



FIG Munich Oct. 2006
Is the profession of licensed surveyor a legal profession ?

LAW IN THE PROFESSION'S HISTORY

The surveyor is foremost an engineer, but since its inception, this profession puts its skills at the service of property rights.

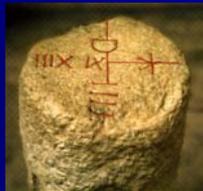


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LAW IN THE PROFESSION'S HISTORY

- In ancient Egypt, the surveyor, puts the boundaries back after each flood, according to titles
- The Roman agrimensor is the judge's right hand for the distribution of colonized land
- In Greece, it is written on the pediment of Plato's academy « *Nobody enters here unless he is a geometrician* »



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LAW IN THE PROFESSION'S HISTORY

In the Middle Ages, the Sworn Surveyors publish the first treaties on demarcation and surveying covenants; these are genuine exchange deeds.



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LAW IN THE PROFESSION'S HISTORY

In the 18th century, CONDORCET wrote:

« *Surveying is more an art for identifying, sharing and evaluating a field than that of marking its position, measuring it and dividing it.* »



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LAW IN THE PROFESSION'S HISTORY

In the 20th century, alongside technology, law becomes increasingly important



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FRENCH LAW AND THE LICENSED SURVEYOR

The 7th of May 1946 Law created the French Order; it entrusts the licensed surveyor with the definition of rights linked to property.

It determines that he (she) can act as an arbitrator, provide legal counselling, write under private seal in the framework of his intermediary activities, administer real estate.



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UNIVERSITY TRAINING IN LAW FOR THE FRENCH LICENSED SURVEYOR

The University training includes the following subjects:

- Civil law
- Administrative law
- Urban planning laws
- Environmental laws
- Rural laws
- Legal expertise



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ADDITIONAL TRAINING IN LAW FOR THE FRENCH LICENSED SURVEYOR

Some activities require specific agreements based on specific training. In particular for:

- Real estate business
- Real estate administration
- Diagnosis of buildings directly linked to public health regulations



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IN-SERVICE TRAINING IN LAW IN FRANCE

In-service training is compulsory for French licensed surveyors, with a minimum of 40 hours per year. This training includes both technical and legal courses. Last summer universities have provided high level courses on:

- real estate taxation
- private servitudes
- condominiums



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LAW AND PROFESSIONAL PRACTICE

THE PROFESSIONAL CORE

We can mention:

- Demarcation of private, built or non-built, property
- Demarcation of public property
- Cadastral maintenance
- Condominiums and volume division
- Legal expertise
- Legal counselling



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LAW AND PROFESSIONAL PRACTICE

IN THE FIELD OF RURAL LAW

The intervention concerns mainly two issues:

- setting up of land consolidation projects, amicable land exchanges, land restructuring
- Valuation of land, of rental values, setting up contracts, administration of rural property, particularly private forests...



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LAW AND PROFESSIONAL PRACTICE

IN THE FIELD OF URBAN PLANNING

The licensed surveyor has also a double role in this field:

- Operational activities in the implementation of urban regulations in areas already built (urban associations), and in areas to be built (housing development projects)
- Regulatory urban planning through establishment of urban plans for individual communes or groups of communes, including municipal maps...



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LAW AND PROFESSIONAL PRACTICE

SPECIFIC ACTIVITIES REQUIRING SPECIALIZED LEGAL SKILLS

The main ones are:

- Real estate administration
- Real estate transactions
- Buildings diagnosis
- Public surveys



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RECOGNITION OF OUR PROFESSION AS A LEGAL ONE

Both French State authorities and parallel professions have recognized this character

Here are a few examples :

- Admission of the Order in a working group on export of legal know how
- Presentations in Europe about the legal actors in land issues
- The Order is co-signatory of the covenant on expertise
- Fellow surveyors provide specialized training courses to other legal professions



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The French licensed surveyor has a highly skilled technical profession, but it cannot be dissociated from his (her) legal activity.

One can notice this duality both in his(her) training and his(her) professional practice: it is a major characteristic of our profession, and it probably explains why it is open to others, and feels confident in its future...

Futhermore, this duality provides the licensed surveyor with an overall view, and allows him(her) to properly defend property rights and land management, and above all to be a human being in the service of other human beings...



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THANK YOU FOR YOUR ATTENTION

MERCI

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