(Published 20th May, 2022)

Act

No. 11 of 2022

I assent

DR. LAZARUS MCCARTHY CHAKWERA
PRESIDENT
12th May, 2022

ARRANGEMENT OF SECTIONS

SECTION
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An Act to amend the Land Survey Act

ENACTED by the Parliament of Malawi as follows—

Short title and commencement

1. This Act may be cited as the Land Survey (Amendment) Act, 2022, and shall come into force on a date appointed by the Minister by notice published in the *Gazette*.

Amendment of s. 2 of Cap. 59:03

2. The Land Survey Act (hereinafter referred to as the "principal Act") is amended, in section 2, by inserting therein, in the correct alphabetical order, the following new definitions -

""aerial survey" includes a survey conducted using aircraft, drone, balloon or any unmanned vessel"; and

""survey equipment" means any equipment which is certified to be fit for land survey measurements in Malawi and is registered as such by the Surveyor General in accordance with this Act;".

Amendment of s. 3 of the principal Act

3. Section 3 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection (2) —

"(2) A person shall not be recruited as a Surveyor General unless the person —

(*a*) is licensed and registered as a surveyor under this Act; and

(*b*) has not less than 10 years' experience in land surveying.".

Replacement of s. 17 of the principal Act

4. Section 17 of the principal Act is repealed and replaced with the following new section 17 —

"Funds of the Board

17. The funds and property of the Board shall consist of —

(*a*) such sums of money as may, from time to time, be payable to the Board from moneys appropriated by Parliament for that purpose;

(*b*) other property, real or personal, as may be payable to, or vest in the Board pursuant to this Act or any other written law;

(*c*) other property, real or personal, as may be payable to or vest in the Board by way of a donation, or accrue to the Board from any trust; and

(*d*) any funds or sums of money that the Board may generate.".

Replacement of s. 28 of the principal Act

5. Section 28 of the principal Act is repealed and replaced with the following new section 28 –

"Qualifications for licensed surveyors

28. — (1) A person shall not be registered as a licensed surveyor unless that person —

(*a*) holds a degree in land surveying from a university approved by the Board in consultation with the National Council for Higher Education for purposes of this Act; and

(*b*) produces a certificate that he has served for at least two years as an assistant in practical field surveys under the direct personal supervision of a licensed surveyor practising as such under this Act or in any country as the Minister may list by notice published in the *Gazette*:

Provided that not less than half of such period shall have been spent in doing title surveys the nature of which shall be approved by the Board; or

(*c*) possesses a commission or a licence entitling him to lawfully practise as a land surveyor in any country listed in the notice published in the *Gazette* pursuant to paragraph (b); or

(*d*) is a holder of the qualification of fellow or professional associate of the Royal Institute of Chartered Surveyors of the United Kingdom in land surveying; or

(*e*) has passed an examination set by the Board to confer a qualification equivalent to any of the qualifications referred to in paragraphs (*a*) and (*b*).".

Replacement of s. 42 of the principal Act

6. Section 42 of the principal Act is repealed and replaced with the following new section 42 —

"Aerial and topographic survey and topographic mapping

42. — (1) A person who intends to carry out an aerial survey of any land in Malawi, shall, at least thirty days before the survey is carried out, notify the Surveyor General in writing of his intention to carry out the survey.

(2) A person who carries out an aerial survey in accordance with subsection (1) and any topographic survey, shall, within thirty days of completion of the survey, submit to the Surveyor General —

(*a*) one printed copy of every photograph taken for the purpose of such aerial survey together with one copy of any plan made as a result of the survey;

(*b*) copies of all data and subsequent maps and plans; and

(*c*) a digital tile of imagery and printed copy of the imagery.

(3) A surveyor shall, within thirty days of the completion of any topographical mapping in Malawi, submit copies of all data, subsequent maps and plans to the Surveyor General for quality control and archiving.

(4) The Surveyor General shall store all data, maps and plans relating to any topographical mapping in a good and secure place.

(5) The Surveyor General shall, from time to time, compile non-existing maps and amend existing plans and maps, and sell information taking into account the provisions of the Copyright Act.

Cap. 49:03

(6) No person shall, without the prior approval of the Surveyor General, obtain clearance from the Civil Aviation Authority to undertake an aerial survey in Malawi for purposes of acquiring survey data.

(7) No person shall, without the prior verification and certification by Surveyor General, use any newly procured satellite imagery.

(8) A person who fails to comply with this section commits an offence and shall, on conviction, be liable to —

(*a*) in case of a natural person, a fine of five hundred thousand kwacha and to imprisonment for twelve months; and

(*b*) in case of a legal person, a fine of one million kwacha.".

Replacement of s. 46 of the principal Act

7. Section 46 of the principal Act is repealed and replaced with the following new section 46 –

"Survey of Traditional Land Management Areas etc

46. — (1) The boundaries of any area declared as a Traditional Land Management Area, a district or a local government area, shall be demarcated and mapped.

(2) Where a Traditional Land Management Area is demarcated, all individual land parcels within that area shall be surveyed, mapped and registered.".

Replacement of s. 65 of the principal Act

8. Section 65 of the principal Act is repealed and replaced with the following new section 65 –

"Funds of the Council

65. The funds and property of the Council shall consist of —

(*a*) such sums as may, from time to time, be payable to the Council from moneys appropriated by Parliament for that purpose;

(*b*) sums of money or other property, real or personal, as may be payable to or vest in the Council pursuant to this Act or any other written law;

(*c*) such sums of money or other property, real or personal, as may be payable to or vest in the Council

by way of a donation, or accrue to the Council from any trust; and

(*d*) any funds or sums of money that the Council may generate.".

Passed in Parliament this twenty eighth day of March, two thousand and twenty-two.

FIONA KALEMBA
Clerk of Parliament