

2. That any one found in violation of this Decree will be subjected to a criminal penalty.
3. The penalties under this Decree shall include a maximum of one year imprisonment, confiscation of the rice intended for illegal exportation, the impoundment and/or confiscation of the instrument of transportation and fine not exceeding \$10,000.00 (TEN THOUSAND DOLLARS) or a combination thereof.

This Decree shall take effect immediately upon the signature of the Head of State of the Republic of Liberia.

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LIBERIA - WEST AFRICA

Date Issued: October 12, 1980
Date Published: October 23, 1980

PRC DECREE NO. 23

A DECREE TO PROVIDE FOR THE LICENSING AND REGISTRATION OF LAND
SURVEYORS AND FOR THE CONTROL AND REGULATION OF SURVEYS AND SURVEY
METHODS AND FOR THE PROTECTION OF SURVEY MONUMENTS, MARKERS,
BEACONS AND OTHER REFERENCE APPURTENANCES WITHIN THE REPUBLIC OF
LIBERIA

It is decreed by the People's Redemption Council of the Armed Forces of Liberia as follows:

SECTION 1: The Property Law is hereby amended by adding thereto a new chapter to follow chapter 8, to be designated chapter 9 and read as follows:

CHAPTER 9: LICENSING AND REGULATION OF THE PRACTICE OF LAND
SURVEYORS AND MATTERS CONNECTED THEREWITH.

Sub-chapter A: Preliminary Matters

SUB-SECTION 9.1: SHORT TITLE AND APPLICATION.

The provisions of this Chapter may be cited as the Land Surveyors Law and shall be of application throughout the Republic of Liberia.

SUB-SECTION 9.2: PURPOSE.

The purpose of the Land Surveyors Registration Law is to provide a standard of professional conduct and accountability for all land surveyors and to control and regulate surveys and survey methods and to protect survey monuments, markers, beacons and other legitimate survey reference appurtenances on land.

SUB-SECTION 9.3: DEFINITIONS.

As used in this chapter and in any rules and regulations made thereunder, the following terms have the indicated meanings unless the context otherwise requires:

"Board" means the Land Surveyors Licensing and Registration Board;

"Beacons" means a tower erected for the purpose of sighting, signaling or measuring angles;

"Bench mark" means a permanent marker established for vertical control or elevation;

"Survey" means defining the boundary of any land in Liberia and includes the survey for the purpose of the Registered Land Law.

"Control station" means a point established on the ground by Cadastral or other precise methods;

"License" means a certificate issued by the Surveyors Licensing and Registration Board in the prescribed manner under this chapter;

"Monuments" means a permanent marks of concrete iron bars or rails, iron pipes, permanent marks set in solid rock or spikes set in cement for the purpose of delineating the corners of any parcel or parcels of land;

"Notice" means a written information given by the interested party or parties adequately describing location of the land to be surveyed and stating the hour and date of such proposed survey;

"Plan" means a map, plot or other relatively precise diagram describing the area of survey.

"Licensed Land Surveyor" means any person proficient in survey theory and practice, or survey methods, and holding a certificate of qualification issued under the provisions of this chapter;

"Traverse" means a series of connected lines whose distances and directions are known.

"Triangulation mark" means any permanent mark established by precise or geodetic survey methods for horizontal and vertical control of a survey network.

SECTION 9.4: ADMINISTRATION

The Ministry of Lands and Mines through the Bureau of Lands and Surveys shall have the power to enforce the provisions of this chapter as a matter of routine administration.

SECTION 9.5: LAND SURVEYORS LICENSING AND REGISTRATION BOARD

- a. The Minister of Lands and Mines shall, with the approval of the Head of State appoint seven qualified Land Surveyors each of whom shall have a high moral standing and not less than five consecutive years of active surveying experience when appointed.

The Minister shall appoint four surveyors recommended by nomination from the private sector who shall hold office for a term of six years. Nevertheless, three of the four surveyors appointed from the public sector to constitute the first board and two of the three surveyors from the private sector shall hold office for only three years from the day appointed.

- b. The members of the board shall elect their chairman at the first meeting and the secretary of the Board shall file the election returns with the Minister of Lands and Mines immediately.
- c. Two lawyers from the Ministry of Justice shall be assigned to serve on the board at every hearing ad hoc members for counseling without the right to vote, so as to facilitate the filing of criminal suit in a court of law as provided in Section 9.10 (g) of this Chapter. Five members of the board who are surveyors including the Chairman shall constitute a quorum.
- d. The Director of the Bureau of Lands and Surveys of the Ministry of Lands and Mines as one of the four qualified Land Surveyors appointed from the public sector shall serve as Secretary of the Board.
- e. The Chairman may in his absence designate any member of the Board other than the Secretary to act as Chairman only for a particular meeting.

SECTION 9.6: POWERS OF THE LAND SURVEYORS LICENSING AND REGISTRATION BOARD.

- a. The Board shall require all Land Surveyors residing within the Republic of Liberia to register and shall

cause to be maintained a current register of all Land Surveyors who are licensed under the provisions of this chapter and they alone shall be qualified to survey land thereafter.

- b. The Board is empowered to pass upon the qualifications of candidates for surveyor's licenses and to administer examinations whenever necessary, subject to the provisions of this chapter and upon payment of the prescribed fee in accordance with the relevant provisions of the Revenue and Finance Law, and thereafter his license shall be renewable annually.
- c. The Board shall, in pursuance of the governing provisions of this decree, conduct hearings of all complaints or instances of malpractices, fraud or other contravention and provide reliefs and remedies therefor.
- d. The Board shall have the power to recall, cancel and amend licenses issued or to be issued in order to correct any inadvertent error or inequity and may suspend or debar from the practice of surveying any licensed Land Surveyor who has persistently refused to comply with the provisions of this decree.
- e. The Board shall hold regular meetings quarterly every year and the Chairman or the Secretary of the Board shall have right to circulate notices to members to attend call meetings. All citations to meetings shall be accompanied with the relevant agenda and the docket of the cases to be heard at the session.
- f. The members of the Board shall serve without salary compensations but each member shall receive a stipend sufficient to cover reasonable incidental expenses of travel and subsistence incurred during the performance of their duties in addition to an honorarium of one hundred dollars for every meeting attended which is forfeited due to nonattendance; such allowances shall be provided for through appropriations from the national budget.
- g. The Board shall draft its By-Laws at or before its initial third meeting which shall not contravene the provisions of this Chapter. Such By-laws shall establish the procedure and conditions for the appointment of the successor upon removal, resignation, suspension, retirement, incapacitating or death of an incumbent member occurring prior to the expiration of his term, and shall pass on other administrative matters not provided for under this chapter.

SECTION 9.7: CRIMINAL VIOLATIONS AND REMEDIES

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- a. It shall be a felonious offense of malpractice which is punishable by a fine not exceeding two thousand dollars with one of imprisonment for any person or persons not qualified as land surveyors and licensed in compliance with the provisions of this act to hold themselves out as such or pursue the practice of surveying whether or not for profit.
 - b. It shall be a criminal violation which is punishable by a fine not exceeding two thousand dollars for any land surveyor or any person who is not appointed as a survey officer by the Minister of Lands and Mines pursuant to section 8.23 of the Registered Land of Law of 1974, to conduct a private survey of any parcel of land lying in an adjudication area as defined under section 8.11 thereof, unless all pending land adjudication proceeding for the initial registration of titles under the national land registration and cadestral project have been closed with respect to the lands located in such adjudication area, and upon warrant issued by the Minister of Lands and Mines authorizing the private survey which shall lawfully proceed only in the presence of survey officers from the Systematic Division of the Bureau of Land and Surveys.
 - c. Any person or persons who without any color of right and with intent to defraud, cheat and maliciously deprive another person of his land in fee simple or the beneficial use and possession thereof in whole or in part by removing the permanent monuments, markers, beacons and other survey reference appurtenances lawfully established is guilty of malicious mischief under this decree and shall be required to make restitution in the amount of one hundred dollars for every such monument, marker or beacon willfully destroyed in addition to the penalty provided in the Penal Law for malicious mischief.
 - d. Any person or persons who conduct a survey of land in any locality without first obtaining due cognizance and observation, the existing official plans, map or maps showing lands defined by previous surveys in the same vicinity from the local land commissioner's office, from the Ministry of Lands and Mines or through its resident surveyors, as a result of which there is an encroachment of the metes and bounds of any two or more separate property interest of the boundaries of any two or more adjoining lands and the land surveyed, are guilty of misdemeanor and shall be subject to a fine not exceeding one thousand dollars; if the set is found to be willful and malicious with intent to defraud, it may be punishable a malicious mischief under paragraph (c) of this section, instead.

- e. It shall be a criminal violation of this chapter which is punishable by a fine of one thousand dollars for any person or persons who survey or cause to be surveyed any parcel of land without first issuing an adequate notice in writing to the owners of adjoining lands describing the general location and quantity of the land to be surveyed and requiring such owners or their representatives to be present on the site with their documents of title; a restitution in the amount of one hundred dollars shall be required for each monument or cornerstone destroyed or removed in the course of such illegal survey.
- f. Any person or persons who without any authority prepare any vary or cause to be prepared any varied on the ground a surveyed plot of land and thereby cause such parcel of land to substantially deviate from the official theoretical layout of any locality such as by unilaterally and illegally creating or declaring public alleys or other easements through city lots which have been already delineated on the theoretical layout thereby causing disputes to arise between any two or more landowners, or between the landowners so affected and the general public, is guilty of a misdemeanor and shall be fined an amount not exceeding one thousand dollars and the lawful rights to the lands affected shall be restored inviolate be removing the easements in compliance with the official layout or plans existing immediately prior to the misdemeanor.

SECTION 9.8: CIVIL REMEDIES

Where a loss or injury is sustained by any persons due to the acts herein prohibited and such loss is not compensated by restitution under the criminal violation provisions of section 9.7 of this chapter, the aggrieved party or parties may seek a civil remedy at law for such damages.

SECTION 9.9: QUALIFICATION FOR LICENSE

The Surveyors Licensing and Regulations Board shall grant Surveyors' License to any candidate who has met the following requirements or regulations:

- 1. a. That he must have earned a certificate or a Bachelor's Degree in land Surveying and Engineering and/or Geodetic Engineering from a recognized institution and have acquired at least one (1) year of field experience in land surveying in Liberia; or
- b. He must have acquired five (5) years of field experience as an apprentice surveyor in Liberia; and

2. That in addition to meeting the requirements under 1a and 1b, the Land Surveyor, Geodetic Engineer or Apprenticed Surveyor must have successfully passed both practical and written examinations administered by the Board.
3. That the Applicant shall be required to comply with the provisions of the Revenue and Finance Law relating to the payment of professional Registration Fees.

SECTION 9.10: HEARING PROCEDURE OF THE SURVEYORS LICENSING BOARD

The power of the Board to conduct hearings of all complaints of violations or instances of malpractice, fraud or other contraventions of the provisions of this chapter and provide reliefs and remedies therefor shall proceed in the following manner:

- a. Written Complaint. Every complaint brought before the Board shall be in writing and prepared, in three copies, and the original shall be filed at the office in the Director of Lands and Surveys in his capacity as Secretary of the Board. The complaint has the obligation to serve the defendant a copy of the complaint after it has been stamped by the Secretary of the Board.
- b. Sufficiency of the complaint. The complaint in order to be sufficient must:
 1. make a concise statement of the facts relied on for relief;
 2. state the name of the place where the act complained of has occurred and that same was committed by the defendant or upon his instructions;
 3. state exactly the injury sustained or that which is the ordinary and foreseeable consequences of the act complained of; and
 4. state the basis of his title and produce affidavits or copies of his documents of title to the land affected by the wrongful act complained of.
- c. Citations to Board Hearings. The Board shall have the power to issue written citations designed to expeditiously apprise the defendant of the complaint and demand him to file his answer in writing and appear in person, by his counsel or both on a certain date and hour.
- d. Answer. The defendant shall be required to file a written answer which may state a denial of the complaint, general or special, or the facts constituting a defense

as authority or justification for the act or acts complained of, and should try to clarify the identification of the defendant as to his correct name, occupation, residence or any other error and inconsistency made in the complaint in this regard.

- e. Evidence. Both parties to the case may each produce witnesses and written evidence at the hearing before the Board, and the Board shall require the parties and their witnesses to testify under oath and enjoy the right of confrontation.
- f. Record of Proceeding. The record of the proceeding shall be produced in writing and shall consist of the orders, questions and all interim rulings of the Board as well as the evidence produced and the testimonies and answers to the questions posed to the parties and their witnesses or objections thereto.
- g. In every case the written decision of not less than a simple majority of the members of the Board shall be final, subject to the right of the Ministry of Justice to file an original criminal suit within ninety days of the rendition of judgment, where the defendant has excepted to the decision of the Board on the day of the judgment and at no other time. The Minister of Justice through the Solicitor General's office may direct criminal prosecution of the defendant who fails to comply with the decision of the Board.
- h. No bail shall be required by the Board itself in matters brought before it and until the defendant has been arrested by a court of law for a criminal violation of any provision of this chapter.

SECTION 9.11: OBJECTION TO SURVEY

Except in every case of violation of any of the provisions of this chapter, any aggrieved party shall have the right to pose an objection in a court of competent jurisdiction against any survey conducted by a Licensed Land Surveyor to effect a transfer of land.

SECTION 9.12: AERIAL SURVEY AND MAPPING

- a. Any person or persons who desires to conduct an aerial survey and mapping including aerial photography of Liberia shall prior to the effective date of such activities give to the Liberian Cartographic Service via the Minister of Lands and Mines one month's notice in writing stating his or their intention to execute aerial survey and mapping activities within a particular period of time, and the right to continue such activities shall

automatically lapse at the expiration of the period specified.

- b. Any person or persons who have carried out any such aerial survey and mapping activities shall upon a written request of the Ministry comply with the following conditions:
 1. deliver to the Liberian Cartographic Service for inspection all of the photographs taken or such of them as the Minister may specify; and
 2. supply such copies of the photographs and diagrams thereof to the Liberian Cartographic Service at the cost of the Ministry.

SECTION 9.13: SURVEY PLANS

The authentication of survey plans shall proceed as follows:

- a. The Director of the Bureau of Lands and Surveys shall have the power to inspect and verify the correctness of all survey plans affecting the conveyance of lands prior to the probate and registration of the deeds, leases or any other documents of title in the probate courts.
- b. Where a survey plan or plans have been presented to the Director of Lands and Surveys for approval and they are found to be incorrect, the probate courts shall reject same and shall not permit the registration of the deeds; leases or any documents of title to the land, unless the correct plan or plans have been prepared and approved by the Director or any other authorized personnel of the Ministry of Lands and Mines.
- c. The Ministry of Public Works shall approve building plans only after the property boundary of the land subject to improvement have been physically established and the site plan has been verified by the Director of Lands and Surveys of his delegate.

SECTION 9.15: REGULATORY POWERS OF THE MINISTRY OF LANDS AND MINES

The Ministry of Lands and Mines shall from time to time institute policies and measures which are geared toward regulating and standardizing survey methods and practice.

SECTION 9.16: LAND COMMISSIONERS

All Land Commissioners within the confines of the Republic of Liberia shall become members of the personnel of the Ministry of Lands and Mines in the Bureau of Lands and Surveys, and they shall be recommended by the Minister of Lands and Mines

to the Head of State for appointment with the advice and consent of the People's Redemption Council and be commissioned accordingly.

ANY LAW TO THE CONTRARY NOTWITHSTANDING.

Date Issued: December 1, 1980

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PRC DECREE NO. 25

DECREE BY THE PEOPLE'S REDEMPTION COUNCIL OF THE ARMED FORCES OF
LIBERIA AMENDING PRC DECREE NUMBER THREE ESTABLISHING SPECIAL
TRIBUNALS FOR THE ADMINISTRATION OF JUSTICE

THE RATIONALE OF THE PROPOSED AMENDMENT:

The term Tribunal has a Military connotation and since civil justice has been re-established, it would be proper to use the original word "court" rather "tribunal". Outside Liberia the reconstruction of the courts as Tribunal, would definitely be adversely interpreted. It would mean in essence Military Justice and this predicate would taint the image of Liberia abroad as far as the administration of justice is concerned.

It is hereby decreed by the People's Redemption Council of the Armed Forces of the Republic of Liberia that the words "The People's Supreme Tribunal, Chairman and Members of the People's Supreme Tribunal," as appear in sections 1.1, 1.2, 1.3 and 1.4 be so amended as to read: "The Supreme Court of the Republic of Liberia, Chief Justice and Associate Justices of the Supreme Court of the Republic of Liberia". The proper wording of the sections as amended shall read as follows:

SECTION 1.1: The reconstitution of the Supreme Court of Liberia. The Judicial power of the Republic of Liberia shall be vested in Supreme Court hereby re-established as well as such subordinate courts as the People's Redemption Council may from time to time deem necessary to establish. The Judges of the Supreme Court of Liberia and all other Judges of the People's Courts shall be appointed by the People's Redemption Council. They shall hold Office during