
TECHNICAL SURVEYORS' AND SURVEY  
TECHNICIANS' AMENDMENT ACT, 1995**

**EXPLANATORY NOTE:**

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

## ACT

**To amend the Professional and Land Surveyors', Technical Surveyors' and Survey Technicians' Act, 1993 so as to provide for the authorization of certain persons to practise as professional land surveyors, technical surveyors or survey technicians in the public service; to deem certain professional land surveyors and technical surveyors registered in Namibia; and to provide for matters incidental thereto.**

*(Signed by the President on 8 September 1995)*

BE IT ENACTED by the Parliament of the Republic of Namibia as follows:-

**Insertion of section 14A in Act 32 of 1993**

1. The following section is hereby inserted in the Professional Land Surveyors', Technical Surveyors' and Survey Technicians' Act, 1993 (hereinafter referred to as the principal Act), after section 14:

**"Authorization to practise as land surveyor, technical surveyor or survey technician in the public service**

14A. (1) Notwithstanding the provisions of section 14, the Minister may, upon an application by any person who is not registered under the provisions of this Act to practise as a professional land surveyor, a technical surveyor or a survey technician, as the case may be, but who -

- (a) in terms of the laws of any country or state approved by the Minister for that purpose, is entitled to practise the profession of a land surveyor, a technical surveyor or a survey technician, as the case may be, without further examination in that country or state; or
- (b) although such person is not entitled to practise as contemplated in paragraph (a), at any educational institution situated outside Namibia, obtained a qualification or re-

Act No. 16, 1995

**PROFESSIONAL LAND SURVEYORS',  
TECHNICAL SURVEYORS' AND SURVEY  
TECHNICIANS' AMENDMENT ACT, 1995**

ceived education in land surveying which in the opinion of the Minister indicates a satisfactory standard of professional education,

and complies with such further conditions or requirements as the Minister may determine, grant a written authority to such person to practise as a professional land surveyor, a technical surveyor or a survey technician, as the case may be.

(2) Any person to whom a written authority has been granted under the provisions of subsection (1) -

(a) shall be entitled to practise as a professional land surveyor, a technical surveyor or a survey technician, as the case may be -

(i) only in the public service;

(ii) for the period of time; and

(iii) subject to -

(aa) such restrictions in respect of such person's professional activities; and

(bb) such further conditions, including the condition that such person may practise only as such subject to such supervision,

as the Minister may determine and specify in such written authority;

(b) shall, subject to any restriction or condition imposed in respect of such person under the provisions of paragraph (a), be competent and entitled to perform any act falling within the scope of the profession of a person who is registered under the provisions of this Act as a professional land surveyor, a technical surveyor or a survey technician, as the case may be, and which act such person could have performed if he or she had been registered as such under the provisions of this Act.

(3) The Minister may, at his or her discretion -

(a) at any time amend or revoke any restriction or condition imposed under the provisions of subsection (2);

(b) at any time impose such further and additional restrictions or conditions as he or she may determine;

Act No. 16, 1995

**PROFESSIONAL LAND SURVEYORS',  
TECHNICAL SURVEYORS' AND SURVEY  
TECHNICIANS' AMENDMENT ACT, 1995**

- (c) extent from time to time the period for which a written authority was granted under the provisions of subsection (1);
  - (d) at any time suspend, for such period and subject to such conditions as he or she may determine, any written authority referred to in paragraph (c); or
  - (e) at any time withdraw any written authority referred to in paragraph (c).
- (4) An application made in terms of the provisions of subsection (1) shall be in such form and be made in such manner as the Minister may determine, and such application shall be accompanied by -
- (a) proof that the applicant complies with the provisions of paragraph (a) or (b), as the case may be, of subsection (1);
  - (b) such proof of the applicant's qualifications, identity and good character, and the authentication of such proof, as the Minister may require;
  - (c) such application fees as the Minister may determine; and
  - (d) any additional information or documents as the Minister may require.
- (5) After appointment by the Minister of the members of the Council in terms of the provisions of subsection (1) of section 3, no application made in terms of the provisions of subsection (1) of this section shall be granted unless the Minister has consulted the Council in regard to such application.
- (6) Before granting an application made in terms of the provisions of subsection (1), the Minister may require of the applicant concerned to sit for an examination before an examiner or examiners appointed by the Minister for the purpose of ascertaining whether the applicant, to the satisfaction of the Minister, possesses sufficient professional knowledge and skills.
- (7) A reference in section 3 or, subject to the provisions of subsection (2) of this section, in section 14, to a professional land surveyor, a technical surveyor or a survey technician, as the case may be, shall include a reference to a person authorized under the provisions of subsection (1) to practise as a professional land surveyor, a technical surveyor or a survey technician respectively.

Act No. 16, 1995

**PROFESSIONAL LAND SURVEYORS',  
TECHNICAL SURVEYORS' AND SURVEY  
TECHNICIANS' AMENDMENT ACT, 1995**

(8) The provisions of paragraph (a) of subsection (5) of section 3 shall not apply to a person authorized under the provisions of section 1 to practise as a professional land surveyor, a technical surveyor or a survey technician, as the case may be.”

**Amendment of section 15 of Act 32 of 1993**

2. Section 15 of the principal Act is hereby amended by the substitution for paragraph (b) or subsection (5) of the following paragraph:

“(b) a person who immediately prior to the commencement of this Act was duly registered -

- (i) as a land surveyor under section 10 of the Land Surveyors' Registration Act, 1950 (Act 14 of 1950); or
- (ii) with the South African Council for Professional and Technical Surveyors established by section 2 of the Professional and Technical Surveyors' Act, 1984 (Act 40 of 1984), of the Republic of South Africa as a professional land surveyor or technical surveyor, and was a member of the Institute of Land Surveyors of Namibia and practising in Namibia,

shall be deemed to be duly registered under this Act as a professional land surveyor or technical surveyor, as the case may be, and shall, on submission to the council of proof of such prior registration and membership, be entitled to have his or her name entered in the register and to be issued with a certificate of registration;”.

**Short title**

3. This Act shall be called the Professional Land Surveyors', Technical Surveyors' and Survey Technicians' Amendment Act, 1995.

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