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REPUBLIEK VAN SUID-AFRIKA

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THE PRESIDENCY

No. 990 10 December 2013

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 19 of 2013: Geomatics Profession Act, 2013

DIE PRESIDENSIE

No. 990 10 Desember 2013

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Wet No 19 van 2013: Wet op Geomatikaprofessie, 2013

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GENERAL EXPLANATORY NOTE:

[ ]	Words in bold type in square brackets indicate omissions from existing enactments.
______	Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 9 December 2013)

ACT

To provide for the transformation of the geomatics profession; to provide for the establishment of the South African Geomatics Council as a juristic person; to provide for the facilitation of accessibility to the geomatics profession; to provide for different categories of registered persons and branches in the geomatics profession; to provide for the identification of areas of work to be performed by the different categories of registered persons; to provide for the recognition of certain voluntary associations by the Council; to provide for measures designed to protect the public from unethical geomatics practices; to provide for measures in order to maintain a high standard of professional conduct and integrity; to provide for the establishment of disciplinary mechanisms; to provide for the establishment of an Appeal Board; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF ACT

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2. Geomatics profession principles

CHAPTER 2

SOUTH AFRICAN GEOMATICS COUNCIL

3. Establishment of South African Geomatics Council
4. Composition of Council
5. Disqualification as member of Council and vacation of office
6. Committees of Council
7. Functions of Council
8. Powers and duties of Council
9. Meetings of Council

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 9 Desember 2013)

WET

Ten einde voorsiening te maak vir die transformasie van die geomatikaprofessie; om voorsiening te maak vir die stigting van die Suid-Afrikaanse Geomatikaraad as 'n regspersoon; om voorsiening te maak vir die vergemakliking van toegang tot die geomatikaprofessie; om voorsiening te maak vir verskillende kategorieë geregistreerde persone en vertakkings in die geomatikaprofessie; om voorsiening te maak vir die identifikasie van areas van werk wat deur verskillende kategorieë geregistreerde persone gedoen moet word; om voorsiening te maak vir die erkenning van sekere vrywillige verenigings deur die Raad; om voorsiening te maak vir maatreëls wat ontwerp is om die publiek teen onetiese geomatikapraktyke te beskerm; om voorsiening te maak vir maatreëls vir die handhawing van 'n hoë standaard van professionele optrede en integriteit; om voorsiening te maak vir die instelling van dissiplinêre meganismes; om voorsiening te maak vir die instelling van 'n Appèlraad; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

Die Parlement van die Republiek van Suid-Afrika bepaal, soos volg:—

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CHAPTER 1

DEFINITIONS AND GEOMATICS PROFESSION PRINCIPLES

Definitions

1. (1) In this Act, unless the context indicates otherwise—

"accreditation" means the process of evaluation and recognition by the Council of educational programmes offered by educational institutions in respect of the geomatics profession;

"Appeal Board" means the Appeal Board established by section 25;

"assessment" means an admission procedure, established by the Council, to determine whether an applicant is competent to be registered in any of the categories contemplated in section 13(1);

"branch" means a specific specialisation field of geomatics, including land surveying, topographical surveying, engineering surveying, mine surveying, geo-spatial information science, hydrographic surveying and photogrammetric surveying or any other specialisation field which may be determined by the Minister by notice in the *Gazette*;

"candidate geomatics practitioner" means a person registered as a candidate geomatics practitioner in terms of section 13(4)*(a)*;

"category" means a specific level of registration contemplated in section 13(1) or such other level of registration as may be prescribed by the Minister after consultation with the Council;

"committee" means a committee of the Council established in terms of section 6;

"Council" means the South African Geomatics Council established by section 3;

"Department" means the Department of Rural Development and Land Reform;

"Director-General" means the Director-General of the Department;

"educational institution" means any educational institution which has a department, school or faculty, or offers a recognised programme, of geomatics surveying, land surveying or geo-spatial information science;

"financial year" means a year ending on 31 March;

"geo-spatial information", **"geo-information"**, **"geographic information"** or **"spatial information"** means information that describes the location and characteristics of natural or human-made phenomena in relation to the earth's surface;

"geomatics practitioner" means a person who—

(a) exercises skills and competencies in the science of measurement, the collection and assessment of geographic information and the application of that information in the efficient administration of land, the sea and structures thereon or therein as is contemplated in section 2*(a)*; and

(b) is registered in one or more of the branches of geomatics and in one or more of the categories contemplated in section 13(4)*(b)*, *(c)* and *(d)*;

"geomatics profession" means the profession carrying on by persons registered in terms of section 13(4);

"geomatics professional" means a person registered in terms of section 13(4)*(d)*;

"geomatics technician" means a person registered in terms of section 13(4)*(b)*;

"geomatics technologist" means a person registered in terms of section 13(4)*(c)*;

"Minister" means the Minister of Rural Development and Land Reform;

"NQF" means the National Qualifications Framework contemplated in Chapter 2 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

"prescribed" means prescribed by regulation;

"professional land surveyor" means a person—

(a) who is registered as a geomatics professional in terms of section 13(4)*(d)* in the branch of land surveying;

(b) who is authorised to perform work reserved for a professional land surveyor in terms of the Land Survey Act, 1997 (Act No. 8 of 1997); and

(c) whose name is entered in the register for professional land surveyors contemplated in section 8(1)*(b)*(iii)*(bb)*;

"register", when used as a noun, means any of the registers referred to in section 8(1)*(b)*(ii);

HOOFSTUK 1

WOORDOMSKRYWING EN BEGINSELS VAN GEOMATIKAPROFESSIE

Woordomskrywing

1. (1) In hierdie Wet, tensy die samehang anders aandui, beteken-

"akkreditering" die proses van evaluasie en erkenning deur die Raad van opvoedingsprogramme in verband met die geomatikaprofessie deur opvoedingsinstellings aangebied;

"Appèlraad" die Appèlraad by artikel 25 ingestel;

"boekjaar" 'n jaar wat op 31 Maart eindig;

"Departement" die Departement van Landelike Ontwikkeling en Grondhervorming;

"Direkteur-generaal" die Direkteur-generaal van die Departement;

"evaluering" 'n toelatingsprosedure, deur die Raad ingestel, om te bepaal of 'n aansoeker bevoeg is om in enige kategorieë in artikel 13(1) beoog, geregistreer te word;

"geomatikapraktisyn" 'n persoon wat—

(a) vaardighede en bekwaamhede uitoefen in die wetenskap van meting, die inwin en evaluasie van geografiese inligting en die toepassing van daardie inligting in die doeltreffende administrasie van grond, die see en strukture daarop of daarin soos in artikel 2*(a)* beoog; en

(b) in een of meer van die vertakkings van geomatika en in een of meer van die kategorieë in artikel 13(4)*(b)*, *(c)* en *(d)* beoog, geregistreer is;

"geomatikaprofessie" die professie wat persone beoefen wat ingevolge artikel 13(4) geregistreer is;

"geomatikategnikus" 'n persoon wat ingevolge artikel 13(4)*(b)* geregistreer is;

"geomatikategnoloog" 'n persoon wat ingevolge artikel 13(4)*(c)* geregistreer is;

"georuimtelike inligting", **"geo-inligting"**, **"geografiese inligting"** of **"ruimtelike inligting"** inligting wat die ligging en kenmerke van natuurlike of mensgemaakte verskynsels in verhouding tot die aarde se oppervlak beskryf;

"geregistreerde persone" persone ingevolge artikel 13(4) geregistreer;

"hierdie Wet" ook enige regulasie en enige reël;

"kandidaat-geomatikapraktisyn" iemand wat ingevolge artikel 13(4)*(a)* as 'n kandidaat-geomatikapraktisyn geregistreer is;

"kategorie" 'n bepaalde vlak van registrasie in artikel 13(1) beoog of sodanige ander vlak van registrasie soos na oorleg met die Raad deur die Minister bepaal kan word;

"komitee" 'n komitee van die Raad ingevolge artikel 6 ingestel;

"Minister" die Minister van Landelike Ontwikkeling en Grondhervorming;

"NQF" die Nasionale Kwalifikasieraamwerk beoog in Hoofstuk 2 van die ''National Qualifications Framework Act, 2008'' (Wet No. 67 van 2008);

"opmeting" is 'n onderafdeling van geomatikawerk in artikel 2 bedoel;

"opvoedingsinstelling" enige opvoedingsinstelling wat 'n departement, skool of fakulteit het, of wat 'n erkende program aanbied, van geomatika, opmeting, landmeting of georuimtelike inligtingswetenskap;

"professionele geomatikus" 'n persoon ingevolge artikel 13(4)*(d)* geregistreer;

"professionele landmeter" 'n persoon—

(a) wat ingevolge artikel 13(4)*(d)* in die vertakking van landmeting geregistreer is;

(b) wat gemagtig is om werk te doen wat ingevolge die Grondopmetingswet, 1997 (Wet No. 8 van 1997), vir 'n professionele landmeter gereserveer is; en

(c) wie se naam in die register vir professionele landmeters in artikel 8(1)*(b)*(iii)*(bb)* beoog, opgeteken is;

"Raad" die Suid-Afrikaanse Geomatikaraad by artikel 3 ingestel;

"reël" enige reël ooreenkomstig hierdie Wet deur die Raad gemaak en gepubliseer;

"register", as 'n selfstandige naamwoord, enige van die registers in artikel 8(1)*(b)*(ii) bedoel;

"Registrateur" die persoon ingevolge artikel 8(1)*(a)*(i) as Registrateur aangestel;

"regulasie" enige regulasie ingevolge artikel 31(1) deur die Minister uitgevaardig;

"registered persons" means persons registered in terms of section 13(4);
"Registrar" means the person appointed as Registrar in terms of section 8(1)*(a)*(i);
"regulation" means any regulation made by the Minister in terms of section 31(1);
"rule" means any rule made and published by the Council in accordance with this Act;
"sea" has the meaning ascribed to it in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);
"surveying" is a component of geomatics work referred to in section 2;
"this Act" includes any regulation and any rule;
"voluntary association" means any association, organisation, institute, institution or other body of registered persons recognised by the Council in terms of section 18.

(2) In this Act, any word or expression derived from a word or expression defined in subsection (1) has a corresponding meaning unless the context indicates that another meaning is intended.

Geomatics profession principles

2. The following principles apply to the Council and all registered persons and must guide the interpretation, administration and implementation of this Act:

(a) Geomatics and the geomatics profession are areas of expertise which involve one or more of the following activities which may occur on, above or below the surface of the land or the sea:
   (i) The determination of the size and shape of the earth and the measurement and recording of all data needed to define the size, position, shape and contour of any part of the earth;
   (ii) the spatial positioning of objects and the positioning and monitoring of physical features, structures and engineering works;
   (iii) the planning and determination of the position of the boundaries of land and of rights in land, for the purposes of registration of such land and rights in terms of applicable legislation;
   (iv) the design, establishment and administration of geographic information systems and the collection, storage, analysis, visualisation and management of geo-spatial information;
   (v) the measurement of land, mineral and marine resources; and
   (vi) such other activity as may be prescribed;

(b) geomatics work must pursue and serve the interests of the public in order to benefit the present and future generations; and

(c) the Council and the geomatics profession must—
   (i) strive to achieve transparency and equity in the profession in order to ensure its legitimacy and effectiveness;
   (ii) strive to achieve high standards of quality and integrity in the profession;
   (iii) promote the profession and pursue improvements in the competence of registered persons through the development of skills, knowledge and standards within the profession;
   (iv) promote environmentally responsible geomatics work which will ensure sustainable development; and
   (v) strive to transform the profession in order to reflect the demographics of the country and to redress the imbalances of the past.

CHAPTER 2

SOUTH AFRICAN GEOMATICS COUNCIL

Establishment of South African Geomatics Council

3. (1) There is hereby established a juristic person called the South African Geomatics Council.

(2) The Council must perform the functions provided for in this Act.

(3) The Council must, in accordance with sections 13(1)*(i)*(i) and 29 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and within 90 days from the

"see" dit wat in artikel 1 van die "National Environmental Management: Integrated Coastal Management Act, 2008" (Wet No. 24 van 2008), daaraan toegeskryf is;

"vertakking" 'n bepaalde spesialiseringsgebied van geomatika, ook landmeting, topografiese opmeting, ingenieursopmeting, mynopmeting, georuimtelike inligtingswetenskap, hidrografiese opmeting en fotogrammetriese opmeting of enige ander spesialisasiegebied wat die Minister by kennisgewing in die *Staatskoerant* kan bepaal;

"voorskryf" by regulasie voorskryf;

"vrywillige organisasie" enige vereniging, organisasie, instituut, instelling, of ander liggaam van geregistreerde persone ingevolge artikel 18 deur die Raad erken.

(2) In hierdie Wet het enige woord wat afgelei is van 'n woord of uitdrukking wat in subartikel (1) omskryf is, 'n ooreenstemmende betekenis tensy die samehang aandui dat 'n ander betekenis bedoel word.

Beginsels van Geomatikaprofessie

2. Die volgende beginsels is van toepassing op die Raad en alle geregistreerde persone en moet die uitleg, administrasie en inwerkingstelling van hierdie Wet rig:

(a) Geomatika en die geomatikaprofessie is kundigheidsgebiede wat een of meer van die volgende aktiwiteite behels wat op, bo of onder die oppervlak van die land of die see kan plaasvind:
- (i) Die vasstelling van die grootte en vorm van die aarde en die meting en opneming van alle data wat benodig word om die grootte, posisie, vorm en kontoer van enige deel van die aarde te omskryf;
- (ii) die ruimtelike plasing van voorwerpe en die plasing en kontrole van fisiese kenmerke, strukture en ingenieurswerke;
- (iii) die beplanning en vasstelling van die posisie van die grense van grond en van regte in grond, vir die doeleindes van registrasie van sodanige grond en regte ingevolge toepaslike wetgewing;
- (iv) die ontwerp, instelling en administrasie van geografiese inligtingstelsels en die insameling, stoor, analise, visualisering en bestuur van georuimtelike inligting;
- (v) die meting van grond, minerale en marinebronne; en
- (vi) sodanige ander handeling wat voorgeskryf kan word;

(b) geomatikawerk moet die belange van die publiek nastreef en dien ten einde huidige en toekomstige generasies tot voordeel te strek; en

(c) die Raad en die geomatikaprofessie moet—
- (i) daarna streef om deursigtigheid en billikheid in die professie te bewerkstellig ten einde die legitimiteit en doeltreffendheid daarvan te verseker;
- (ii) daarna streef om hoë standaarde van gehalte en integriteit in die professie te bereik;
- (iii) die professie bevorder en verbeterings in die bevoegdheid van geregistreerde persone nastreef deur vaardighede, kennis en standaarde binne die professie te ontwikkel;
- (iv) omgewingsverantwoordelike geomatikawerk bevorder wat volhoubare ontwikkeling sal verseker; en
- (v) daarna streef om die professie te transformeer ten einde die demografie van die land te weerspieël en die wanbalanse van die verlede reg te stel.

HOOFSTUK 2

SUID-AFRIKAANSE GEOMATIKARAAD

Instelling van Suid-Afrikaanse Geomatikaraad

3. (1) 'n Regspersoon genaamd die Suid-Afrikaanse Raad op Geomatika word hierby ingestel.

(2) Die Raad moet die werksaamhede uitvoer waarvoor in hierdie Wet voorsiening gemaak word.

(3) Die Raad moet, ooreenkomstig artikels 13(1)*(i)*(i) en 29 van die "National Qualifications Framework Act, 2008" (Wet No. 67 van 2008), en binne 90 dae vanaf die

date of its first meeting, apply to be recognised as a professional body in terms of that Act.

Composition of Council

4. (1) The Council, subject to subsection (2), consists of at least 13 but not more than 15 members, appointed in writing by the Minister, and must be composed as follows:

(a) Four geomatics practitioners in the full-time employ of the State, of whom—
  (i) one is the Chief Surveyor-General appointed in terms of section 2 of the Land Survey Act, 1997 (Act No. 8 of 1997);
  (ii) two must be geomatics practitioners in the full-time employ of the Department; and
  (iii) one must be a geomatics practitioner in the full-time employ of the Department of Mineral Resources;

(b) at least seven but not more than eight geomatics practitioners, of whom—
  (i) at least two must be geomatics practitioners who are not in the full-time employ of the State; and
  (ii) at least six but not more than seven must represent voluntary associations equitably;

(c) one person nominated by the Council on Higher Education referred to in section 4 of the Higher Education Act, 1997 (Act No. 101 of 1997); and

(d) at least one but not more than two persons to represent the interests of the public.

(2) A maximum of five of the members of the council established in terms of section 2 of the Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984), who are nominated by that council before the repeal of that Act and taking into account the provisions of subsection (1), remain in office for the first term of the Council.

(3) Persons to be considered for appointment in terms of subsection (1)*(a)*(ii) and (iii) must be nominated by the Directors-General or Accounting Officers of the departments referred to in that subsection, or by such person as may be prescribed.

(4) *(a)* Whenever it is necessary to appoint a member in terms of subsection (1)*(b)*, *(c)* or *(d)*, the Minister must invite written nominations of persons other than candidate geomatics practitioners, to be considered for appointment as such a member—
  (i) through advertisements in the *Gazette* and other media circulating nationally or otherwise;
  (ii) by any other method, including approaching persons directly; and
  (iii) in any prescribed manner.

(b) The invitation must require any person making a nomination to indicate which category and which branch of registered persons is to be represented by such nominated person.

(5) A nomination must be supported by—

(a) the personal details of the nominee;

(b) particulars of the qualifications, experience in geomatics or related matters or skills which may make the nominee suitable for appointment; and

(c) any other information that may be prescribed.

(6) In appointing a member, the Minister must have due regard to—

(a) the principles referred to in section 2;

(b) the different constituencies to be represented in terms of subsection (1);

(c) the different categories of registered persons referred to in section 13;

(d) the need to promote representation, including gender, disability and other demographic representation; and

(e) the need to broadly reflect the different branches of the geomatics profession.

(7) *(a)* For every member of the Council, there must be an alternate member, nominated and appointed in the same manner and for the same term of office as the relevant member.

(b) An alternate member must act in the place of the relevant member during such member's absence or inability to act as a member.

(c) An alternate member may, with the concurrence of the Council, attend and participate in any other meeting of the Council where the member to whom such person

datum van sy eerste vergadering, aansoek doen om ingevolge daardie Wet as 'n professionele liggaam erken te word.

Samestelling van Raad

4. (1) Die Raad, behoudens subartikel (2), bestaan uit minstens 13 maar hoogstens 15 lede, skriftelik deur die Minister aangestel, en moet soos volg saamgestel wees:

(a) Vier geomatikapraktisyns wat voltyds in diens van die Staat is, van wie—
  (i) een die Hooflandmeter-generaal aangestel ingevolge artikel 2 van die Grondopmetingswet, 1997 (Wet No. 8 van 1997), is;
  (ii) twee geomatikapraktisyns moet wees wat voltyds in diens van die Departement is; en
  (iii) een 'n geomatikapraktisyn moet wees wat voltyds in diens van die Departement van Minerale Hulpbronne is;

(b) minstens sewe maar hoogstens agt geomatikapraktisyns, van wie—
  (i) minstens twee geomatikapraktisyns moet wees wat nie voltyds in diens van die Staat is nie;
  (ii) minstens ses maar hoogstens sewe vrywillige verenigings billik moet verteenwoordig;

(c) een persoon wat deur die Raad vir Hoër Onderwys bedoel in artikel 4 van die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997), benoem is; en

(d) minstens een maar hoogstens twee persone wat die belange van die publiek verteenwoordig.

(2) 'n Maksimum van vyf van die lede van die raad wat ingevolge artikel 2 van die Wet op Professionele en Tegniese Opmeters, 1984 (Wet No. 40 van 1984), ingestel is, wat deur daardie raad benoem word voordat daardie Wet herroep word en met inagneming van die bepalings van subartikel (1), bly vir die eerste termyn van die Raad in hul ampte.

(3) Persone wat vir aanstelling ingevolge subartikel (1)*(a)*(ii) en (iii) oorweeg moet word, moet deur die direkteurs-generaal of rekenpligtige beamptes van die departemente bedoel in daardie subartikel, benoem word, of deur sodanige persoon wat voorgeskryf kan word.

(4) *(a)* Wanneer dit nodig is om 'n lid ingevolge subartikel (1)*(b)*, *(c)* of *(d)* aan te stel, moet die Minister vra dat persone wat nie kandidaat-geomatikapraktisyns is nie, skriftelik benoem word vir oorweging vir aanstelling as so 'n lid—
  (i) deur advertensies in die *Staatskoerant* en ander media met nasionale of ander sirkulasie;
  (ii) deur enige ander metode, soos om persone direk te nader; en
  (iii) op enige voorgeskrewe wyse.

(b) Die uitnodiging moet vereis dat 'n persoon wat 'n benoeming maak, aandui watter kategorie en watter vertakking van geregistreerde persone deur sodanige benoemde persoon verteenwoordig sal word.

(5) 'n Benoeming moet vergesel gaan van—
(a) die persoonlike besonderhede van die benoemde;
(b) besonderhede van die kwalifikasies, ervaring in geomatika of verwante aangeleenthede wat die benoemde persoon gepas vir aanstelling kan maak; en
(c) enige ander inligting wat voorgeskryf kan word.

(6) By die aanstelling van 'n lid, moet die Minister behoorlik ag slaan op—
(a) die beginsels in artikel 2 bedoel;
(b) die verskillende kiesafdelings wat ingevolge subartikel (1) verteenwoordig moet word;
(c) die verskillende kategorieë van geregistreerde persone in artikel 13 bedoel;
(d) die behoefte om verteenwoordiging, met inbegrip van geslag, gestremdheid en ander demografiese verteenwoordiging, te bevorder; en
(e) die behoefte om die verskillende vertakkings van die geomatiekaprofessie in die breë weer te gee.

(7) *(a)* Daar moet 'n alternatiewe lid vir elke lid van die Raad wees, wat op dieselfde wyse en vir dieselfde ampstermyn as die betrokke lid aangestel is.

(b) 'n Alternatiewe lid moet in die plek van die betrokke lid waarneem tydens sodanige lid se afwesigheid of onvermoë om as lid op te tree.

(c) 'n Alternatiewe lid kan, met die instemming van die Raad, enige ander vergadering van die Raad bywoon en daaraan deelneem waar die lid vir wie sodanige

is an alternate member is present, but may not vote on any matter to be considered by the Council.

(8) The Minister must appoint from the members of the Council, a chairperson, a deputy chairperson and an alternate chairperson of the Council.

(9) When the chairperson is unable to perform the functions of that office, they must be performed by the deputy chairperson or, if he or she is also unable to do so, by the alternate chairperson.

(10) Subject to subsection (12), a member or an office-bearer is appointed for a period of four years and, with the exception of the Chief Surveyor-General, may not serve more than two consecutive terms of office.

(11) The Minister must, by notice in the *Gazette*, publish the names of and the position held by an appointee to the Council, including alternate members, and the date on which his or her appointment takes effect.

(12) If a vacancy in the membership or alternate membership or in an office of the Council occurs, the Minister may appoint, in accordance with this section, a replacement member or office-bearer for the unexpired portion of the four-year period applicable to such vacancy.

(13) The Minister may, in writing and on such conditions as he or she considers appropriate, extend the term of office of a member or alternate member or office-bearer until a new Council, member or office-bearer is appointed.

Disqualification as member of Council and vacation of office

5. (1) The Minister may not appoint as a member or an alternate member of the Council a person who—

(a) is not a South African citizen or a permanent resident, and who is not ordinarily resident in the Republic of South Africa;
(b) is an unrehabilitated insolvent;
(c) is declared by a court of law to be mentally incompetent or is detained in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002);
(d) has been convicted, whether in the Republic or elsewhere, of an offence involving dishonesty and for which he or she was sentenced to imprisonment without the option of a fine, unless the person has received a grant of amnesty or a free pardon before the date of his or her appointment;
(e) has been removed from an office of trust on account of improper conduct;
(f) has had his or her name removed from any professional register on account of misconduct and who has not been reinstated;
(g) has been determined by a court, tribunal or forum in accordance with section 20 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), to have contravened any provision of that Act;
(h) is a political office-bearer in the national, provincial or municipal sphere of government; or
(i) is not a fit and proper person to be appointed as member or an alternate member.

(2) A member or alternate member of the Council must vacate his or her office, if such member—

(a) becomes disqualified by virtue of subsection (1) from being appointed as a member of the Council;
(b) resigns by written notice to the Minister;
(c) is incapable of performing his or her duties due to ill health;
(d) has, without the leave of the Council, been absent from two consecutive meetings of the Council; or
(e) has allowed his or her registration with the Council to lapse or if such member's name has been removed or suspended from the register: Provided that this paragraph does not apply to persons appointed in terms of section 4(1)*(c)* or *(d)*.

(3) A decision whether or not a member must vacate office in terms of subsection (2)*(c)* must be taken by the Minister, after consultation with the Council.

(4) The Minister may in the prescribed manner remove any member of the Council from office on the grounds of misconduct or incompetence.

persoon ’n alternatief is, teenwoordig is, maar mag nie stem oor enige aangeleentheid wat die Raad moet oorweeg nie.

(8) Die Minister moet ’n voorsitter, ’n ondervoorsitter en ’n alternatiewe voorsitter van die Raad uit die lede van die Raad aanstel.

(9) Wanneer die voorsitter nie die werksaamhede van daardie amp kan verrig nie, moet dit deur die ondervoorsitter of, indien hy of sy ook nie daartoe in staat is nie, deur die alternatiewe voorsitter verrig word.

(10) Behoudens subartikel (12), word ’n lid of ’n ampsbekleër vir ’n tydperk van vier jaar aangestel en mag, met die uitsondering van die Hooflandmeter-generaal, nie vir meer as twee opeenvolgende ampstermyne dien nie.

(11) Die Minister moet, by kennisgewing in die *Staatskoerant*, die name van en die posisie beklee deur ’n persoon wat tot die Raad aangestel is, met inbegrip van alternatiewe lede, en die datum waarop sy of haar aanstelling van krag word, publiseer.

(12) Indien ’n vakature in die lidmaatskap of alternatiewe lidmaatskap of in ’n amp van die Raad ontstaan, kan die Minister ’n vervangende lid of ampsbekleër ooreenkomstig hierdie artikel aanstel vir die onverstreke gedeelte van ’n vierjaartydperk van toepassing op sodanige vakature.

(13) Die Minister kan, skriftelik en op sodanige voorwaardes wat hy of sy gepas ag, die ampstermyn van ’n lid of alternatiewe lid of ampsbekleër verleng totdat ’n nuwe Raad, lid of ampsbekleër aangestel word.

Onbevoegdheid as lid van Raad en ontruiming van amp

5. (1) Die Minister mag nie ’n persoon as lid of as ’n alternatiewe lid van die Raad aanstel nie wat—

(a) nie ’n Suid-Afrikaanse burger of ’n permanente inwoner is nie en wat nie gewoonlik in die Republiek van Suid-Afrika woonagtig is nie;
(b) ’n ongerehabiliteerde insolvent is;
(c) deur ’n geregshof verklaar is verstandelik onbevoeg te wees of kragtens die “Mental Health Care Act, 2002” (Wet No. 17 van 2002), aangehou word;
(d) skuldig bevind is, hetsy in die Republiek van Suid-Afrika of elders, aan misdryf waarby oneerlikheid betrokke was en waarvoor hy of sy tot gevangenisstraf sonder die keuse van ’n boete gevonnis is, tensy amnestie of algehele kwytskelding voor die datum van sy of haar aanstelling aan die persoon toegestaan is;
(e) weens onbehoorlike gedrag uit ’n vertrouensamp ontslaan is;
(f) sy of haar naam weens wangedrag uit ’n professionele register verwyder is en wat nog nie daarin herstel is nie;
(g) deur ’n hof, tribunaal of forum ooreenkomstig artikel 20 van die “Promotion of Equality and Prevention of Unfair Discrimination Act, 2000” (Wet No. 4 van 2000), bevind is enige bepaling van daardie Wet te oortree het.
(h) ’n politieke ampsbekleër in die nasionale, provinsiale of munisipale regeringsfeer is; of
(i) nie ’n geskikte en gepaste persoon is om as ’n lid of ’n alternatiewe lid aangestel te word nie.

(2) ’n Lid of alternatiewe lid van die Raad moet sy of haar amp ontruim indien sodanige lid—

(a) uit magte van subartikel (1) onbevoeg word vir aanstelling as ’n lid van die Raad;
(b) by wyse van ’n skriftelike kennisgewing gerig aan die Minister bedank;
(c) weens swak gesondheid nie in staat is om sy of haar pligte uit te voer nie;
(d) sonder die toestemming van die Raad van twee raadsvergaderings afwesig was; of
(e) sy of haar registrasie by die Raad laat verstryk het of indien sodanige lid se naam van die register verwyder of opgeskort is: Met dien verstande dat hierdie paragraaf nie op persone ingevolge artikel 4(1)*(c)* of *(d)* aangestel, van toepassing is nie.

(3) ’n Besluit oor hetsy ’n lid ’n amp ingevolge subartikel (2)*(c)* moet ontruim al dan nie, moet na oorleg met die Raad deur die Minister geneem word.

(4) Die Minister kan enige lid van die Raad op die voorgeskrewe wyse op grond van wangedrag of onbevoegdheid uit ’n amp verwyder.

(5) *(a)* The Minister may dissolve the Council if the Minister, on good cause shown, loses confidence in the ability of the Council to perform its functions effectively and efficiently.

(b) The Minister may dissolve the Council only—

(i) after having given the Council a reasonable opportunity to be heard; and

(ii) after having afforded the Council a hearing on any submissions received.

(c) If the Minister dissolves the Council, the Minister—

(i) may appoint an administrator to take over the functions of the Council and to do anything which the Council might otherwise be empowered or required to do by or under this Act, subject to such conditions as the Minister may determine; and

(ii) must, as soon as it is feasible but not later than three months after the dissolution of the Council, replace the members of the Council in the same way as the way in which they were appointed.

(6) *(a)* The costs associated with the appointment of an administrator shall be for the account of the Council.

(b) The appointment of the administrator terminates when the Council members have been replaced in terms of subsection (5)*(c)*(ii).

Committees of Council

6. (1) *(a)* The Council may, on such conditions as may be prescribed, establish committees to assist it in the performance of its functions, and may appoint such of its members, registered persons and other persons as it may deem fit to be members of such committees.

(b) The Council may designate one of the members of a committee as chairperson of the committee.

(c) If the Council does not designate a chairperson of a committee, the committee may, at its first meeting, elect a chairperson from amongst its members as chairperson of the committee.

(2) The Council must, in the prescribed manner, establish an Education and Training Committee, which—

(a) serves solely as a committee on educational and training matters; and

(b) must advise and assist the Council at the request of the Council on—

(i) any matter contemplated in section 8(1)*(d)*;

(ii) the methods and procedures for the assessment of and registration in the various categories and branches of registered persons; and

(iii) all educational, training, skills development and related matters.

(3) Section 10 applies, with the changes required by the context, in respect of a committee of the Council.

Functions of Council

7. The functions of the Council are to—

(a) regulate the geomatics profession so as to promote and protect the interests of the public in relation to geomatics work, as long as it is not inconsistent with any other applicable law;

(b) register persons in terms of this Act;

(c) institute and enforce disciplinary action against registered persons contravening the provisions of this Act;

(d) support the functioning of disciplinary and appeal structures established under this Act;

(e) ensure and promote a high standard of education and training in the geomatics sector; and

(f) advise the Minister on any matter referred to it by the Minister or on any matter it considers necessary to achieve the objects of this Act.

Powers and duties of Council

8. (1) The Council, in exercising its powers and performing its duties—

(a) with regard to administrative matters—

(5) *(a)* Die Minister kan die Raad ontbind indien die Minister, by die aanvoer van goeie gronde, vertroue verloor in die Raad se vermoë om sy werksaamhede doeltreffend en effektief te verrig.

(b) Die Minister kan die Raad slegs ontbind—

(i) nadat die Raad 'n redelike geleentheid gegun is om aangehoor te word; en

(ii) nadat die Raad aangehoor is oor enige vertoë wat ontvang is.

(c) Indien die Minister die Raad ontbind—

(i) kan die Minister 'n administrateur aanstel om die werksaamhede van die Raad oor te neem en om enigiets te doen wat die Raad andersins by of kragtens hierdie Wet gemagtig of vereis kan wees om te doen, behoudens sodanige voorwaardes wat die Minister kan bepaal; en

(ii) moet die Minister, so gou as wat doenlik is maar nie later nie as drie maande na die ontbinding van die Raad, die lede van die Raad vervang op dieselfde wyse as die wyse waarop hulle aangestel is.

(6) *(a)* Die kostes wat met die aanstelling van 'n administrateur gepaard gaan, is vir die rekening van die Raad.

(b) Die aanstelling van die administrateur eindig wanneer die Raadslede ingevolge subartikel (5)*(c)*(ii) vervang is.

Komitees van Raad

6. (1) *(a)* Die Raad kan, op sodanige voorwaardes wat voorgeskryf kan word, komitees instel om hom by te staan in die verrigting van sy werksaamhede, en kan diegene van sy lede, geregistreerde persone en ander persone wat hy gepas kan ag, aanstel om lede van sodanige komitees te wees.

(b) Die Raad kan een van die lede van 'n komitee as voorsitter van die komitee aanwys.

(c) Indien die Raad nie 'n voorsitter van 'n komitee aanwys nie, kan die komitee by sy eerste vergadering 'n voorsitter van die komitee uit sy eie geledere verkies.

(2) Die Raad moet, op die voorgeskrewe wyse, 'n Komitee vir Opvoeding en Opleiding instel wat—

(a) alleenlik dien as 'n komitee oor opvoedings- en opleidingsaangeleenthede; en

(b) die Raad op versoek van die Raad van raad bedien oor en bystaan in—

(i) enige aangeleentheid in artikel 8(1)*(d)* bedoel;

(ii) die metodes en prosedures vir die evaluasie van en registrasie in die verskeie kategorieë en vertakkings van geregistreerde persone; en

(iii) alle opvoedings-, opleidings-, vaardigheidsontwikkeling- en verwante aangeleenthede.

(3) Artikel 10 is van toepassing, met die veranderinge deur die samehang vereis, ten opsigte van 'n komitee van die Raad.

Werksaamhede van Raad

7. Die werksaamhede van die Raad is om—

(a) die geomatikaprofessie te reël ten einde die belange van die publiek in verband met geomatikawerk te bevorder en te beskerm, solank dit nie onbestaanbaar met enige ander toepaslike wetsbepaling is nie;

(b) persone ingevolge hierdie Wet te registreer;

(c) dissiplinêre stappe in te stel en toe te pas teen geregistreerde persone wat die bepalings van hierdie Wet oortree;

(d) die funksionering van dissiplinêre en appèlstrukture wat kragtens hierdie Wet ingestel is, te ondersteun;

(e) 'n hoë standaard van opvoeding en opleiding in die geomatikasektor te verseker en te bevorder; en

(f) die Minister van raad te bedien oor enige aangeleentheid wat die Minister na die Raad verwys het of oor enige aangeleentheid wat hy nodig ag vir die bereiking van die oogmerke van hierdie Wet.

Bevoegdhede en pligte van Raad

8. (1) Die Raad, in die uitoefening van sy bevoegdhede en die verrigting van sy pligte—

(a) ten opsigte van administratiewe aangeleenthede—

(i) must, with the concurrence of the Minister and the Minister of Finance—
(aa) appoint the Registrar and such other persons as it considers necessary for the performance of its functions; and
(bb) determine the functions, remuneration and conditions of service of the Registrar and such other persons;
(ii) must determine where its head office must be situated;
(iii) must determine the manner of convening meetings and the procedure at meetings of the Council or of any committee, the quorum for committee meetings and the manner in which minutes of all meetings must be kept;
(iv) may take any reasonable steps necessary to publish any publication relating to the geomatics profession and related matters; and
(v) must make rules in respect of the procedure for the cancellation or suspension of the registration of a person registered in terms of this Act;

(b) with regard to the registration of persons in terms of section 13, must—
(i) subject to the provisions of this Act, consider and decide any application for registration;
(ii) in such manner as may be prescribed, keep and maintain a register, which must at all reasonable times be open for inspection by any member of the public;
(iii) in such manner as may be prescribed, enter into a register the names of—
(aa) persons registered in each of the categories contemplated in section 13, including persons referred to in section 37(3) and, in the case of geomatics technicians, geomatics technologists and geomatics professionals, must specify in which branch or branches of geomatics each person is entitled to practice; and
(bb) professional land surveyors who are qualified to perform the surveys referred to in section 13(2)*(b)*;
(iv) decide upon the form of the register and registration certificates to be issued, the reviewing thereof and the manner in which alterations thereto may be effected; and
(v) within 90 days of its first meeting, or within such extended period as the Minister may approve, make rules in respect of the manner in which any person must apply for registration and the qualifications necessary for such registration;

(c) with regard to fees, must be guided by the actual administrative costs associated with the specific service and—
(i) must make rules in respect of—
(aa) the application, registration and, with the concurrence of the Minister and the Minister of Finance, the annual fees payable to the Council by the different categories of applicants or registered persons;
(bb) the portion of such annual fees which is payable in respect of any part of a year; and
(cc) the date on which any fee or portion thereof is payable;
(ii) may for good cause grant exemption from payment of application fees, registration fees, annual fees or a portion thereof, or may defer any such payment;
(iii) must, with the concurrence of the Minister and the Minister of Finance, determine the fees or any part thereof payable to the Council in respect of any assessment contemplated in section 13(4) conducted by or on behalf of the Council;
(iv) must, with the concurrence of the Minister and the Minister of Finance, make rules in respect of the fees payable in respect of the lodging of an appeal with the Appeal Board and the copying or transcription of records of a disciplinary tribunal; and
(v) may, with the concurrence of the Minister and the Minister of Finance, determine any other fee it considers necessary;

(d) with regard to education and training—

(i) moet, met die instemming van die Minister en die Minister van Finansies—
  (aa) die Registrateur en sodanige ander persone aanstel wat hy nodig ag vir die verrigting van sy werksaamhede;
  (bb) die werksaamhede, besoldiging en diensvoorwaardes van die Registrateur en sodanige ander persone bepaal;
(ii) moet bepaal waar sy hoofkantoor geleë moet wees;
(iii) moet bepaal hoe vergaderings saamgeroep moet word en die prosedure by die vergaderings van die Raad of van enige komitee, die kworum vir komiteevergaderings en die wyse waarop notules van alle vergaderings gehou moet word;
(iv) kan enige redelike stappe doen wat nodig is om enige publikasie oor die geomatikaprofessie en verwante aangeleenthede te publiseer; en
(v) moet reëls maak oor die prosedure vir die kansellasie of opskorting van die registrasie van ’n persoon ingevolge hierdie Wet geregistreer;

(b) moet, ten opsigte van die registrasie van persone ingevolge artikel 13—
(i) behoudens die bepalings van hierdie Wet, enige aansoek om registrasie oorweeg en daaroor beslis;
(ii) op die wyse wat voorgeskryf kan word, ’n register hou en byhou, wat te alle redelike tye oop moet wees vir inspeksie deur enige lid van die publiek;
(iii) op die wyse wat voorgeskryf kan word, die name in die register opneem van—
  (aa) persone wat in elk van die kategorieë in artikel 13 beoog geregistreer is, met inbegrip van persone in artikel 37(3) bedoel en moet, in die geval van geomatikategnici, geomatikategnoloë en professionele geomatici, vermeld in watter vertakking of vertakkings van geomatika elke persoon geregtig is om te praktiseer; en
  (bb) professionele landmeters wat gekwalifiseer is om die opmetings bedoel in artikel 13(2)*(b)*, te verrig;
(iv) besluit op die vorm van die register en registrasiesertifikate wat uitgereik moet word, die hersiening daarvan en die wyse waarop veranderings daarop aangebring kan word; en
(v) binne 90 dae vanaf sy eerste vergadering, of binne sodanige verlengde tydperk wat die Minister kan goedkeur, reëls maak ten opsigte van die wyse waarop iemand om registrasie moet aansoek doen en die kwalifikasies wat vir sodanige registrasie vereis word;

(c) ten opsigte van gelde, gelei word deur die werklike administratiewe kostes wat met die bepaalde diens gepaard gaan en—
(i) moet reëls maak ten opsigte van—
  (aa) die aansoek, registrasie en, met die instemming van die Minister en die Minister van Finansies, die jaarlikse gelde wat aan die Raad betaalbaar is deur die verskillende kategorieë aansoekers of geregistreerde persone;
  (bb) die gedeelte van sodanige jaarlikse gelde wat ten opsigte van enige deel van ’n jaar betaalbaar is; en
  (cc) die datum waarop enige gelde of gedeelte daarvan betaalbaar is;
(ii) kan op goeie gronde vrystelling toestaan van betalings van aansoekgelde, registrasiegelde, jaargelde of ’n gedeelte daarvan, of kan enige sodanige betaling uitstel;
(iii) moet, met die instemming van die Minister en die Minister van Finansies, die gelde of enige deel daarvan betaalbaar aan die Raad ten opsigte van enige evaluasie in artikel 13(4) beoog deur of namens die Raad gedoen, bepaal;
(iv) moet, met die instemming van die Minister en die Minister van Finansies, reëls maak ten opsigte van die gelde betaalbaar ten opsigte van die aantekening van ’n appèl by die Appèlraad en die kopiëring of transkribering van rekords van ’n dissiplinêre tribunaal; en
(v) kan, met die instemming van die Minister en die Minister van Finansies, enige ander gelde bepaal wat hy nodig ag;

(d) ten opsigte van opvoeding en opleiding—

(i) must consult with the relevant quality council referred to in Chapter 5 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and the voluntary associations, to determine the required competency standards relevant to the geomatics profession;

(ii) must conduct accreditation visits to educational institutions offering educational programmes with regard to geomatics at least once in four years and, if the Council does not conduct an accreditation visit within the four-year period, must notify the Minister accordingly and provide reasons for not visiting such institutions;

(iii) may, subject to the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), recognise specific qualifications or part qualifications as requirements to be registered as a geomatics practitioner;

(iv) must deal with matters pertaining to education and training in consultation with the Council on Higher Education established in terms of the Higher Education Act, 1997 (Act No. 101 of 1997);

(v) may establish mechanisms for registered persons to gain recognition of their qualifications and professional status in other countries;

(vi) may, subject to the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), enter into an agreement with any person or body, within or outside the Republic, with regard to the recognition of any examination or qualification for the purposes of this Act;

(vii) may advise or assist any educational institution, voluntary association or examining body with regard to educational facilities for the training of registered persons and prospective registered persons;

(viii) must make rules to determine the procedure for any assessment for the purposes of section 13(4); and

(ix) must make rules which determine—

(aa) the conditions relating to continuing professional development;

(bb) the nature and extent of continuing professional development to be undertaken by persons registered in terms of this Act;

(cc) the criteria for the recognition of continuing professional development and of service providers offering such activities;

(dd) the recognition of professionals who offer opportunities for practical training towards the development of graduates and potential graduates; and

(ee) in liaison with the relevant quality council referred to in Chapter 5 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and the South African Qualifications Authority, if applicable, the recognition of any prior learning relating to the geomatics profession;

(e) with regard to finance and subject to subsection (2) of this section and sections 66 and 70 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), where applicable—

(i) must collect all monies due to it;

(ii) may invest its funds in any registered financial institution approved by the National Treasury;

(iii) may, with the approval of the Minister of Finance, raise loans for the purposes of effectively performing its functions;

(iv) may, with a view to promoting any matter relating to the geomatics profession, lend money in the manner, subject to such conditions and against such security as may be prescribed by the Minister with the concurrence of the Minister of Finance;

(v) may, with the approval of the Minister of Finance, mortgage any of its immovable property as security for any loan raised for the purpose of effectively performing its functions;

(vi) may, in consultation with the National Treasury, undertake fund-raising activities, including conferences, production and sale of merchandise and publications;

(i) oorleg pleeg met die toepaslike raad oor gehalte in Hoofstuk 5 van die ''National Qualifications Framework Act, 2008'' (Wet No. 67 van 2008), bedoel en die vrywillige verenigings, om die vereiste bevoegdheidstandaarde wat op die geomatikaprofessie van toepassing is, te bepaal;

(ii) moet minstens eenkeer elke vier jaar akkreditasiebesoeke aan opvoedingsinstellings bring wat onderrigprogramme oor geomatika aanbied en, indien die Raad nie binne die vier jaar 'n akkreditasiebesoek aflê nie, die Minister ooreenkomstig verwittig en die redes verstrek waarom sodanige instellings nie besoek is nie;

(iii) kan, behoudens die ''National Qualifications Framework Act, 2008'' (Wet No. 67 van 2008), bepaalde kwalifikasies of gedeeltelike kwalifikasies erken as vereistes vir registrasie as 'n geomatikapraktisyn;

(iv) moet aangeleenthede ten opsigte van opvoeding en opleiding in oorleg met die Raad vir Hoër Onderwys ingestel ingevolge die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997), hanteer;

(v) kan meganismes instel vir geregistreerde persone om in ander lande erkenning vir hul kwalifikasies en professionele status te kry;

(vi) kan, behoudens die ''National Qualifications Framework Act, 2008'' (Wet No. 67 van 2008), 'n ooreenkoms met enige persoon of liggaam, binne of buite die Republiek, aangaan in verband met die erkenning van enige eksamen of kwalifikasie vir die doeleindes van hierdie Wet;

(vii) kan enige opvoedingsinstelling, vrywillige organisasie of eksamenliggaam van raad bedien of bystaan ten opsigte van opvoedingsfasiliteite vir die opleiding van geregistreerde persone en voornemende geregistreerde persone;

(viii) moet reëls maak om die prosedure te bepaal vir enige evaluasie by die toepassing van artikel 13(4); en

(ix) moet reëls maak wat—

(aa) die voorwaardes betreffende voortgesette professionele ontwikkeling bepaal;

(bb) die aard en bestek van voortgesette professionele ontwikkeling bepaal wat persone wat ingevolge hierdie Wet geregistreer is, moet onderneem;

(cc) die maatstawwe bepaal vir die erkenning van voortgesette professionele ontwikkeling en van diensverskaffers wat sodanige aktiwiteite aanbied;

(dd) die erkenning van professionele persone wat geleenthede bied vir praktiese opleiding vir die ontwikkeling van gegradueerdes en potensiële gegradueerdes; en

(ee) in skakeling met die betrokke gehalteraad bedoel in Hoofstuk 5 van die ''National Qualifications Framework Act, 2008'' (Wet No. 67 van 2008), en die Suid-Afrikaanse Kwalifikasieowerheid, indien van toepassing, die erkenning bepaal van enige voorafleer tot die geomatikaprofessie;

(e) ten opsigte van finansies en behoudens subartikel (2) van hierdie artikel en artikels 66 en 70 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), waar van toepassing—

(i) moet alle gelde daaraan verskuldig invorder;

(ii) kan sy fondse in enige geregistreerde finansiële instelling deur die Nasionale Tesourie goedgekeur, belê;

(iii) kan, met die goedkeuring van die Minister van Finansies, lenings kry vir die doeltreffende verrigting van sy werksaamhede;

(iv) kan, met die oog op die bevordering van enige aangeleentheid wat met die geomatikaprofessie verband hou, geld uitleen op die wyse, behoudens sodanige voorwaardes en teen sodanige sekuriteit, wat die Minister met die instemming van die Minister van Finansies, voorskryf;

(v) kan, met die goedkeuring van die Minister van Finansies, 'n verband uitneem op enige van sy vaste bates as sekuriteit vir enige lening gemaak met die doel om sy werksaamhede doeltreffend te verrig;

(vi) kan, in oorleg met die Nasionale Tesourie, handelinge verrig om fondse in te samel, met inbegrip van konferensies, en die vervaardiging en verkoop van handelsware en publikasies;

(vii) may open, operate and close such current or savings bank accounts with a registered commercial bank as it may require to effectively perform its functions and duties; and

(f) in general but subject to subsection (2)—

(i) may acquire or lease such movable or immovable property as it considers necessary for the effective performance of its functions and let, sell or otherwise dispose of property acquired;

(ii) must decide upon the manner in which contracts must be entered into on its behalf;

(iii) may advise the Minister or any other Minister, as the case may be, on any matter relating to the geomatics profession;

(iv) may take any steps which it considers necessary for the protection of the public in their dealings with registered persons, for the maintenance of the integrity, the enhancement of the status and the improvement of the standards of services rendered by those persons;

(v) may take any steps which it considers necessary to create an awareness amongst registered persons of the importance of protecting the environment;

(vi) must consider and give its final decision on recommendations of a committee of the Council; and

(vii) may from time to time insure, through a registered insurer, against any risk to which it, its members, its employees or registered persons may be exposed.

(2) The Council must obtain the written approval of the Minister and the Minister of Finance, which approval may be granted subject to conditions, before—

(a) investing funds, borrowing or lending money or entering into any lease, whether as lessor or lessee, if the period of the transaction will be longer than 12 months, and the value exceeds an amount prescribed by the Minister by publication of an appropriate notice in the *Gazette*; and

(b) acquiring, disposing of or encumbering immovable property, irrespective of its value.

Meetings of Council

9. (1) *(a)* The first meeting of the Council and any future first meetings of a newly appointed Council must be held at the time and place determined by the Chief Surveyor-General in concurrence with the Minister, and subsequent meetings of the Council must be held at such times and places as determined by the Council.

(b) The first meeting of the Council and any future first meetings of a newly appointed Council must be chaired by the Chief Surveyor-General until a chairperson has been appointed in terms of section 4(8).

(2) The Council must hold at least two meetings each year, but may hold such further meetings as it determines necessary from time to time.

(3) The chairperson may at any time on reasonable grounds and on written notice of the purpose of the meeting, convene a special meeting of the Council, to be held on a date and at a place that he or she determines.

(4) The chairperson must, on notice of the purpose of the meeting, convene a special meeting at the request of—

(a) the Minister; or

(b) at least one third of the Council members.

(5) A special meeting requested in terms of subsection (4) must be held within 30 days from the date of receipt of the request, on such date and at such place as the chairperson may determine.

(6) A majority of the members of the Council constitutes a quorum at any meeting of the Council.

(7) If within an hour after the time scheduled for a meeting, a quorum is not present, the meeting must be adjourned to a date to be determined by the chairperson, which date must not be earlier than seven days and not later than 21 days after the date of the meeting so adjourned and the members then present at the second meeting, constitute a quorum.

(vii) kan sodanige lopende of spaarrekeninge by ’n geregistreerde kommersiële bank oopmaak, bedryf en toemaak wat hy mag nodig hê om sy werksaamhede en pligte doeltreffend te verrig; en

(f) kan oor die algemeen maar behoudens subartikel (2)—

(i) sodanige roerende of vaste bates verkry of huur wat hy nodig mag ag vir die doeltreffende verrigting van sy werksaamhede, en eiendom wat verkry is verhuur, verkoop of andersins oor beskik;

(ii) moet besluit op die wyse waarop kontrakte namens die Raad aangegaan moet word;

(iii) kan die Minister of enige ander Minister, na gelang van die geval, van raad bedien oor enige aangeleentheid wat met die geomatikaprofessie verband hou;

(iv) kan enige stappe doen wat dit nodig ag vir die beskerming van die publiek in hul omgang met geregistreerde persone, vir die handhawing van die integriteit, die verheffing van die status en die verbetering van die standaard van dienste deur daardie persone gelewer;

(v) kan enige stappe doen wat hy nodig ag om bewustheid onder geregistreerde persone te skep oor hoe belangrik dit is om die omgewing te beskerm;

(vi) moet aanbevelings van ’n komitee van die Raad oorweeg en sy finale beslissing daaroor gee; en

(vii) kan van tyd tot tyd die Raad, sy lede, werknemers of geregistreerde persone by ’n geregistreerde versekeraar verseker teen enige risiko waaraan hulle blootgestel kan word.

(2) Die Raad moet die skriftelike goedkeuring van die Minister en die Minister van Finansies bekom, welke goedkeuring met voorwaardes toegestaan kan word, voordat—

(a) fondse belê, geld geleen of uitgeleen word of enige huurkontrak, hetsy as verhuurder of huurder, aangegaan word indien die tydperk van die transaksie langer as 12 maande sal wees, en die waarde meer is as ’n bedrag deur die Minister by publikasie van ’n gepaste kennisgewing in die *Staatskoerant* voorgeskryf; en

(b) vaste bates, ongeag die waarde daarvan, verkry, oor beskik of beswaar word.

Vergaderings van Raad

9. (1) *(a)* Die eerste vergadering van die Raad en enige toekomstige eerste vergaderings van ’n nuut aangestelde Raad, moet op die tyd en plek deur die Hooflandmeter-generaal in ooreenstemming met die Minister bepaal, gehou word en daaropvolgende vergaderings van die Raad moet op sodanige tye en plekke wat die Raad bepaal, gehou word.

(b) Die Hooflandmeter-generaal moet by die eerste vergadering van die Raad en enige toekomstige eerste vergadering van ’n nuut aangestelde Raad voorsit, totdat ’n voorsitter ingevolge artikel 4(8) aangestel is.

(2) Die Raad moet elke jaar ten minste twee vergaderings hou, maar kan sodanige verdere vergaderings hou wat dit van tyd tot tyd nodig ag.

(3) Die voorsitter kan enige tyd op redelike gronde en by skriftelike kennisgewing van die doel van die vergadering, ’n spesiale vergadering van die Raad belê, om op ’n datum en plek wat hy of sy bepaal, gehou te word.

(4) Die voorsitter moet, by kennisgewing van die doel van die vergadering, ’n spesiale vergadering belê op versoek van—

(a) die Minister; of

(b) ten minste een derde van die Raadslede.

(5) ’n Spesiale vergadering ingevolge subartikel (4) aangevra, moet binne 30 dae vanaf die datum van ontvangs van die versoek gehou word, op die datum en die plek wat die voorsitter kan bepaal.

(6) ’n Meerderheid van die lede van die Raad maak ’n kworum by enige vergadering van die Raad uit.

(7) Indien ’n kworum binne ’n uur na die tyd wat vir ’n vergadering vasgestel is, nie teenwoordig is nie, moet die vergadering verdaag word na ’n datum wat die voorsiter bepaal, welke datum nie vroeër as sewe dae en nie later nie as 21 dae na die datum van die vergadering wat so verdaag is moet wees en die lede wat dan by die tweede vergadering teenwoordig is, maak ’n kworum uit.

(8) The Council or a committee is a body of record and must keep appropriate records of its activities, including minutes of its meetings, its documents and documents submitted to or obtained by it.

(9) Copies of the minutes of and the reports tabled at the meetings or proceedings of the Council or a committee must be forwarded to the Minister and Director-General within 60 days from the date of each meeting or proceeding.

Decisions of Council

10. (1) A decision of a majority of the members of the Council constitutes a decision of the Council.

(2) In the event of a deadlock, the chairperson has a casting vote in addition to a deliberative vote.

(3) A decision taken by the Council or act performed under the authority of the Council is not invalid by reason only of a vacancy on the Council or of the fact that a person who is not entitled to sit as a member of the Council sat as a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of the members of the Council who were present at the time and entitled to sit as members.

(4) The Minister may, after consultation with the Council and any person directly affected by a Council decision, suspend or revoke that decision on reasonable grounds and on such conditions as are just and equitable, if it is in the public interest to do so.

(5) The Minister must, on suspending a decision of the Council and before its revocation, remit such decision to the Council for reconsideration.

Remuneration of members of Council and committees

11. The chairperson, deputy chairperson, other members of the Council and members of committees of the Council, including members of committees who are not members of the Council itself, but excluding any member who is in the full-time service of the State, must out of the funds of the Council be paid such remuneration and such allowances as the Minister, with the concurrence of the Minister of Finance, may determine.

Funds of Council and keeping and auditing of accounts

12. (1) The funds of the Council consist of money received by it in terms of the provisions of this Act and all other monies which may accrue to it from any other source.

(2) The Council may, in consultation with the National Treasury, establish and administer an education fund for the purposes of educating, training and providing continued education and training of registered persons and students of geomatics.

(3) The Council must keep a full and correct account of all monies received and expended by it.

(4) The Council must annually prepare a statement of income and expenditure and a balance sheet showing the financial position at the close of the financial year, which statement and balance sheet must be audited by an auditor registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005).

(5) A copy of the auditor's statement and balance sheet, after endorsement by the Council, must lie open for public inspection at the offices of the Council for a period of 14 days and the Council must give notice thereof to all registered persons in any manner deemed appropriate by the Council.

(6) The Council must within six months from the close of each financial year, submit the auditor's statement and balance sheet to the Minister.

(7) The Minister may, with the concurrence of the Minister of Finance, on receipt of a budgeted request from the Council and on such conditions the Minister may determine, grant to the Council out of money appropriated by Parliament, such amounts as the Minister considers necessary in order to enable the Council to carry out its functions.

(8) Die Raad of 'n komitee is 'n liggaam van rekord en moet gepaste rekords hou van sy aktiwiteite, met inbegrip van notules van sy vergaderings, sy dokumente en dokumente daaraan voorgelê of daardeur verkry.

(9) Afskrifte van die notules van en die verslae ter tafel gelê by die vergaderings of verrigtinge van die Raad of 'n komitee, moet binne 60 dae vanaf die datum van elke vergadering of verrigting aan die Minister en Direkteur-generaal gestuur word.

Besluite van Raad

10. (1) 'n Besluit van 'n meerderheid van die lede van die Raad maak 'n besluit van die Raad uit.

(2) In geval van 'n dooie punt het die voorsitter, benewens 'n beraadslagende stem, ook 'n beslissende stem.

(3) 'n Besluit geneem deur die Raad of handeling uitgevoer op gesag van die Raad is nie ongeldig nie slegs op grond van 'n vakature in die Raad of die feit dat 'n persoon wat nie daarop geregtig is om as 'n lid van die Raad te dien nie wel as 'n lid gedien het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die Raad wat teenwoordig was op die tydstip en daarop geregtig was om as lede te dien.

(4) Die Minister kan, na oorleg met die Raad en enige persoon wat regstreeks deur 'n besluit van die Raad geraak word, daardie besluit opskort of herroep op goeie gronde en op sodanige voorwaardes wat regverdig en billik is indien dit in die openbare belang is om dit te doen.

(5) Die Minister moet, na opskorting van die besluit van die Raad en voor sy herroeping, die besluit na die Raad verwys vir heroorweging.

Besoldiging van lede van Raad en komitees

11. Die voorsitter, adjunkvoorsitter, ander lede van die Raad en lede van komitees van die Raad, met inbegrip van lede van komitees wat nie lede van die Raad self is nie, behalwe waar sodanige lid voltyds in diens van die Staat is, moet uit die Raad se fondse die besoldiging en toelaes betaal word wat die Minister, met die instemming van die Minister van Finansies, bepaal.

Fondse van Raad en hou en ouditering van boeke

12. (1) Die fondse van die Raad bestaan uit enige geld ingevolge hierdie Wet deur hom ontvang en alle ander geld wat die Raad moontlik uit enige ander bron kan toeval.

(2) Die Raad kan, in oorleg met die Nasionale Tesourie, 'n opvoedingsfonds instel en administreer vir die doel van die opvoeding, opleiding en voortgesette opvoeding en opleiding van geregistreerde persone en studente van geomatika.

(3) Die Raad moet 'n volledige en akkurate rekord hou van alle geld deur hom ontvang en bestee.

(4) Die Raad moet jaarliks 'n staat van inkomste en uitgawes en 'n balansstaat wat 'n finansiële posisie aandui vir die einde van die boekjaar waarop dit betrekking het, voorberei en die staat en balansstaat moet geouditeer word deur 'n ouditeur wat ingevolge die ''Auditing Profession Act, 2005'' (Wet No. 26 van 2005), geregistreer is.

(5) 'n Afskrif van die ouditeur se staat en balansstaat, na bekragtiging deur die Raad, moet vir openbare inspeksie by die Raad se kantore beskikbaar wees vir 'n tydperk van 14 dae en die Raad moet op enige wyse wat die Raad gepas ag, kennis daarvan aan alle geregistreerde persone gee.

(6) Die Raad moet die ouditeur se staat en balansstaat binne ses maande na die einde van elke boekjaar aan die Minister voorlê.

(7) Die Minister kan, met die instemming van die Minister van Finansies, by ontvangs van 'n begrote versoek van die Raad en op die voorwaardes wat die Minister kan bepaal, uit geld wat deur die Parlement bewillig is, die bedrae aan die Raad toeken wat hy of sy nodig ag ten einde die Raad in staat te stel om sy werksaamhede te verrig.

CHAPTER 3

REGISTRATION

Registration of persons

13. (1) A person may be registered in terms of subsection (4) in one or more of the following categories and in one, more or all of the applicable branches of the geomatics profession:

(a) A candidate geomatics practitioner;
(b) a geomatics technician;
(c) a geomatics technologist; or
(d) a geomatics professional.

(2) *(a)* A person may not practice in or perform any work, whether for reward or otherwise, which is reserved for any of the categories or branches referred to in subsection (1), unless he or she is registered in that category or branch or he or she performs such work under the supervision of a registered person of the same discipline and such registered person assumes responsibility for any work so performed.

(b) A person whose name is not entered in the register for professional land surveyors referred to in section 8(1)*(b)*(iii)*(bb)*, may not practice in or perform—

(i) any survey for the purposes of preparing a diagram or general plan to be filed or registered in terms of any law governing the registration of any land or rights in land or mentioned in any manner whatsoever in any other document to be so filed or registered; or
(ii) any survey affecting the delimitation of the boundaries or the location of the beacons of any land so registered.

(3) Any person intending to be registered in a category or branch contemplated in subsection (1) must apply for registration in the manner determined in the rules.

(4) The Council must consider an application for registration, register the applicant in the relevant category and branch and issue to him or her a registration certificate in the form determined in the rules, if the Council is satisfied that the applicant—

(a) in the case of a person applying for registration as a candidate geomatics practitioner, is registered for an accredited and appropriate geomatics educational programme registered on the NQF and recognised in terms of subsection (5);
(b) in the case of a person applying for registration as a geomatics technician—
  (i) has completed an accredited and appropriate geomatics educational programme registered on the NQF and recognised in terms of subsection (5);
  (ii) has completed such practical training as may be determined in the rules; and
  (iii) has passed a competency assessment determined by the Council;
(c) in the case of a person applying for registration as a geomatics technologist—
  (i) has completed an accredited and appropriate geomatics educational programme registered on the NQF and recognised in terms of subsection (5);
  (ii) has completed such practical training as may be determined in the rules; and
  (iii) has passed a competency assessment determined by the Council; and
(d) in the case of a person applying for registration as a geomatics professional—
  (i) has completed an accredited and appropriate geomatics educational programme registered on the NQF and recognised in terms of subsection (5);
  (ii) has completed such practical training as may be determined in the rules; and
  (iii) has passed a competency assessment determined by the Council.

(5) The Council must, in liaison with the relevant quality council referred to in Chapter 5 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and

HOOFSTUK 3

REGISTRASIE

Registrasie van persone

13. (1) 'n Persoon kan ingevolge subartikel (4) in een of meer van die volgende kategorieë en in een, meer of al die toepaslike vertakkings van die geomatikaprofessie geregistreer word:

(a) 'n Kandidaat-geomatikapraktisyn;
(b) 'n geomatikategnikus;
(c) 'n geomatikategnoloog; of
(d) 'n professionele geomatikus.

(2) *(a)* Iemand kan nie praktiseer in of enige werk doen, hetsy vir beloning of andersins, wat gereserveer is vir enige van die kategorieë of vertakkings in subartikel (1) bedoel nie, tensy hy of sy in daardie kategorie of vertakking geregistreer is of sodanige werk onder toesig van 'n geregistreerde persoon uit dieselfde vakrigting doen en sodanige geregistreerde persoon verantwoordelikheid aanvaar vir enige werk aldus gedoen.

(b) Iemand wie se naam nie in die register vir professionele landmeters in artikel 8(1)*(b)*(iii)*(bb)* bedoel aangeteken is nie, mag nie praktiseer in of deelneem nie aan—

(i) enige opmeting met die doel om 'n diagram of algemene plan voor te berei wat ingedien of geregistreer moet word ingevolge enige wet wat die registrasie van enige grond of regte in grond beheer of op enige wyse hoegenaamd genoem word in enige ander dokument wat aldus ingedien of geregistreer moet word nie; of
(ii) enige opmeting wat die afbakening van die grense of die ligging van die bakens van enige grond wat aldus geregistreer is, raak nie.

(3) Iemand wat van plan is om in 'n kategorie of vertakking in subartikel (1) beoog geregistreer te word, moet op die wyse in die reëls bepaal om registrasie aansoek doen.

(4) Die Raad moet 'n aansoek om registrasie oorweeg, die aansoeker in die betrokke kategorie en vertakking registreer en 'n registrasiesertifikaat in die vorm in die reëls bepaal aan hom of haar uitreik, indien die Raad tevrede is dat die aansoeker—

(a) in die geval van iemand wat om registrasie as kandidaat-geomatikapraktisyn aansoek doen, ingeskryf is vir 'n geakkrediteerde en toepaslike opvoedingsprogram in die geomatika wat op die NQF geregistreer is en ingevolge subartikel (5) erken is;
(b) in die geval van iemand wat om registrasie as 'n geomatikategnikus aansoek doen—
  (i) 'n geakkrediteerde en toepaslike opvoedingsprogram in geomatika wat op die NQF geregistreer is en ingevolge subartikel (5) erken word, voltooi het;
  (ii) sodanige praktiese opleiding wat in die reëls bepaal kan word, voltooi het; en
  (iii) 'n bevoegdheidsevaluering deur die Raad bepaal, deurgekom het;
(c) in die geval van iemand wat om registrasie as 'n geomatikategnoloog aansoek doen—
  (i) vir 'n geakkrediteerde en toepaslike opvoedingsprogram in geomatika wat op die NQF geregistreer is en ingevolge subartikel (5) erken word, voltooi het;
  (ii) sodanige praktiese opleiding wat in die reëls bepaal kan word, voltooi het; en
  (iii) 'n bevoegdheidsevaluering deur die Raad bepaal, deurgekom het;
(d) in die geval van 'n persoon wat om registrasie as 'n professionele geomatikus aansoek doen—
  (i) 'n geakkrediteerde en toepaslike opvoedingsprogram in die geomatika wat op die NQF geregistreer is en ingevolge subartikel (5) erken word, voltooi het;
  (ii) sodanige praktiese opleiding wat in die reëls bepaal kan word, voltooi het; en
  (iii) 'n bevoegdheidsevaluering deur die Raad bepaal, deurgekom het.

(5) Die Raad moet, in samewerking met die toepaslike gehalteraad bedoel in Hoofstuk 5 van die ''National Qualifcations Framework Act, 2008'' (Wet No. 67 van

in accordance with section 28 of that Act, determine which educational programmes and qualifications relating to geomatics, registered or to be registered on the NQF by the South African Qualifications Authority in terms of that Act, would be recognised for the purposes of subsection (4)*(a)*, *(b)*(i), *(c)*(i) and *(d)*(i).

(6) Only a registered person may be described in terms of the category and branch of geomatics in which he or she is registered.

(7) The Council may determine abbreviations or acronyms for the categories and branches referred to in subsection (1).

(8) The Council must not register any person who—

(a) is an unrehabilitated insolvent whose insolvency was caused by his or her negligence or incompetence in performing geomatics work;
(b) is declared by a court of law to be mentally incompetent or is detained under the Mental Health Care Act, 2002 (Act No. 17 of 2002);
(c) has been convicted, whether in the Republic or elsewhere, of an offence involving dishonesty and for which he or she was sentenced to imprisonment without the option of a fine;
(d) has been removed from an office of trust on account of improper conduct and has not been re-instated;
(e) has had his or her name removed from any professional register on account of misconduct and has not been reinstated; or
(f) is not a fit and proper person.

Cancellation of registration

14. (1) The registration of a registered person who—

(a) becomes disqualified on any ground referred to in section 13(8);
(b) was erroneously registered;
(c) was registered on the basis of incorrect information;
(d) fails, without good reason and in the absence of an arrangement for deferred payment, to pay any amount owing to the Council on the due date or any extended date; or
(e) fails, without good reason, to comply with the prescribed requirements in respect of continuing professional development or any rule in this regard,

may be cancelled in writing in terms of this section.

(2) The Council must notify such person in writing of its intention to cancel his or her registration and request the person to submit written representations, within a specified reasonable time, indicating the reasons why the registration should not be cancelled.

(3) If the Council is satisfied that no reasonable grounds exist for such person's registration to continue, the registration must be cancelled and the registered person must be notified accordingly.

(4) The Council must, at the written request of any registered person, remove such person's name from the register, but if an investigation into alleged improper conduct by such a registered person is in progress or is to be held, such removal must not be made until any resultant misconduct proceedings have been concluded.

(5) A person who was previously registered in terms of section 13(4) may apply for re-registration, if—

(a) that person's registration was cancelled in terms of subsection (1)*(c)*;
(b) that person has resigned; or
(c) that person wishes to be registered in a different category.

(6) If a person contemplated in subsection (5) has paid the application, registration and arrear fees, subscriptions, recovery expenses and penalties, if any, determined in the rules, the Council must, subject to the provisions of this Act, re-register such person in any appropriate category and branch.

2008), en ooreenkomstig artikel 28 van daardie Wet, bepaal watter opvoedingsprogramme en kwalifikasies oor geomatika, wat op die NQF geregistreer is of geregistreer gaan word deur die Suid-Afrikaanse Kwalifikasieowerheid ingevolge daardie Wet, erken sal word by die toepassing van subartikel (4)*(a)*, *(b)*(i), *(c)*(i) en *(d)*(i).

(6) Slegs 'n geregistreerde persoon kan ingevolge die kategorie en vertakking van geomatika waarin hy of sy geregistreer is, beskryf word.

(7) Die Raad kan afkortings of akronieme bepaal vir die kategorieë en vertakkings in subartikel (1) bedoel.

(8) Die Raad moet geen persoon registreer nie wat—

(a) 'n ongerehabiliteerde insolvent is wie se insolvensie deur sy of haar nalatigheid of onbevoegdheid in die verrigting van geomatikawerk veroorsaak is;

(b) deur 'n geregshof verklaar is verstandelik onbevoeg te wees of kragtens die "Mental Health Care Act, 2002" (Wet No. 17 van 2002), aangehou word;

(c) skuldig bevind is, hetsy in die Republiek van Suid-Afrika of elders, aan 'n misdryf waarby oneerlikheid betrokke was en waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is;

(d) weens onbehoorlike gedrag uit 'n vertrouensamp ontslaan is en nog nie in sy of haar amp herstel is nie; of

(e) wie se naam weens wangedrag uit 'n professionele register verwyder is en wat nog nie daarin herstel is nie; of

(f) nie 'n geskikte en gepaste persoon is nie.

Intrekking van registrasie

14. (1) Die registrasie van 'n geregistreerde persoon wat—

(a) op enige gronde in artikel 13(8) bedoel, onbevoeg word;

(b) verkeerdelik geregistreer is;

(c) op grond van verkeerde inligting geregistreer is;

(d) sonder goeie rede en sonder 'n reëling vir uitgestelde betaling, versuim om 'n betaling wat aan die Raad verskuldig is op die betaaldag of enige uitsteldatum te betaal; of

(e) sonder goeie rede versuim om te voldoen aan die voorgeskrewe vereistes ten opsigte van voortgesette professionele ontwikkeling of enige reël in hierdie opsig,

kan ingevolge hierdie artikel skriftelik ingetrek word.

(2) Die Raad moet sodanige persoon skriftelik in kennis stel van sy voorneme om sy of haar registrasie in te trek en die persoon versoek om skriftelike vertoë binne 'n bepaalde redelike tyd, voor te lê, waarin die redes waarom die registrasie nie ingetrek moet word nie, uiteengesit word.

(3) Indien die Raad tevrede is dat geen redelike gronde vir die voortsetting van sodanige persoon se registrasie bestaan nie, moet die registrasie ingetrek word en die geregistreerde persoon moet ooreenkomstig verwittig word.

(4) Die Raad moet, by skriftelike versoek deur enige geregistreerde persoon, sodanige persoon se naam van die register verwyder, maar indien 'n ondersoek na beweerde onbehoorlike gedrag deur so 'n geregistreerde persoon aan die gang is of gedoen gaan word, moet sodanige verwydering nie gedoen word totdat enige gevolglike wangedragverrigtinge afgehandel is nie.

(5) 'n Persoon wat voorheen ingevolge artikel 13(4) geregistreer was, kan om herregistrasie aansoek doen, indien—

(a) daardie persoon se registrasie ingevolge subartikel (1)*(c)* ingetrek is;

(b) daardie persoon bedank het; of

(c) daardie persoon in 'n ander kategorie geregistreer wil word.

(6) Indien 'n persoon in subartikel (5) beoog die aansoek-, registrasie- en agterstallige gelde, hersteluitgawes en boetes, indien enige, wat in die reëls bepaal word, betaal het, moet die Raad, behoudens die bepalings van hierdie Wet, sodanige persoon in enige gepaste kategorie en vertakking herregistreer.

Return of registration certificate

15. (1) Any person whose registration has been cancelled must return his or her certificate of registration to the Registrar within 30 days from the date upon which he or she is directed by the Registrar in writing to do so.

(2) If the person cannot return the certificate as required, he or she must, by way of an affidavit, provide satisfactory reasons for the inability to return the certificate.

Identification of geomatics profession work

16. (1) The Council must consult with all voluntary associations and any person, body or industry determined by the Minister regarding the identification of certain areas of geomatics work to be reserved for registered persons, including work which may fall within the scope of any other profession.

(2) The Minister may, upon advice from the Council and after the consultation contemplated in subsection (1), prescribe the geomatics work to be reserved for each category in respect of each branch of registered persons.

(3) A person who is not registered in terms of this Act may not—

(a) perform any kind of work reserved for any category of registered persons;

(b) pretend to be, or in any manner hold himself or herself out or allow himself or herself to be held out as, a person registered in terms of this Act; or

(c) use the name of any registered person or any name or title referred to in section 13(1).

(4) Notwithstanding subsections (2) and (3), the Minister may prescribe certain areas of work which may be carried out by a person registered or lawfully appointed in terms of other legislation to carry out such work, without subjecting such person to the prohibitions contained in subsection (3).

(5) The provisions of this section must not be construed as prohibiting any person from performing work reserved, if such work is performed in the service of or by order of and under the direction, control, supervision of or in a formal association with a registered person entitled to perform that reserved work, on the condition that such a registered person assumes responsibility for any work so performed.

Carrying on of geomatics profession by company

17. (1) Notwithstanding any provision of this Act to the contrary, a company may practise as and perform the work of a geomatics professional if the company has been incorporated or recognised as a personal liability company in terms of the Companies Act, 2008 (Act No. 71 of 2008), and its Memorandum of Incorporation provides—

(a) that the main object of the company is to perform the work of a geomatics professional;

(b) that only natural persons who are geomatics professionals, or other natural persons approved by the Council in writing, may be shareholders of the company;

(c) that every shareholder of the company must be a director thereof and that only a shareholder of the company may be a director thereof;

(d) that a shareholder may not transfer any share, or any rights or benefits attaching to a share, to any person other than a person referred to in paragraph *(b)*; and

(e) that in the event of a shareholder's death or of his or her ceasing to comply with a requirement of paragraph *(b)*, his or her estate or he or she himself or herself, as the case may be, may continue to hold his or her shares in the company as from the relevant date for a period of six months or for such longer period as may have been approved by the Council, and that during such period any voting rights attaching to such shares may be exercised by any other shareholder of the company whom the first-mentioned shareholder may have nominated in writing before his or her death or disqualification for the purposes of this paragraph or, failing such nomination, by the company's board.

Terugbesorging van registrasiesertifikaat

15. (1) Iemand wie se registrasie ingetrek is, moet sy of haar registrasiesertifikaat aan die Registrateur terugbesorg binne 30 dae na die datum waarop hy of sy skriftelik deur die Registrateur gelas word om dit te doen.

(2) Indien die persoon nie die sertifikaat soos vereis kan terugbesorg nie, moet hy of sy voldoende redes in 'n beëdigde verklaring verstrek vir die onvermoë om die sertifikaat terug te besorg.

Identifikasie van geomatikaprofessiewerk

16. (1) Die Raad moet met alle vrywillige organisasies en enige persoon, liggaam of bedryf deur die Minister bepaal, oorleg pleeg oor die identifikasie van sekere gebiede van geomatikawerk wat vir geregistreerde persone gereserveer moet word, met inbegrip van werk wat binne die bestek van enige ander professie kan wees.

(2) Die Minister kan, op advies van die Raad en na die oorlegpleging in subartikel (1) beoog, die geomatikawerk voorskryf wat vir elke kategorie ten opsigte van elke vertakking van geregistreerde persone, gereserveer moet word.

(3) Iemand wat nie ingevolge hierdie Wet geregistreer is nie kan nie—

(a) enige soort werk gereserveer vir enige kategorie van geregistreerde persone verrig nie;

(b) hom of haarself uitgee as of toelaat dat hy of sy uitgegee word as, of voorgee om 'n persoon wat ingevolge hierdie Wet geregistreer is, te wees nie; of

(c) die naam van 'n geregistreerde persoon of enige naam of titel in artikel 13(1) bedoel, gebruik nie.

(4) Ondanks subartikels (2) en (3), kan die Minister sekere areas van werk voorskryf wat deur 'n persoon wat ingevolge ander wetgewing geregistreer of wettig aangestel is om sodanige werk te verrig, verrig mag word sonder om sodanige persoon aan die verbodsbepalings in subartikel (3) vervat, te onderwerp.

(5) Die bepalings van hierdie artikel moet nie so uitgelê word as sou dit enige persoon belet om gereserveerde werk te doen nie, indien sodanige werk in diens van of in opdrag van en onder leiding, beheer, toesig van of in 'n formele verbinding met 'n geregistreerde persoon gedoen word wat die reg het om daardie gereserveerde werk te doen, op voorwaarde dat so 'n geregistreerde persoon verantwoordelikheid aanvaar vir enige werk wat aldus gedoen word.

Bedryf van geomatikaprofessie deur maatskappy

17. (1) Ondanks enige teenstrydige bepaling van hierdie Wet, kan 'n maatskappy as 'n geomatikus praktiseer en die werk van 'n geomatikus doen indien die maatskappy geïnkorporeer is of as 'n maatskappy met persoonlike aanspreeklikheid erken is ingevolge die Maatskappywet, 2008 (Wet No. 71 van 2008), en sy Akte van Oprigting bepaal—

(a) dat die hoofoogmerk van die maatskappy die verrigting van die werk van 'n professionele geomatikus is;

(b) dat slegs natuurlike persone wat professionele geomatici is, of ander natuurlike persone wat skriftelik deur die Raad goedgekeur is, aandeelhouers van die maatskappy kan wees;

(c) dat elke aandeelhouer van die maatskappy 'n direkteur daarvan moet wees en dat slegs 'n aandeelhouer van die maatskappy 'n direkteur daarvan kan wees;

(d) dat 'n aandeelhouer geen aandeel, of enige regte of voordele verbonde aan 'n aandeel, aan enige persoon behalwe 'n persoon in paragraaf *(b)* bedoel, mag oordra nie; en

(e) dat indien 'n aandeelhouer te sterwe kom, of hy of sy ophou om aan 'n vereiste van paragraaf *(b)* te voldoen, sy of haar boedel of hyself of syself, na gelang van die geval, sy of haar aandele in die maatskappy vanaf die betrokke datum kan bly behou vir 'n tydperk van ses maande of vir die langer tydperk wat deur die Raad goedgekeur kon wees, en dat gedurende sodanige tydperk enige stemreg verbonde aan sodanige aandele uitgeoefen word deur enige ander aandeelhouer van die maatskappy wat skriftelik deur eersbedoelde aandeelhouer voor sy dood of diskwalifikasie vir die doeleindes van hierdie subparagraaf genomineer is of, by ontstentenis van sodanige nominasie, deur die raad van die maatskappy.

(2) *(a)* The holder of a share referred to in subsection (1)*(e)* may not act as a director of the company in question, or directly or indirectly receive any directors' fees or remuneration from that company.

(b) Such shares as are not in accordance with the company's Memorandum of Incorporation transferred within the period referred to in subsection (1)*(e)* to any person referred to in subsection (1)*(b)*, may be acquired by the company itself.

(c) Any transfer of shares in a company referred to in this section, or of any rights and benefits attaching thereto, in conflict with subsection (1)*(e)*, shall be void.

(3) Subject to the provisions of section 11 of the Companies Act, 2008 (Act No. 71 of 2008), the name of a company referred to in this section must , unless the Council in any particular case approves of any other name, consist solely of the name or names of any of the present or past members of the company or of a person or persons who conducted, either for his, her or their own account or in partnership, any practice which may reasonably be regarded as a predecessor of the practice of the company.

(4) Any—

(a) act performed, with or without a particular intent, by or on instructions or with permission, express or implied, given by a director or employee of a company referred to in this section; and

(b) omission, with or without a particular intent, of any act which ought to have been but was not performed by or on instructions given by a director or employee of a company,

in the exercise of his or her powers or in the performance of his or her duties as such director or employee or in furthering or endeavouring to further the interests of that company, and which would have constituted improper conduct if it had been performed or omitted by a geomatics professional carrying on his or her profession or calling as a natural person in practice must, for the purpose of this Act, be regarded as having been performed or omitted by every shareholder, director or employee of such company practising as a geomatics professional, unless it is proved that such geomatics professional did not take part in the performance of the act or the omission and that he or she could not have prevented it.

(5) A company referred to in this section which, otherwise than under an exemption granted in terms of this Act, entrusts work reserved under section 16 for a geomatics professional to any person, whether a shareholder, director or employee of the company or not, other than a geomatics professional, is guilty of an offence and liable on conviction to a fine not exceeding R10 000.

(6) Any person who—

(a) not being a nominee or board referred to in subsection (1)*(e)*, exercises any voting rights contemplated in that subsection during the period referred to therein; or

(b) contravenes a provision of subsection (2)*(a)*,

is guilty of an offence and liable on conviction to a fine not exceeding R1 000.

(7) *(a)* The provisions of section 16 apply with the changes required by the context in respect of a company referred to in this section.

(b) The payment in accordance with the provisions of this Act by a company referred to in this section on behalf of a geomatics professional who carries on his or her profession as a member, shareholder, director or employee of that company, of any annual fee or levy, must for the purposes of this Act be regarded as a payment by such geomatics professional.

(8) The Council may cancel the registration as a geomatics professional of any shareholder or director of a company referred to in this section, if the company is liquidated or wound up.

CHAPTER 4

VOLUNTARY ASSOCIATIONS

Recognition of voluntary associations

18. (1) Any association, organisation, institute, institution or other body of registered persons which has as its main object the promotion and protection of the interests of the

(2) *(a)* Die houer van 'n aandeel in subartikel (1)*(e)* bedoel, kan nie as 'n direkteur van die betrokke maatskappy optree, of direk of indirek enige direkteursgelde of besoldiging van daardie maatskappy ontvang nie.

(b) Sodanige aandele wat nie ooreenkomstig die Maatskappy se Akte van Oprigting binne die tydperk in subartikel (1)*(e)* bedoel aan enige persoon bedoel in subartikel (1)*(b)* oorgedra is nie, kan deur die maatskappy self aangekoop word.

(c) Enige oordrag van aandele in 'n maatskappy in hierdie artikel bedoel, of van enige regte en voordele daaraan verbonde, onbestaanbaar met subartikel (1)*(e)*, is ongeldig.

(3) Behoudens die bepalings van artikel 11 van die Maatskappywet, 2008 (Wet No. 71 van 2008), moet die naam van 'n maatskappy in hierdie artikel bedoel, tensy die Raad in enige bepaalde saak enige ander naam goedkeur, alleenlik bestaan uit die naam of name van enige van die huidige of voormalige lede van die maatskappy of van 'n persoon of persone wat, hetsy vir sy, haar of hul eie rekening of in vennootskap, enige praktyk gevoer het wat redelikerwys geag word 'n voorganger van die praktyk van die maatskappy te wees.

(4) Enige—

(a) handeling wat deur of in opdrag of met die uitdruklike of stilswyende toestemming van 'n lid of werknemer van 'n maatskappy in hierdie artikel bedoel, met of sonder 'n besondere opset verrig is; en

(b) versuim, met of sonder besondere opset, om 'n handeling te verrig wat verrig moes gewees het maar nie verrig is nie deur of in opdrag van 'n direkteur of werknemer van 'n beslote korporasie, in die uitoefening van sy bevoegdhede of in die uitvoering van sy of haar pligte as 'n direkteur of werknemer of ter bevordering of gepoogde bevordering van die belange van daardie maatskappy,

en wat onbehoorlike gedrag sou uitgemaak het indien dit verrig of versuim is deur 'n professionele geomatikus wat sy of haar beroep of nering as 'n natuurlike persoon in die praktyk beoefen, word by die toepassing van hierdie Wet geag verrig of versuim te wees deur elke aandeelhouer, direkteur of werknemer van sodanige maatskappy wat as 'n professionele geomatikus praktiseer tensy dit bewys word dat sodanige professionele geomatikus nie aan die verrigting van die handeling of die versuim deelgeneem het nie en dit nie kon verhoed nie.

(5) 'n Maatskappy in hierdie artikel bedoel wat, anders as ingevolge 'n vrystelling kragtens hierdie Wet verleen, werk wat kragtens artikel 16 vir 'n professionele geomatikus gereserveer is, toevertrou aan enige persoon, hetsy 'n aandeelhouer, direkteur of werknemer van die maatskappy of nie, behalwe 'n professionele geomatikus, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000.

(6) Enige persoon wat—

(a) nie 'n benoemde bedoel in subartikel (1)*(e)* is nie en wat enige stemreg beoog in daardie subartikel uitoefen gedurende die tydperk daarin bedoel; of

(b) 'n bepaling van subartikel (2)*(a)* oortree,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000.

(7) *(a)* Die bepalings van artikel 16 is, met die veranderinge deur die samehang vereis, van toepassing op 'n maatskappy in hierdie artikel bedoel.

(b) Die betaling deur 'n maatskappy in hierdie artikel bedoel van enige jaargeld of heffing ooreenkomstig die bepalings van hierdie Wet, ten behoewe van 'n professionele geomatikus wat sy of haar beroep beoefen as 'n lid, aandeelhouer, direkteur of werknemer van daardie maatskappy, van enige jaargeld of heffing, word by die toepassing van hierdie Wet geag 'n betaling deur sodanige professionele geomatikus te wees.

(8) Die Raad kan die registrasie as professionele geomatikus van enige aandeelhouer of direkteur van 'n maatskappy in hierdie artikel bedoel, intrek indien die maatskappy gelikwideer word.

HOOFSTUK 4

VRYWILLIGE VERENIGINGS

Erkenning van vrywillige verenigings

18. (1) 'n Vereniging, organisasie, instelling, instituut of ander liggaam van geregistreerde persone wat die bevordering en beskerming van die belange van die

geomatics profession and applies its profit, if any, in promoting its main object, may apply to the Council to be recognised as a voluntary association.

(2) The Council must, within 90 days from its first meeting, make rules in respect of the requirements and procedures for the recognition of a voluntary association.

(3) The Council may, if the association, organisation, institute, institution or other body of registered persons comply with the rules, recognise that association, organisation, institute, institution or other body of registered persons as a voluntary association and issue to it a certificate of recognition.

(4) A certificate of recognition is valid for a period of five years from the date of issue on condition that the voluntary association continues to comply with the relevant rules.

(5) A voluntary association must, at least three months prior to the expiry of its certificate of recognition, apply to the Council for the renewal thereof in the manner determined in the rules.

(6) A voluntary association whose certificate has lapsed must, on the written request of the Registrar, return the certificate to the Council within 30 days from the date upon which it is directed by the Registrar to do so, unless it provides, by way of an affidavit, satisfactory reasons for not returning the certificate.

CHAPTER 5

PROFESSIONAL CONDUCT

Code of conduct

19. (1) The Council must, within 90 days from the date of its first meeting and in consultation with the Minister, prepare a code of conduct for registered persons which must be published in the *Gazette*.

(2) The code of conduct may contain different provisions for different categories of registered persons.

(3) The Council must take all reasonable steps to—

(a) publicise the existence of the code of conduct developed by the Council in terms of this Act;

(b) inform members of the public of the contents of the code of conduct, including its enforcement procedures; and

(c) inform members of the public on how and where to obtain a copy of the code of conduct.

(4) The Council may amend the code of conduct in consultation with the Minister, and any amendment must be published in the *Gazette*.

(5) All registered persons must comply with the code of conduct and failure to do so constitutes misconduct.

(6) In addition to the code of conduct, a registered person must—

(a) not deliberately do anything calculated to unjustly or unfairly injure the reputation of another registered person;

(b) abstain from direct or indirect participation as an adviser or decision-maker in any matter in which he or she has a personal interest, and must leave any chamber in which such matter is under deliberation, unless—

(i) the personal interest has been made a matter of public record;

(ii) his or her employer, if any, has given written approval; and

(iii) the public official, public agency or body with jurisdiction to rule on ethical matters has expressly authorised his or her participation;

(c) not solicit prospective clients or employment through the use of false or misleading claims, harassment or duress;

(d) not use the power of any office to seek or to obtain special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge;

(e) not use confidential information acquired in the course of his or her duties to further a personal interest;

geomatikaprofessie as hoofoogmerk het en wat sy wins, indien enige, gebruik om sy hoofoogmerk te bevorder, kan by die Raad aansoek doen om as ’n vrywillige vereniging geregistreer te word.

(2) Die Raad moet, binne 90 dae na sy eerste vergadering, reëls maak ten opsigte van die vereistes en prosedures vir die erkenning van ’n vrywillige vereniging.

(3) Die Raad kan, indien die vereniging, organisasie, instituut, instelling of ander liggaam van geregistreerde persone aan die reëls voldoen, daardie vereniging, organisasie, instituut, instelling of ander liggaam van geregistreerde persone as ’n vrywillige organisasie erken en ’n erkenningsertifikaat daaraan uitreik.

(4) ’n Erkenningsertifikaat is vir ’n tydperk van vyf jaar vanaf die datum van uitreiking geldig op voorwaarde dat die vrywillige organisasie voortgaan om aan die toepaslike reëls te voldoen.

(5) ’n Vrywillige organisasie moet, ten minste drie maande voor sy erkenningsertifikaat verstryk, by die Raad om die hernuwing daarvan aansoek doen op die wyse in die reëls bepaal.

(6) ’n Vrywillige organisasie wie se sertifikaat verval het moet, op skriftelike versoek van die Registrateur, die sertifikaat binne 30 dae vanaf die datum waarop dit deur die Registrateur gelas word om dit te doen, aan die Raad terugbesorg, tensy dit by wyse van ’n beëdigde verklaring, voldoende redes verskaf waarom die sertifikaat nie terugbesorg word nie.

HOOFSTUK 5

PROFESSIONELE GEDRAG

Gedragskode

19. (1) Die Raad moet, binne 90 dae vanaf die datum van sy eerste vergadering en in oorleg met die Minister, ’n gedragskode vir geregistreerde persone voorberei wat in die *Staatskoerant* gepubliseer moet word.

(2) Die gedragskode kan verskillende bepalings vir verskillende kategorieë geregistreerde persone bevat.

(3) Die Raad moet alle redelike stappe doen om—

(a) die bestaan van die gedragskode wat die Raad ingevolge hierdie Wet ontwikkel het, bekend te stel;

(b) lede van die publiek in te lig oor die inhoud van die gedragskode, met inbegrip van die toepassingsprosedures daarvoor; en

(c) lede van die publiek in te lig oor hoe en waar ’n afskrif van die gedragskode verkry kan word.

(4) Die Raad kan die gedragskode in oorleg met die Minister wysig, en enige wysiging moet in die *Staatskoerant* gepubliseer word.

(5) Alle geregistreerde persone moet die gedragskode nakom en versuim om dit te doen stel wangedrag daar.

(6) Bykomend tot die gedragskode, moet ’n geregistreerde persoon—

(a) nie opsetlik iets doen wat daarop gemik is om die reputasie van ’n ander geregistreerde persoon onregverdig en onbillik te skaad nie;

(b) nie regstreeks of onregstreeks deelneem as ’n raadgewer of besluitnemer in enige aangeleentheid waarin hy of sy ’n persoonlike belang het nie, en moet enige vertrek verlaat waar sodanige aangeleentheid onder bespreking is, tensy—

(i) die persoonlike belang ’n saak van openbare rekord gemaak is;

(ii) sy of haar werkgewer, indien enige, skriftelike goedkeuring gegee het; en

(iii) die staatsamptenaar, staatsagentskap of liggaam met regsbevoegdheid om oor etiese aangeleenthede te beslis, sy of haar deelname uitdruklik gemagtig het;

(c) nie moontlike kliënte of indiensneming probeer kry deur middel van vals of misleidende aansprake, teistering of dwang nie;

(d) nie die bevoegdheid van enige amp gebruik om spesiale bevoordeling te soek of te verkry wat nie in die openbare belang is nie en ook nie enige spesiale bevoordeling wat nie ’n aangeleentheid van openbare kennis is nie;

(e) nie vertroulike inligting wat in die loop van sy of haar pligte tot sy of haar wete gekom het, gebruik om ’n persoonlike belang te bevorder nie;

(f) not disclose confidential information acquired in the course of his or her duties, unless required by law to do so or by circumstances to prevent substantial injury to third persons;

(g) not commit a deliberately wrongful act which reflects adversely on the geomatics profession or seek business by stating or implying that he or she is prepared, willing or able to influence decisions by improper means;

(h) accurately represent his or her qualifications to practise geomatics and his or her education and affiliations;

(i) respect the rights of every person and must not violate any right of another person protected by the Constitution of the Republic of South Africa, 1996; and

(j) accept personal responsibility and liability for geomatics work performed by or under his or her supervision, direction or control.

(7) A registered person is guilty of improper conduct if he or she—

(a) performs work reserved for registered persons in connection with any matter which is the subject of a dispute or litigation on condition that payment for such work will be made only if such dispute or litigation ends in favour of the person for whom such work is performed;

(b) performs work reserved for registered persons during any period for which he or she is suspended under this Act;

(c) commits an offence in the performance of his or her work as a registered person;

(d) accepts remuneration for the performance of work reserved for registered persons from any person other than his or her client or employer, without the prior approval of such client or employer; or

(e) fails to comply with this Act.

Investigation of charge of improper conduct

20. (1) The Council must appoint one or more investigating officers, which meet such criteria as may be prescribed, in order to investigate any charge of improper conduct under this Act.

(2) The Council must, as soon as is reasonably possible, when—

(a) a complaint, charge or allegation of improper conduct has been brought against a registered person; or

(b) it has reasonable grounds to suspect that a registered person is guilty of improper conduct,

refer the matter to an investigating officer.

(3) The investigating officer must at the request of the Council—

(a) investigate the matter; and

(b) obtain evidence to determine whether or not the registered person concerned should be charged and, if so, must recommend to the Council what the appropriate charge should be.

(4) An investigating officer may not question the registered person concerned unless the investigating officer informs that person that he or she—

(a) has the right to be assisted or represented by another registered person or a legal representative; and

(b) is not obliged to make any statement and that any statement made may be used in evidence against him or her.

(5) The investigating officer must, after the conclusion of the investigation, submit a report, together with his or her recommendations, to the Council regarding any matter referred to the Council in terms of this section.

Steps after investigation

21. (1) The Council must, after considering the investigation report, charge the registered person with improper conduct if sufficient grounds exist for such a charge.

(f) nie vertroulike inligting bekend maak wat in die loop van sy of haar pligte tot sy of haar wete gekom het nie, tensy die wet dit vereis of tensy omstandighede dit vereis om wesenlike benadeling teenoor derde partye te voorkom;

(g) nie 'n doelbewus wederregtelike handeling verrig wat die geomatikaprofessie in 'n swak lig stel nie of besigheid probeer kry nie deur te stel of te impliseer dat hy of sy voorbereid, gewillig of in staat is om besluite deur onbehoorlike maniere te beïnvloed nie;

(h) sy of haar kwalifikasies om geomatika te beoefen en sy of haar opvoeding en affiliasies korrek weergee;

(i) die regte van elke persoon respekteer en moet nie enige reg van iemand anders wat deur die Grondwet van die Republiek van Suid-Afrika, 1996, beskerm word, skend nie; en

(j) persoonlike verantwoordelikheid en aanspreeklikheid aanvaar vir geomatikawerk wat deur hom of haar of onder sy of haar toesig, instruksies of beheer, verrig is.

(7) 'n Geregistreerde persoon is skuldig aan wangedrag indien hy of sy—

(a) werk doen wat vir geregistreerde persone gereserveer is in verband met enige aangeleentheid wat die onderwerp van 'n geskil of regsgeding is op voorwaarde dat betaling vir sodanige werk slegs gedoen sal word indien sodanige geskil of regsgeding ten gunste van die persoon vir wie sodanige werk gedoen word, eindig;

(b) werk doen wat vir geregistreerde persone gereserveer is tydens enige tydperk waartydens hy of sy ingevolge hierdie Wet geskors is;

(c) 'n misdryf pleeg in die verrigting van sy of haar werk as 'n geregistreerde persoon;

(d) besoldiging aanvaar vir die verrigting van werk wat vir geregistreerde persone gereserveer is van enige persoon buiten sy of haar kliënt of werkgewer, sonder die voorafgoedkeuring van sodanige kliënt of werkgewer; of

(e) versuim om aan hierdie Wet te voldoen.

Ondersoek van aanklag van onbehoorlike gedrag

20. (1) Die Raad moet een of meer ondersoekbeamptes aanstel, wat aan die maatstawwe voldoen wat voorgeskryf kan word, ten einde enige klag van onbehoorlike gedrag kragtens hierdie Wet te ondersoek.

(2) Die Raad moet, so gou as redelikerwys moontlik, wanneer—

(a) 'n klagte, aanklag of bewering van onbehoorlike gedrag teen 'n geregistreerde persoon gemaak is; of

(b) hy redelike gronde het om te vermoed dat 'n geregistreerde persoon skuldig aan onbehoorlike gedrag is,

die aangeleentheid na 'n ondersoekbeampte verwys.

(3) Die ondersoekbeampte moet op versoek van die Raad—

(a) die aangeleentheid ondersoek; en

(b) bewyse verkry om te bepaal of die betrokke geregistreerde persoon aangekla moet word al dan nie en, indien wel, die gepaste aanklag aan die Raad aanbeveel.

(4) 'n Ondersoekbeampte mag nie die betrokke geregistreerde persoon ondervra nie, tensy die ondersoekbeampte daardie persoon verwittig dat hy of sy—

(a) die reg het om deur 'n ander geregistreerde persoon of 'n regsverteenwoordiger bygestaan of verteenwoordig te word; en

(b) nie verplig is om 'n verklaring te maak nie en dat 'n verklaring wat gemaak word in getuienis teen hom of haar gebruik kan word.

(5) Die ondersoekbeampte moet, na afhandeling van 'n ondersoek in verband met enige aangeleentheid wat ingevolge hierdie artikel na die Raad verwys is, 'n verslag, vergesel van sy of haar aanbevelings, aan die Raad voorlê.

Stappe na ondersoek

21. (1) Die Raad moet, na oorweging van die ondersoekverslag, die geregistreerde persoon van onbehoorlike gedrag aankla indien voldoende gronde vir so 'n aanklag bestaan.

(2) The Council must, by hand or registered mail, deliver to a registered person who is charged with misconduct, a charge sheet setting out the details and nature of the charge together with a copy of the investigation report.

(3) The Council must inform the registered person charged in terms of subsection (1)—

(a) that he or she must, in writing, admit or deny the charge;

(b) that he or she may, together with the admission or denial, submit a written explanation regarding the improper conduct with which he or she is charged; and

(c) of the period, which must be reasonable, within which his or her plea in terms of paragraph *(a)* and explanation in terms of paragraph *(b)* must be submitted to the Council.

(4) If a registered person charged in terms of subsection (1) has admitted that he or she is guilty of the charge and a sanction contemplated in section 24(4)*(a)* or *(b)* may be imposed in respect of such charge, the Council may—

(a) find such registered person guilty without referring the charge to a disciplinary tribunal; and

(b) impose an appropriate sanction contemplated in section 24(4)*(a)* or *(b)*.

(5) The acquittal or the conviction of a registered person by a court of law on a criminal charge, is not a bar to conduct proceedings against him or her under this Act on a charge of improper conduct, even if the facts stated in the charge of improper conduct would, if proved, constitute the offence stated in the criminal charge on which he or she was acquitted or convicted or any other offence of which he or she might have been acquitted or convicted at his or her trial on the criminal charge.

Appointment of disciplinary tribunal

22. (1) The Council must appoint a disciplinary tribunal to hear a charge of improper conduct if a person charged—

(a) denies the charge; or

(b) admits the charge and the sanctions contemplated in section 24(4)*(c)* and *(d)* may be imposed in respect of such charge.

(2) The disciplinary tribunal must consist of at least—

(a) two registered persons or Council members;

(b) a person qualified in law and who has at least five years' experience in the legal profession; and

(c) two persons with specialised knowledge of matters concerning the particular charge.

(3) The members of the disciplinary tribunal must amongst themselves elect a chairperson to chair the proceedings.

Disciplinary hearing

23. (1) The Registrar performs the administrative functions necessary to support the functioning of a disciplinary tribunal.

(2) *(a)* The disciplinary tribunal may, for the purposes of a hearing, summons the person charged or subpoena any person—

(i) who may be able to give material information concerning the subject of the hearing; or

(ii) who is suspected or believed to have in his or her possession or custody or under his or her control any book, document or object which has any bearing on the subject of the hearing,

to appear before the disciplinary tribunal at the time and place specified in the subpoena, to be questioned or to produce a book, document or object.

(b) A summons or subpoena issued in terms of paragraph *(a)*—

(i) must be in the form prescribed by the Minister in consultation with the Minister of Justice and Constitutional Development;

(ii) must be signed by the chairperson of the disciplinary tribunal or, in his or her absence, any member of the disciplinary tribunal assigned by the chairperson; and

(iii) must be served on the person concerned, either personally or by sending it by registered mail.

(3) The disciplinary tribunal may retain a book, document or object produced in terms of subsection (2)*(a)*(ii) for the duration of the hearing.

(2) Die Raad moet, per hand of geregistreerde pos, 'n klagstaat aflewer wat die besonderhede en aard van die aanklag uiteensit, vergesel van 'n afskrif van die ondersoekverslag, aan 'n geregistreerde persoon wat van wangedrag aangekla word.

(3) Die Raad moet die geregistreerde persoon wat ingevolge subartikel (1) aangekla word verwittig—

(a) dat hy of sy, skriftelik, die aanklag moet erken of ontken;

(b) dat hy of sy, saam met die erkenning of ontkenning, 'n skriftelike verduideliking betreffende die onbehoorlike gedrag waarvan hy of sy aangekla word, kan voorlê; en

(c) van die tydperk, wat redelik moet wees, waarbinne sy of haar pleit ingevolge paragraaf *(a)* en verduideliking ingevolge paragraaf *(b)* aan die Raad voorgelê moet word.

(4) Indien 'n ingevolge subartikel (1) aangeklaagde geregistreerde persoon skuld aan die klag erken het en 'n sanksie beoog in artikel 24(4)*(a)* of *(b)* ten opsigte van sodanige klag opgelê kan word, kan die Raad—

(a) sodanige geregistreerde persoon skuldig bevind sonder om die klag na 'n dissiplinêre tribunaal te verwys; en

(b) 'n gepaste sanksie beoog in artikel 24(4)*(a)* of *(b)* oplê.

(5) Die kwytskelding of skuldigbevinding van 'n geregistreerde persoon deur 'n geregshof op 'n strafregtelike klag, is nie 'n beletsel teen die voer van verrigtinge teen hom of haar kragtens hierdie Wet op 'n aanklag van onbehoorlike gedrag nie, selfs as die feite in die aanklag van onbehoorlike gedrag gestel, indien bewys, die misdryf sou uitmaak wat gestel is in die strafregtelike aanklag waarop hy of sy kwytgeskeld of skuldig bevind is of enige ander misdryf waarvan hy of sy kwytgeskeld of skuldig bevind kon wees tydens sy of haar verhoor op die strafregtelike klag.

Aanstelling van dissiplinêre tribunaal

22. (1) Die Raad moet 'n dissiplinêre tribunaal aanstel om 'n aanklag van onbehoorlike gedrag aan te hoor indien 'n aangeklaagde persoon—

(a) die aanklag ontken; of

(b) die aanklag erken en die sanksies beoog in artikel 24(4)*(c)* en *(d)* kan ten opsigte van so 'n aanklag opgelê word.

(2) Die dissiplinêre tribunaal moet bestaan uit ten minste—

(a) twee geregistreerde persone of Raadslede;

(b) 'n persoon met regskwalifikasies en wat ten minste vyf jaar se ervaring in die regsprofessie het; en

(c) twee persone met gespesialiseerde kennis van aangeleenthede wat die bepaalde aanklag aangaan.

(3) Die lede van die dissiplinêre tribunaal moet 'n voorsitter uit eie geledere verkies om by die verrigtinge voor te sit.

Dissiplinêre verhoor

23. (1) Die Registrateur verrig die nodige administratiewe werksaamhede om die funksionering van 'n dissiplinêre tribunaal te ondersteun.

(2) *(a)* Die dissiplinêre tribunaal kan, vir die doeleindes van 'n verhoor, die aangeklaagde persoon dagvaar of enige persoon dagvaar wat—

(i) in staat mag wees om wesenlike inligting oor die onderwerp van die verhoor te gee; of

(ii) daarvan verdink word of van wie vermoed word dat hy of sy 'n boek, dokument of voorwerp wat enige verband met die onderwerp van die verhoor het, in sy of haar besit, toesig of onder sy of haar beheer het,

om voor die tribunaal te verskyn op die tyd en plek in die subpoena bepaal, om ondervra te word of om 'n boek, dokument of voorwerp te verstrek.

(b) 'n Dagvaarding of subpoena ingevolge paragraaf *(a)* uitgereik—

(i) moet in die vorm wees deur die Minister, in oorleg met die Minister van Justisie en Staatkundige Ontwikkeling, voorgeskryf;

(ii) moet deur die voorsitter van die dissiplinêre tribunaal onderteken wees; en

(iii) moet persoonlik of per geregistreerde pos op die betrokke persoon beteken word.

(3) Die dissiplinêre tribunaal kan 'n boek, dokument of voorwerp ingevolge subartikel (2)*(a)*(ii) verstrek, vir die duur van die verhoor behou.

(4) The chairperson of the disciplinary tribunal may call upon and administer an oath to, or take an affirmation from, any witness.

(5) A witness—

(a) may request that the names of the members of the disciplinary tribunal be made available to him or her;

(b) may not—

(i) refuse to be sworn in or to make an affirmation; or

(ii) knowingly make a false statement or give a false answer; and

(c) may not without sufficient cause fail to—

(i) attend the hearing, including any postponed hearing at the place and time specified in a subpoena or by the chairperson of the disciplinary tribunal, and must remain in attendance until excused from further attendance by such chairperson;

(ii) answer all questions lawfully put to him or her, fully and satisfactorily to the best of his or her knowledge; or

(iii) produce any book, document or object in his or her possession or custody or under his or her control, which he or she is required to produce.

(6) No person may unlawfully prevent another person from complying with a subpoena or from giving evidence or producing a book, document or object which he or she is required to give or produce.

(7) The law of privilege in relation to evidence, including the production of a book, document or object, applicable in a civil proceeding in a court of law, applies with the changes required by the context to a proceeding before a disciplinary tribunal.

(8) A record of evidence which was presented to a tribunal in a prior hearing which is relevant to a charge before a subsequent tribunal, is admissible in a hearing before such subsequent tribunal without further evidence being led, if the chairperson of such prior tribunal certifies it to be a full and true record and that the prior proceedings were lawful and procedurally fair.

(9) If the improper conduct with which the registered person is charged, amounts to an offence of which he or she has been convicted by a court of law, a certified copy of the record of his or her trial and conviction by that court is, on the identification of the registered person as the person referred to in the record, sufficient proof of the commission by him or her of that offence, unless the conviction has been set aside by a competent court.

(10) The Minister may, in consultation with the Minister of Justice and Constitutional Development, prescribe procedures not inconsistent with this Act, for the effective performance of the functions of a disciplinary tribunal.

(11) A person appearing before the disciplinary tribunal on account of a charge of improper conduct is entitled to legal representation at the hearing.

Proceedings after hearing

24. (1) After the conclusion of the hearing, the disciplinary tribunal must—

(a) within 30 days decide whether or not the registered person charged, is guilty of improper conduct; and

(b) within 14 days after its decision, in writing inform the Council of its finding and the reasons therefor.

(2) The Council must, within 30 days, from receipt of the disciplinary tribunal's decision, in writing inform the registered person—

(a) of the tribunal's finding; and

(b) of his or her right of appeal in terms of section 28.

(3) The Council or a registered person found guilty of improper conduct in terms of this Act, may adduce evidence, including calling witnesses, to establish any aggravating or mitigating circumstances which must be considered by the disciplinary tribunal in determining an appropriate sanction.

(4) If the registered person charged is found guilty of improper conduct, or if such person confesses during the proceedings that he or she is guilty of the offence, the disciplinary tribunal may, when informing the Council of its finding in terms of subsection (1)*(b)*, recommend that the Council—

(a) caution or reprimand the registered person;

(4) Die voorsitter van die dissiplinêre tribunaal kan 'n getuie oproep en hom of haar 'n eed oplê of 'n plegtige verklaring van hom of haar aanvaar.

(5) 'n Getuie—

(a) kan versoek dat die name van die lede van die dissiplinêre tribunaal aan hom of haar beskikbaar gestel word;

(b) kan nie—

(i) weier om 'n eed af te lê of om 'n plegtige verklaring te maak nie; of

(ii) wetend 'n vals verklaring aflê of 'n vals antwoord gee nie; en

(c) kan nie sonder voldoende rede versuim om—

(i) die verhoor by te woon nie, met inbegrip van enige uitgestelde verhoor op die plek en tyd in 'n subpoena of deur die voorsitter van die dissiplinêre tribunaal, bepaal nie, en moet teenwoordig bly totdat hy of sy deur sodanige voorsitter van verdere bywoning verskoon word;

(ii) alle vrae wat wettig aan hom of haar gestel word, ten volle en bevredigend tot die beste van sy of haar wete te beantwoord; of

(iii) enige boek, dokument of voorwerp in sy of haar besit of toesig of onder sy of haar beheer te verskaf, wat hy of sy vereis kan word om te verskaf.

(6) Niemand kan iemand anders wederregtelik daarvan weerhou om aan 'n subpoena te voldoen of om getuienis te lewer of 'n boek, dokument of voorwerp te verskaf wat hy of sy vereis word om te gee of te verskaf nie.

(7) Die priviligiereg in verband met getuienis, met inbegrip van die verskaffing van 'n boek, dokument of voorwerp, van toepassing in 'n siviele geding in 'n geregshof, is van toepassing met die veranderinge deur die samehang vereis op verrigtinge voor 'n dissiplinêre tribunaal.

(8) 'n Oorkonde van getuienis wat in 'n vorige verhoor wat van toepassing is op 'n aanklag voor 'n daaropvolgende tribunaal, gelewer is, is toelaatbaar in 'n verhoor voor sodanige daaropvolgende tribunaal sonder dat verdere getuienis gelei word, indien die voorsitter van sodanige vorige tribunaal sertifiseer dat dit 'n volle en ware oorkonde is en dat die vorige verrigtinge wettig en prosedureel billik was.

(9) Indien die onbehoorlike gedrag waarvan die geregistreerde persoon aangekla word, op 'n misdryf neerkom waarvoor hy of sy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die oorkonde van sy of haar verhoor en skuldigbevinding deur daardie hof, by identifikasie van die geregistreerde persoon as die persoon in die oorkonde bedoel, voldoende bewys dat hy of sy daardie misdryf gepleeg het, tensy die skuldigbevinding deur 'n bevoegde hof opsygestel is.

(10) Die Minister kan, in oorleg met die Minister van Justisie en Staatkundige Ontwikkeling, prosedures voorskryf wat nie met hierdie Wet onbestaanbaar is nie, vir die doeltreffende verrigting van die werksaamhede van 'n dissiplinêre tribunaal.

(11) 'n Persoon wat op 'n aanklag van onbehoorlike gedrag voor die dissiplinêre tribunaal verskyn, is geregtig op regsverteenwoordiging by die verhoor.

Verrigtinge na verhoor

24. (1) Na die afhandeling van die verhoor, moet die dissiplinêre tribunaal—

(a) binne 30 dae beslis of die aangeklaagde geregistreerde persoon skuldig aan onbehoorlike gedrag is; en

(b) binne 14 dae na sy beslissing, die Raad skriftelik verwittig van sy bevinding en die redes daarvoor.

(2) Die Raad moet binne 30 dae na ontvangs van die dissiplinêre tribunaal se beslissing, die geregistreerde persoon skriftelik verwittig—

(a) van die tribunaal se bevinding; en

(b) van sy of haar reg op appèl ingevolge artikel 28.

(3) Die Raad of 'n geregistreerde persoon wat skuldig bevind is aan onbehoorlike gedrag ingevolge hierdie Wet, kan getuienis aanvoer, ook deur getuies te roep, om enige verswarende of versagtende omstandighede daar te stel wat die dissiplinêre tribunaal moet oorweeg wanneer die toepaslike sanksie oorweeg word.

(4) Indien die aangeklaagde geregistreerde persoon aan onbehoorlike gedrag skuldig bevind word, of indien sodanige persoon tydens die verrigtinge erken dat hy of sy aan die misdryf skuldig is, kan die dissiplinêre tribunaal, wanneer hy die Raad ingevolge subartikel (1)*(b)* van sy bevinding verwittig, aanbeveel dat die Raad—

(a) die geregistreerde persoon waarsku of berispe;

(b) impose on the registered person a fine not exceeding an amount prescribed by the Minister in consultation with the Minister of Justice and Constitutional Development;

(c) suspend the registration of the registered person concerned for a period not exceeding one year; or

(d) cancel the registration of the registered person concerned.

(5) The disciplinary tribunal may—

(a) recommend more than one of the sanctions referred to in subsection (4); and

(b) order the registered person charged to pay the cost of the investigation or the disciplinary hearing.

(6) The Council—

(a) may give effect to a recommendation of the disciplinary tribunal;

(b) must publish the outcome of a disciplinary hearing in its annual report and may publish it in any other manner it considers appropriate; and

(c) must instruct the Registrar to endorse the register to record the charge, the finding of guilt and the sanction and, if applicable, the removal of the name of the registered person found guilty, from such register.

(7) Any court with civil jurisdiction may on the application of the disciplinary tribunal or the Council, grant an order for the recovery from the registered person charged of any amount he or she failed to pay in accordance with a sanction imposed in terms of this Act, together with any interest thereon, after which the order so granted has the effect of a civil judgment of that court and must be executed in accordance with the law applicable in that court.

(8) The Registrar must keep a record of the proceedings of every tribunal hearing.

CHAPTER 6

APPEALS

Establishment of Appeal Board

25. (1) There is hereby established an Appeal Board with jurisdiction to hear appeals in terms of this Act.

(2) The Appeal Board consists of the following members appointed in writing by the Minister:

(a) Three registered persons who have been practising or teaching geomatics for a period of not less than five years; and

(b) two members of the public of whom at least one person is qualified in law and has at least five years experience in the legal profession.

(3) The Minister must appoint, from the members of the Appeal Board, a chairperson, a deputy chairperson and an alternate chairperson of the Appeal Board.

(4) When the chairperson is unable to perform the functions of the Appeal Board, they shall be performed by the deputy chairperson or, if he or she is also unable to do so, by the alternate chairperson.

(5) The Minister must take into account, amongst other things, the principles of transparency and representivity when members of the Appeal Board are appointed.

(6) The provisions of section 4(4), (5), (6), (7)*(a)*, (9), (12) and (13) apply, with the changes required by the context, to the nomination of candidates, the selection of appointees, the appointment of members to the Appeal Board and the term of office for membership thereof.

(7) The grounds contemplated in section 5(1) and (2) apply, with the changes required by the context, to the appointment of persons to and the vacation of office by members of the Appeal Board.

Meetings, procedures and administration of Appeal Board

26. (1) If the chairperson or deputy chairperson vacates his or her office, such vacation does not terminate his or her membership of the Appeal Board.

(2) An appeal must be heard by not fewer than three members of the Appeal Board, including the chairperson.

(3) A decision of a majority of the members of the Appeal Board, constitutes a decision of the Appeal Board.

(b) ’n boete wat nie ’n bedrag deur die Minister in oorleg met die Minister van Justisie en Staatkundige Ontwikkeling bepaal, oorskry nie, aan die geregistreerde persoon oplê;
(c) die registrasie van die betrokke geregistreerde persoon vir hoogstens een jaar opskort; of
(d) die registrasie van die betrokke geregistreerde persoon intrek.

(5) Die dissiplinêre tribunaal kan—
(a) meer as een van die sanksies in subartikel (4) bedoel, aanbeveel; en
(b) die aangeklaagde geregistreerde persoon beveel om die koste van die ondersoek of die dissiplinêre verhoor te betaal.

(6) Die Raad—
(a) kan gevolg gee aan ’n aanbeveling van die dissiplinêre raad;
(b) moet die resultaat van ’n dissiplinêre verhoor in sy jaarverslag publiseer en kan dit op enige ander wyse wat hy gepas ag, publiseer; en
(c) moet die Registrateur opdrag gee om die register te endosseer vir die aantekening van die aanklag, die skuldigbevinding en die sanksie en, indien van toepassing, die verwydering van die naam van die geregistreerde persoon wat skuldig bevind is, uit sodanige register.

(7) ’n Hof met siviele regsbevoegdheid kan by aansoek van die dissiplinêre tribunaal of die Raad, ’n bevel toestaan vir die verhaling van die aangeklaagde geregistreerde persoon van enige bedrag wat hy of sy versuim het om ooreenkomstig ’n sanksie ingevolge hierdie Wet opgelê te betaal, tesame met enige rente daarop, waarna die bevel wat aldus toegestaan is, die uitwerking het van ’n siviele bevinding van daardie hof en ooreenkomstig die reg wat in daardie hof van toepassing is, uitgevoer moet word.

(8) Die Registrateur moet ’n rekord hou van die verrigtinge van elke tribunaalverhoor.

HOOFSTUK 6

APPÈLLE

Instelling van Appèlraad

25. (1) ’n Appèlraad met regsbevoegdheid om appèlle ingevolge hierdie Wet aan te hoor, word hierby ingestel.

(2) Die Appèlraad bestaan uit die volgende lede wat skriftelik deur die Minister aangestel word:
(a) Drie geregistreerde persone wat reeds minstens vyf jaar lank geomatika praktiseer of doseer; en
(b) twee lede van die publiek waarvan ten minste een persoon regskwalifikasies het en ten minste vyf jaar ervaring in die regsprofessie het.

(3) Die Minister moet, uit die lede van die Appèlraad, ’n voorsitter, ’n ondervoorsitter en ’n alternatiewe voorsitter van die Appèlraad aanstel.

(4) Wanneer die voorsitter nie die werksaamhede van die Appèlraad kan verrig nie, sal dit deur die ondervoorsitter verrig word of, indien hy of sy ook nie daartoe in staat is om dit te doen nie, deur die alternatiewe voorsitter.

(5) Die Minister moet, onder andere, die beginsels van deursigtigheid en verteenwoordiging in ag neem wanneer lede van die Appèlraad aangestel word.

(6) Die bepalings van artikel 4(4), (5), (6), (7)*(a)*, (9), (12) en (13) is van toepassing, met die veranderinge deur die samehang vereis, op die benoeming van kandidate, die keuring van benoemdes, die aanstelling van lede tot die Appèlraad en die ampstermyn vir lidmaatskap daarvan.

(7) Die gronde in artikel 5(1) en (2) beoog is van toepassing, met die veranderinge deur die samehang vereis, op die aanstelling van persone tot en die ampsontruiming van lede van die Appèlraad.

Vergaderings, prosedures en administrasie van Appèlraad

26. (1) Indien die voorsitter of ondervoorsitter sy of haar amp ontruim, beëindig sodanige ontruiming nie sy lidmaatskap van die Appèlraad nie.

(2) ’n Appèl moet deur minstens drie lede van die Appèlraad, met inbegrip van die voorsitter, aangehoor word.

(3) ’n Beslissing van ’n meerderheid van die lede van die Appèlraad, stel ’n beslissing van die Appèlraad daar.

(4) In the event of a deadlock at a hearing, the chairperson has a casting vote in addition to a deliberative vote.

(5) The Appeal Board must conduct appeals in accordance with the procedures prescribed by the Minister in consultation with the Minister of Justice and Constitutional Development.

(6) The Appeal Board must decide an appeal within 60 days after the appeal was lodged and must inform the appellant and the Council, in writing, of its decision within 60 days after such decision has been made.

(7) The Appeal Board must keep a record of the proceedings of every sitting held in terms of this section.

(8) The Registrar performs the administrative functions necessary to support the functioning of the Appeal Board.

Remuneration and allowances of members of Appeal Board

27. The chairperson, deputy chairperson and other members of the Appeal Board, excluding any member who is in the full-time service of the State, must out of the funds of the Council be paid such remuneration and allowances as the Minister, with the concurrence of the Minister of Finance, may determine.

Appeal against decisions of Council and disciplinary tribunal

28. (1) An appeal may be lodged with the Appeal Board by—

(a) a registered person found guilty of improper conduct who is aggrieved by a finding of the disciplinary tribunal or the sanction imposed, or both;

(b) a person aggrieved by a decision of the Council in terms of section 13 or 14; or

(c) a person objecting to a rule published in terms of section 31(4).

(2) *(a)* The appeal must be lodged in the manner and upon payment of the fees determined in the rules, within 30 days after the Council or disciplinary tribunal has informed the appellant of its decision or the date of publication of a rule in the *Gazette*.

(b) The Appeal Board must consider and decide the appeal.

(3) The Appeal Board may—

(a) dismiss an appeal against a finding or sanction of the disciplinary tribunal or the decision of the Council or rule, and confirm the relevant finding, sanction, decision or rule;

(b) uphold an appeal and set aside or vary such a finding, sanction, decision or rule, wholly or in part, and must in writing inform the appellant and the Council of its decision and the reasons therefor; or

(c) award such costs as may be just.

Appeal to High Court of South Africa

29. (1) An appellant aggrieved by a decision of the Appeal Board may through the Registrar request the Appeal Board in writing to furnish him or her, within 30 days from receipt of the request, with the Appeal Board's reasons for the decision.

(2) The appellant may, after notice has been given to the Appeal Board, lodge an appeal with the High Court of South Africa within 30 days from the date of the decision of the Appeal Board or receipt of the reasons for the Appeal Board's decision, whichever is the later.

(3) The Council may, after notice has been given to the Appeal Board, appeal to the High Court of South Africa against any decision of the Appeal Board in terms of section 28(3)*(b)* or *(c)* within 30 days from the date of the decision of the Appeal Board.

(4) The rules of the High Court governing appeals apply to an appeal contemplated in this section to the extent that such rules are not inconsistent with this section.

(4) In geval van 'n dooie punt by 'n verhoor, het die voorsitter, benewens 'n beraadslagende stem, ook 'n beslissende stem.

(5) Die Appèlraad moet appèlle hanteer ooreenkomstig die prosedures deur die Minister, in oorleg met die Minister van Justisie en Staatkundige Ontwikkeling, voorgeskryf.

(6) Die Appèlraad moet binne 60 dae na die appèl aangeteken is daaroor beslis en moet die appellant en die Raad binne 60 dae na die beslissing gemaak is, skriftelik daarvan in kennis stel.

(7) Die Appèlraad moet 'n oorkonde hou van die verrigtinge van elke sitting wat ingevolge hierdie artikel gehou is.

(8) Die Registrateur verrig die nodige administratiewe werksaamhede ter ondersteuning van die funksionering van die Appèlraad.

Vergoeding en toelaes van lede van Appèlraad

27. Die voorsitter, ondervoorsitter en ander lede van die Appèlraad, met uitsondering van enige lid wat voltyds in diens van die Staat is, moet uit die fondse van die Raad sodanige vergoeding en toelaes betaal word wat die Minister, met die instemming van die Minister van Finansies, kan bepaal.

Appèl teen beslissings van Raad en dissiplinêre tribunaal

28. (1) 'n Appèl kan by die Appèlraad aangeteken word deur—

(a) 'n geregistreerde persoon wat aan onbehoorlike gedrag skuldig bevind is wat veronreg voel deur 'n beslissing van die dissiplinêre tribunaal of die sanksie opgelê, of albei;

(b) iemand wat deur 'n beslissing van die Raad ingevolge artikel 13 of 14 veronreg voel; of

(c) iemand wat beswaar maak teen 'n reël wat ingevolge artikel 31(4) gepubliseer is.

(2) *(a)* Die appèl moet aangeteken word op die wyse en by betaling van die gelde in die reëls bepaal, binne 30 dae na die Raad of die dissiplinêre tribunaal die appellant van sy besluit verwittig het of na die datum van publikasie van 'n reël in die *Staatskoerant*.

(b) Die Appèlraad moet die appèl oorweeg en daaroor beslis.

(3) Die Appèlraad kan—

(a) 'n appèl teen 'n bevinding of sanksie van die dissiplinêre tribunaal of die beslissing van die Raad of reël van die hand wys, en die betrokke bevinding, sanksie, beslissing of reël bevestig;

(b) 'n appèl handhaaf en so 'n bevinding, sanksie, beslissing of reël, in die geheel of gedeeltelik, ter syde stel of verander, en moet die appellant en die Raad skriftelik van sy beslissing en die redes daarvoor verwittig; of

(c) sodanige koste toeken wat billik mag wees.

Appèl by Hooggeregshof van Suid-Afrika

29. (1) 'n Appellant wat deur 'n beslissing van die Appèlraad veronreg voel kan deur die Registrateur die Appèlraad skriftelik versoek om hom of haar, binne 30 dae na ontvangs van die versoek, van die Appèlraad se redes vir die beslissing te voorsien.

(2) Die appellant kan, na kennis aan die Appèlraad gegee is, 'n appèl by die Hoë Hof van Suid-Afrika aanteken binne 30 dae vanaf die datum van die beslissing van die Appèlraad of ontvangs van die redes vir die Appèlraad se beslissing, wat ook al later kom.

(3) Die Raad kan, na kennis aan die Appèlraad gegee is, by die Hoë Hof van Suid-Afrika appèl aanteken teen enige beslissing van die Appèlraad ingevolge artikel 28(3)*(b)* of *(c)* binne 30 dae vanaf die datum van die beslissing van die Appèlraad.

(4) Die reëls van die Hoë Hof oor appèlle is van toepassing op 'n appèl in hierdie artikel beoog tot die mate wat sodanige reëls nie met hierdie artikel onbestaanbaar is nie.

CHAPTER 7

GENERAL

Professional fees

30. (1) The Council may annually, but must at least every three years, after consultation with voluntary associations and with the concurrence of the Minister and the Minister of Finance, determine guideline professional fees and publish such fees by notice in the *Gazette*.

(2) The Council must, before determining the guideline fees in terms of subsection (1), publish by notice in the *Gazette* a draft of the proposed guideline fees, calling on interested persons to submit comments in writing within a period of not less than 30 days after such publication.

(3) If the Council alters the proposed guideline professional fees as a result of any comment received, it need not publish those alterations before determining the said fees.

Regulations and rules

31. (1) *(a)* The Minister may, by notice in the *Gazette*, make regulations not inconsistent with this Act regarding—

(i) any matter that may be or must be prescribed in terms of this Act;

(ii) any matter necessary for or incidental to the exercise of the powers and the performance of the functions of the Council; and

(iii) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the implementation or administration of this Act.

(b) The Minister must, before making any regulation in terms of subsection (1), publish a draft of the proposed regulation by notice in the *Gazette*, calling on interested persons and voluntary associations to comment on the draft, in writing, within a period of not less than 30 days from the date of publication of the notice.

(c) If the Minister alters the draft regulations as a result of any comment received, he or she need not publish those alterations before making the regulations.

(2) The Council may, in consultation with the Minister and by notice in the *Gazette*, make rules not inconsistent with this Act regarding—

(a) any matter that the Council is required or permitted to determine in terms of this Act;

(b) the form of process and the procedure at or in connection with the proceedings of a disciplinary tribunal or the Appeal Board;

(c) the representation of any party before the Appeal Board; and

(d) any matter ancillary or incidental to the exercise of the powers and performance of the functions of a disciplinary tribunal and the Appeal Board.

(3) *(a)* Before the Council makes any rule under this section, it must publish by notice in the *Gazette* a draft of the proposed rule calling on interested persons and voluntary associations to submit comment, in writing, within a period of 30 days from the date of publication of the notice.

(b) If the Council alters the draft rules as a result of any comment received, it need not publish those alterations before making the rule.

(4) The Council may, if circumstances necessitate the immediate publication of a rule, publish that rule by notice in the *Gazette* without the consultation contemplated in subsection (3), but any person who objects to the said rule may—

(a) comment on the rule after such publication; or

(b) appeal to the Appeal Board against such a rule.

HOOFSTUK 7

ALGEMEEN

Professionele gelde

30. (1) Die Raad kan jaarliks, maar moet ten minste elke drie jaar, na oorleg met vrywillige organisasies en met die instemming van die Minister en die Minister van Finansies, riglyn- professionele gelde bepaal en sodanige gelde by kennisgewing in die *Staatskoerant*, publiseer.

(2) Die Raad moet, voordat die riglyngelde ingevolge subartikel (1) bepaal word, 'n konsep van die voorgestelde riglyngelde by kennisgewing in die *Staatskoerant* publiseer, om 'n beroep op belanghebbende persone te doen om skriftelik kommentaar te lewer binne minstens 30 dae vanaf sodanige publikasie.

(3) Indien die Raad die voorgestelde riglyn- professionele gelde as gevolg van enige kommentaar wat ontvang is, verander, hoef hy nie daardie veranderings te publiseer voordat die genoemde gelde bepaal is nie.

Regulasies en reëls

31. (1) *(a)* Die Minister kan, by kennisgewing in die *Staatskoerant*, regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie oor—

(i) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf kan of moet word;
(ii) enige aangeleentheid nodig vir of insidenteel tot die uitoefening van die bevoegdhede en die verrigting van die werksaamhede van die Raad; en
(iii) enige bykomstige of insidentele administratiewe of prosedurele aangeleentheid wat nodig is om voorgeskryf te word vir die inwerkingstelling of administrasie van hierdie Wet.

(b) Die Minister moet, voor enige regulasie ingevolge subartikel (1) uitgevaardig word, 'n konsep van die voorgestelde regulasie by kennisgewing in die *Staatskoerant* publiseer, om belanghebbende persone en vrywillige verenigings te nooi om binne minstens 30 dae vanaf die datum van publikasie van die kennisgewing, skriftelik op die konsep kommentaar te lewer.

(c) Indien die Minister die konsepregulasies as gevolg van enige kommentaar wat ontvang is, verander, hoef hy of sy nie daardie veranderings te publiseer voor die genoemde gelde bepaal is nie.

(2) Die Raad kan, in oorleg met die Minister en by kennisgewing in die *Staatskoerant*, reëls maak wat nie met hierdie Wet onbestaanbaar is nie oor—

(a) enige aangeleentheid wat die Raad vereis of toegelaat is om te bepaal ingevolge hierdie Wet;
(b) die vorm van prosesstukke en die prosedure by of in verband met die verrigtinge van 'n dissiplinêre tribunaal of die Appèlraad;
(c) die verteenwoordiging van enige party voor die Appèlraad; en
(d) enige aangeleentheid wat nodig is vir of bykomstig is tot die uitoefening van die bevoegdhede en die verrigting van die werksaamhede van 'n dissiplinêre tribunaal of Appèlraad.

(3) *(a)* Voor die Raad enige reël kragtens hierdie artikel maak, moet hy 'n konsep van die voorgestelde reël by kennisgewing in die *Staatskoerant* publiseer, waarin belanghebbende persone en vrywillige verenigings genooi word om skriftelik kommentaar te lewer, binne 'n tydperk van 30 dae vanaf die datum van publikasie van die kennisgewing.

(b) Indien die Raad die konsepreëls na aanleiding van enige kommentaar wat ontvang is verander, hoef hy nie daardie veranderings te publiseer voor die reël gemaak word nie.

(4) Die Raad kan, indien omstandighede die onmiddellike publikasie van 'n reël nodig maak, daardie reël by kennisgewing in die *Staatskoerant* publiseer, sonder die oorlegpleging in subartikel (3) beoog, maar enige persoon wat teen die genoemde reël beswaar het kan—

(a) na sodanige publikasie oor die reël kommentaar lewer; of
(b) teen sodanige reël appèl aanteken by die Appèlraad.

Procedure and evidence

32. (1) Any register referred to or implied in this Act serves as evidence of all matters which are required to or may be entered therein in terms of this Act.

(2) A certificate signed by the Registrar to the effect that an entry has or has not been made in a register or that any other thing by or under this Act has or has not been done, is evidence of the matters mentioned in that certificate.

(3) A copy of an entry in a register or a document in the custody of the Registrar or an extract from a register or from any such document, certified by the Registrar, must be admitted in evidence in any disciplinary tribunal, Appeal Board or court of law hearing without further proof or production of the original.

Rectification of errors

33. The Minister may, if anything which is required to be done or performed in terms of this Act on or before a specified day or at a specified time or during a specified period, has not been done or performed, and the Minister is satisfied that such failure was due to an error or oversight and that it would not be to the detriment of any person affected by such failure and after that person has been informed of such failure, where applicable, authorise it to be done or performed on or before any other day or at any other time or during any other period, and anything done or performed during this period is of full force and effect and is deemed to have been lawfully done or performed in accordance with the provisions of this Act.

Liability

34. (1) The Council or any member, committee or employee thereof is not liable for any act performed in good faith in terms of this Act.

(2) A registered person who, in the public interest—

(a) refuses to perform an act;
(b) omits to perform an act; or
(c) informs the Council or any other appropriate authority of an act or failure to perform an act, by any other person,

which act or omission endangers or is likely to endanger the safety or health of the public or fellow employees, is not liable in any legal proceedings for that refusal, failure or information contemplated in this subsection.

(3) Any person who was registered in terms of this Act and whose registration has been cancelled is liable for any action taken against him or her while he or she was registered.

Delegation of powers

35. (1) The Minister may delegate any of his or her powers in terms of this Act, excluding the power to appoint members of the Council and the Appeal Board and the power to make regulations, to the Director-General or any other official of the Department.

(2) The Council may delegate any of its powers or duties in terms of this Act, excluding the power to make rules or to give effect to a recommendation contemplated in section 24(6)*(a)*, to a member of the Council, a committee, the chairperson of a committee, the Registrar or any other employee of the Council.

Offences and penalties

36. (1) Any person or body who contravenes the provisions of section 13(2) or (5), 15, 16(3), 18(6) or 23(5)*(b)* or *(c)* or (6) is guilty of an offence.

(2) Any person convicted of an offence of contravening the provisions of section 13(2) or (5) or 16(3), is liable to a maximum fine equal to double the remuneration payable to him or her for work done during the period of such contravention or to a maximum fine equal to the fine calculated according to the ratio determined for a period

Prosedure en getuienis

32. (1) Enige register wat in hierdie Wet genoem of geïmpliseer word, dien as bewys van alle aangeleenthede wat ingevolge hierdie Wet daarin aangeteken moet word of aangeteken kan word.

(2) 'n Sertifikaat deur die Registrateur onderteken te dien effekte dat 'n inskrywing in die register gemaak of nie gemaak is nie of dat enigiets anders deur of kragtens hierdie Wet gedoen of nie gedoen is nie, dien as bewys van die aangeleenthede in daardie sertifikaat genoem.

(3) 'n Afskrif van 'n inskrywing in 'n register of 'n dokument in die besit van die Registrateur of 'n uittreksel uit 'n register of uit enige sodanige dokument, deur die Registrateur gesertifiseer, moet as bewys ingedien word in enige verhoor voor 'n dissiplinêre tribunaal, Appèlraad of geregshof sonder dat verdere bewyse van die oorspronklike verstrek word.

Verbetering van foute

33. Die Minister kan, indien enigiets wat ingevolge hierdie Wet op of voor 'n bepaalde dag of teen 'n bepaalde tyd of tydens 'n bepaalde tydperk gedoen of verrig moes word, nie gedoen of verrig is nie, en die Minister tevrede is dat sodanige versuim aan 'n fout of vergissing te wyte was en dat dit nie tot die nadeel van enigiemand wat deur sodanige versuim geraak is sal wees nie en nadat daardie persoon ingelig is van sodanige versuim, waar van toepassing, magtig dat dit voor of op enige ander dag of op enige ander tyd of tydens enige ander tydperk gedoen of verrig word, en enigiets wat in hierdie tydperk gedoen of verrig word, is van volle krag en word geag regmatig volgens die bepalings van hierdie Wet gedoen of verrig te wees.

Aanspreeklikheid

34. (1) Die Raad of enige lid, komitee of werknemer daarvan is nie aanspreeklik vir enige handeling wat te goeder trou ingevolge hierdie Wet verrig is nie.

(2) 'n Geregistreerde persoon wat, in die openbare belang—

(a) weier om 'n handeling te verrig;
(b) nalaat om 'n handeling te verrig; of
(c) die Raad of enige ander gepaste owerheid in kennis stel van iemand anders se handeling of versuim om 'n handeling te verrig,

welke handeling of versuim die veiligheid of gesondheid van die publiek of medewerknemers in gevaar stel of waarskynlik in gevaar sal stel, is nie in enige geregtelike verrigtinge aanspreeklik vir daardie weiering, versuim of inligting in hierdie subartikel beoog nie.

(3) Iemand wat ingevolge hierdie Wet geregistreer was en wie se registrasie ingetrek is, is aanspreeklik vir enige stappe teen hom of haar gedoen terwyl hy of sy geregistreer was.

Delegering van bevoegdhede

35. (1) Die Minister kan enige van sy of haar bevoegdhede ingevolge hierdie Wet, met uitsondering van die bevoegdheid om lede van die Raad en die Appèlraad aan te stel en die bevoegdheid om regulasies uit te vaardig, aan die Direkteur-generaal of enige ander beampte van die Departement delegeer.

(2) Die Raad kan enige van sy bevoegdhede of pligte ingevolge hierdie Wet, met uitsondering van die bevoegdheid om reëls te maak of gevolg te gee aan 'n aanbeveling in artikel 24(6)*(a)* beoog, aan 'n lid van die Raad, 'n komitee, die voorsitter van 'n komitee, die Registrateur of enige ander werknemer van die Raad delegeer.

Misdrywe en strawwe

36. (1) Iemand of enige liggaam wat die bepalings van artikel 13(2) of (5), 15, 16(3), 18(6) of 23(5)*(b)* of *(c)* of (6) oortree, is skuldig aan 'n misdryf.

(2) Iemand wat aan 'n misdryf van die oortreding van die bepalings van artikel 13(2) of (5) of 16(3) skuldig bevind is, is strafbaar met 'n maksimum boete wat gelykstaande is aan twee keer die besoldiging betaalbaar aan hom of haar vir werk gedoen tydens die tydperk van sodanige oortreding of tot 'n maksimum boete gelykstaande aan die boete

of three years' imprisonment in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991) (in this section referred to as the Adjustment of Fines Act).

(3) Any person who is convicted of an offence of contravening the provisions of section 15 or 18(6), is liable to a maximum fine equal to the fine calculated according to the ratio determined for one month's imprisonment in terms of the Adjustment of Fines Act.

(4) Any person who is convicted of an offence of contravening the provisions of section 23(5)*(b)* or *(c)* or (6) is liable to a maximum fine equal to the fine calculated according to the ratio determined for three years' imprisonment in terms of the Adjustment of Fines Act.

(5) In addition to and independently of any criminal proceedings contemplated or instituted against a person or body referred to in subsection (1), the Council may, in any court having jurisdiction, institute civil proceedings against such person or body in order to compel compliance with the relevant provisions of this Act or to interdict any contravention thereof or for any related purpose.

(6) Any person who is not registered in terms of this Act and who performs any work which may only be performed by a registered person, or who pretends to be a registered person in any manner whatsoever, is guilty of an offence and liable to a maximum fine equal to the fine calculated according to the ratio determined for three years imprisonment in terms of the Adjustment of Fines Act.

(7) Any registered person is personally responsible and liable for geomatics work performed by or under the supervision, direction or control of such person.

Transitional provisions

37. (1) For the purposes of this section, ''effective date'' means the date of the first meeting of the Council.

(2) The South African Council for Professional and Technical Surveyors established by section 2 of the Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984) (in this section referred to as the Surveyors' Act), continues to exist and may exercise its powers and perform its duties and functions after the commencement of this Act until the effective date, on which date that council ceases to exist.

(3) Any person who, at the commencement of this Act, was registered in terms of the Surveyors' Act—

(a) as a professional surveyor, is deemed to be registered under this Act as a geomatics professional;
(b) as a professional land surveyor, is deemed to be registered under this Act as a geomatics professional in the branch of land surveying and such person's name must be entered in the register for professional land surveyors referred to in section 8(1)*(b)*(iii)*(bb)*;
(c) as a professional surveyor in training, is deemed to be registered under this Act as a candidate geomatics practitioner;
(d) as a surveyor, is deemed to be registered under this Act as a geomatics technologist;
(e) as a survey technician, is deemed to be registered under this Act as a geomatics technician; and
(f) as a survey technician in training, is deemed to be registered under this Act as a candidate geomatics practitioner,

and must, within 90 days from the effective date, be issued with the appropriate registration certificate.

(4) From the effective date, all rights, obligations, assets and liabilities acquired or incurred by the South African Council for Technical and Professional Surveyors, vest in the Council and the Council is deemed to have acquired or incurred those rights, obligations, assets and liabilities in terms of this Act.

(5) Any act performed, decision taken or rule made, or purported to have been so performed, taken or made in terms of the Surveyors' Act remains valid if it is not inconsistent with any provision of this Act, until substituted by an act performed, decision taken or rule made under this Act.

(6) Any notice issued or exemption granted by the Minister in terms of the Surveyors' Act, remains valid unless substituted by a notice issued or exemption granted under this Act.

bereken ooreenkomstig die verhouding bepaal vir 'n tydperk van drie jaar gevangenisstraf ingevolge die Wet op die Aanpassing van Boetes, 1991 (Wet No. 101 van 1991) (in hierdie artikel die Wet op die Aanpassing van Boetes genoem).

(3) Iemand wat aan 'n misdryf van die oortreding van die bepalings van artikel 15 of 18(6) skuldig bevind is, is strafbaar met 'n maksimum boete gelykstaande aan die boete bereken ooreenkomstig die verhouding bepaal vir een maand se gevangenisstraf ingevolge die Wet op die Aanpassing van Boetes.

(4) Iemand wat aan 'n misdryf van die oortreding van die bepalings van artikel 23(5)*(b)* of *(c)* of (6) skuldig bevind is, is strafbaar met 'n maksimum boete gelykstaande aan die boete bereken ooreenkomstig die verhouding bepaal vir drie jaar gevangenisstraf ingevolge die Wet op die Aanpassing van Boetes.

(5) Bykomstig tot en onafhanklik van enige strafregtelike verrigtinge beoog of ingestel teen 'n persoon of liggaam in subartikel (1) bedoel, kan die Raad, in 'n hof met regsbevoegdheid, siviele verrigtinge teen sodanige persoon of liggaam instel ten einde voldoening met die toepaslike bepalings van hierdie Wet af te dwing of om enige oortreding daarvan te verbied of vir enige verwante doel.

(6) Iemand wat nie ingevolge hierdie Wet geregistreer is nie en wat enige werk verrig wat slegs deur 'n geregistreerde persoon verrig mag word, of wat op enige wyse hoegenaamd voorgee om 'n geregistreerde persoon te wees, is skuldig aan 'n misdryf en strafbaar met 'n maksimum boete gelykstaande aan die boete bereken volgens die verhouding bepaal vir drie jaar gevangenisstraf ingevolge die Wet op die Aanpassing van Boetes.

(7) Enige geregistreerde persoon is persoonlik verantwoordelik en aanspreeklik vir geomatikawerk gedoen deur of onder die toesig, leiding of beheer van sodanige persoon.

Oorgangsbepalings

37. (1) By die toepassing van hierdie artikel, beteken ''intreedatum'' die datum van die Raad se eerste vergadering.

(2) Die Suid-Afrikaanse Raad vir Professionele en Tegniese Opmeters by artikel 2 van die Wet op Professionele en Tegniese Opmeters, 1984 (Wet No. 40 van 1984) (in hierdie artikel die Opmeterswet genoem), ingestel, gaan voort om te bestaan en kan sy bevoegdhede uitoefen en sy pligte en werksaamhede verrig na die inwerkingtreding van hierdie Wet tot die intreedatum, op welke datum die raad ophou bestaan.

(3) Iemand wat, by die inwerkingtreding van hierdie Wet, ingevolge die Opmeterswet geregistreer is—

(a) as 'n professionele opmeter, word geag kragtens hierdie Wet as 'n professionele geomatikus geregistreer te wees;
(b) as 'n professionele landmeter, word geag kragtens hierdie Wet as 'n professionele geomatikus in die vertakking van landmeting geregistreer te wees en sodanige persoon se naam moet in die register vir professionele landmeters in artikel 8(1)*(b)*(iii)*(bb)* bedoel, aangeteken word;
(c) as 'n professionele opmeter-in-opleiding, word geag kragtens hierdie Wet as 'n kandidaat-geomatikapraktisyn geregistreer te wees;
(d) as 'n opmeter, word geag kragtens hierdie Wet as 'n geomatikategnoloog geregistreer te wees;
(e) as 'n opmetingstegnikus, word geag kragtens hierdie Wet as 'n geomatikategnikus geregistreer te wees; en
(f) as 'n opmetingstegnikus-in-opleiding, word geag kragtens hierdie Wet as 'n kandidaat-geomatikapraktisyn geregistreer te wees,

en 'n toepaslike registrasiesertifikaat moet binne 90 dae vanaf die intreedatum, aan sodanige persoon uitgereik word.

(4) Vanaf die intreedatum, vestig alle regte, verpligtinge, bates en laste wat deur die Suid-Afrikaanse Raad vir Tegniese en Professionele Opmeters verkry is, in die Raad en die Raad word geag daardie regte, verpligtinge, bates en laste ingevolge hierdie Wet te verkry het.

(5) Enige handeling verrig, besluit geneem of reël gemaak, of na bewering aldus verrig, geneem of gemaak ingevolge die Opmeterswet, bly geldig indien dit nie met enige bepaling van hierdie Wet onbestaanbaar is nie, totdat dit deur 'n handeling verrig, besluit geneem of reël gemaak ingevolge hierdie Wet vervang word.

(6) Enige ingevolge die Opmeterswet deur die Minister uitgereikte kennisgewing of toegestaande vrystelling, bly geldig tensy dit deur 'n kragtens hierdie Wet uitgereikte kennisgewing of toegestaande vrystelling vervang word.

(7) From the effective date, any register other than that mentioned in subsection (3) maintained by the South African Council for Professional and Technical Surveyors or in terms of the Surveyors' Act is incorporated in and forms part of the registers to be maintained in terms of section 8(1)*(b)*(ii) of this Act.

(8) Any action taken in terms of the Surveyors' Act which is pending at the commencement date of this Act, must be finalised in terms of that Act as if that Act had not been repealed by this Act.

(9) The Education Advisory Committee established by section 11 of the Surveyors' Act continues to exist and may exercise its powers and perform its duties and functions after the commencement of this Act until the Education and Training Committee referred to in section 6(2) of this Act had been established.

Repeal and amendment of laws

38. (1) The laws mentioned in Schedule 1 are hereby repealed to the extent set out in the third column of that Schedule.

(2) The law mentioned in Schedule 2 is hereby amended to the extent set out in the third column of that Schedule.

Act binding on State

39. This Act binds the State.

Short title and commencement

40. This Act is called the Geomatics Profession Act, 2013, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

(7) Vanaf die intreedatum, is enige register buiten dié in subartikel (3) genoem wat ingevolge die Opmeterswet bygehou word geïnkorporeer in en maak deel uit van die registers wat ingevolge artikel 8(1)*(b)*(ii) van hierdie Wet bygehou moet word.

(8) Enige stappe gedoen ingevolge die Opmeterswet wat ten tyde van die intreedatum van hierdie Wet hangende is, moet ingevolge daardie Wet afgehandel word asof daardie Wet nie deur hierdie Wet herroep is nie.

(9) Die adviserende opvoedingskomitee ingestel by artikel 11 van die Opmeterswet bly voortbestaan en kan na die inwerkingtreding van hierdie Wet sy bevoegdhede uitoefen en sy pligte en werksaamhede uitvoer totdat die Opvoedings- en Opleidingskomitee in artikel 6(2) van hierdie Wet bedoel, ingestel is.

Herroeping en wysiging van wette

38. (1) Die wette in Bylae 1 genoem word hierby herroep tot die mate in die derde kolom van daardie Bylae uiteengesit.

(2) Die wet in Bylae 2 genoem word hierby gewysig tot die mate in die derde kolom van daardie Bylae uiteengesit.

Hierdie Wet bind Staat

39. Hierdie Wet bind die Staat.

Kort titel en inwerkingtreding

40. Hierdie Wet heet die Wet op Geomatikaprofessie, 2013, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

SCHEDULE 1

Repeal of laws

(Section 38(1))

No. and year of law	**Short title**	**Extent of repeal**
Act No. 40 of 1984	Professional and Technical Surveyors' Act, 1984	The whole
Act No. 37 of 1986	Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1986	The whole
Act No. 66 of 1987	Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1987	The whole
Act No. 34 of 1993	Professional Land Surveyors' and Technical Surveyors' Amendment Act, 1993	The whole

BYLAE 1

Herroeping van wette

(Artikel 38(1))

No. en jaar van wet	**Kort titel**	**Omvang van herroeping**
Wet No. 40 van 1984	Wet op Professionele Landmeters en Tegniese Opmeters, 1984	Die geheel
Wet No. 37 van 1986	Wysigingswet op Professionele Landmeters en Tegniese Opmeters, 1986	Die geheel
Wet No. 66 van 1987	Wysigingswet op Professionele Landmeters en Tegniese Opmeters, 1987	Die geheel
Wet No. 34 van 1993	Wysigingswet op Professionele Landmeters en Tegniese Opmeters, 1993	Die geheel

SCHEDULE 2

Amendment of law

(Section 38(2))

No. and year of law	Short title	Extent of amendment
Act No. 8 of 1997	Land Survey Act, 1997	1. Amendment of section 1— *(a)* by the substitution for the definition of ''land surveyor'' of the following definition: '' 'land surveyor' means a person registered as a professional land surveyor in terms of the **[Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984), and whose name is entered in the register referred to in section 7(4)*(a)* of that Act]** Geomatics Profession Act, 2013;''; and *(b)* by the substitution for the words preceding paragraph *(a)* of the definition of '' 'supervise' or 'supervision' '' of the following words: '' 'supervise' or 'supervision' '' when used in relation to a survey and the field operations by any person registered as a professional surveyor, **[professional surveyor in training]** geomatics technologist or **[technical surveyor]** geomatics technician in terms of the **[Professional and Technical Surveyors' Act 1984 (Act No. 40 of 1984)]** Geomatics Profession Act, 2013, (in this definition referred to as 'an assistant'), means—''. 2. Amendment of section 2A by the substitution for subsection (1) of the following subsection: ''(1) The Minister shall, subject to section 50 and the Public Service Act, 1994 (Proclamation No. 103 of 1994), appoint an officer, who shall be a person registered in terms of section **[20]** 13 of the **[Professional Technical Surveyors' Act, 1984 (Act No. 40 of 1984),]** Geomatics Profession Act, 2013, as a geomatics professional, to be styled the Chief Director: Surveys and Mapping.''. 3. Amendment of section 9— *(a)* by the substitution in subsection (1) for paragraph *(c)* of the following paragraph: ''*(c)* three land surveyors nominated by the South African Geomatics Council **[for Professional and Technical Surveyors]** established by section **[2]** 3 of the **[Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984)]** Geomatics Profession Act, 2013.''; *(b)* by the substitution in subsection (3) for the words preceding paragraph *(a)* of the following words: ''If the South African Geomatics Council **[for Professional and Technical Surveyors]** fails to nominate—'';

BYLAE 2

Wysiging van wet

(Artikel 38(2))

No. en jaar van wet	**Kort titel**	**Omvang van wysiging**
Wet No. 8 van 1997	Grondopmeters-wet, 1997	1. Wysiging van artikel 1— *(a)* deur die omskrywing van "landmeter" deur die volgende omskrywing te vervang: " 'landmeter' 'n persoon wat ingevolge die Wet op **[Professionele en Tegniese Opmeters, 1984 (Wet No. 40 van 1984),]** die Geomatikaprofessie, 2013 as 'n professionele landmeter geregistreer is **[en wie se naam in die register bedoel in artikel 7(4)(*a*) van daardie Wet ingeskryf is]**;"; en *(b)* deur die woorde wat paragraaf *(a)* van die omskrywing van "toesig" of "toesighouding" voorafgaan deur die volgende woorde te vervang: " 'toesig' of 'toesighouding', wanneer gebruik word met betrekking tot 'n opmeting en die veldverrigtinge deur 'n persoon wat ingevolge die Wet op **[Professionele en Tegniese Opmeters, 1984 (Wet No. 40 van 1984)]** die Geomatikaprofessie, as 'n professionele opmeter, **[professionele opmeter-in-opleiding]** geomatikategnoloog of **[tegniese opmeter]** geomatikategnikus geregistreer is (in hierdie omskrywing 'n 'assistent' genoem)—". 2. Artikel 2A word gewysig deur subartikel (1) deur die volgende subartikel te vervang: "(1) Behoudens artikel 50 en die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), stel die Minister 'n beampte aan wat 'n persoon moet wees wat ingevolge artikel **[20]** 13 van die Wet op **[Professionele en Tegniese Opmeters, 1984 (Wet No. 40 van 1984),]** die Geomatikaprofessie, 2013, as 'n professionele geomatikus geregistreer is en wat die Hoofdirekteur: Opmetings en Kartering genoem word.". 3. Wysiging van artikel 9— *(a)* deur paragraaf *(c)* in subartikel (1) deur die volgende paragraaf te vervang: "*(c)* drie landmeters benoem deur die Suid-Afrikaanse **[Raad vir Professionele en Tegniese Opmeters]** Geomatikaraad ingestel by artikel **[2]** 3 van die Wet op **[Professionele en Tegniese Opmeters, 1984 (Wet No. 40 van 1984)]** die Geomatikaprofessie, 2013."; *(b)* deur in subartikel (3) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang: "Indien die Suid-Afrikaanse **[Raad vir Professionele en Tegniese Opmeters]** Geomatikaraad versuim om—";

No. and year of law	Short title	Extent of amendment
		(c) by the substitution in subsection (4) for paragraph *(b)* of the following paragraph: "*(b)* A member of the board referred to in subsection (1)*(c)* shall hold office for a term determined by the South African Geomatics Council **[for Professional and Technical Surveyors]** but not exceeding two years, but that Council may, at any time remove that member from office on grounds of misbehaviour, incapacity or incompetence."; and *(d)* by the substitution for subsection (5) of the following subsection: "(5) Should a member of the board die or vacate office before the expiration of his or her term of office, the Minister or the South African Geomatics Council **[for Professional and Technical Surveyors]**, as the case may be, may appoint a person to fill the vacancy for the unexpired part of the term for which the member was appointed or nominated.". 4. Amendment of section 12 by the substitution in subsection (2) for paragraph *(a)* of the following paragraph: "*(a)* refer any complaint or allegation of improper conduct to the South African Geomatics Council **[for Professional and Technical Surveyors]** established by section **[2]** 3 of the **[Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984)]** Geomatics Profession Act, 2013, for **[enquiry]** investigation in terms of section **[29]** 19 of that Act; or".

No. en jaar van wet	**Kort titel**	**Omvang van wysiging**
		(c) deur paragraaf *(b)* in subartikel (4) deur die volgende paragraaf te vervang: "*(b)* 'n Lid van die raad bedoel in subartikel (1)*(c)* beklee sy of haar amp vir die termyn deur die Suid-Afrikaanse **[Raad vir Professionele en Tegniese Opmeters]** Geomatikaraad bepaal, maar vir hoogstens twee jaar, maar daardie Raad kan daardie lid te eniger tyd uit die amp onthef op grond van wangedrag, onvermoë of onbekwaamheid."; en *(d)* deur subartikel (5) deur die volgende subartikel te vervang: "(5) Indien 'n lid van die raad voor die verstryking van sy of haar ampstermyn sterf of die amp ontruim, kan die Minister of die Suid-Afrikaanse **[Raad vir Professionele en Tegniese Opmeters]** Geomatikaraad, na gelang van die geval, 'n persoon aanstel om die vakature te vul vir die onverstreke deel van die termyn waarvoor die lid aangestel of benoem is. 4. Wysiging van artikel 12 deur paragraaf *(a)* in subartikel (2) deur die volgende paragraaf te vervang: "*(a)* 'n klagte of bewering van onbehoorlike gedrag na die Suid-Afrikaanse **[Raad vir Professionele en Tegniese Opmeters]** Geomatikaraad, ingestel by artikel **[2]** 3 van die Wet op **[Professionele en Tegniese Opmeters, 1984 (Wet No. 40 van 1984)]** die Geomatikaprofessie, 2013, verwys vir ondersoek ingevolge artikel **[29]** 19 van daardie Wet; of".