

## ACT 127

## SURVEY ACT, 1962

## ARRANGEMENT OF SECTIONS

*Geological and Soil Survey**Surveys*

## SECTION

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## ACT 127

SURVEY ACT, 1962<sup>1</sup>

**AN ACT to consolidate, with amendments, the law relating to geological, soil and land survey.**

*Geological and Soil Survey  
Surveys*

**1. Geological survey**

The Director of Geological Survey and an officer of the Geological Survey Department may

- (a) go to a part of the surface of a land or an underground passage or working under the land in order to make surveys, take samples, make boring and do and cause to be done the things necessary for carrying out the geological survey of that land or for making a report on that land;
- (b) call for the production of, inspect and take copies or extracts from, the books, papers, plans and documents dealing with prospecting or the operation of mining of a land which is the subject of a mining concession.

**2. Soil survey**

A public officer whose duties include the survey of soil and who is authorised by the Minister may go to a part of the surface of a land in order to make a survey, make borings, dig, take samples and do and cause to be done the things necessary for carrying out a soil survey on the land or making a report on the land.

**3. Notice to be given to owner of land**

A reasonable notice in writing of an intention to exercise any of the powers mentioned in section 1 or 2 shall be given to the local authority in the area who or which in turn shall inform the owner or the person in possession of the land.

**4. Penalty**

A person commits an offence and is liable to a fine not exceeding two hundred penalty units, if that person

- (a) without reasonable excuse obstructs, resists or interferes with an officer mentioned in section 1 or section 2 while that officer is performing a function under this Act, or
- (b) refuses or neglects to produce a document required under section 1 (b).

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1. The Act was assented to on 20th June, 1962.

*Demarcation and Survey of Lands*  
*Qualification and Registration of Surveyors*

**5. Official surveyors and licensed surveyors**

The Minister may appoint official surveyors, and the Chief Survey Officer may, with the prior approval of the Minister, license private surveyors, whose functions are to demarcate boundaries and to make surveys of lands.

**5A. Licensed surveyors to pay practising fee**

(1) A surveyor licensed under section 5 shall not perform a function specified in that section or in section 6, unless the licensed surveyor complies with subsection (2).

(2) A surveyor referred to in subsection (1) shall pay an annual fee of four hundred thousand cedis to the Chief Survey Officer on or before the thirty-first day of January of each year.<sup>2</sup>

(3) A licensed surveyor who performs a function in contravention of subsection (1) commits an offence as is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months, and is not entitled to recover, by civil action or otherwise, a fee, reward or disbursement on account of or in relation to an act done in the course of that practice.<sup>3</sup>

**6. Unqualified person not competent to survey land**

(1) A person, other than an official surveyor, a licensed surveyor, or a public officer making or preparing a plan in the course of duty shall not survey a land for the purpose of preparing a plan for attachment to an instrument of conveyance, lease, assignment, charge, or transfer.

(2) A person who is not an official surveyor or a licensed surveyor, shall not certify a plan.

(3) A person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months.

(4) This section does not apply to the mere copying of a plan.

**7. Register of licensed surveyors**

(1) The Chief Survey Officer shall keep at Accra a register of licensed surveyors, and the Regulations shall be communicated by the Chief Survey Officer to a licensed surveyor whose name is on the register.

(2) A licensed surveyor shall keep a copy of the Regulations up to date, and shall produce the Regulations for inspection by an official surveyor when called on to do so.

2. A proviso to subsection (2) provided that "the fee for the year 1974 shall be paid on or before the 30th day of September, 1974."

3. Inserted by section 1 of the Survey (Amendment) Decree, 1974 (N.R.C.D. 283). Section 2 of that Decree also provided that section 5A shall be deemed to have come into force on the 23rd day of August, 1974.

**8. Licensed surveyors to report annually**

A licensed surveyor shall, before the 15th day of January in each year, report in writing to the Chief Survey Officer at Accra, the full name and postal address of the surveyor, for entry in the register, and shall report a subsequent change of address or name that takes place.

**9. Records to be entered in register**

A record shall be made in the register referred to in section 7 against the name of a licensed surveyor

- (a) who has performed a creditable work or service under the Government or a public body, or
- (b) whose licence is revoked or suspended.

*System of Work***10. Errors in survey work**

(1) Where the work of a licensed surveyor is not performed in accordance with this Act and the Regulations or the work is found to contain errors, the Chief Survey Officer may

- (a) call on the licensed surveyor to do the work in accordance with this Act and the Regulations, or to rectify the error, or
- (b) call on another licensed surveyor to rectify the error.

(2) Where an error is rectified under subsection (1) (b) the Chief Survey Officer shall call on the licensed surveyor responsible for the error to pay the expenses of the rectification.

(3) Where the licensed surveyor mentioned in subsection (2) fails to pay the expenses, the Chief Survey Officer may, as nominal plaintiff, by suit recover the costs of the suit and the expenses of the rectification.

(4) A certificate signed by the Chief Survey Officer certifying the amount of the expenses referred to in subsection (2) is prima facie evidence, without proof of signature, of the amount due.

(5) A licensed surveyor who wilfully renders a false certificate on a plan prepared under this Act and the Regulations commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months.

**11. Power to direct survey**

The Chief Survey Officer may direct that the boundaries of a land shall be demarcated, or that a survey shall be made of a land, or direct both the demarcation and the survey.

**12. Power to enter on lands**

An official or licensed surveyor may with agents, servants and workmen, enter on a land which that surveyor is appointed to demarcate or survey, and may make the enquiries and do or cause to be done the things that are necessary for effecting the demarcation of the boundaries and the survey of that land.

**13. Notice to procure attendance**

(1) A surveyor, demarcating or surveying a land, shall serve a notice on the owner or a person occupying or otherwise interested in the land abutting on that land or on a person employed on or connected with the management or cultivation of that land, requiring that person to attend personally, or by agent, before the survey or at the time and place stated in the notice, for the purpose of pointing out the boundaries of the land, or of affording the needed information for the purpose of the survey or demarcation.

(2) The surveyor may issue a notice calling on a person who is able to give an information in respect of the boundaries of the land, or in whose possession or power a document relating to the boundaries is alleged to be, to attend before the surveyor and give the information or produce the document on the date and at a place specified in the notice.

**14. Clearing of boundary line**

(1) A person desiring the land of that person to be demarcated or surveyed or both may apply to the Chief Survey Officer to have the land demarcated, surveyed or both.

(2) The Chief Survey Officer may require a person making an application under subsection (1) to clear the boundary or any other line for the purpose of the demarcation or survey of the land by cutting down and removing any trees, bush, fences or growing crops.

(3) The Chief Survey Officer may employ labour for the purpose of clearing the boundary or line mentioned in subsection (2), and the cost of labour shall be borne by the applicant.

(4) A certificate signed by the Chief Survey Officer certifying the cost of labour is prima facie evidence, without proof of signature, of the cost of labour.

**15. Compensation for damage done by clearance**

(1) Where compensation is claimed as a result of a clearance of a line in accordance with a direction of the Chief Survey Officer under section 11, the surveyor shall assess the value of the trees, bush, fences or growing crops which have been cut down or removed, and pay or tender to the owners the amount of compensation which may be allowed.

(2) A dispute arising concerning the sufficiency of the amount so paid or tendered shall be determined by the District Magistrate of the district on an application made for that purpose by either of the disputing parties.

**16. Erection of boundary marks**

A surveyor may, where the boundaries of a land under survey have not already been correctly marked in the prescribed manner by the owner of the land, mark out the boundaries of the land according to the manner of marking prescribed by the Regulations.

**17. Boundary marks under charge of owners**

(1) The Chief Survey Officer shall serve a notice on an owner and place under the owner's charge, the boundary marks erected on the boundary of the owners' land.

(2) An owner shall preserve the boundary marks placed under the owner's charge and shall give immediate notice to the Chief Survey Officer if the marks are damaged, destroyed, removed or require repairs.

**18. Re-erection and repair of boundary marks**

(1) The Chief Survey Officer on becoming aware that a boundary mark is damaged, destroyed, removed, or requires repair, may cause the mark to be re-erected, restored, or repaired.

(2) The Chief Survey Officer may by suit recover with the costs of the suit and the expenses incurred in respect of the re-erection, restoration, or repair from the owner who was bound to preserve the mark.

(3) A certificate signed by the Chief Survey Officer certifying the amount of the expenses is prima facie evidence, without proof of signature, of the amount due.

**19. Duties of local authority**

A local authority

- (a) shall endeavour to prevent the destruction, damage or alteration of a boundary mark within the limits of its jurisdiction, and
- (b) shall where it becomes aware that a mark is destroyed, damaged or altered, report immediately to the nearest Survey Division the destruction, damage or alteration.

*Penalties*

**20. Penalty for destroying boundary marks**

A person who wilfully or unlawfully destroys, moves or alters a boundary mark, or who wilfully destroys, moves or alters a survey mark, commits an offence and is liable to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months, or to both the fine and the imprisonment.

**21. Refusing to comply with orders**

A person who fails to comply with an order, contained in a notice duly served under this Act commits an offence and is liable to a fine not exceeding one hundred penalty units.

**22. Obstructing survey**

A person who wilfully obstructs, hinders or resists an official or a licensed surveyor in the execution of a duty in ascertaining and marking out of boundaries of a land under this Act, or a workman or any other person acting under the direction of the surveyor, commits an offence and is liable to a fine not exceeding two hundred penalty units.

### 23. Non-standardisation

A licensed surveyor who is found on inspection by the Chief Survey Officer or that officer's representative to be ignorant of an error of the steel tape or chain, or to be working with a tape or chain not properly compared with an authorised standard in accordance with this Act, commits an offence and is liable to a fine not exceeding twenty-five penalty units for each occasion on which the offence is committed.

### *Miscellaneous*

### 24. Regulations

The Minister may, by legislative instrument, make Regulations,

- (a) prescribing the forms of certificate for the certification of plans by licensed surveyors;
- (b) for the submission of applications for, and the grant of, a surveyor's licence;
- (c) for the method of survey and supervision of survey work;
- (d) prescribing fees for survey work for official and licensed surveyors;
- (e) for any other matter, including fees, which is to be prescribed or is to be provided for by the Regulations;
- (f) for the conduct and holding of examinations; and
- (g) for giving full effect to this Act.

### 25. Interpretation

In this Act, unless the context otherwise requires,

**"cadastral plan"** means a map or plan purporting to show boundaries of land with accuracy, and giving exact measurements by which the boundaries may be demarcated on the ground, which map or plan is made in conformity with the result of a survey carried out by an official surveyor or licensed surveyor to be certified by that surveyor, and requiring, whether made by an official surveyor or by a licensed surveyor, to be approved by the Chief Survey Officer or a person appointed by the Chief Survey Officer for that purpose;

**"certified plan"** means a map or plan purporting to show boundaries of land with accuracy and giving exact measurements by which the boundaries may be demarcated or re-demarcated on the ground, which plan is certified by a licensed surveyor in accordance with this Act;

**"Minister"** means the Minister responsible for Soil Survey;

**"owner"** includes an occupier;

**"Regulations"** means Regulations made under this Act.

**26. Repeals**

*Spent.*<sup>4</sup>

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4. The section provided that,

"(1) The following enactments are hereby repealed:

The Survey Ordinance (Cap. 132).

The Geological Survey (Facilities) Ordinance (Cap. 148).

The Soil Survey (Facilities) Ordinance (Cap. 156).

(2) Every statutory instrument made or every licence or certificate granted under an enactment repealed by this Act and in force immediately before the commencement of this Act shall continue in force as if made or granted under the corresponding provision of this Act."