

Direction Concerning Preparation of Survey Plans In the Emirate of Dubai

Chapter One General Provisions

Article (1) Terms used in the Jointly Owned Properties Law

In these Regulations, the terms and expressions defined in Article (2) of Law No. (27) of 2007 concerning Jointly Owned Properties in the Emirate of Dubai shall have the same meanings assigned to them in the said Article, and any reference to the word "Law" in these regulations shall mean the mentioned Law.

Article (2) Definitions

The following words and expressions, unless the context otherwise dictates, shall have the following meanings:

Chairman means the Chairman of the Department.

Department means the Land Department.

Directions mean the cadastral survey directions issued from time to time by the Department pursuant to article (9) of this Regulation.

Existing Project means:

- (a) a project or part of a project that has been constructed and occupied as at the date this Regulation is signed by the Chairman; or
- (b) such other project or part of a project that the Department assesses as being an existing project.

Register means the register kept by the Department pursuant to article (7) of this Regulation.

Article (3)
Giving effect to the Regulation

- (1) This Regulation is made in accordance with The Land Registration Law of the Emirate of Dubai No. (7) of 2006.
- (2) This Regulation takes effect on the day it is signed by the Chairman.
- (3) The Department shall issue directions, decisions, instructions and forms to give effect to and enforce this Regulation.

Chapter Two
Registration of Surveyors

Article (4)
Qualifications for Registration

- (1) Individuals and companies may be registered as a surveyor.

Parties:

For UAE or GCC nationals:

1. Minimum diploma degree required
2. Practitioner surveyor course.(Dubai real estate institute)
3. Minimum of 2 years experience in the real estate industry.

Foreign:

1. Minimum of Bachelor degree in surveyor or internationally recognized certificate required
2. Practitioner surveyor course.(Dubai Real Estate Institute).
3. Minimum of 5 years experience in the survey
4. Expatriate must be sponsored under this license.

- **Branch of a foreign company:**

- 1- Memorandum of association ,company must exists for at least 5 years
- 2- Board resolution to open the branch
- 3- List of projects provided by the company

- 4- Manger must have minimum of bachelor degree or an internationally recognized surveyor certificate
- 5- Practitioners surveyor course.(Dubai Real Estate Institute).
- 6- Manger must be sponsored under this license.
- 7- Local Service Agent.

Note:

- Companies must be registered in the surveyor section in land department before operating the business
- Activity fee 5000 Dh per year.
- All documents must be notarized by the UAE Embassy overseas, Ministry of the Foreign Affairs in Dubai and should be translated in Arabic.
- maintain professional indemnity insurance acceptable to the Department.

- (4) A Service Agent need not be a registered surveyor.
- (5) A registered surveyor who is a director of a company that is a registered surveyor must ensure that the company complies with the Law, this Regulation the Directions and any decisions and instructions issued under them.
- (6) All plans to be registered or recorded by the Department must be prepared by the Department or by a registered surveyor.
- (7) A plan shall not be registered by the Department unless:
 - (a) in the case of a plan prepared by the Department, it is signed by an authorized officer of the Department; or
 - (b) in the case of a plan prepared by a registered surveyor, it is signed by or on behalf of a company or sole proprietorship that is a registered surveyor.

**Article (5)
Duties of Registered Surveyors**

A registered surveyor must:

- (a) have a good working knowledge of this Regulation, the Directions and any decisions and instructions issued under them;
- (b) by themselves or by an appropriate person under their direction, carry out a survey and prepare plans of the survey in accordance with this Regulation and the Directions;
- (c) certify a plan of survey carried out by them or under their direction;

- (d) accept responsibility for the correctness and accuracy of any plan of survey certified by them;
- (e) in respect of any survey, lodge with the Department any data required by it;
- (f) correct, on their own initiative or upon request by the Department, any inaccuracy or error on any plan certified by them whether or not that plan has been registered

Article (6) **Suspension or Cancellation of Registration**

- (1) The Department may suspend or cancel the registration of a surveyor in any of the following circumstances, namely for:
 - (a) failure to adequately supervise persons working under their direction;
 - (b) failure to comply with the Law, this Regulation, the Directions and any decisions and instructions issued under them;
 - (c) gross negligence or incompetence;
 - (d) misconduct;
 - (e) in the case of an individual who is not a national of the United Arab Emirates, if they cease to be the holder of a current residency visa; or
 - (f) failure to maintain professional indemnity insurance.
- (2) Before suspending or cancelling the registration of a surveyor the Department must serve a written notice on the surveyor informing them about the reason for the suspension or cancellation of their registration. The notice must allow a minimum period of 21 days for a response. In deciding whether or not to suspend or cancel the license the Department must take into account any response to that notice made by the surveyor.

Article (7) **Register of Surveyors**

- (1) The Department shall keep a register of registered surveyors.
- (2) The Department must record in the Register all information, including without limitation complaints and disciplinary action, relevant to a registered surveyor.
- (3) The Department shall issue a certificate of registration to individuals and companies registered as surveyors.
- (4) A surveyor whose registration has been cancelled must surrender their certificate of registration to the Department.

Chapter Three Standards

Article (8) Competency Framework

- (1) For the purposes of article (4)(2)(c)(ii) of this Regulation, the Department must prepare a competency framework to assess whether a person is competent to be registered as a surveyor. The Department must review this competency framework every 2 years.
- (2) A competency framework prepared for the purposes of this article must relate to:
 - (a) professional practice;
 - (b) technical ability with surveying equipment;
 - (c) technical ability with the manipulation of data;
 - (d) knowledge of the land development process in Dubai; and
 - (e) knowledge of the Law, this Regulation, the Directions and any decisions and instructions issued under them.
- (3) For the purposes of article (4)(2)(c)(ii) of this Regulation, competency may be assessed by the Department or by a suitably qualified person or persons appointed for that purpose by the Department.

Article (9) Directions

- (1) The Department shall determine by written directions:
 - (a) the way in which surveys must be conducted and the equipment that must be used;
 - (b) accuracy requirements for surveys;
 - (c) the content of plans and the way in which they must be prepared;
 - (d) the requirements for lodgment of plans and data associated with them; and
 - (e) such other matters as the Department may consider necessary to ensure the highest standards of survey, plan preparation and registration.
- (2) A registered surveyor must comply in every respect with the Directions.

Chapter Four Transitional Arrangements

Article (10) Preparation of Plans

- (1) The Department may review this Regulation, the Directions and any decisions and instructions issued under them in respect of an Existing Project.
- (2) Without limiting sub-article (1) of this article, the Department may register the following types of plans prepared using data from architectural or engineering drawings notwithstanding that a proper survey has not been carried out and the plan has not been drawn in accordance with the Directions:
 - (a) Building Common Areas Site Plan;
 - (b) Unit Plan;
 - (c) Land Common Areas Site Plan; and
 - (d) Land Parcel,

(Each of the plans in paragraphs (a) to (d), inclusive above, being defined in the Directions).

- (3) Where a Land Common Areas Site Plan is registered under this article, the Owners Association for the community to which the plan relates must, at its expense, within one year from such registration have a survey carried out and registers in substitution for that plan a Land Common Areas Site Plan that complies with the Directions.
- (4) The Owners Association referred to in sub-article (3) of this article must as soon as practicable have a survey carried out and register in substitution for the Theoretical Common Areas Site Plan a plan that complies with the Directions.
- (5) Where a Unit Plan or Land Parcel is registered under this article (“**Theoretical Unit Plan**”), the owner of the Unit must, at his own expense and before transferring the Unit to another person or entity, have a survey carried out and register in substitution for the Theoretical Unit Plan a plan that complies with the Directions.
- (6) The Department shall determine when sub-article (2) of this article shall cease to apply.

This Direction is effective from on 13th of April 2010 in the emirate of Dubai