

The Saskatchewan Land Surveyors Act

Repealed

by Chapter L-3.1 of the *Statutes of Saskatchewan, 1995*
(effective January 1, 1997).

Formerly

Chapter S-27 of the *Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1980-81, c.21; and 1989-90, c.54.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-27

An Act respecting Land Surveyors

SHORT TITLE

Short title

1 This Act may be cited as *The Saskatchewan Land Surveyors Act*.

INTERPRETATION

Interpretation

2 In this Act:

- (a) **“annual register”** means the register of names of members who have paid their annual fees for the current year;
- (b) **“association”** means The Saskatchewan Land Surveyors Association;
- (c) **“board”** means the board of examiners appointed under this Act;
- (d) **“council”** means the council of the association;
- (e) **“member”** means a member of the association;
- (f) **“permanent register”** means the permanent register in which the names of the members of the association are entered;
- (g) **“secretary treasurer”** means the secretary treasurer of the association;
- (h) **“survey”** means the determination, measurement and establishment of boundaries of land.

R.S.S. 1978, c.S-27, s.2.

SASKATCHEWAN LAND SURVEYORS ASSOCIATION

Incorporation and membership

3 The association of Saskatchewan Land Surveyors heretofore incorporated is continued under the name of “The Saskatchewan Land Surveyors Association”, and all present members of the association and all other persons hereafter duly registered in accordance with this Act shall, while so registered, be members of and form The Saskatchewan Land Surveyors Association, and the association shall be a body corporate and politic.

R.S.S. 1978, c.S-27, s.3.

Powers respecting property

4(1) The association may acquire and hold real and personal property for its corporate purposes but for no other purpose.

(2) No real or personal property acquired by the association shall be sold, mortgaged, leased or otherwise disposed of except with the consent of the council given at a meeting duly called for that purpose.

(3) Notice of such meeting, setting forth the purpose of the meeting, shall be given by the secretary treasurer to every member of the council by letter mailed to his address, as shown in the annual register, at least seven days before the day fixed for the meeting.

R.S.S. 1978, c.S-27, s.4.

OFFICERS OF THE ASSOCIATION**Officers**

5(1) The officers of the association shall be the president and the vice-president, who shall be elected as hereinafter provided, and the secretary treasurer.

(2) The secretary treasurer of the association shall be appointed by the council from among the members of the association and shall hold office during the pleasure of the council.

(3) All meetings of the association shall be presided over by the president or, in his absence, by the vice-president or, in the absence of both, by a chairman to be elected by the members of the association present.

R.S.S. 1978, c.S-27, s.5.

MEETINGS OF THE ASSOCIATION**Annual meeting and special meetings**

6(1) The annual meeting of the association for the transaction of business and election of officers and members of the council shall be held at such time and place as the council may appoint, and may be continued from day to day as may be found necessary.

(2) At every annual meeting of the association the council shall submit a report of its operations and business during the preceding year.

(3) Special meetings of the association may be called when deemed necessary by the council or on a written request of ten members of the association addressed to the secretary treasurer, setting forth the reason for and object of the special meeting.

(4) At least fourteen days' notice of the annual meeting or of a special meeting shall be given in writing by the secretary treasurer to each member of the association whose name appears in the annual register.

(5) Twenty members at an annual or special meeting shall constitute a quorum.

R.S.S. 1978, c.S-27, s.6.

COUNCIL

Constitution

7(1) The affairs, business and property of the association shall, unless otherwise provided, be managed by a council consisting of the president, vice-president and four other members to be elected and hold office as hereinafter provided.

(2) The secretary treasurer of the association shall be the secretary of the council.

(3) Notwithstanding subsection (1), the council may by bylaw provide that the membership of the council shall be increased to such a number as it deems fit.

R.S.S. 1978, c.S-27, s.7.

Power to fill certain vacancies

8 In the case of the resignation, death, suspension, dismissal, disqualification or inability to act, of an officer of the association, or an elective member of the council, the council or the other members thereof, as the case may be, may appoint a successor from among the members of the association to fill the vacancy for the unexpired portion of the term of office of the officer or member.

R.S.S. 1978, c.S-27, s.8.

Meetings

9(1) The council shall hold at least two meetings in each year at such times and in such places in Saskatchewan as the council may determine.

(2) Meetings of the council, other than those mentioned in subsection (1), may be called at any time by the president or any two members of the council.

(3) Notice of each meeting of the council as provided by bylaw shall be given by the secretary treasurer to each member thereof, and also to such members of the association as have business therewith, by mailing such notice to the address, as shown in the annual register, of each person to be notified, at least seven days before the day fixed for the meeting.

(4) All meetings of the council shall be presided over by the president or, in his absence, by the vice-president or, in the absence of both, by a chairman to be elected by the members of the council present.

(5) The council shall not transact business at any meeting or hold any hearing at which less than a majority of the members of the council are present and the presiding officer shall vote only when the votes are evenly divided.

R.S.S. 1978, c.S-27, s.9.

Power to appoint officers

10 The council may appoint from among the members of the association such other officers as may be deemed necessary for the carrying out of the objects of this Act, and an officer so appointed shall hold office during the pleasure of the council.

R.S.S. 1978, c.S-27, s.10.

Expenses or remuneration of members

11 The council may fix the travelling expenses or remuneration to be allowed or paid to the members of the association and persons delegated to transact business on behalf of the association.

R.S.S. 1978, c.S-27, s.11.

Bylaws

12 The council may make such bylaws as it deems necessary for the better guidance, government, management, discipline and regulation of the council, the association, the members of the association, articulated pupils and the profession of land surveying and for the management of the property of the association and for the carrying out of the provisions of this Act.

R.S.S. 1978, c.S-27, s.12.

ELECTIONS

Annual election

13(1) At each annual meeting of the association there shall be elected a president, vice-president and two elective members of the council, the two elective members of the council to hold office for a term of two years or until their successors are elected, and the other officers to hold office for one year or until their successors are elected.

(2) At all elections, retiring members of the council shall be eligible for re-election but no member of the council may hold the same office for more than three consecutive terms.

R.S.S. 1978, c.S-27, s.13.

Qualification to hold office and to vote

14 Members of the association whose names appear in the annual register and who are not in arrears in respect of fees payable by them are qualified to hold office and to vote at an annual meeting.

R.S.S. 1978, c.S-27, s.14.

Nomination of candidates

15 Any two members qualified to vote may in writing nominate as a candidate for election any member of the association in good standing who consents in writing to such nomination.

R.S.S. 1978, c.S-27, s.15.

Manner of voting

16 Every member desiring to vote at an election of officers of the association and members of the council shall vote in the manner and in the form prescribed by the bylaws.

R.S.S. 1978, c.S-27, s.16.

Procedure where election in doubt or dispute

17(1) In case of any doubt or dispute as to who has been elected a member of the council or as to the legality of the election of a member the other duly elected members shall be a committee to hold an inquiry and decide the question at issue.

(2) The person, if any, declared by the committee to have been elected shall be deemed to be a member legally elected, and if the election is found to be have been illegal the committee may order a new election.

R.S.S. 1978, c.S-27, s.17.

EXAMINATIONS**Control by university**

18(1) The examination of candidates for admission to study or to practise as land surveyors shall be under the control of The University of Saskatchewan.

(2) The Senate may, after consultation with the council, make rules prescribing the subjects of examination and the fees payable by applicants and governing the conduct of examinations.

R.S.S. 1978, c.S-27, s.18; 1989-90, c.54, s.4.

Senate to fix time and place

19 Examinations of candidates for admission to study or to practise as land surveyors shall be held at such times and places as may be fixed by the Senate.

R.S.S. 1978, c.S-27, s.19.

Board of examiners

20 For the purpose of such examinations, the university shall, after consultation with the council, appoint a board of examiners to examine all candidates, which board shall be governed by the rules of the university in that behalf, adopted after consultation with the council, and shall report the result of each examination to the council.

R.S.S. 1978, c.S-27, s.20; 1989-90, c.54, s.4.

ARTICLED PUPILS**Articled pupil's qualification**

21 No person shall be admitted as an articled pupil with a land surveyor unless he has satisfied the board with respect to his qualifications.

R.S.S. 1978, c.S-27, s.21.

Pupil to file articles

22(1) Where a person has satisfied the board with respect to his qualifications he may become articulated to a land surveyor until articles in the form prescribed by the bylaws and the articulated pupil shall, within two months after the execution of his articles and in the manner prescribed by the bylaws, forward the articles or a duplicate original thereof to the secretary treasurer together with the required fee.

(2) If the articles are not forwarded to the secretary treasurer within the time mentioned in subsection (1), the service of the pupil under articles shall, unless otherwise ordered by the council, count from the date when the articles are received by the secretary treasurer instead of from the date of the articles.

R.S.S. 1978, c.S-27, s.22.

Transfer of articles

23(1) If a surveyor dies or leaves Saskatchewan or is suspended or dismissed or ceases to practise, his articulated pupil may complete his term of articles with any registered surveyor in actual practice.

(2) A surveyor, with the consent of the pupil, may, and for any reason deemed sufficient by the council shall, by an instrument in writing transfer an articulated pupil to another registered surveyor in actual practice with whom he may serve the remainder of the term of his articles.

R.S.S. 1978, c.S-27, s.23.

Application of Act to present pupils

24 This Act and the bylaws apply to all pupils under articles at the time of the coming into force of this Act.

R.S.S. 1978, c.S-27, s.24.

ADMISSION TO MEMBERSHIP

Dominion land surveyor, etc.

25 Every Dominion land surveyor and every surveyor duly qualified to practise in any other province of Canada, may without further service, or with such further service as the board may require, and without being subject to any examination other than in respect of such subjects as may be prescribed from time to time by the board after consultation with the council, become registered and entitled, upon payment of the fees prescribed by the bylaws to practise as a land surveyor.

R.S.S. 1978, c.S-27, s.25.

Report of examination and admission to membership

26(1) Upon the board reporting to the council that a candidate has passed the necessary examination, the council may admit him as a member of the association, whereupon he shall, if he pays the prescribed fees, be entitled to be registered under this Act.

(2) No person shall be admitted under subsection (1) unless he satisfies the council that he is a person of good character and is eighteen years of age or more.

R.S.S. 1978, c.S-27, s.26.

PERMANENT REGISTER, ANNUAL REGISTER AND LICENCES

Duty of secretary treasurer to keep permanent register

27(1) The secretary treasurer shall keep a permanent register, in the form prescribed by the bylaws, in which he shall enter the name of every person entitled to be registered and he shall enter opposite the names of all registered persons who have died, resigned, been disqualified, suspended or dismissed, a statement of that fact and from time to time make the necessary alterations in the addresses of persons registered and subject to this Act and keep the register in accordance with the bylaws.

(2) The register shall be open to inspection at all reasonable times.

R.S.S. 1978, c.S-27, s.27.

Prohibition respecting entry of names

28 No name other than the name of a person who is entitled to be registered and who satisfies the secretary treasurer by proper evidence that he is so entitled shall be entered in the permanent register.

R.S.S. 1978, c.S-27, s.28.

Appeal to council

29 A person who applies to have his name entered in the register may appeal to the council from a decision of the secretary treasurer and the council shall hear the appeal and determine the matters in question.

R.S.S. 1978, c.S-27, s.29.

Licence to practise

30(1) Subject to section 35, upon receipt, from a person whose name is entered in the permanent register, of the annual registration fee prescribed by the council and any arrears and additional fee payable by him pursuant to subsection (3) of section 45 the secretary treasurer shall forthwith issue to that person a licence to practise as a land surveyor, in the form prescribed by bylaw, for the year in respect of which the fee is paid.

(2) Subject to section 35, the secretary treasurer shall in each year issue to every life member a licence to practise as a land surveyor, in the form prescribed by bylaw, for the current year.

R.S.S. 1978, c.S-27, s.30.

Duty of secretary treasurer to keep annual register

31 The secretary treasurer shall in each year, immediately after the day fixed for the purpose by the bylaws, prepare an annual register in a form prescribed by the bylaws, which shall contain the names of all life members and, subject to subsection (3) of section 45, all members who have paid the annual registration fee.

R.S.S. 1978, c.S-27, s.31.

Erasure of names improperly inserted in permanent or annual register

32 If it is proved to the satisfaction of the council that the name of a person has been improperly inserted in the permanent register or the annual register, or both, the name may be erased therefrom by the council.

R.S.S. 1978, c.S-27, s.32.

Copies of register as evidence

33(1) The register prepared pursuant to section 31 shall be called the Surveyors' Annual Register, and a copy thereof certified by the secretary treasurer under the seal of the association is evidence in all land titles offices and registry offices and before all municipal councils and others that the persons named therein are registered and duly licensed land surveyors.

(2) The register shall be corrected from time to time as may be necessary and the secretary treasurer shall, upon receipt of the fee prescribed by bylaw, furnish a certified copy to any person applying therefor.

(3) The secretary treasurer shall in each year, on or before the day fixed for the purpose by the bylaws and whenever requested to do so, send prepaid to every land titles office a certified copy of the register corrected up to the date on which the copy is certified.

(4) A certificate of the secretary treasurer under the seal of the association that a person not named in the register is registered and licensed is evidence that that person is registered and is a duly licensed surveyor.

R.S.S. 1978, c.S-27, s.33.

Conditions governing entry of names of defaulting members

34 A person whose name is entered in the permanent register and who has made default in payment of the annual registration fee for one or more years and whose name has by reason of such non-payment or for any other reason been omitted from the annual register may have his name entered therein upon payment to the secretary treasurer of the annual registration fee for the then current year and such further sum as may be prescribed by bylaw and, if required by the council, upon satisfying the council that he is a person of good character and is not guilty of any infamous, disgraceful or improper conduct.

R.S.S. 1978, c.S-27, s.34.

Refusal, suspension or cancellation of licence

35(1) The council may refuse to issue a licence under section 30 to any person, and may suspend or cancel the licence of any person, who has heretofore been or is hereafter convicted in Canada or elsewhere of an indictable offence if his conviction remains unreversed, or who has been guilty of any infamous, disgraceful or improper conduct or fraudulent or exorbitant charging of fees.

(2) The power granted by subsection (1) shall not be exercised if the conviction is for a political offence committed outside Her Majesty's dominions, or for an offence that, though indictable, ought not either from its nature or from the circumstances under which it was committed to disqualify the person convicted from practising as a land surveyor.

(3) The power conferred by subsection (1) shall be exercised only after a hearing with respect to which sections 39, 40 and 41 shall apply *mutatis mutandis*.

(4) If a member has been guilty of infamous, disgraceful or improper conduct, the power conferred by subsection (1) may be exercised notwithstanding that he has been acquitted of a criminal charge in respect of the same matter.

R.S.S. 1978, c.S-27, s.35.

False declaration

36 In addition to any penalty imposed by section 48, a person who wilfully procures or attempts to procure registration under this Act by making or producing or causing to be produced or made a false or fraudulent representation or declaration, either verbal or in writing, that he is entitled to such registration, is guilty of an offence and liable on summary conviction to a fine of not less than \$50 nor more than \$200, and in default of payment to imprisonment for a period not exceeding six months unless the fine and costs are sooner paid.

R.S.S. 1978, c.S-27, s.36.

Wilful falsification by secretary treasurer

37 If the secretary treasurer wilfully makes or causes or allows to be made any falsification of the permanent or annual register, he is guilty of an offence and liable on summary conviction to a fine of not less than \$50 nor more than \$200, and in default of payment to imprisonment for a period not exceeding six months unless the fine and costs are sooner paid.

R.S.S. 1978, c.S-27, s.37.

Surveyors not released from obligation by reason of resignation, etc.

38 The resignation, death, suspension, dismissal, disqualification, inability to act or withdrawal of a registered surveyor shall not operate to release him or his sureties from any obligation incurred in consequence of professional negligence or misconduct during the time he was registered.

R.S.S. 1978, c.S-27, s.38.

DISCIPLINE

Hearing and determination of complaints against members

39(1) The council may hear and determine any complaint made against a member of having violated any of the provisions of this Act or of the bylaws or of rules of professional ethics of the association or of being guilty of gross negligence or corruption in the execution of the duties of his office or of professional misconduct or of conduct likely to bring the profession of land surveying into disrepute.

(2) Upon receipt of a complaint the council shall fix a time and place for hearing the complaint, of which time and place the council shall give the accused person and the complainant at least fifteen days' notice, and at the time and place so fixed, the council shall meet and hear the evidence adduced, and if the charge is found to be proven the council may, in its discretion, fine or suspend, or fine and suspend, the accused person or dismiss him from the association.

(3) A member suspended or dismissed may be reinstated and have his name entered in the annual register and all his rights and privileges under this Act restored in such manner and upon such terms and conditions as may be prescribed by the council.

(4) Notwithstanding anything contained herein, the council may appoint a disciplinary committee of members of the association, not less than three in number, of whom three shall constitute a quorum, for the purpose of ascertaining the facts of any matter of complaint, and may alter the number, constitution and tenure of office of such committee.

(5) The disciplinary committee shall meet from time to time for the dispatch of business and, subject to any rules made by the council, may regulate the convening, notice, place, management and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions, and generally the transaction and management of business, and if there is a quorum the committee may act notwithstanding any vacancy in the committee, and in case of a vacancy may appoint a member of the association to fill the vacancy until the next meeting of the council.

(6) The disciplinary committee, of its own motion or upon the application of any person, may, and upon the request of the council shall, inquire into and determine any matter of complaint against any member where it is alleged, or the committee has reasonable grounds for believing, that the member has been guilty of any of the matters mentioned in subsection (1).

(7) At least fifteen days before the holding of an inquiry by the disciplinary committee or the council under this Act, a notice shall be served upon the person whose conduct is the subject of inquiry, and the notice shall embody, or be accompanied by, a copy of the charges made against him, or a statement of the subject matter of the inquiry, and shall also specify the time and place of the inquiry, and shall be signed by the chairman of the disciplinary committee or by the secretary treasurer.

- (8) A notice under subsection (7) shall be served by sending it by registered mail in an envelope addressed to the person to be served at his address as shown in the annual register, at least fifteen days before the date of the inquiry by the disciplinary committee or the council, and proof that the notice or document was so sent shall be proof of service.
- (9) If the person whose conduct is the subject of inquiry fails to attend, the disciplinary committee or the council may, upon proof of service of the notice mentioned in subsection (7), which proof of service may be by affidavit or statutory declaration, proceed with the inquiry and, without further notice to that person, make a report of its findings or take any other action authorized by this Act.
- (10) The testimony of witnesses shall be taken under oath which the chairman or acting chairman of the disciplinary committee or of the council is hereby authorized to administer, and there shall be full right to cross-examine and re-examine all witnesses called and to adduce evidence in defence and reply, and any party to the inquiry shall have the right to be represented by counsel.
- (11) The disciplinary committee or the council shall keep a record of all evidence adduced at the inquiry.
- (12) The disciplinary committee shall report in writing to the council its findings and such recommendations as it may deem advisable, and the council may act upon the report of the committee and may make such order thereon as the council may deem just.
- (13) Where the council fines or suspends, or fines and suspends, or dismisses, a member, it may direct that the costs of and incidental to the inquiry be paid by the member, and upon the fixing of the costs by the local registrar of the Court of Queen's Bench at Regina at such sum as he deems reasonable, execution may issue out of the Court of Queen's Bench for the recovery thereof as upon a judgment in an action in that court.
- (14) The council shall, forthwith after making a decision under this section, serve written notice of the decision on the person against whom the complaint was made.
- (15) No action lies against the council or the disciplinary committee or any member thereof, for any proceedings taken in good faith or orders made or enforced under the disciplinary provisions of this Act.
- (16) The council, or the disciplinary committee with the concurrence of the council, may by bylaw regulate the making of complaints and the hearing and determination of matters of complaint under the disciplinary provisions of this Act.

Witnesses

40 The person against whom a complaint is made, the person preferring the complaint and the council may obtain from the local registrar of the Court of Queen's Bench at Regina a *subpoena ad testificandum* or a *subpoena duces tecum* requiring the attendance of any witness or witnesses before the council or the disciplinary committee at the hearing of the complaint.

R.S.S. 1978, c.S-27, s.40.

Appeal

41(1) A member fined or suspended or fined and suspended or dismissed may, within thirty days after the date of service upon him of notice of the decision of the council, appeal to a judge of the Court of Queen's Bench from the decision, and the judge may, upon hearing the appeal, affirm, vary or rescind the decision of the council or order the council to rehear the matter of complaint and for that purpose to receive and consider such evidence as he may specify.

(2) The appeal shall be by motion, notice of which shall be served on the president or vice-president or secretary treasurer of the association, and shall be founded upon a copy of the proceedings before the disciplinary committee or the council and such further evidence as the judge may admit.

(3) The secretary treasurer shall, upon the request of any person desiring to appeal, furnish him with a certified copy of all proceedings, reports, orders and papers upon which the council acted in making the decision complained of.

(4) Any party to the appeal may, with the leave of a judge of the Court of Appeal given upon an application made within thirty days after the date of the decision made under this section by the judge of the Court of Queen's Bench, appeal from that decision to the Court of Appeal.

(5) In an appeal under this section the judge of the Court of Queen's Bench or the Court of Appeal, as the case may be, may make such order as to costs as may be deemed just.

(6) A member who has been suspended or dismissed shall not, while an appeal under this section is pending, practise as a land surveyor.

R.S.S. 1978, c.S-27, s.41.

Misconduct of members

42(1) A member who:

- (a) knowingly and wilfully acts as the professional agent of a person not duly qualified to practise as a land surveyor;
- (b) uses or suffers his name to be used in any such agency;
- (c) does any act or thing, or affords any means or facilities, to enable any such unqualified person to practise as a land surveyor;
- (d) does any act or thing calculated to lead the public or any person to believe that such unqualified person is a land surveyor or authorized to practise as such;

(e) certifies any plan of survey not made under his own personal supervision or authority; or

(f) falsely certifies as to the service of a pupil under articles when such service has not been *bona fide* performed in the manner required by this Act;

is guilty of misconduct in the execution of the duties of his office and liable to proceedings under section 39 in addition to any other liability that he may incur by reason of such misconduct.

(2) Subsection (1) does not prevent a member from permitting a pupil serving under articles to perform for and in his name any work that the pupil is capable of performing, but the member as well as the pupil is liable for any damage caused by the pupil or resulting from lack of knowledge or skill on his part.

R.S.S. 1978, c.S-27, s.42.

Articled pupils

43 Sections 39, 40 and 41 apply *mutatis mutandis* with respect to complaints made against articled pupils or candidates for admission to practise as land surveyors.

R.S.S. 1978, c.S-27, s.43.

Costs in case of frivolous complaints

44 The council may order to be paid out of funds at its disposal such costs as to it seems just to any person against whom a complaint has been made that, when finally determined, is found to be frivolous and vexatious.

R.S.S. 1978, c.S-27, s.44.

FEES

Annual registration fees

45(1) The council may by bylaw fix the annual registration fee to be paid by members.

(2) Every member in active practice in Saskatchewan shall in each year pay to the secretary treasurer the annual registration fee on or before the day fixed by the bylaws.

(3) If a member fails to pay the annual registration fee pursuant to subsection (2) he shall not be entitled to have his name entered in the annual register until he has paid all arrears and such additional fee as may be prescribed by the bylaws.

R.S.S. 1978, c.S-27, s.45.

Additional fees

46 In addition to the fees provided for by this Act members shall pay to the secretary treasurer, for the use of the association, such other fees as are prescribed by the bylaws.

R.S.S. 1978, c.S-27, s.46.

PROHIBITION AND PENALTY

Unauthorized person practising or holding out as surveyors

47 No person other than:

- (a) a person who is the holder of a licence to practise as a land surveyor issued pursuant to section 30 and who is not under suspension and has not been dismissed from the association; or
- (b) a person who is under any law in force prior to the coming into force of this Act entitled to practise as a land surveyor;

shall by himself or by any other person:

- (c) for gain conduct any survey;
- (d) use the name Saskatchewan Land Surveyor either alone or in combination with any other word or words; or
- (e) use the letters S.L.S. or any name, title, addition or description representing or implying that he is registered or holds a licence under this Act or that he is authorized to practise as a land surveyor.

R.S.S. 1978, c.S-27, s.47.

Penalty

48(1) A person who violates section 47 is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$100 for every day during which the offence continues and in default of payment to imprisonment for a period not exceeding six months, and he shall not be entitled to recover any fee charged for work done in contravention of section 47.

(2) Nothing in this Act applies to anyone registered as a professional engineer under *The Engineering Profession Act* while practising professional engineering but such a person shall not style himself or hold himself out as a land surveyor unless he is also registered under this Act.

R.S.S. 1978, c.S-27, s.48.

MISCELLANEOUS

Life members

49 The association or the council may by bylaw provide that a member who has been engaged in actual practice as a land surveyor in Saskatchewan for a period of thirty years or more, and has during that period been duly authorized to practise as a land surveyor, may be elected a life member and exempted from payment of the annual membership fee to the association.

R.S.S. 1978, c.S-27, s.49.

Honorary members

50(1) The association may by bylaw provide for the election of one or more honorary members of the association.

(2) Every honorary member shall have all the privileges of the association except the right to vote, and may, if otherwise qualified, practise as a land surveyor.

(3) An honorary member shall not be required to pay the fees prescribed under this Act.

R.S.S. 1978, c.S-27, s.50.

Entry upon lands and into buildings

51(1) A person entitled under this Act to practise as a land surveyor, in this section referred to as a surveyor, when engaged in the performance of his duties, and his duly authorized assistants, may pass over, measure along, and ascertain the bearing of, any township, section or other governing line, and for that purpose may pass over the lands of any person, doing no actual damage to the property of such person.

(2) For the purpose of obtaining any measurements necessary to a proper and satisfactory performance of his duties, a surveyor and his duly authorized assistants may enter any building at a time suitable to the rightful occupant, and may enter any mine or other premises for a similar purpose.

(3) If a surveyor or an assistant to a surveyor is hindered in doing anything that he is authorized by subsection (1) or (2) to do, he may apply by notice of motion to a judge of the Court of Queen's Bench for an order restraining such hindrance, and upon such an application the judge may make such order as to him seems just.

(4) A person who hinders a surveyor or an assistant to a surveyor in doing anything that he is authorized by subsection (1) or (2) to do is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 or to imprisonment for a period not exceeding two months or to both fine and imprisonment.

R.S.S. 1978, c.S-27, s.51.

Certificate of secretary treasurer as evidence

52 In a prosecution or legal proceeding under this Act the certificate of the secretary treasurer under the common seal of the association is *prima facie* evidence of the facts or the bylaw, or the proceeding of the association, therein certified.

R.S.S. 1978, c.S-27, s.52.

Fees, fines, etc., to belong to association

53(1) All fees, fines and penalties payable under this Act or under any bylaw shall belong to the association and may be recovered as ordinary debts due the association.

(2) The convicting justice shall forthwith after payment of any fine imposed for an offence against this Act transmit the amount to the secretary treasurer.

R.S.S. 1978, c.S-27, s.53.

Investment and use of moneys of association

54(1) The council may invest in the name of the association any moneys of the association in any of the securities mentioned in section 3 of *The Trustee Act* and the income derived from any such securities shall form part of the ordinary income of the association.

(2) The association may use any moneys of the association for renting or purchasing land or premises or for erecting buildings to serve as offices, examination halls, lecture rooms or libraries, or for any other purpose pertaining to land surveying.

(3) All moneys received for fees or otherwise shall be paid to the secretary treasurer to be applied in accordance with such bylaws as are made by the council for defraying expenses of registration and other expenses incurred in carrying out the provisions of this Act.

R.S.S. 1978, c.S-27, s.54.

Service of notices and documents

55(1) Notices and documents required by this Act may, unless otherwise specified, be sent by mail, and every such notice or document shall be deemed to have been received at the time when the envelope containing it would have been delivered in the ordinary course of mail. As proof of the transmission of any such notice or document it is sufficient to show that the envelope containing it was prepaid, properly addressed and mailed.

(2) A notice or document sent to a municipal council or other authority shall be deemed to be properly addressed if addressed to the municipal council or other authority or to an official thereof at its office or principal place of business.

R.S.S. 1978, c.S-27, s.55.

Restoration surveys and resurveys

56 Nothing in this Act applies to restoration surveys or resurveys of land in Saskatchewan made by Dominion land surveyors under the authority of any department of the Government of Canada.

R.S.S. 1978, c.S-27, s.56.

Duties of secretary treasurer

57(1) In addition to all other duties required by this Act to be performed by him, the secretary treasurer shall:

- (a) enter in a book provided for the purpose minutes of every meeting of the association or the council;
- (b) enter in books provided for the purpose particulars of all transactions of the association or the council and a true account of all moneys received or paid out by him; and
- (c) perform such other duties as may be prescribed by the council.

(2) The secretary treasurer shall have charge of all records, documents and property of the association not placed in charge of any other person.

R.S.S. 1978, c.S-27, s.57.

Audit of accounts of secretary treasurer

58 The accounts of the secretary treasurer shall be audited by auditors appointed by the council and the secretary treasurer shall submit his accounts to the association or the council together with a report of the auditors whenever required by the association or the council to do so.

R.S.S. 1978, c.S-27, s.58.

Security by secretary treasurer

59 The secretary treasurer shall furnish to the association a guarantee bond satisfactory to the council.

R.S.S. 1978, c.S-27, s.59.

SUPPLEMENTAL**Bylaws and orders to be filed**

60(1) The association shall file in the Department of Consumer and Commercial Affairs two copies, certified by the secretary treasurer to be true copies, of:

- (a) all bylaws and orders hereafter made under this Act;
- (b) all amendments made to such bylaws and orders;
- (c) all amendments hereafter made to bylaws and orders and to amendments thereto made before the twenty-fifth day of March, 1948;

within thirty days after they are made.

(2) Where the association adopts a code of ethics governing its members, and subscription thereto or observance thereof is a condition of membership, the code of ethics shall for the purposes of this section and sections 61, 62, 63 and 64 be deemed to be a bylaw made under this Act.

(3) Where a bylaw or order is hereafter amended, two copies thereof shall be filed with the amendment.

R.S.S. 1978, c.S-27, s.60; 1980-81, c.21, s.48;
1989-90, c.54, s.6.

Effective date of bylaws, etc.

61 All bylaws, orders and amendments thereto hereafter made shall take effect upon the making thereof or on a date stated therein for the purpose.

R.S.S. 1978, c.S-27, s.61; 1989-90, c.54, s.6.

Effect of failure to file bylaw, etc.

62 Failure to file any bylaw, order or amendment as required by section 60 shall render the bylaw, order or amendment ineffective as from the expiration of the time allowed for filing and it shall be deemed to have been revoked.

R.S.S. 1978, c.S-27, s.62; 1989-90, c.54, s.6.

Review by Legislative Assembly

63(1) One copy of all bylaws, rules and amendments thereto filed with the Department of Consumer and Commercial Affairs pursuant to section 60 shall, in accordance with *The Tabling of Documents Act*, be laid before the Legislative Assembly.

(2) Where any bylaw or order or any amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, the bylaw, order or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

R.S.S. 1978, c.S-27, s.63; 1980-81, c.21, s.48;
1989-90, c.54, s.6.

Record of revocation and notification to association

64(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or order or amendment thereto has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Deputy Minister of Consumer and Commercial Affairs and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of such copies the Deputy Minister of Consumer and Commercial Affairs shall file one of the copies with the bylaw, order or amendment to which it relates and forthwith forward the other copy to the association and at the same time advise the association that the copy is forwarded pursuant to this subsection.

R.S.S. 1978, c.S-27, s.64; 1980-81, c.21, s.48;
1989-90, c.54, s.6.

List of members, etc., to be filed

65 The association shall, before the first day of February in each year, file in the Department of Consumer and Commercial Affairs lists, certified by the secretary treasurer of the association to be correct, showing:

- (a) the names of all land surveyors in good standing as of the thirty-first day of December in the preceding year, their addresses as shown by the records of the association and the respective dates of their admission to membership in the association;
- (b) the names of all persons who were dismissed from membership or who were suspended or otherwise ceased to be members in good standing during the preceding year;
- (c) the names of all persons who were reinstated to membership during that year.

R.S.S. 1978, c.S-27, s.65; 1980-81, c.21, s.48.

**Report to Minister of Highways and Transportation where
application for admission refused**

66 Where an application for reinstatement or for admission to membership in the association is made in compliance with this Act and the bylaws and orders and is refused, the association shall within seven days thereafter forward by registered mail to the Minister of Highways and Transportation a report setting forth the circumstances and stating the reasons for the refusal.

R.S.S. 1978, c.S-27, s.66; 1989-90, c.54, s.6.

Discipline

67(1) Where the council orders that a member be dismissed or that a member be suspended from practising, the association shall within fourteen days after the date on which the order is made forward by registered mail to the Minister of Highways and Transportation a copy, certified by the secretary treasurer to be a true copy, of the complaint, any report upon the conduct of the member and the order of the council, and shall furnish the minister with such relative information as he may require.

(2) If the minister is of opinion that the order is unjust or contrary to the public interest, he may:

- (a) request the council to reconsider the case and its findings thereon;
- (b) if the council and the person whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the council, one nominated by the person whose conduct is under inquiry and one appointed by the Lieutenant Governor in Council to review or rehear the case and render a decision thereon; or
- (c) institute an appeal to a judge of the Court of Queen's Bench.

(3) Nothing contained in this section shall prejudice any right of appeal conferred by this Act.

R.S.S. 1978, c.S-27, s.67.

