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DEPARTMENT OF LAND AFFAIRS DEPARTEMENT VAN GRONDSAKE

No. R. 1130

29 August 1997

REGULATIONS PROMULGATED IN TERMS OF SECTION 10 OF THE LAND SURVEY ACT, 1997 (ACT No. 8 OF 1997)

The Survey Regulations Board has in terms of section 10 of the Land Survey Act, 1997 (Act No 8 of 1997) made the following regulations. The regulations come into effect on 1 October 1997 and in terms of section 50(7) of the Land Survey Act, 1997 (Act No 8 of 1997) the regulations published in Government

Notice No R1814 of 2 November 1962, as amended by Government Notices Nos R1395 of 11 September 1964, R533 of 21 April 1967, R1033 of 20 June 1969, R1126 of 4 July 1969, R2008 of 20 November 1970, R959 of 9 June 1972, R1804 of 13 October 1972, R2320 of 13 December 1976, R844 of 2 May 1977, R1817 of 24 August 1979, R1107 of 30 May 1980, R1445 of 10 July 1981, R2562 of 27 November 1981, R178 of 28 January 1983, R291 of 24 February 1984, R1020 of 10 May 1985, R657 of 11 April 1986, R1577 of 17 July 1987, R1578 of 17 July 1987, R2018 of 18 September 1987, R829 of 28 April 1989, R2022 of 31 August 1990, R848 of 19 April 1991, R2430 of 4 October 1991, R664 of 28 February 1992, R1354 of 30 July 1993, R765 of 18 April 1994, R997 of 27 May 1994, R649 of 28 April 1995 and R1643 of 26 October 1995 are hereby repealed.

Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates -

“accurately determined” means determined with a standard of accuracy conforming to that prescribed in regulation 5;

an **“arc”** of observations means the mean of two rounds of observations to surrounding stations and beacons, one being taken in a clockwise direction and the other with the telescope transited, in an anti-clockwise direction;

“Chief Director” means the Chief Director of Surveys and Mapping appointed by the Minister;

“GPS” means the Global Positioning System of position determination;

“metre” means the unit of length as defined in Table 1 of the First Schedule to Government Notice R.1146 of 5 July 1974 published in terms of section 3 of the Measuring Units and National Measuring Standards Act, 1973 (Act 76 of 1973);

“middle of a river” means the line midway between the banks;

"original diagram" means the diagram of the property being surveyed, resurveyed or subdivided;

"right or left bank of a river" means that bank of the river which is on his or her right or left side, as the case might be, when the observer is looking downstream;

"rural land" means all land not situate in a township or in a settlement;

"settlement" means a group of pieces of land or of subdivisions of a piece of land which are used or intended for use mainly for farming or horticulture, and includes a combination of such groups, registered as such in a Deeds Registry;

"side", when used in relation to a figure on a diagram or general plan, means a straight boundary line represented thereon, or the imaginary line joining any two beacons between which the boundary is curvilinear, and includes the line joining an unbeaconed corner point with the indicative beacon defining such point;

"the Act" means the Land Survey Act, 1997 (Act No 8 of 1997).

Survey Information

2. Before carrying out any survey in terms of the Act a land surveyor shall obtain all available information in respect of any previous surveys of the piece of land to be surveyed and of the adjoining pieces of land.

Field Measurements and Observations

3. (1) A land surveyor shall determine the positions of all stations and beacons within the limits of accuracy prescribed in regulation 5 and shall check every part of his or her survey.

(2) Unless otherwise adequately checked, the minimum requirements for the determination of the position of a point are:

- (a) when its position is determined by intersection or trilateration, the angle at the vertex of any triangle used in such determination shall not be less than 30 degrees nor greater than 150 degrees;
- (b) when its position is determined by resection, at least four favourably situated known points shall be used, and sufficient observations shall be made to ensure the required accuracy of determination of its position: Provided that at least one arc shall be observed;

- (c) when its position is determined by a single triangle only, observations shall be made at all three points and on at least two different parts of the circle;
- (d) when its position is determined by GPS, at least two known points or two independent vectors shall be used;
- (e) when its position is determined by photogrammetric methods, it shall:
 - (i) fall wholly within the perimeter of the ground control points;
 - (ii) be measured in at least two stereoscopic models where the base/height ratio shall not be greater than 0,80, or be measured in at least four photographs for bundle intersections, where the intersection for any pair of rays shall not be less than 30 degrees and not greater than 150 degrees;
 - (iii) be positively identified on the photographs by the land surveyor.

(3) When traversing between two known points, observations shall be taken at both known points, unless the orientation is otherwise adequately checked.

Connection to the National Control Survey System

4. (1) Any survey of land shall be based upon the national control survey system: Provided that the Surveyor-General, after reference to the Chief Surveyor-General, may in exceptional circumstances and subject to such conditions as he or she may deem necessary, exempt any survey from the requirements of this subregulation.

(2) When beacons are co-ordinated by means of GPS techniques, sufficient GPS vectors shall be measured to determine the local relationship between the GPS reference datum and the national control survey reference datum by connection to at least three suitably positioned stations fixed on the national control system unless this relationship has been previously accurately determined.

Limits of Allowable Error in Field Work

5 The accuracy with which a survey shall be done is expressed by the following formulae, where-

Class A refers to-

- (i) the determination of reference marks established in terms of regulation 16; and
- (ii) such other determinations as may be prescribed in these regulations;

Class B refers to-

- (i) the survey of new townships and settlements;
- (ii) the resurvey or subdivision of an erf in an existing township or a lot in a settlement;
- (iii) the survey for the replacement of a beacon in a township or a settlement; and
- (iv) the survey for the preparation of a diagram required under the law relating to the registration of mining titles in respect of precious stones and precious metals;

Class C refers to all surveys not included in Class A or B, and shall include surveys for mining titles in respect of base minerals-

- (a) when the position of a point is determined by polars, traverse, triangulation, trilateration, GPS or a combination of these methods, the displacement between any observed ray, measured distance or GPS vector and the equivalent quantity derived from the final co-ordinates of the point fixed shall not exceed-

for Class A : A metres;

for Class B : 1,5A metres;

for Class C : 3A metres;

where A is equal to-

$$0,04 + \frac{S}{30\,000}$$

and S is the distance between the known and the unknown point: Provided that in the case of a GPS vector the comparison is made between the vector derived from the final co-ordinates and the measured vector after the datum transformation has been applied: Provided further that in the case of a traverse the comparison is made to the misclosure of the traverse, where S is the total length of the traverse in metres;

- (b) when the position of a beacon in a township is checked by the measurement of distances from adjacent beacons, the difference between a single measured distance and the adopted final distance shall not exceed 0,10 metres: Provided that for surveys carried out in terms of the Upgrading of Land Tenure Rights Act, 1991 (Act No 112 of 1991), the Less Formal Townships Act, 1991 (Act No 113 of 1991) and when a permanent physical feature is being fixed as a beacon the difference shall not exceed 0,20 metres;
- (c) when the vertical position of a point is determined, the difference between any determination thereof and the finally adopted height shall not exceed 0,10 metres:

Provided that the Chief Surveyor-General, in consultation with the Surveyors-General, shall determine a standard of accuracy for any survey operation not specified in this regulation.

Limit of Allowable Difference from Original Survey

6. For the purpose of section 24 of the Act the limit of disagreement from the original diagram is-

$$0,2 \sqrt{d}$$

where d represents the distance in metres derived from data on the original diagram between any two beacons affected by the subdivision. Any portion of a boundary line shall be deemed to be within the limit when the whole of such boundary line is within such limit.

Adoption of Data

7. (1) When the position of a terminal beacon has previously been properly identified and determined on the national control survey system, the co-ordinates of such beacon may be adopted for the purpose of alignment thereto: Provided that a beacon is not placed so close to such terminal beacon that its alignment could be appreciably affected by such survey errors as could normally be expected in the determination of the position of the terminal beacon.

(2) The data defining an unbeaconed point in relation to an indicatory beacon and obtained in the process of correcting the alignment of a beacon as prescribed in regulation 10, may be adopted without verification for the purpose of any new diagram.

(3) The co-ordinate value of any survey station or beacon whose position on the national control survey system has been accurately determined may after verification of its physical position by a land surveyor be used by him or her.

Curvilinear Boundaries

8. (1) (a) When the centre line of a railway forms, or defines an existing boundary, the intersections of such line with the rectilinear boundaries, and when necessary, the ends of the straights shall be accurately determined;
- (b) The position of a railway curve defining an existing boundary shall be accurately determined: Provided that, unless the elements of the curve are accurately determined, or the curve is determined by photogrammetric methods, points surveyed on such curve shall not be more than 30 metres apart;
- (c) Notwithstanding the provisions of paragraph (b), it shall not be necessary to re-determine the radius and the centre of a circular curve which forms or defines an existing boundary, when such curve has previously been accurately determined.
- (2) Fences, railway lines, roads, streams which are liable to change course or any regular curves, or natural or artificial features, which are not permanently or clearly defined, shall not be adopted as new boundaries.
- (3) When a land surveyor is prevented from obtaining access to the middle of a river forming a boundary, he or she may determine its position by surveying the position of one of the banks and the widths at critical points.
- (4) When a river boundary is described on the original diagram in ambiguous terms, but the land is depicted as extending to a bank, and when the ambiguity is not removed in terms of section 33 of the Act, the position of such bank shall be determined for the purpose of representing it on a new subdivisional diagram.
- (5) The Surveyor-General shall not permit a curvilinear boundary to be substituted by a boundary of another character in terms of paragraph (b) of subsection (6) of section 29 of the Act, unless he or she is satisfied that the two boundaries are so nearly co-incident that no material alteration in area of land has taken place by reason of the substitution. The survey records relating to a survey in terms of the aforesaid subsection of the Act shall include a plan showing complete details of the new boundary together with the relevant numerical data for inclusion in a new diagram that may be required to be framed on any property affected.
- (6) Photogrammetric methods may be used for determining the position of any curvilinear boundary: Provided that the annotation of such boundary on an aerial photograph or orthophoto map shall be done in the field.

Physical Features Affecting Rights of Ownership

9. In the survey of any land sufficient observations, measurements and sketches shall be made to enable physical features affecting rights of ownership, such as roads and railways, to be determined: Provided that the positions of such features may be obtained from large scale modern maps or from aerial photographs: Provided further that the positions of such features which are liable to change shall be verified.

Alignment of Existing Beacons

10. (1) In surveying a piece of land, of which any existing beacon is supposed to be on a straight line boundary common to such piece of land and other properties, a land surveyor shall, subject to the provisions of subregulation (6) hereof, proceed, as follows:

(a) When the terminals of the common boundary line are lawfully established beacons, or are well ascertained beacons recognised by all parties, the beacon if not on the straight line joining the terminals shall, subject to the provisions of subregulation (5) hereof, be replaced on line unless it is a lawfully established beacon, in which case it shall be adopted as a beacon of the land under survey;

(b) When the terminals of the common boundary line are not lawfully established beacons, and the positions of one or both is doubtful, the beacon, if not on line, may be adopted provided it is a well ascertained beacon recognised by all parties and in respect of which an agreement substantially in accordance with the Form contained in Schedule 1 of the Act, signed by all parties concerned, is lodged with the Surveyor-General.

(2) When any beacon of a piece of land adjoining that under survey, which is supposed to be on the common boundary referred to in subregulation (1) is found to be not on line, it need not be dealt with if-

(a) it is a lawfully established beacon in which case it shall be adopted as a beacon of the land under survey;

(b) it is a well ascertained beacon recognised by all parties and in respect of which an agreement substantially in accordance with the Form contained in Schedule 1 of the Act, signed by all parties concerned, is lodged with the Surveyor-General, in which case it may be adopted as a beacon of the land under survey.

(3) In cases not provided for above, a land surveyor shall investigate the matter thoroughly and collect all available information and evidence to enable him or her to place the beacons in the most likely positions and agreement as above mentioned, to all such beacons, shall be lodged if deemed necessary by the Surveyor-General. Cognisance shall be taken of the beacons and boundaries of a township along the straight line boundary. A full report detailing all the evidence on which the land surveyor based his or her action shall be submitted with the relative survey records.

(4) In correcting the alignment of a beacon as provided for in this regulation, such beacon shall, as a rule be placed at the intersection of the boundary line of which it forms a terminal, with the straight line on which it is supposed to be.

(5) For the purpose of this regulation a beacon shall be deemed to be not on the true and correct boundary when its displacement exceeds

$$0,06 \text{ plus } \frac{d}{4\,000} \text{ metres}$$

with a maximum of 1,00 metre: Provided that a beacon need not be moved in order to correct its alignment when its displacement falls within the limit of

$$0,06 \text{ plus } \frac{d}{2\,000} \text{ metres}$$

with a maximum of 1,00 metre, where "d" is the distance from such beacon to the nearest terminal or point justifiably adopted as a terminal in terms of this regulation: Provided further that, in cases where it is necessary to correct alignment, if the beacon is not replaced on line-

- (a) it shall be used as an indicatory beacon for the unbeaconed point adopted as a corner of the land under survey; and
- (b) such data as may be necessary to define the position of such point in relation to such indicatory beacon, shall be recorded on any new diagram affected.

(6) When a land surveyor is able to identify a beacon previously placed on line, and in respect of which the survey records have been approved and the Surveyor-General is satisfied that the alignment was correctly effected, such beacon need not be re-tested for alignment.

Specifications for Beacons

11. (1) Except as provided in regulation 12, the corner points of every piece of land, shall be marked by beacons of a permanent nature in accordance with the following minimum specifications:

- (a) For land situate in a township or settlement: a 12 millimetre iron peg at least 400 millimetres long; and

- (b) For rural land: a 16 millimetre iron peg at least 500 millimetres long;

Provided that:-

- (i) When it is not possible to drive the peg into the ground, the corner point shall be defined by a hole of sufficient depth drilled into the obstructing rock, pavement or structure;
- (ii) When a post forms part of a properly erected fence and occupies a corner point of land being surveyed, it may be adopted as a beacon;
- (iii) When the corner point co-incides with the corner of a permanent building, such corner shall be adopted as a beacon.

(2) Any departure from the prescribed types of beacons shall be reported to the Surveyor-General.

- (3) A trigonometrical station shall not be used as a new beacon.

When Beacons are not Required

12. (1) It shall not be necessary to place a beacon-

- (a) when the corner point is in such close proximity to the corner of a building that a beacon cannot be conveniently placed in position, in which case the position of the corner of the building shall be accurately determined for use as an indicatory beacon;
- (b) when the area affected by a servitude is of defined width, in which case it shall be necessary to place beacons along one side only of the area, or on a convenient line indicatory to such side;
- (c) at the ends of the straight of a railway line forming a boundary;
- (d) when the purpose of the beacon will fall away by consolidation of title;
- (e) in the case of a servitude based on visible physical features of a permanent nature.

(2) The Surveyor-General may waive the requirements to erect or restore any beacon, when it is evident that such beacon would serve no useful purpose.

Indicatory Beacons

13. (1) When a corner point of a piece of land or the beacon of a real right falls in an inaccessible or insecure position, or in a position where it is deemed inadvisable to place a beacon, such position shall be preserved by means of an indicatory beacon or beacons.

(2) Except as otherwise provided in subregulation (5) of regulation 10, an indicatory beacon shall be placed on each of two of the rectilinear boundaries meeting at such corner point, and as close thereto as will be consistent with its safety: Provided that it shall not be necessary to place an indicatory beacon when it cannot be placed on line due to an obstructing building or permanent structure.

(3) An indicatory beacon shall be placed on a rectilinear boundary to define its intersection with a curvilinear boundary.

Marking of Survey Stations

14. All favourably situated main survey stations which are not likely to be disturbed, shall be marked in a permanent manner.

Damage to and Removal of Trigonometrical Stations

15. (1) A trigonometrical station shall not be moved or demolished except on written authority of the Chief Director.

(2) If it comes to the knowledge of a land surveyor that a trigonometrical station has been or is likely to be damaged or destroyed, he or she shall immediately report the circumstances to the Chief Director.

Reference Marks

16. (1) In the survey, involving more than 10 subdivisions, of new townships, extensions to existing townships or the subdivision of an erf, reference marks shall be placed at convenient intervals and in suitable positions: Provided that-

- (i) not less than two such marks shall be placed;
- (ii) in general such marks shall be placed in the order of 300 metres from each other;
- (iii) reference marks need not be placed when the survey is connected to at least two town survey marks situate within 1 000 metres;

(2) A reference mark shall consist of an iron peg at least 12 millimetres in diameter and at least 700 millimetres long, set in concrete at least 200 millimetres below the surface of the ground, or any other permanent mark.

Surveyor-General may test Survey

17. If the Surveyor-General has reason to doubt the accuracy, correctness or authenticity of any survey performed under the Act or any information supplied in connection with such survey, he or she may, after having given notice of his or her intention to the land surveyor concerned, depute a land surveyor who may be an officer in the service of the State to test such accuracy, correctness or authenticity, and thereafter take such action as he or she may deem fit.

Survey Records

18. (1) The survey records referred to in paragraph (c) of section 11 of the Act shall comprise-

- (a) a copy of each statutory consent relating to the survey, if applicable;
- (b) a comprehensive report on the survey and on matters incidental thereto;
- (c) field or other records from which positions of beacons were established;
- (d) a co-ordinate list;
- (e) a plan on which the following are recorded-
 - (i) the designations of the land under survey and the adjoining properties;
 - (ii) the relative positions, descriptions and designations of all beacons, stations or points used, adopted, fixed and calculated during the course of the survey: Provided that it shall not be necessary to reflect beacons placed and represented on a general plan submitted simultaneously for examination: Provided further that descriptions of beacons, stations or other points need not be shown if they appear on the co-ordinate list;
 - (iii) the positions of all curvilinear boundaries, which shall be plotted to the scale of the diagram to be framed or to a scale of 1/7 500, whichever is the larger;

- (iv) the following certificate, which shall be signed and dated by each land surveyor involved in the survey:

"Surveyed by me in accordance with the provisions of the Land Survey Act, No 8 of 1997 and the regulations framed thereunder.

.....
Date of survey

.....
Professional Land Surveyor

(Name) (Registration Number)"

- (f) a data comparison plan which shall include:-

- (i) the data derived from the survey;
- (ii) the data obtained or deduced from the original and adjoining properties, in brackets;
- (iii) the data finally adopted for the survey, which shall be underlined;
- (iv) a comparison of the original, surveyed and adopted co-ordinates, if the original survey and the new survey are based on the same system of co-ordinates;

Provided that the data comparison may be furnished on the plan provided in paragraph (e).

(2) When a survey for the replacement of beacons involves only their replacement into co-ordinate positions previously established on the national control survey system, the land surveyor need only submit a copy of the relevant diagram or general plan on which the beacons replaced are indicated, together with a report in which any variations in the descriptions of beacons are mentioned.

Diagrams

19. (1) A diagram intended to be approved by the Surveyor-General shall comply with the following requirements:

- (a) It shall be prepared in black print of good quality on one or more sheets of good, durable paper on any of the following metric sizes: A0, A1, A2, A3 and A4: Provided that when a diagram comprises more than one sheet, a note to that effect and the relevant sheet number shall appear in a prominent position on each sheet of the diagram;

- (b) Only one side of the sheet shall be used;
- (c) Margins 40 mm wide along the binding margin and 10 mm along the other sides shall be provided for A3 and A4 diagrams and 180 mm along the binding margin of the first sheet with 40 mm on subsequent sheets and 30 mm along the other sides for A0, A1 and A2 diagrams : Provided that such margins shall be left free of any writing or drawing: Provided further that the right-hand margin may be used for initialling alterations;
- (d) Land shall be represented by a figure and be plotted to a standard scale: Provided that when beacons are in such close proximity to each other that their relative positions cannot be clearly shown, they shall be represented on an inset;
- (e) The positions and designations of contiguous properties shall be indicated on the diagram;
- (f) When it is necessary for the purpose of registration to represent on the diagram the boundaries of properties held under different tenures or conditions of title, such boundaries shall be represented by broken lines and shall be lettered;
- (g) A diagram shall contain a clear and concise description of each beacon;
- (h) All linear dimensions and co-ordinates recorded on a diagram shall be in metres to two decimal places;
- (i) The following numerical data shall be recorded on a diagram:
 - (i) Co-ordinates of every corner point defining the rectilinear figure, every indicative beacon, every corner point in respect of which connecting data are furnished, two favourably situated trigonometrical stations and, if applicable, sufficient points to uniquely identify a curve which forms part of a boundary: Provided that co-ordinates need not be stated on a diagram framed from an approved general plan, unless the co-ordinates of each corner point of the land concerned are stated on the said general plan;
 - (ii) The lengths of the sides of the rectilinear figure and, if applicable, the radius of every circular curve forming part of a boundary;
 - (iii) Angles of direction to the nearest one second of all sides: Provided that-
 - (a) when the length of the side is less than 1000 metres

- (b) when the side is part of a boundary, determined during the course of a survey, and whose length exceeds 1000 metres, the direction of such side shall be expressed to single seconds;
- (c) on a diagram of land in a township, the direction of all lines less than 1000 metres in length shall be expressed to the nearest 10 seconds;
- (d) angles may be recorded on the diagram of an erf if the erf is represented on an approved general plan on which angles are recorded;
- (iv) The area, which shall be expressed in square metres to the nearest square metre when the area is less than one hectare, or in hectares to four decimal places if the area is equal to or greater than one hectare;
- (v) Such data as may be necessary to define the limits of a figure representing a servitude;
- (vi) Such connecting data as may be necessary to ensure that the figure represented on the diagram can be uniquely identified in relation to surrounding properties and to demonstrate that correct alignment of beacons has been established;
- (j) The co-ordinate system and the constant by which the co-ordinates have been reduced shall be recorded;
- (k) The numerical data recorded on a diagram shall be numerically consistent within the following limits:
 - (i) The closure of a data traverse computed round the rectilinear figure shall not exceed:

$$0,02 + \frac{P \sqrt{n}}{10\,000} \text{ metres,}$$

- (ii) The inconsistency in the area of the rectilinear figure as computed from its sides and angles, or directions, shall not exceed:

$$2 + \frac{P^2 \sqrt{n}}{80\,000} \text{ square metres,}$$

where p represents the perimeter in metres and n represents the number of sides of the rectilinear figure;

- (iii) The allowable maximum discrepancy in the recorded data of a curvilinear boundary shall be the area contained between the curvilinear line and a line parallel to it, displaced at a distance corresponding to one millimetre on the scale adopted for the plan referred to in regulation 18(1)(e)(iii);
- (l) The direction of true north shall be indicated on each diagram;
- (m) A clear definition of the limits of the figure shall be recorded as follows:
 - (i) In the definition shall be recorded, clockwise and in the order in which they occur, the letters or letters and numbers by which the corner points are indicated, and if applicable a description of the curvilinear boundary;
 - (ii) When a river, stream, water-course, wall, kran, or other well-defined permanent feature forms a new boundary, it shall be distinctly recorded in the definition of the figure which specific part of the feature forms such boundary;
 - (iii) Where the same piece of land consists of two or more parts and such parts meet at one or more common points, or such parts are disconnected by the prior deduction of a strip of road or railway reserve, the definition shall be recorded in such a manner as not to reflect separate figures.
- (n) The designation of the figure, including references to the province, administrative district or registration division, township and local authority area, where applicable, shall be recorded: Provided that on a diagram compiled for consolidation of title, references to the component properties, together with the relevant diagram and deed numbers, shall be recorded;
- (o) Each diagram shall contain such references as the Surveyor-General may require;
- (p) The responsible land surveyor shall sign and date each sheet of a diagram and certify that it was either framed in terms of the proviso to section 16 of the Act, compiled for consolidation of title, or surveyed by him or her, as the case may be. The name of the land surveyor and his or her professional registration number shall also be recorded on the diagram.

(2) Notwithstanding the requirements of subregulation (1), a diagram compiled without resurvey for the purpose of consolidation of title, shall contain no beacon descriptions nor numerical data other than the area, which shall agree exactly with the sum of the transfer areas of the component properties.

(3) The Surveyor-General may refuse to approve any diagram should he or she be of the opinion that it is dilapidated, framed in a careless manner or its appearance is spoilt by amendments or additions.

General Plans

20. (1) A general plan intended to be approved by the Surveyor-General shall be provided when required under any law or when the property is subdivided into 10 or more pieces of land, and shall comply with the following requirements:

- (a) It shall be prepared in black print of good quality on one or more sheets of durable material at the following metric sizes; A0, A1, A2, and A3: Provided that if the layout of the pieces of land is depicted on more than one sheet, the first sheet shall contain a key plan indicating the sheet numbers and divisions: Provided further that each sheet shall be numbered;
- (b) The provisions of paragraph (c) of sub-regulation (1) of regulation 19 which are applicable to a diagram shall, with the necessary changes, apply to a general plan: Provided that these requirements may be relaxed with the prior consent of the Surveyor-General;
- (c) The provisions of paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (n) and (p) of subregulation (1) of regulation 19 which are applicable to a diagram shall, with the necessary changes, apply to a general plan.
- (d) The following information shall be provided in respect of the subdivisions:
 - (i) The co-ordinates, which shall be tabulated, of, in the case of rural land, all corner points and any indicatory beacons defining any such point or in the case of urban land, the corners of blocks of erven and reference marks;
 - (ii) The length and direction of each side, which shall be recorded within the figure whenever it is feasible to do so: Provided that when the sides of two or more adjoining erven in a block are parallel, it shall only be necessary to record the directions of the first and last of such parallel sides: Provided further that the value of the direction of a side shall be recorded within the figure so as to represent the clockwise direction of such side

- (iii) The areas, which shall be tabulated consecutively and separately for each erf, shall be expressed in accordance with the provisions of paragraph (1) of subregulation (1) of regulation 19;
- (iv) The widths of roads, when uniform, which shall be recorded in the figure of the road;
- (v) Sufficient numerical data to connect the blocks with each other and with the boundaries of the outside figure: Provided that such data shall be furnished in the figure of the plan, or in an inset;
- (vi) The designation of each erf shall be written within the figure;
- (vii) The Surveyor-General may in exceptional circumstances and subject to such conditions as he or she may deem necessary, relax any of the requirements of this subregulation.

(2) When the Surveyor-General, at the request of the land surveyor who signed a general plan, has under section 14 of the Act provisionally approved such general plan, the responsible land surveyor shall within five months after the date of such approval submit the final general plan to the Surveyor-General for approval: Provided that the Surveyor-General may extend the period of five months by a period of four months if prior to the expiry of the period of five months, the land surveyor furnishes him or her with reasons why it is not possible to submit the final general plan within the said period of five months: Provided further that if the final general plan is not submitted within the periods prescribed in this subregulation, the Surveyor-General shall notify the Registrar accordingly, after which no registration of any erf shall take place until the final general plan is submitted.

(3) The Surveyor-General may refuse to approve any general plan should he or she be of the opinion that it is dilapidated, framed in a careless manner or its appearance is spoilt by amendments or additions.

Servitudes

21. (1) When a new subdivisional boundary falls in close proximity to an existing servitude which is not indicated on the diagram of the relevant subdivision, the land surveyor shall furnish the Surveyor-General with a certificate to the effect that the subdivision is not affected by such servitude.

(2) When it is intended to create a servitude over a portion of land upon transfer of such portion, unless represented on a separate diagram, the features or boundaries defining such servitude may be represented on the relevant subdivisional diagram together with a note describing such servitude. The note shall be in the form of a direct statement and shall contain no condition which it is proposed to attach to the servitude.

(3) If upon transfer of a portion of land a servitude is to be registered against the remainder or against contiguous or neighbouring land, the features or boundaries defining such servitude may be represented and described on the subdivisional diagram. If the figure or the servitude cannot conveniently be represented to the scale of the diagram it may be shown in an inset plotted to a different scale.

(4) When a servitude is not registered in a Deeds Registry and the only indication of its existence is a note on a registered diagram, the identical words used on such diagram shall be reproduced in a similar position on any subdivisional diagram representing land affected by such servitude: Provided that such note shall not be altered or omitted except as a result of an order of competent authority, the registration of a notarial deed to remove any uncertainty, or of a lapsing by merger.

(5) When a servitude encumbers land extending beyond the limits of the feature determining the position of the servitude, the servitude note shall, whenever practicable, refer to the area concerned as a servitude area.

(6) For the purpose of registering a servitude or lease which is not situated at ground level, the difference in height between the servitude or lease and two permanent survey stations in the near vicinity shall be recorded.

Certified Copies of Diagrams or General Plans

22. A certified copy of an approved diagram or general plan shall not be issued by the Surveyor-General prior to the registration thereof, unless the written consent of the land surveyor concerned, or of any person legally entitled to act on his or her behalf, is produced to the Surveyor-General: Provided that such consent shall not be required-

- (i) if the Surveyor-General has been supplied with evidence that such land surveyor has unreasonably withheld his or her consent or has failed to respond in a reasonable time to a notice requesting authorisation for the issue of a certified copy;
- (ii) if one or more original copies of the diagram are produced by the applicant to the Surveyor-General;
- (iii) after a period of five years from the date of approval of the diagram or general plan.

Deductions, Alterations, Endorsements

23. (1) No deduction, note, alteration or endorsement shall be made on a registered diagram or general plan except by the Surveyor-General.

(2) An approved diagram or general plan may be amended, prior to the registration thereof, only by the Surveyor-General who shall in appropriate circumstances notify the land surveyor thereof.

(3) Alterations to any diagram or general plan under examination shall be initialled by the land surveyor or in special circumstances the Surveyor-General, who shall, in appropriate circumstances, notify the land surveyor thereof.

Correction of General Plans

24. (1) If it is necessary for the Surveyor-General to correct a general plan and such correction affects the extent or designation of an erf represented on the general plan he or she shall inform the Registrar accordingly.

(2) If the Surveyor-General requires a correction sheet to be submitted he or she shall call upon the responsible land surveyor to submit such sheet as may be necessary.

(3) When the Surveyor-General is convinced that the correction sheet is in order he or she shall make the appropriate endorsement on his or her copy of the existing general plan and on the copy in the Deeds Registry and shall advise the land surveyor accordingly to enable him or her to take steps as may be necessary to ensure the suitable amendment of the title deeds of all affected erven.

(4) The numbering of the erven shown on a correction sheet shall be the same as the numbering of the existing general plan, unless a change in such numbering is required by the Surveyor-General.

Certificate of Township or Registered Title

25. (1) When an area to be laid out as a township or a settlement does not comprise the whole of the land represented by an approved diagram, a subdivisional diagram of the portion to be so laid out shall be framed for the purpose of annexure to a certificate of township, settlement or registered title.

(2) When an area to be subdivided in any manner not provided for in sub-regulation (1), does not comprise the whole of the land represented on an approved diagram, a diagram of the portion so being subdivided, shall be framed for the purpose of annexure to a certificate of registered title, if deemed necessary by the Surveyor-General.

Replacement of Beacons

26. When a land surveyor has replaced a beacon or redetermined the position of one or more boundaries he or she shall report the circumstances to the Surveyor-General and, within three months of such replacement or redetermination, shall submit to that officer, for examination, acceptance and for permanent filing, the survey records relative to such replacement or redetermination: Provided that in exceptional circumstances the Surveyor-General may permit a longer period of time.

Fees of Office

27. The Surveyor-General shall not accept a diagram or general plan for examination unless the relevant fees of office have been paid.

Arbitration Proceedings

28. (1) Any person who has called upon a contiguous owner to sign an agreement in terms of subsection (2) of section 29 of the Act, shall preserve a record of the hour and day on which, and the place at which, he or she so called upon him or her, or if he or she called upon him or her in writing, he or she shall preserve a copy of the letter and any reply thereto he or she shall receive. In the event of such contiguous owner refusing to sign the agreement, the person calling upon him or her to do so shall, if possible, obtain the signature of such owner to such record of such day, hour and place, and also the signature of any witness present.

(2) Whenever it becomes necessary to proceed to arbitration in terms of the Act, the Surveyor-General shall serve notice as presented upon every owner concerned, or to his or her fully authorised agent, requiring him or her within a period of one month after the date of notification, or if he or she was not in South Africa upon such date, within three months thereafter, to complete and sign before two witnesses, and to return to him or her, a deed of submission substantially in the following form:-

DEED OF SUBMISSION

I, the registered owner of the piece of land called,
situate at in the district of Province of
..... hereby undertake to submit the question of the disputed
beacon and boundary common to the land called
..... and to the land called to the
decision of an arbitrator or arbitrators to be appointed by the Surveyor-General
of the said province under the provisions of Act No 8 of 1997, and to accept
..... award in regard to such beacon and boundary, and to the
costs of or incidental to such arbitration as final and conclusive. I further agree
that, for the purpose of giving effect to any award or order made in terms of the
arbitration this deed shall be deemed to be a submission under the laws relating
to arbitration in the Province of, and that at the instance of
either party it may be made the subject of an order of court.

(Signed)

Witnesses (2) : (Signed) (Signed)

(3) Upon receipt of deeds of submission from every owner affected by an objection, or from his or her duly authorised agent, the Surveyor-General shall appoint an arbitrator or arbitrators to determine the matter in dispute, but shall, unless he or she deems it otherwise desirable, appoint one arbitrator only. If, however, half or more than half of the persons affected by the objection demand that more than one arbitrator shall be appointed, he or she shall appoint at least three arbitrators: Provided that in no circumstances shall he or she appoint more than one arbitrator for the settlement of a dispute under section 25 of the Act. In the event of three arbitrators being appointed, the decision of any two of them shall determine all questions under submission.

(4) Before any arbitrator enters on a reference under the Act he or she shall make and subscribe to the following declaration before a justice of peace or commissioner of oaths:-

I,, do solemnly and sincerely declare that I will faithfully and honestly, without fear or favour, and to the best of my skill and ability, hear and determine the matter referred to me under the Land Survey Act, 1997 (No 8 of 1997).

(5) The appointment of an arbitrator shall not be revoked without the consent of all parties affected by the objection, nor shall the death of any such party act as the revocation of an appointment.

(6) An arbitrator or arbitrators shall submit his or her or their award to the Surveyor-General within sixty days after his or her or their appointment, but the Surveyor-General may for particular reasons to be recorded in writing extend the time in which the award may be made.

(7) If an arbitrator dies or becomes incapable of acting before making his or her award, or fails or refuses to make his or her award within sixty days after his or her appointment, or within such extended period as may have been allowed by the Surveyor-General, the Surveyor-General shall appoint another arbitrator in his or her place. Every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose place the appointment is made.

(8) An arbitrator acting under a submission shall have the power to summon and hear witnesses, to administer oaths or take affirmations, to call for the production of papers and documents, and to enter upon and inspect any land for the purpose of determining the matter in dispute.

(9) The issue of a subpoena or summons on a witness to compel his or her attendance, and the production of documents before an arbitrator may be procured by such arbitrator or by any party to a submission, in the same way and subject to the same conditions as if the matter were an action pending in a magistrate's court.

(10) The parties affected by an objection shall submit to be examined by the arbitrator or arbitrators upon oath or affirmation in relation to the question in dispute and to all matters appertaining thereto, and shall produce before the arbitrator or arbitrators all documents within their possession or power respectively which he or she or they may call for or require, and shall do all other things which during the arbitration the arbitrators may require in connection therewith. Any party affected by an objection shall have the right to be represented by counsel or an attorney or both.

(11) As far as possible, written notes shall be taken of the oral evidence of witnesses by the arbitrator or arbitrators before whom it is given, and such notes shall be submitted to the Surveyor-General, together with the award, for purposes of record.

(12) The arbitrator or arbitrators may proceed *ex parte* in case any party to a dispute or any person affected by an objection, after reasonable notice has been given to him or her, shall neglect or refuse to attend on a reference.

(13) In every award the arbitrator or arbitrators shall direct by whom the cost of and consequent upon arbitration, or any part thereof, shall be paid, and may decide upon or tax the amount of the cost or part thereof to be so paid except the fees payable to the arbitrator or arbitrators: Provided that if no direction be given as to the scale on which costs are to be taxed they shall be taxed according to the tariff allowed in magistrates' courts.

(14) The scale of the fees to be paid to an arbitrator shall be determined by the Surveyor-General prior to the appointment of such arbitrator, and the Surveyor-General may, upon such appointment being made, require that the parties affected by an objection, or any of them, shall deposit with him or her a sum of money equal to the estimated amount of the fees of the arbitrator, and of the expenses which will be incurred by him or her in travelling and subsistence, or shall give satisfactory security therefor. In case the amount of such fees and expenses is subsequently found to exceed the deposit, the Surveyor-General may withhold the award until the amount of the excess has been paid. The amount due to an arbitrator by way of fees, on the scale determined by the Surveyor-General as aforesaid, and by way of travelling and subsistence expenses, shall be taxable by the Surveyor-General.

(15) The Surveyor-General shall certify in writing the amount due by any person affected by an objection. Such certificate shall be final, and the person named therein shall be indebted to the Surveyor-General in the amount stated therein: Provided that the Surveyor-General may rectify any error in such certificate.

Service and Publishing of a Notice

29 (1) The service of a notice referred to in sections 23(1), 25(3), 29(5) and 41(3) of the Act shall be effected by personal delivery or by registered post, and in the case of service by registered post the date of service shall be deemed to be the date upon which the letter containing such notice would in the ordinary course reach the post office from which it is to be delivered to the addressee thereof.

(2) A notice referred to in sections 19(1), 22, 23(2), 25(7), 26(2), 27(1)(a) and 34(5) of the Act shall be published in two consecutive issues of the Gazette and once every week during two consecutive weeks in at least two newspapers approved by the Surveyor-General, issued respectively in a different official language, and circulating in an area within which the affected piece of land is situated.

No. R. 1130

29 Augustus 1997

**REGULASIES UITGEVAARDIG KRAGTENS ARTIKEL 10 VAN DIE
GRONDOPMETINGSWET, 1997 (WET No. 8 VAN 1997)**

Die Opmetingsregulasieraad het kragtens artikel 10 van die Grondopmetingswet, 1997 (Wet No 8 van 1997) die volgende regulasies uitgevaardig. Die regulasies tree op 1 Oktober 1997 in werking en kragtens artikel 50(7) van die Grondopmetingswet, 1997 (Wet No 8 van 1997) word die regulasies soos gepubliseer in Goewermentskennisgewing No R1814 van 2 November 1962, soos gewysig by Goewermentskennisgewings nommers R1395 van 11 September 1964, R533 van 21 April 1967, R1033 van 20 Junie 1969, R1126 van 4 Julie 1969, R2008 van 20 November 1970, R959 van 9 Junie 1972, R1804 van 13 Oktober 1972, R2320 van 13 Desember 1976, R844 van 2 Mei 1977, R1817 van 24 Augustus 1979, R1107 van 30 Mei 1980, R1445 van 10 Julie 1981, R2562 van 27 November 1981, R178 van 28 Januarie 1983, R291 van 24 Februarie 1984, R1020 van 10 Mei 1985, R657 van 11 April 1986, R1577 van 17 Julie 1987, R1578 van 17 Julie 1987, R2018 van 18 September 1987, R829 van 28 April 1989, R2022 van 31 Augustus 1990, R848 van 19 April 1991, R2430 van 4 Oktober 1991, R664 van 28 Februarie 1992, R1354 van 30 Julie 1993, R765 van 18 April 1994, R997 van 27 Mei 1994, R649 van 28 April 1995 en R1643 van 26 Oktober 1995 hierby herroep.

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet toegeken is, daardie betekenis en tensy die konteks anders aandui, beteken-

“die Wet” die Grondopmetingswet, 1997 (Wet 8 van 1997);

“GPS” die Globale Posisioneringstelsel van posisiebepaling;

“Hoofdirekteur” die Hoofdirekteur van Opmetings en Kartering aangestel deur die Minister;

“meter” die lengte-eenheid soos omskryf in Tabel 1 van die Eerste Bylae van Goewermentskennisgewing R.1146 van 5 Julie 1974 afgekondig ingevolge artikel 3 van die Wet op Meeteenhede en Nasionale Meetstandaarde, 1973 (Wet 76 van 1973);

“middel van ‘n rivier” die lyn halfpad tussen die oewers;

“nedersetting” ‘n groep van stukke grond of onderverdelings van ‘n stuk grond wat hoofsaaklik vir landbou of tuinbou gebruik of bedoel is, en sluit ‘n kombinasie van sodanige groepe in, wat as sodanig in ‘n registrasiekantoor geregistreer is;

“noukeurig vasgestel” vasgestel met ‘n akkuraatheidstandaard in ooreenstemming met dié voorgeskryf in regulasie 5;

“oorspronklike diagram” die diagram van die eiendom wat opgemeet, heropgemeet of onderverdeel word;

“plaasgrond” alle grond wat nie in ‘n dorpsgebied of in ‘n nedersetting geleë is nie;

“regter- of linkeroewer van ‘n rivier” daardie oewer van die rivier wat aan sy of haar regter- of linkerkant is, na gelang van die geval, wanneer die waarnemer stroomafwaarts kyk;

‘n “stel” waarnemings die gemiddelde van twee rondtes van waarnemings na omliggende meetpunte en bakens, waarvan een in ‘n regs om rigting geneem is en die ander, met die teleskoop omgekeer, in ‘n links om rigting geneem is;

“sy” wanneer gebruik ten opsigte van ‘n figuur op ‘n diagram of algemene plan, ‘n reguit grenslyn wat daarop voorgestel is, of die denkbeeldige lyn wat enige twee bakens waartussen die grens kromlynig is, verbind, met inbegrip van die lyn wat ‘n ongebakende hoekpunt verbind met die aanduidingsbaken wat sodanige punt definieer.

Opmetingsinligting

2. Alvorens enige opmeting ingevolge die Wet uitgevoer word, moet ‘n landmeter alle beskikbare inligting bekom met betrekking tot enige vorige opmetings van die stuk grond wat opgemeet moet word, en van die aangrensende stukke grond.

Metings en Waarnemings in die Veld

3. (1) ‘n Landmeter moet die posisies van alle meetpunte en bakens vasstel binne die akkuraatheidsgrense soos voorgeskryf in regulasie 5, en moet elke deel van sy of haar opmeting toets.

(2) Tensy andersins voldoende getoets, is die minimum vereistes vir die vasstelling van die posisie van 'n punt:

(a) wanneer die posisie deur middel van voorwaartse insnyding of symeting vasgestel word, mag die tophoek van enige driehoek wat in sodanige vasstelling gebruik word, nie kleiner as 30 grade en ook nie groter as 150 grade wees nie;

(b) wanneer die posisie deur middel van terugwaartse insnyding vasgestel word, moet minstens vier gunstiggeleë punte gebruik word, en voldoende waarnemings moet gemaak word ten einde die vereiste akkuraatheid met betrekking tot die posisievasstelling te verseker. Met dien verstande dat minstens een stel waargeneem moet word;

(c) wanneer die posisie deur middel van 'n enkeldriehoek vasgestel word, moet waarnemings by al drie punte gemaak word en op minstens twee verskillende dele van die sirkel;

(d) wanneer die posisie deur middel van GPS vasgestel word, moet minstens twee bekende punte of twee onafhanklike vektore gebruik word;

(e) wanneer die posisie deur middel van fotogrammetriese metodes vasgestel word, moet dit:

- (i) geheel en al binne die omtrek van die grondbeheerpunte geleë wees;
- (ii) in minstens twee stereoskopiese modelle gemeet word waar die basis/hoogte-verhouding nie groter as 0,80 moet wees nie, of in minstens vier foto's vir bundelinsnydings gemeet word, waar die insnyding vir enige paar strale nie kleiner as 30 grade en nie groter as 150 grade mag wees nie;
- (iii) positief op die foto's deur die landmeter identifiseer word.

(3) Wanneer 'n trekmeting tussen twee bekende punte uitgevoer word, moet waarnemings by beide bekende punte gemaak word tensy die oriëntasie anders voldoende getoets is.

Verbinding met die Nasionale Beheeropmetingstelsel (S)

4. (1) Enige opmeting van grond moet op die nasionale beheeropmetingstelsel gebaseer word. Met dien verstande dat die Landmeter-generaal, ná verwysing na die Hooftlandmeter-generaal, in buitengewone omstandighede en onderhewig aan sodanige voorwaardes as wat hy of sy noodsaaklik mag ag, enige opmeting mag vrystel van die vereistes van hierdie subregulasie.

(2) Wanneer bakens met behulp van GPS-tegnieke gekoördineer word, moet voldoende GPS-vektore gemeet word om die plaaslike verhouding tussen die GPS-verwysingsdatum en die nasionale beheeropmetings-verwysingsdatum vas te stel deur verbinding met minstens drie gunstig-geleë meetpunte wat vasgestel is op die nasionale beheerstelsel tensy die verhouding voorheen noukeurig vasgestel is.

Toelaatbare Foutgrense in Veldwerk (c)

5. Die akkuraatheid waarmee 'n opmeting uitgevoer moet word, word uitgedruk deur die volgende formules, waar -

Klas A verwys na -

(i) die vasstelling van versekeringsmerke wat opgerig is ingevolge regulasie 16; en

(ii) sodanige ander vasstellings soos wat in hierdie regulasies voorgeskryf mag word;

Klas B verwys na -

(i) die opmeting van nuwe dorpe en nedersettings;

(ii) die heropmeting of onderverdeling van 'n erf in 'n bestaande dorp of 'n hoewe in 'n nedersetting;

(iii) die opmeting vir die herplasing van 'n baken in 'n dorp of 'n nedersetting; en

(iv) die opmeting vir die vervaardiging van 'n diagram wat vereis word kragtens die wetsbepalings wat betrekking het op die registrasie van myntitels ten opsigte van edelgesteentes en edelmetale.

Klas C verwys na alle opmetings wat nie by Klas A of Klas B ingesluit is nie, en sluit opmetings vir myntitels ten opsigte van onedele minerale in -

(a) wanneer die posisie van 'n punt vasgestel word deur middel van polare, trekmeting, triangulasie, symeting, GPS of 'n kombinasie van hierdie metodes, mag die verplasing tussen enige waargenome straal, gemete afstand of GPS-vektor en die ekwivalente hoeveelheid wat afgelei is uit die finale koördinate van die vasgestelde punt, die volgende nie te bowe gaan nie:

vir Klas A : A meter;

vir Klas B : 1,5A meter;

vir Klas C : 3A meter;

waar A gelyk is aan -

$$0,04 + \frac{S}{30\,000}$$

en S die afstand tussen die bekende en die onbekende punt is: Met dien verstande dat in die geval van 'n GPS-vektor die vergelyking gemaak word tussen die vektor wat afgelei is uit die finale koördinate en die gemete vektor nadat die datumtransformasie toegepas is: Met dien verstande voorts dat in die geval van 'n trekmeting die vergelyking gemaak word met die sluitingsfout van die trekmeting, waar S die totale lengte van die trekmeting in meter is;

(b) wanneer die posisie van 'n baken in 'n dorp getoets word deur middel van die meting van afstande vanaf aanliggende bakens, mag die verskil tussen 'n enkel-gemete afstand en die aanvaarde finale afstand nie 0,10 meter te bowe gaan nie: Met dien verstande dat vir opmetings wat uitgevoer word ingevolge die Wet op die Opgradering van Grondbesitregte, 1991 (Wet No 112 van 1991), die Wet op Minder Formele Dorpe, 1991 (Wet No 113 van 1991), en wanneer 'n permanente fisiese gesteldheid vasgestel word as 'n baken, mag die verskil nie 0,20 meter te bowe gaan nie;

(c) wanneer die vertikale posisie van 'n punt vasgestel word, mag die verskil tussen enige vasstelling daarvan en die finaal-aanvaarde hoogte nie groter as 0,10 meter wees nie:

Met dien verstande dat die Hooftlandmeter-generaal, in oorleg met die Landmeter-generaal, 'n akkuraatheidstandaard moet bepaal vir enige opmetingswerk wat nie in hierdie regulasie gespesifiseer is nie.

Toelaatbare Foutgrensverskil met Oorspronklike Opmeting

6. Vir die doel van artikel 24 van die Wet, is die toelaatbare foutgrensverskil met die oorspronklike diagram -

$$0,2 \sqrt{d}$$

waar d die afstand verkry vanaf data op die oorspronklike diagram, in meter, voorstel tussen enige twee bakens wat deur die onderverdeling geraak word. Enige gedeelte van 'n grenslyn moet geag word om binne die toelaatbare foutgrens te wees indien die hele sodanige grenslyn binne sodanige toelaatbare foutgrens lê.

Aanvaarding van Data

7. (1) Wanneer die posisie van 'n eindbaken voorheen behoorlik geïdentifiseer en op die nasionale beheeropmetingstelsel vasgestel is, mag die koördinate van sodanige baken aanvaar word vir die doel van inlynstelling daarmee. Met dien verstande dat 'n baken nie so naby aan sodanige eindbaken geplaas word nie dat sy inlynstelling merkbaar deur sodanige opmetingsfoute beïnvloed kan word as wat normaalweg verwag kan word by die vasstelling van die posisie van die eindbaken.

(2) Die getalsgegevens wat 'n ongebakende punt relatief tot 'n aanduidingsbaken omskryf en wat verkry is in die proses van inlynstelling van 'n baken soos voorgeskryf in regulasie 10, mag sonder bevestiging aanvaar word vir die doel van enige nuwe kaart.

(3) Die koördinaatwaarde van enige meetpunt of baken waarvan die posisie op die nasionale beheeropmetingstelsel noukeurig vasgestel is, mag ná bevestiging van sy fisiese posisie deur 'n landmeter, deur hom of haar gebruik word.

Kromlynige Grense

8. (1) (a) Wanneer die middellyn van 'n spoorweg 'n bestaande grens uitmaak of omskrywe, moet die snypte van sodanige lyn met die reglynige grense, en wanneer nodig, die eindpunte van die reguit spore noukeurig vasgestel word.

- (b) Die posisie van 'n spoorwegboog wat 'n bestaande grens omskrywe moet noukeurig vasgestel word: Met dien verstande dat die punte wat op sodanige boog opgemeet word nie verder as 30 meter van mekaar moet wees nie tensy die boogelemente noukeurig vasgestel word of tensy die boog deur middel van fotogrammetriese metodes bepaal is.
- (c) Nieteenstaande die bepalings van paragraaf (b), is dit nie nodig om die straal en die middelpunt van 'n sirkelboog wat 'n bestaande grens uitmaak of omskrywe, te herbepaal indien sodanige boog voorheen noukeurig vasgestel is nie.
- (2) Omheinings, spoorlyne, paaie, strome wat hul lope kan verander of enige reëlmatige kurwes, of natuurlike of kunsmatige gesteldhede wat nie permanent is of duidelik omskryf is nie, mag nie as nuwe grense aanvaar word nie.
- (3) Wanneer 'n landmeter verhoed word om toegang te verkry tot die middel van 'n rivier wat 'n grens uitmaak, mag hy of sy die posisie daarvan vasstel deur die posisie van een van die oewers en die wydtes by kritiese punte op te meet.
- (4) Wanneer 'n riviergrens op die oorspronklike diagram dubbelsinnig beskryf word, maar die grond word aangetoon as strekkende tot by 'n oewer, en wanneer die dubbelsinnigheid nie ingevolge artikel 33 van die Wet uit die weg geruim word nie, moet die posisie van sodanige oewer vasgestel word vir die doel om dit op 'n nuwe onderverdelingsdiagram voor te stel.
- (5) Die Landmeter-generaal mag nie toelaat dat 'n kromlynige grens deur 'n grens van 'n ander aard ingevolge paragraaf (b) van subartikel (6) van artikel 29 van die Wet vervang word nie, tensy hy of sy tevrede gestel is dat die twee grense so byna samevallend is dat geen wesenlike verandering ten opsigte van die oppervlakte van grond weens die vervanging plaasgevind het nie. Die meetstukke wat betrekking het op 'n opmeting ingevolge die bogemelde subartikel van die Wet moet 'n plan insluit wat die volledige besonderhede bevat van die nuwe grens tesame met die betrokke numerieke data vir opneming in 'n nuwe diagram wat vervaardig mag word van enige geraakte eiendom.
- (6) Fotogrammetriese metodes mag gebruik word vir die vasstelling van die posisie van enige kromlynige grens: Met dien verstande dat die annotasie van sodanige grens op 'n lugfoto of ortofoto kaart in die veld uitgevoer moet word.

Fisiese Gesteldhede wat Besitregte raak

9. By die opmeting van enige grond moet voldoende waarnemings, metings en sketse gemaak word om fisiese gesteldhede wat besitregte raak, soos paaie en spoorlyne, vas te stel: Met dien verstande dat die posisies van sodanige gesteldhede vanaf moderne grootskaalkaarte of vanaf lugfoto's bekom mag word: Met dien verstande voorts dat die posisies van sodanige gesteldhede wat kan verander, bevestig moet word.

Inlynstelling van Bestaande Bakens

10. (1) By die opmeting van 'n stuk grond waarvan enige bestaande bakens veronderstel word om op 'n reguitlyngrens te wees wat gemeenskaplik is met sodanige stuk grond en ander eiendomme, moet 'n landmeter, onderworpe aan die bepalings van subregulasie (6) hiervan, soos volg te werk gaan:

(a) Wanneer die eindpunte van die gemeenskaplike grenslyn wettig gevestigde bakens is, of goed-bekende bakens is wat deur alle partye erken word, moet die bakens indien dit nie op die reguitlyn val wat die eindpunte verbind nie, onderworpe aan die bepalings van subregulasie (5) hiervan, op lyn herplaas word tensy dit 'n wettig gevestigde baken is, in welke geval dit as 'n baken van die grond onder opmeting aanvaar moet word;

(b) Wanneer die eindpunte van die gemeenskaplike grenslyn nie wettig gevestigde bakens is nie, en die posisies van een of beide twyfelagtig is, mag die bakens, indien dit nie op lyn is nie, aanvaar word met dien verstande dat dit 'n goed-bekende baken is wat deur alle partye erken word en ten opsigte waarvan 'n ooreenkoms wesenlik in ooreenstemming met die Vorm vervat in Bylaag 1 tot die Wet, onderteken deur alle betrokke partye, by die Landmeter-generaal ingedien word.

(2) Wanneer dit bevind word dat enige bakens van 'n stuk grond wat grens aan dit wat onder opmeting is en wat veronderstel word om op die gemeenskaplike grens te wees waarna in subregulasie (1) verwys word, benodig dit geen verdere aandag nie, indien -

(a) dit 'n wettig gevestigde baken is in welke geval dit as 'n baken van die grond onder opmeting aanvaar moet word;

(b) dit 'n goed-bekende baken is wat deur alle partye aanvaar word en ten opsigte waarvan 'n ooreenkoms wesenlik in ooreenstemming met die Vorm vervat in Bylae 1 tot die Wet, onderteken deur alle betrokke partye, by die Landmeter-generaal ingedien word, in welke geval dit as 'n baken van die grond onder opmeting aanvaar mag word.

(3) In gevalle waarvoor geen voorsiening hierbo gemaak is nie, moet die landmeter die aangeleentheid deeglik ondersoek en alle beskikbare inligting en getuienis versamel ten einde hom of haar in staat te stel om die bakens op die mees waarskynlike posisies te plaas, en die bogemelde ooreenkoms tot alle sodanige bakens moet ingedien word indien dit deur die Landmeter-generaal nodig geag word. Kennis moet geneem word van die bakens en grense van 'n dorpsgebied langs die reguitlyngrens. 'n Volledige verslag wat besonderhede verstrek van alle getuienis waarop die landmeter sy of haar handeling baseer het, moet saam met die betrokke meetstukke voorgelê word.

(4) By die verbetering van die inlynstelling van 'n baken soos in hierdie regulasie voorsiening gemaak is, moet sodanige baken as 'n reël by die snypunt van die grenslyn waarvan dit 'n eindpunt uitmaak, met die reguitlyn waarop dit veronderstel word om te wees, geplaas word.

(5) Vir die doel van hierdie regulasie word 'n baken geag om nie op die ware en korrekte grens te wees nie as dit meer as

$$0,06 \text{ plus } \frac{d}{4\,000} \text{ meter}$$

met 'n maksimum van 1,00 meter van die lyn af is: Met dien verstande dat 'n baken nie verskuif hoef te word nie ten einde sy inlynstelling te verbeter, wanneer die verplasing minder is as

$$0,06 \text{ plus } \frac{d}{2\,000} \text{ meter}$$

met 'n maksimum van 1,00 meter, waar "d" die afstand is vanaf sodanige baken na die naaste eindpunt of punt wat met reg as 'n eindpunt ingevolge hierdie regulasie aanvaar word: Met dien verstande voorts dat, in gevalle waar dit nodig is om die inlynstelling te verbeter, indien die baken nie op lyn herplaas word nie -

(a) dit as 'n aanduidingsbaken gebruik moet word vir die ongebakende punt wat aanvaar is as 'n hoek van die grond onder opmeting; en

(b) sodanige data as wat nodig mag wees om die posisie van sodanige punt met betrekking tot sodanige aanduidingsbaken te bepaal, op enige nuwe diagram wat geraak word, aangetoon moet word.

(6) Wanneer 'n landmeter in staat is om 'n baken wat voorheen op lyn geplaas is, en ten opsigte waarvan die meetstukke goedgekeur is, te identifiseer, en die Landmeter-generaal tevrede gestel is dat die inlynstelling korrek uitgevoer is, hoef sodanige baken nie vir inlynstelling hertoets te word nie.

Spesifikasies vir Bakens

11. (1) Behalwe soos in regulasie 12 bepaal, moet die hoekpunte van elke stuk grond gemerk word deur bakens van blywende aard in ooreenstemming met die volgende minimum spesifikasies:

(a) Vir grond geleë in 'n dorpsgebied of nedersetting: 'n 12 millimeter ysterpen wat minstens 400 millimeter lank is; en

(b) Vir plaasgrond: 'n 16 millimeter ysterpen wat minstens 500 millimeter lank is;

Met dien verstande dat -

(i) wanneer dit nie moontlik is om die pen in die grond te dryf nie, die hoekpunt gemerk moet word deur 'n gat van voldoende diepte wat in die belemmerende rots, plaveisel of struktuur geboor word;

(ii) wanneer 'n paal deel van 'n behoorlik opgerigte omheining uitmaak en 'n hoekpunt van grond wat opgemeet word, beset, mag dit as 'n baken aanvaar word;

(iii) wanneer die hoekpunt saamval met die hoek van 'n gebou van permanente aard, sodanige hoek as 'n baken aanvaar moet word.

(2) 'n Trigonometriese stasie mag nie as 'n nuwe baken gebruik word nie.

Wanneer Bakens nie Nodig is nie

12. (1) Dit is onnodig om 'n baken te plaas -

(a) wanneer die hoekpunt so naby aan die hoek van 'n gebou geleë is dat 'n baken nie gerieflik in posisie geplaas kan word nie, in welke geval die posisie van die hoek van die gebou noukeurig vasgestel moet word vir gebruik as 'n aanduidingsbaken;

- (b) wanneer die gebied wat deur 'n serwituut geraak word, van 'n bepaalde wydte is, in welke geval dit nodig is om bakens langs slegs een sy van die gebied te plaas, of op 'n gerieflike lyn wat sodanige sy aandui;
 - (c) by die eindpunte van die reguit spore van 'n spoorlyn wat 'n grens uitmaak;
 - (d) wanneer die doel van die baken weens konsolidasie van titel verval;
 - (e) in die geval van 'n serwituut wat op sigbare fisiese gesteldhede van 'n blywende aard gebaseer is.
- (2) Die Landmeter-generaal mag afsien van die vereistes om enige bakens op te rig of te herstel, wanneer dit duidelik is dat sodanige bakens geen nuttige doel sal dien nie.

Aanduidingsbakens

13. (1) Wanneer 'n hoekpunt van 'n stuk grond of die baken van 'n saaklike reg in 'n ontoeganklike of onveilige posisie val, of in 'n posisie waar dit ongerade geag word om 'n baken te plaas, moet sodanige posisie aangetoon word by wyse van aanduidingsbakens.

(2) Behalwe soos anders in subregulasie (5) van regulasie 10 bepaal, moet 'n aanduidingsbaken geplaas word op elkeen van twee van die reglynige grense wat by sodanige hoekpunt ontmoet, en so naby daaraan dat sy veiligheid nie in die gedrang kom nie: Met dien verstande dat dit onnodig is om 'n aanduidingsbaken te plaas wanneer dit nie op lyn geplaas kan word nie weens 'n versperrende gebou of permanente struktuur.

(3) 'n Aanduidingsbaken moet op 'n reglynige grens geplaas word ten einde sy snypunt met 'n kromlynige grens te definieer.

Merk van Meetpunte

14. Alle gunstig-geleë hoofmeetpunte wat waarskynlik nie versteur sal word nie moet op 'n permanente wyse gemerk word.

Skade aan en Verwydering van Trigonometriese Stasies

15. (1) 'n Trigonometriese stasie mag nie verskuif of afgebreek word nie behalwe op gesag van die skriftelike magtiging van die Hoofdirekteur.

(2) Indien dit tot die kennis van 'n landmeter kom dat 'n trigonometriese stasies beskadig of vernietig is of waarskynlik beskadig of vernietig kan word, moet hy of sy onmiddellik die omstandighede aan die Hoofdirekteur rapporteer.

Versekeringsmerke

16. (1) By die opmeting, waar meer as 10 onderverdelings betrokke is, van nuwe dorpsgebiede, uitbreidings van bestaande dorpsgebiede of die onderverdeling van 'n erf, moet versekeringsmerke op gerieflike tussenruimtes en in geskikte posisies geplaas word: Met dien verstande dat -

- (i) nie minder as twee sodanige merke geplaas mag word nie;
- (ii) in die algemeen sodanige merke in die orde van 300 meter van mekaar af geplaas moet word;
- (iii) versekeringsmerke nie geplaas hoef te word nie wanneer die opmeting verbind word met minstens twee dorpsopmetingsmerke wat binne 1 000 meter geleë is.

(2) 'n Versekeringsmerk moet bestaan uit 'n ysterpen minstens 12 millimeter in deursnee en minstens 700 millimeter lank, in beton geplaas minstens 200 millimeter onder die oppervlakte van die grond, of enige ander permanente merk.

Landmeter-generaal mag Opmeting toets

17. Indien die Landmeter-generaal rede het om die akkuraatheid, korrektheid of betroubaarheid te betwyfel van enige opmeting wat kragtens die Wet uitgevoer is, of van enige inligting wat verskaf is in verband met sodanige opmeting, mag hy of sy, nadat kennis aan die betrokke landmeter van sy of haar voorneme gegee is, 'n landmeter wat 'n amptenaar in diens van die Staat kan wees, afvaardig om sodanige akkuraatheid, korrektheid, of betroubaarheid te toets, en daarna sodanige aksie neem as wat hy of sy gerade mag ag.

Meetstukke

18. (1) Die meetstukke waarna in paragraaf (c) van artikel 11 van die Wet verwys word, moet bestaan uit -

- (a) 'n kopie van elke statutêre toestemming met betrekking tot die opmeting, indien van toepassing;

- (b) 'n omvattende verslag oor die opmeting en oor aangeleenthede bykomstig daartoe;
- (c) veldaantekeninge of ander inskrywings waaruit posisies van bakens vasgestel is;
- (d) 'n koördinaatlus;
- (e) 'n plan waarop die volgende genoteer is -
 - (i) die benamings van die grond onder opmeting en die aangrensende eiendomme;
 - (ii) die relatiewe posisies, beskrywings en benamings van alle bakens, meetpunte of punte wat tydens die verloop van die opmeting gebruik, aanvaar, vasgestel en bereken is: Met dien verstande dat dit nie nodig is om bakens aan te toon nie wat geplaas is en voorgestel word op 'n algemene plan wat tegelykertyd vir ondersoek ingedien is: Met dien verstande voorts dat beskrywings van bakens, meetpunte of ander punte nie verskaf hoef te word nie indien hulle op die koördinaatlus voorkom;
 - (iii) die posisies van alle kromlynige grense, wat gestip moet word op die skaal van die diagram wat vervaardig moet word, of tot 'n skaal van 1/7 500, welke een ook al die grootste is;
 - (iv) die volgende sertifikaat wat onderteken en dateer moet word deur elke landmeter wat betrokke is by die opmeting:

"Opgemeet deur my in ooreenstemming met die bepalings van die Grondopmetingswet, No 8 van 1997, en die regulasies daarkragtens vervaardig.

Datum van Opmeting Professionele Landmeter
(Naam) (Registrasienommer)";
- (f) 'n datavergelykingsplan wat moet insluit:
 - (i) die data verkry van die opmeting;
 - (ii) die data verkry of afgelei van die oorspronklike en aangrensende eiendomme, in hakies;

- (iii) die data wat finaal aanvaar is vir die opmeting, wat onderstreep moet wees;
- (iv) 'n vergelyking van die oorspronklike, opgemete en aanvaarde koördinate, indien die oorspronklike opmeting en die nuwe opmeting op dieselfde koördinaatstelsel gebaseer is: (b)

Met dien verstande dat die datavergelyking op die plan soos na verwys in paragraaf (e) verskaf mag word.

(2) Wanneer 'n opmeting vir die herplasing van bakens slegs die herplasing daarvan by koördinaatposisies wat voorheen op die nasionale beheeropmetingstelsel vasgestel is, behels, hoef die landmeter slegs 'n kopie van die betrokke diagram of algemene plan in te dien waarop die herplaasde bakens aangetoon word, tesame met 'n verslag waarin enige variasie ten opsigte van die bakenbeskrywings vermeld word.

Diagramme

19. (1) 'n Diagram wat bedoel is om deur die Landmeter-generaal goedgekeur te word moet aan die volgende vereistes voldoen:

- (a) Dit moet vervaardig word in swart drukwerk van goeie gehalte op een of meer velle van goeie, duursame papier op enige van die volgende metrieke groottes: A0, A1, A2, A3 en A4: Met dien verstande dat wanneer 'n diagram uit meer as een vel bestaan, 'n nota tot dien effekte en die betrokke velnommer in 'n prominente posisie op elke vel van die diagram moet verskyn;
- (b) Slegs een kant van die vel mag gebruik word;
- (c) Kantruimtes van 40mm wyd langs die bindingskant en 10mm wyd langs die ander kante moet voorsien word vir A3 en A4 diagramme, en 180mm langs die bindingskant van die eerste vel met 40mm op die ander velle, en 30mm langs die ander kante vir A0, A1 en A2 diagramme: Met dien verstande dat sodanige kantruimtes vry sal wees van enige skrif of tekening: Met dien verstande voorts dat die regterkantste kantruimte gebruik mag word om wysigings te parafeer;
- (d) Grond moet deur 'n figuur voorgestel word en tot 'n standaardskaal gestip word: Met dien verstande dat wanneer bakens so naby aan mekaar is dat hulle relatiewe posisies nie duidelik aangetoon kan word nie, moet hulle op 'n inlas voorgestel word;

- (e) Die posisies en benamings van aangrensende eiendomme moet op die diagram aangedui word;
- (f) Wanneer dit vir die doel van registrasie nodig is om die grense van eiendomme gehou kragtens verskillende besitregte of titelvoorwaardes op die diagram voor te stel, moet sodanige grense deur middel van gebroke lyne voorgestel word en moet geletter word;
- (g) 'n Diagram moet 'n duidelike en bondige beskrywing van elke baken bevat;
- (h) Alle liniêre afmetings en koördinate wat op 'n diagram genoteer is, moet in meter tot twee desimale plekke wees;
- (i) Die volgende numerieke data moet op 'n diagram noteer word:
- (i) Koördinate van elke hoekpunt wat die reglynige figuur omskryf, elke aanduidingsbaken, elke hoekpunt waarvoor konneksiedata verskaf word, twee gunstig-geleë trigonometriese stasies en, indien van toepassing, voldoende punte om 'n boog wat deel van 'n grens uitmaak, op 'n unieke wyse te identifiseer. Met dien verstande dat koördinate nie aangegee hoef te word op 'n diagram wat vanaf 'n goedgekeurde algemene plan vervaardig is nie, tensy die koördinate van elke hoekpunt van die betrokke grond op die gemelde algemene plan aangegee word.
- (ii) Die lengtes van die sye van die reglynige figuur en, indien van toepassing, die straal van elke sirkelboog wat deel van 'n grens uitmaak;
- (iii) Rigtingshoeke tot die naaste enkelsekonde van alle sye: Met dien verstande dat -
- (a) wanneer die lengte van die sy korter is as 1 000 meter, die rigting tot die naaste 10 sekondes uitgedruk mag word;
- (b) wanneer die sy deel is van 'n grens wat vasgestel is tydens die verloop van 'n opmeting, en waarvan die lengte 1 000 meter te bowe gaan, die rigting van sodanige sy tot enkelsekondes uitgedruk moet word;

- (c) op 'n diagram van grond in 'n dorpsgebied, die rigting van alle lyne korter as 1 000 meter in lengte, tot die naaste 10 sekondes uitgedruk moet word;
- (d) hoeke op die diagram van 'n erf aangegee mag word indien die erf voorgestel word op 'n goedgekeurde algemene plan waarop hoeke aangegee word.
- (iv) Die oppervlakte wat in vierkante meter tot die naaste vierkante meter uitgedruk moet word wanneer die oppervlakte kleiner is as een hektaar, of in hektaar tot vier desimale plekke indien die oppervlakte gelyk is aan of groter is as een hektaar;
- (v) Sodanige data as wat nodig is om die perke van 'n figuur wat 'n serwituut voorstel, te begrens;
- (vi) Sodanige konneksiedata as wat nodig mag wees om te verseker dat die figuur wat op die diagram voorgestel word, op unieke wyse bepaal kan word met betrekking tot omliggende eiendomme en om te demonstreer dat die korrekte inlynstelling van bakens verkry is;
- (j) Die koördinaatstelsel en die konstantes waarmee die koördinate verminder is, moet aangegee word;
- (k) Die numerieke data op 'n diagram aangegee moet numeriek bestaanbaar wees binne die volgende perke:
- (i) die sluiting van 'n datatrekmeting wat rondom die reglynige figuur bereken is, mag nie

$$0,02 + \frac{P \sqrt{n}}{10\,000} \text{ meter}$$

te bowe gaan nie;

(ii) die onbestaanbaarheid in die oppervlakte van die reglynige figuur soos bereken met behulp van die sye en hoeke daarvan, of rigtings, mag nie

$$2 + \frac{P^2 \sqrt{n}}{80\,000} \text{ vierkante meter}$$

te bowe gaan nie,

waar p die omtrek in meter voorstel en n die aantal sye van die reglynige figuur voorstel;

(iii) die toelaatbare maksimum verskil in die genoteerde data van 'n kromlynige grens, moet wees die oppervlakte wat ingesluit word tussen die krom lyn en 'n lyn ewewydig daarmee, verplaas op 'n afstand wat ooreenstem met een millimeter op die aangenome planskaal waarna in regulasie 18(1)(e)(iii) verwys word.

(l) Die rigting van ware noord moet op elke kaart aangedui word;

(m) 'n Duidelike woordelike omskrywing van die perke van die figuur moet soos volg genoteer word:

(i) In die beskrywing moet die letters of letters en nommers waardeur die hoekpunte aangedui word, kloksgewys en in die volgorde waarin hulle voorkom, aangegee word, asook 'n beskrywing van die kromlynige grens, indien van toepassing;

(ii) Indien 'n rivier, stroom, waterloop, muur, krans of ander goed-gedefinieerde permanente gesteldheid 'n nuwe grens uitmaak, moet dit duidelik in die beskrywing van die figuur gemeld word watter besondere deel van die gesteldheid sodanige grens uitmaak;

(iii) Wanneer dieselfde stuk grond uit twee of meer dele bestaan en sodanige dele by een of meer gemeenskaplike punte bymekaarkom, of sodanige dele losstaande is vanweë 'n vroeëre aftrekking van 'n padstrook of spoorwegreserwe, moet die beskrywing op so 'n wyse gedoen word om nie afsonderlike figure te reflekteer nie.

- (n) Die benaming van die figuur, insluitende verwysings na die provinsie, administratiewe distrik of registrasie-afdeling, dorpsgebied en plaaslike bestuursgebied, waar van toepassing, moet genoteer word: Met dien verstande dat op 'n kaart saamgestel vir konsolidasie van titel, verwysings na die komponent eiendomme, tesame met die betrokke diagram- en aktenommers, genoteer moet word;
- (o) Elke diagram moet sodanige verwysings bevat as wat die Landmeter-generaal mag vereis;
- (p) Die verantwoordelike landmeter moet elke vel van 'n diagram onderteken en dateer, en sertifiseer dat dit óf ingevolge die voorbehoudsbepaling tot artikel 16 van die Wet vervaardig is, saamgestel vir konsolidasie van titel, of deur hom of haar opgemeet is, na gelang van die geval. Die naam van die landmeter en sy of haar professionele registrasienommer moet op die diagram noteer word.
- (2) Desnieteenstaande die vereistes van subregulasie (1) moet 'n kaart wat sonder heropmeting vir die doel van konsolidasie van titel saamgestel is, geen bakenbeskrywings of numerieke data bevat anders as die oppervlakte nie wat presies ooreen moet stem met die som van die transport oppervlaktes van die komponent eiendomme.
- (3) Die Landmeter-generaal mag weier om enige diagram goed te keur sou hy of sy van mening wees dat dit verval is, op 'n sorgelose wyse vervaardig is of dat die voorkoms daarvan bederf word deur wysigings of byvoegings.

Algemene Planne

20. (1) 'n Algemene Plan wat bedoel is om deur die Landmeter-generaal goedgekeur te word, moet verskaf word wanneer dit vereis word kragtens enige wet of wanneer die eiendom in 10 of meer stukke grond onderverdeel word, en moet aan die volgende vereistes voldoen:

- (a) Dit moet vervaardig word in swart drukwerk van goeie gehalte op een of meer velle duursame materiaal op die volgende metrieke groottes: A0, A1, A2 en A3: Met dien verstande dat indien die uitleg van die stukke grond op meer as een vel aangetoon word, die eerste vel 'n sleutelplan moet bevat wat die velnommers en indelings aandui: Met dien verstande voorts dat elke vel genummer moet wees;

- (b) Die bepalings van paragraaf (c) van subregulasie (1) van regulasie 19, wat van toepassing op 'n diagram is, is met die nodige wysigings op 'n algemene plan van toepassing : Met dien verstande dat hierdie vereistes met die vooraf verkreeë toestemming van die Landmeter-generaal verslap mag word;
- (c) Die bepalings van paragrawe (e), (f), (g), (h), (i), (j), (k), (l), (n) en (p) van subregulasie (1) van regulasie 19 wat van toepassing op 'n diagram is, is met die nodige wysigings op 'n algemene plan van toepassing;
- (d) Die volgende inligting moet ten opsigte van die onderverdelings verskaf word:
- (i) die koördinate, wat getabuleer moet word, van, in die geval van plaasgrond, alle hoekpunte en enige aanduidingsbakens wat sodanige punt afbaken, of, in die geval van dorpsgrond, die hoeke van erfblokke en versekeringsmerke;
 - (ii) die lengte en rigting van elke sy wat binne die figuur aangeteken moet word wanneer dit ookal prakties is om aldus te doen: Met dien verstande dat wanneer die sye van twee of meer aan-grensende erwe in 'n blok ewewydig is, dit slegs nodig sal wees om die rigtings van die eerste en laaste sodanige ewewydige sye aan te teken: Met dien verstande voorts dat die waarde van die rigting van 'n sy binne die figuur aangeteken moet word ten einde die regsomrigting van sodanige sy voor te stel ongeag die wyse waarop dit geskryf is;
 - (iii) die oppervlaktes, wat opeenvolgend en afsonderlik vir elke erf getabuleer moet word, moet uitgedruk word in ooreenstemming met die bepalings van paragraaf (iv) van subregulasie (1)(i) van regulasie 19;
 - (iv) die wydte van strate, wanneer eenvormig, wat binne die figuur van die straat aangeteken moet word;
 - (v) voldoende numerieke data om die blokke met mekaar te verbind, en met die grense van die buitefiguur: Met dien verstande dat sodanige data binne die figuur van die plan, of in 'n inlas voorsien moet word;

- (vi) die benaming van elke erf moet binne die figuur geskryf word;
- (vii) die Landmeter-generaal mag onder buitengewone omstandighede en onderhewig aan sodanige voorwaardes as wat hy of sy nodig mag ag, enige van die vereistes van hierdie subregulasie verslap.

(2) Wanneer die Landmeter-generaal, op versoek van die landmeter wat die algemene plan onderteken het, sodanige algemene plan kragtens artikel 14 van die Wet voorlopig goedgekeur het moet die verantwoordelike landmeter binne vyf maande ná die datum van sodanige goedkeuring die finale algemene plan aan die Landmeter-generaal vir goedkeuring voorlê. Met dien verstande dat die Landmeter-generaal die tydperk van vyf maande met 'n tydperk van vier maande mag verleng onder omstandighede waar die landmeter voor die verstryking van die tydperk van vyf maande hom of haar voorsien het van redes waarom dit nie moontlik is om die finale algemene plan binne die gemelde tydperk van vyf maande voor te lê nie. Met dien verstande voorts dat indien die finale algemene plan nie binne die tydperke soos voorgeskryf in hierdie subregulasie voorgelê word nie, die Landmeter-generaal die Registrateur dienoreenkomstig moet verwittig, waarna geen registrasie van enige erf mag plaasvind nie totdat die finale algemene plan voorgelê word.

(3) Die Landmeter-generaal mag weier om enige algemene plan goed te keur sou hy of sy van mening wees dat dit vervalle is, op 'n sorgelose wyse vervaardig is of dat die voorkoms daarvan bederf word deur wysigings of toevoegings.

Serwitude

21. (1) Wanneer 'n nuwe onderverdelingsgrens geleë is naby 'n bestaande serwituut wat nie op die diagram van die betrokke onderverdeling aangedui word nie, moet die landmeter die Landmeter-generaal voorsien van 'n sertifikaat tot dien effekte dat die onderverdeling nie deur sodanige serwituut geraak word nie.

(2) Wanneer dit die voorneme is om 'n serwituut te skep oor 'n stuk grond by oordrag van sodanige stuk, mag die gesteldhede of grense wat sodanige serwituut afbaken, op die betrokke onderverdelings diagram aangetoon word, tensy dit op 'n afsonderlike diagram aangetoon word, tesame met 'n nota wat sodanige serwituut beskryf. Die nota moet in die vorm van 'n direkte stelling wees en mag geen voorwaarde wat dit beoog om aan die serwituut te heg, bevat nie.

(3) Indien 'n serwituut by oordrag van 'n gedeelte grond teen die restant of teen aangrensende of naburige grond geregistreer moet word, mag die gesteldhede of grense wat sodanige serwituut afbaken, op die onderverdelingsdiagram voorgestel en beskryf word. Indien die figuur van die serwituut nie gerieflik op die skaal van die diagram voorgestel kan word nie mag dit in 'n inlas wat tot 'n ander skaal gestip is, aangetoon word.

(4) Wanneer 'n serwituut nie in 'n Registrasiekantoor geregistreer is nie en die enigste aanduiding van die bestaan daarvan 'n nota op 'n geregistreerde diagram is, moet die identiese woorde wat op sodanige diagram gebruik is, in 'n soortgelyke posisie op enige onderverdelingsdiagram wat grond voorstel wat deur sodanige serwituut geraak word, gereproduseer word: Met dien verstande dat sodanige nota nie gewysig of weggelaat mag word nie buiten as 'n resultaat van 'n bevel deur 'n bevoegde gesag, die registrasie van 'n notariële akte ten einde enige onsekerheid uit die weg te ruim, of weens die verval daarvan weens samesmelting.

(5) Wanneer 'n serwituut grond beswaar wat verby die perke van die gesteldheid wat die posisie van die serwituut bepaal strek, moet die serwituutnota wanneer dit ookal prakties is, na die betrokke gebied as 'n serwituutgebied verwys.

(6) Vir die doel om 'n serwituut of verhuring wat nie op grondvlak geleë is nie, te registreer, moet die hoogteverskil tussen die serwituut of verhuring en twee permanente meetpunte in die nabygeleë omgewing aangeteken word.

Gesertifiseerde Kopieë van Diagramme of Algemene Planne

22. 'n Gesertifiseerde kopie van 'n goedgekeurde diagram of algemene plan mag nie voor die registrasie daarvan deur die Landmeter-generaal uitgereik word nie tensy die skriftelike toestemming van die betrokke landmeter, of van enige persoon wat regtens daartoe geregtig is om namens hom of haar op te tree, aan die Landmeter-generaal getoon word: Met dien verstande dat geen sodanige toestemming benodig sal word nie -

- (i) indien die Landmeter-generaal voorsien is van getuienis dat sodanige landmeter op onredelike wyse sy of haar toestemming weerhou het of versuim het om binne 'n redelike tyd te reageer op 'n kennisgewing wat magtiging vir die uitreiking van 'n gesertifiseerde kopie versoek;
- (ii) indien een of meer oorspronklike kopieë van die diagram deur die aansoeker aan die Landmeter-generaal getoon word;
- (iii) na verloop van 'n tydperk van vyf jaar vanaf die goedkeuringsdatum van die diagram of algemene plan.

Aftrekkings, Verbeteringe, Endossemente

23. (1) Geen aftrekking, nota, verbetering of endossement mag op 'n geregistreerde diagram of algemene plan gemaak word nie behalwe deur die Landmeter-generaal.

(2) 'n Goedgekeurde diagram of algemene plan mag voor die registrasie daarvan gewysig word slegs deur die Landmeter-generaal wat onder toepaslike omstandighede die betrokke landmeter daaromtrent moet verwittig.

(3) Veranderings aan enige diagram of algemene plan wat ter ondersoek dien, moet deur die landmeter geparafeer word of onder buitengewone omstandighede deur die Landmeter-generaal wat onder toepaslike omstandighede die landmeter daaromtrent moet verwittig.

Verbetering van Algemene Planne

24. (1) Indien dit vir die Landmeter-generaal nodig is om 'n algemene plan te verbeter en sodanige verbetering die omvang of benaming raak van 'n erf wat op die algemene plan voorgestel word, moet hy of sy die Registrateur dienoooreenkomstig verwittig.

(2) Indien die Landmeter-generaal vereis dat 'n verbeteringsvel voorgelê moet word, moet hy of sy die verantwoordelike landmeter aansê om sodanige vel as wat benodig mag wees, voor te lê.

(3) Wanneer die Landmeter-generaal oortuig is dat die verbeteringsvel in orde is, moet hy of sy die toepaslike endossement op sy of haar kopie van die bestaande algemene plan maak en op die kopie in die Registrasiekantoor, en moet die landmeter dienoooreenkomstig verwittig ten einde hom of haar in staat te stel om stappe te neem soos wat nodig mag wees ten einde die geskikte wysiging van die titelaktes van alle geraakte erwe te verseker.

(4) Die nommering van die erwe wat op 'n verbeteringsvel aangetoon word, moet dieselfde wees as die nommering van die bestaande algemene plan, tensy 'n verandering ten opsigte van sodanige nommering deur die Landmeter-generaal vereis word.

Sertifikaat van Dorps- of Geregistreerde Titel

25. (1) Wanneer 'n gebied wat as 'n dorp of 'n nedersetting uitgelê moet word, nie die geheel behels nie van die grond wat deur 'n goedgekeurde diagram voorgestel word, moet 'n onderverdelingsdiagram van die gedeelte wat aldus uitgelê moet word, vervaardig word vir die doel van aanhegting aan 'n sertifikaat van dorps-, nedersettings- of geregistreerde titel.

(2) Wanneer 'n gebied wat op enige wyse onderverdeel moet word waarvoor daar nie in subregulasie (1) voorsiening gemaak is nie, nie die geheel behels van die grond wat op 'n goedgekeurde diagram voorgestel word nie, moet 'n diagram van die gedeelte wat aldus onderverdeel word, vervaardig word vir die doel van aanhegting aan 'n sertifikaat van geregistreerde titel, indien dit deur die Landmeter-generaal nodig geag word.

Herplasing van Bakens

26. Wanneer 'n landmeter 'n baken herplaas het of die posisie van een of meer grense herbepaal het, moet hy of sy die omstandighede aan die Landmeter-generaal rapporteer en binne drie maande vanaf sodanige herplasing of herbepaling aan daardie beamppte, vir ondersoek, aanvaarding en vir permanente liassing, die meetstukke relatief tot sodanige herplasing of herbepaling, voorlê: Met dien verstande dat die Landmeter-generaal 'n langer tydperk onder buitengewone omstandighede mag toelaat.

Kantoorgelde

27. Die Landmeter-generaal mag nie 'n diagram of algemene plan vir ondersoek aanvaar tensy die betrokke kantoorgelde betaal is nie.

Arbitrasieverrigtinge

28. (1) Enige persoon wat 'n aangrensende eienaar aangesê het om 'n ooreenkoms ingevolge subartikel (2) van artikel 29 van die Wet te onderteken, moet 'n aantekening bewaar van die uur en dag waarop, en die plek waar hy of sy hom of haar aldus aangesê het, of, indien hy of sy hom of haar skriftelik aangesê het, moet hy of sy 'n kopie bewaar van die brief en enige antwoord daarop wat hy of sy sal ontvang. In die geval waar sodanige aangrensende eienaar weier om die ooreenkoms te onderteken, moet die persoon wat hom of haar aansê om aldus te doen, indien moontlik, die handtekening verkry van sodanige eienaar op sodanige aantekening van sodanige dag, uur en plek en ook die handtekening van enige aanwesige getuie.

(2) Wanneer dit ookal nodig word om ingevolge die Wet tot arbitrasie oor te gaan, moet die Landmeter-generaal 'n kennisgewing, soos voorgeskryf, bedien op elke betrokke eienaar, of aan sy of haar behoorlik gemagtigde agent, waarin dit van hom of haar vereis word om binne 'n tydperk van een maand ná die datum van kennisgewing, of, indien hy of sy op sodanige datum nie in Suid-Afrika was nie, binne drie maande daarna, 'n akte van berusting, wesenlik in die volgende vorm, voor twee getuies te voltooi, te onderteken en aan hom of haar terug te besorg:

AKTE VAN BERUSTING

"Ek, die geregistreerde eienaar van die stuk grond genoem geleë te in die distrik van Provinsie van onderneem hiermee om die vraagstuk van die baken en grens in geskil, wat gemeenskaplik is met die grond genoem en met die grond genoem aan die beslissing van 'n arbiter of arbiters wat deur die Landmeter-generaal van die gemelde Provinsie aangestel moet word kragtens die bepalings van Wet No 8 van 1997, te onderwerp, en om beslissing ten opsigte van sodanige baken en grens en ten opsigte van die kostes van of in verband met sodanige arbitrasie, as finaal en afdoende te aanvaar. Ek willic voorts in dat, ten einde uitvoering te verleen aan enige toekenning of bevel wat ingevolge die arbitrasie gemaak is, hierdie akte geag sal word om 'n berusting te wees kragtens die wette wat betrekking het op arbitrasie in die Provinsie van, en dat op aandrang van een van die twee partye dit die onderwerp van 'n hofbevel gemaak mag word.

(Onderteken)

Getuies (2) : (Onderteken) (Onderteken)"

(3) By ontvangs van aktes van berusting van elke eienaar wat deur 'n beswaar geraak is, of van sy of haar behoorlik gemagtigde agent, moet die Landmeter-generaal 'n arbiter of arbiters aanstel om die saak in geskil te besleg, maar tensy hy of sy dit anders wenslik ag, moet hy of sy slegs een arbiter aanstel. Indien egter die helfte of meer as die helfte van die persone wat deur die beswaar geraak word, eis dat meer as een arbiter aangestel moet word, moet hy of sy minstens drie arbiters aanstel: Met dien verstande dat hy of sy onder geen omstandighede meer as een arbiter vir die beslegting van 'n geskil kragtens artikel 25 van die Wet mag aanstel nie. In die geval waar drie arbiters aangestel word, sal die beslissing van enige twee van hulle alle geskille wat voorgelê word, besleg.

(4) Voordat enige arbiter toegelaat word om kragtens die Wet 'n beslissing te maak, moet hy of sy die volgende verklaring voor 'n vrederegter of kommissaris van ede aflê en onderskryf:

"Ek, verklaar plegtig en opreg dat ek op 'n getroue en eerlike wyse, sonder vrees of guns, en tot die beste van my vaardigheid en vermoë, die saak wat kragtens die Grondopmetingswet, 1997 (No 8 van 1997) na my verwys is, sal verhoor en besleg."

(5) Die aanstelling van 'n arbiter mag nie sonder die toestemming van alle partye wat deur die beswaar geraak word, herroep word nie, en die dood van enige sodanige party sal nie die herroeping van 'n aanstelling tot gevolg hê nie.

(6) 'n Arbiter of arbiters moet sy of haar of hulle beslissing binne sestig dae ná sy of haar of hulle aanstelling, aan die Landmeter-generaal voorlê, maar die Landmeter-generaal mag weens besondere redes wat skriftelik aangeteken moet word, die tydperk waarbinne die beslissing gemaak mag word, verleng.

(7) Indien 'n arbiter sou sterf of onbevoeg word om op te tree voordat sy of haar beslissing gemaak is, of versuim of weier om sy of haar beslissing binne sestig dae na sy of haar aanstelling te maak, of binne sodanige verlengde tydperk as wat deur die Landmeter-generaal toegestaan mag wees, moet die Landmeter-generaal 'n ander arbiter in sy of haar plek aanstel. Elke arbiter aldus aangestel sal oor dieselfde magte en bevoegdhede beskik as die wat in die arbiter gevestig het in wie se plek die aanstelling gemaak is.

(8) 'n Arbiter wat kragtens 'n berusting optree, het die mag om getuies te dagvaar en aan te hoor, om ede of verklarings af te neem, om die lewering van geskifte en dokumente te eis, en om enige grond te betree en te inspekteer met die doel om die saak in geskil te besleg.

(9) Die betekening van 'n subpoena of dagvaarding aan 'n getuie ten einde sy of haar aanwesigheid af te dwing, en die lewering van dokumente aan 'n arbiter mag deur sodanige arbiter of deur enige party tot 'n berusting, verkry word, op dieselfde wyse en onderhewig aan dieselfde voorwaardes asof die saak 'n handeling sou wees wat in 'n landdroshof aanhangig is.

(10) Die partye wat deur 'n beswaar geraak word, moet hulself onder eed of verklaring onderwerp aan ondervraging deur die arbiter of arbiters met betrekking tot die vraag in geskil en tot alle aangeleenthede wat daarby hoort, en moet aan die arbiter of arbiters alle dokumente in hulle besit of beheer onderskeidelik lewer wat hy of sy of hulle mag aanvra of vereis, en moet alle ander dinge doen wat die arbiters tydens die arbitrasie in verband daarmee mag vereis. Enige party wat deur 'n beswaar geraak word, sal die reg hê om deur 'n advokaat of 'n prokureur of beide verteenwoordig te word.

(11) Sover doenlik moet skriftelike notas gemaak word van die mondelinge getuienis van getuies deur die arbiter of arbiters voor wie dit afgelê word, en sodanige notas moet aan die Landmeter-generaal tesame met die beslissing, vir rekorddoeleindes voorgelê word.

(12) Die arbiter of arbiters mag *ex parte* voortgaan in geval enige party tot 'n geskil of enige persoon wat deur 'n beswaar geraak word, nadat redelike kennis aan hom of haar gegee is, versuim of weier om ingevolge 'n opdrag teenwoordig te wees.

(13) By elke beslissing moet die arbiter of arbiters beveel deur wie die koste van en voortspruitende uit arbitrasie, of enige deel daarvan, betaal moet word, en mag besluit op of die bedrag van die kostes of deel daarvan wat aldus betaal moet word, of dit takseer, met uitsondering van die gelde betaalbaar aan die arbiter of arbiters: Met dien verstande dat indien geen riglyn gegee word ten opsigte van die skaal waarvolgens kostes getakseer moet word nie, moet hulle getakseer word in ooreenstemming met die tarief wat in landdroshowe toegestaan word.

(14) Die geldeskaal wat aan 'n arbiter betaal moet word, moet deur die Landmeter-generaal bepaal word voor die aanstelling van sodanige arbiter, en die Landmeter-generaal mag, wanneer sodanige aanstelling gemaak word, vereis dat die partye wat deur 'n beswaar geraak word, of enigeen van hulle by hom of haar 'n som geld moet deponeer wat gelyk is aan die beraamde bedrag van die gelde van die arbiter, en van die uitgawes wat deur hom of haar aangegaan sal word ten opsigte van reis- en verblyfkoste, of 'n bevredigende waarborg daarvoor moet verskaf. In geval dit later bevind word dat die bedrag van sodanige vergoedingsgelde en uitgawes die deposito te bowe gaan, mag die Landmeter-generaal die uitspraak agterweë hou totdat die bedrag van die oormaat betaal is. Die bedrag verskuldig aan 'n arbiter by wyse van gelde op die skaal wat deur die Landmeter-generaal bepaal is soos hierbo gemeld, en by wyse van reis- en verblyfkoste, is takseerbaar deur die Landmeter-generaal.

(15) Die Landmeter-generaal moet die bedrag wat deur enige persoon wat deur 'n beswaar geraak word, verskuldig is, skriftelik sertifiseer. Sodanige sertifikaat sal finaal wees, en die persoon wat daarin genoem word, sal die bedrag wat daarin gemeld word, aan die Landmeter-generaal verskuldig wees: Met dien verstande dat die Landmeter-generaal enige fout in sodanige sertifikaat mag regstel.

Betekening en Publisering van 'n Kennisgewing

29. (1) Die betekening van 'n kennisgewing waarna in artikels 23(1), 25(3), 29(5) en 41(3) van die Wet verwys word, moet bewerkstellig word deur middel van persoonlike aflewering of deur aangetekende pos, en in die geval van betekening deur middel van aangetekende pos moet die datum van betekening geag word die datum te wees waarop die brief wat sodanige kennisgewing bevat in die gewone verloop van sake die poskantoor sou bereik waarvandaan dit aan die geadresseerde daarvan afgelewer moet word.

(2) 'n Kennisgewing waarna in artikels 19(1), 22, 23(2), 25(7), 26(2), 27(1)(a) en 34(5) van die Wet verwys word, moet gepubliseer word in twee agtereenvolgende uitgawes van die Staatskoerant en een keer elke week gedurende twee agtereenvolgende weke in minstens twee nuusblaaie goedgekeur deur die Landmeter-generaal, onderskeidelik uitgegee in 'n verskillende amptelike taal, en wat sirkuleer in 'n gebied waarbinne die geraakte stuk grond geleë is.

No. R. 1131

29 August 1997

**THE SOUTH AFRICAN COUNCIL FOR PROFESSIONAL AND
TECHNICAL SURVEYORS****PUBLICATION OF RULES IN TERMS OF THE PROFESSIONAL AND TECHNICAL SURVEYORS'
ACT, 1984 (ACT No. 40 OF 1984), AS AMENDED**

The South African Council for Professional and Technical Surveyors has, in terms of section 34 of the Professional and Technical Surveyors' Act, 1984 (Act 40 of 1984), made the rules set out in the Annexure. The rules come into operation on 1 October 1997 and shall replace the rules as published in Government Gazette No 9588 dated 15 February 1985 and as amended by notices in Government Gazette No 10014 dated 22 November 1985, Government Gazette No 10806 dated 3 July 1987 and Government Gazette No 12715 dated 31 August 1990.

ANNEXURE**CHAPTER I****Definitions**

1. "Chief Surveyor-General" means the Chief Surveyor-General appointed in terms of section 2 of the Land Survey Act, 1997 (Act 8 of 1997);

"institute" means an institute referred to in section 3(2)(a), (b), (c), (d), (e), (i) and (i)A of the Act;

"supervise" or "supervision" has the meaning assigned thereto in the Land Survey Act, 1997 (Act 8 of 1997) and in respect of any kind of work reserved under section 7(2) of the Act shall further mean, the personal presence of the professional land surveyor, professional surveyor or surveyor when objects to be surveyed are inspected by him/her and pointed out to the survey technician or survey technician in training and sufficient reconnaissance by him/her to ensure that the required standard of accuracy for the survey is obtained.

"president" means the president of the South African Council for Professional and Technical Surveyors or the person who is acting in his/her stead in terms of section 6(3) or (4) of the Act;

"the Act" means the Professional and Technical Surveyors' Act, 1984 (Act 40 of 1984);

"the Sectional Titles Act" means the Sectional Titles Act, 1986 (Act 95 of 1986);

"the Land Survey Act" means the Land Survey Act, 1997 (Act 8 of 1997);

and any word or expression to which a meaning has been assigned in the Act shall, when used in these rules, have the meaning thus assigned thereto.

CHAPTER II

Meetings of the council

2. (1) At each ordinary meeting of the council called in terms of section 3(8)(a) of the Act and at each subsequent ordinary meeting of the council, the council shall fix the date and the place of the next ordinary meeting.
- (2) A notice convening a meeting shall specify the place, date, hour and business of the meeting and shall be posted to members not later than 30 days before the date of the meeting: Provided that, in the case of a special meeting, the president may give members such notice thereof as he or she may deem sufficient.
- (3) Any member desirous of proposing an amendment to these rules, or of bringing any other matter before the council, shall forward, at least six weeks before the date for which a meeting is to be convened, a written notice of motion thereof to the president, who shall ensure that such motion is included in the notice convening such meeting.
- (4) Except with the unanimous consent of members present, no business other than that specified in the notice convening the meeting shall be discussed or transacted at such meeting.
- (5) The agenda for any meeting shall be prepared by the registrar in consultation with the president, and shall contain, as a general rule, the following -
 - (a) minutes of the previous ordinary meeting and of any special meeting held in the interim;
 - (b) matters arising out of such minutes;
 - (c) president's report;
 - (d) financial statement;
 - (e) report of the registrar;
 - (f) appointment of office-bearers;
 - (g) determination of registration and annual fees to be paid by a professional land surveyor, a professional surveyor, a professional surveyor in training, a surveyor, a survey technician and a survey technician in training;

- (h) determination of honoraria and salaries;
 - (i) disciplinary matters;
 - (j) reports deferred from previous meetings;
 - (k) reports of committees;
 - (l) notices of motion transferred from previous meeting;
 - (m) new notices of motion; and
 - (n) other business.
- (6) Any member of the council having a personal interest in a matter to be discussed at a meeting shall disclose such interest and shall recuse himself/herself.
- (7) The proceedings of any meeting shall be preserved in the form of minutes, which shall be confirmed by the members of the council and authenticated by the signature of the president as soon as possible after such confirmation.
- (8) The minutes of a meeting shall include a record of -
- (a) the members present;
 - (b) such motions, and amendments thereof, as may have been adopted;
 - (c) any rulings of the president as to the interpretation of these rules; and
 - (d) at the request of any member, the names of the members voting for and against a motion or any amendment thereof, unless the voting is by ballot.
- (9) Each member of the council and his or her alternate shall be supplied with a copy of the minutes as soon as they have been authenticated.
- (10) All meetings shall be open to persons registered in terms of the Act, but except with the consent of the council, they shall not take part in any discussion: Provided that the council may at any time decide to go into committee to discuss any matter whereupon non-members of the council shall withdraw from the meeting.
- (11) Voting on any matter shall in general be by a show of hands, and if any one member so requests the voting shall be by ballot.
- (12) Notices of motion may be given to review any ruling of the president and when so resolved by the council shall constitute an instruction to the registrar to refer the matter to the council's legal advisers for an opinion.
- (13) Any standing order of the council may be suspended if a motion to that effect be carried by a majority of votes.

CHAPTER III**Meetings of the Committees****Education Advisory Committee**

3. (1) At the first meeting of the education advisory committee called in terms of section 16(1)(a) of the Act, the committee shall determine the procedure to be adopted at its meetings, and submit a copy of the agreed procedure to the council.
- (2) The chairperson of the education advisory committee, or if he or she is not available, the president, shall give every member at least two weeks notice in writing, of subsequent meetings of the committee.
- (3) The provisions of rule 2(4), (6), (7), (8), (9) and (11) shall apply mutatis mutandis.
- (4) A copy of the minutes shall be submitted to both the president and the registrar as soon as they have been authenticated.

Committee of inquiry

4. (1) A committee to which the council has assigned the power to enquire into any case of alleged improper conduct in terms of the provisions of Section 10 of the Act and to impose a punishment in respect thereof in accordance with the provisions of Section 29 of the Act shall consist of a chairperson appointed by the council and not less than three and not more than five members.
- (2) When an inquiry is instituted against a person who is or was registered in terms of the Act the members of such a committee shall be -
 - (a) professional land surveyors when the person who is being charged is or was a professional land surveyor; or
 - (b) surveyors when the person who is being charged is or was a surveyor, a survey technician or a survey technician in training; or
 - (c) professional surveyors when the person who is being charged is or was a professional surveyor or a professional surveyor in training:

Provided that, by a two thirds majority decision of the council, a committee may be appointed which differs in constitution from the requirements as set out above.

- (3) The proceedings of any meeting of the committee appointed in terms of this rule shall be preserved in the form of minutes, which after confirmation by the members of the committee and authenticated by the chairperson, shall be submitted to the council.

Procedures for committees

5. A committee established in terms of section 10 of the Act, excluding a committee as contemplated in rule 4, shall regulate its procedure at meetings in accordance with the provisions as laid down by the president.

CHAPTER IV

Remuneration and allowances of members of the council and committees

6. (1) The members of the council and of a committee of the council, excluding members of the education advisory committee, shall be paid from the funds of the council subsistence and travelling allowances.
- (2) The members of the education advisory committee shall be paid such allowances for subsistence and travelling as contemplated in section 18 of the Act.

CHAPTER V

Registration of professional land surveyors and professional land surveyors in training

- 7A(1) (a) Subject to the provisions of paragraph (b), the training in practical work to be undergone by a candidate for registration as a professional land surveyor, shall be the carrying out of practical work under the supervision of a professional land surveyor who has been practising as such for at least five years after registration as a professional land surveyor in terms of section 20(2) of the Act
- (b) The period of training referred to in paragraph (a), which shall be continuous, and the nature of which shall be approved and controlled by the council, shall be not less than 270 working days: Provided that -
- (i) if a candidate has undergone training in non-cadastral survey work not necessarily under the supervision of a professional land surveyor, or during the course of practice has undertaken practical work, which in the opinion of the council is equivalent to the work referred to in paragraph (a), he or she may be granted exemption from such portion of the period of training prescribed in this paragraph as the council may determine;

- (ii) the period of training occupied in any category of practical work shall be in accordance with the requirements as laid down from time to time by the council;
- (iii) the council may condone a break in the continuous period of training if, reasonable grounds for such a break exist after a written request in this regard has been made by the candidate;
- (iv) the period of training in cadastral surveys shall not be less than 135 working days after completion of the academic training of the candidate: Provided that he or she applies for registration as a professional land surveyor in training within two months of such completion date, failing which, the period of training will be deemed to commence as from the actual date of application for registration.
- (c) (i) Proof of employment during the period of training by candidate shall be submitted by him or her to the council in the form of a certificate substantially as set out hereunder -

CERTIFICATE OF TRAINING

I, a professional land surveyor practising in the Republic of South Africa, /a professional surveyor/ a surveyor/ an engineer ●, practising in do hereby certify that has successfully carried out practical work under my supervision for the following periods and in the following categories:

Period	Category:
	Cadastral Surveys
	Topographic Survey
	Engineering Surveys
	Control Surveys
	Hydrographic Surveys
	Other

particulars of which in regard to the time and nature of the work, are annexed.

Dated at on the day of

Signed

Professional Land Surveyor, Professional Surveyor, Surveyor, Engineer, etc●

●Delete whichever is not applicable

- (ii) The certificate prescribed in this rule shall be supported by an annexure in the form of a schedule, signed by the professional land surveyor or other person and the candidate, in which detailed particulars of all practical work are entered.
 - (iii) The council may dispense with the certificate prescribed in this subrule, if it is satisfied that the professional land surveyor or other person with whom the candidate was employed, unreasonably refuses, or for some reason is not in position to grant the certificate: Provided that proof can be given that the candidate was actually employed and satisfactorily carried out the practical work under the supervision of such professional land surveyor or other person for the periods during which he or she claims to have been so employed.
 - (iv) Exemption in terms of subrule (1)(b)(i) shall not be granted unless proof of training or practice to the satisfaction of the council can be given.
 - (v) The council may require the candidate to undergo such further training as it deems fit.
- (2) (a) A candidate who fails to pass the examination in the laws concerning surveying and related matters, or who fails to carry out an acceptable trial survey or practical test which in whole or in part may consist of an oral examination set by the council, shall be afforded a chance to present himself or herself for re-examination after a period of not less than two months after the date of the unsuccessful attempt at the law examination and/or the trial survey.
- (b) Should the candidate fail to attain a standard acceptable to the council after the second attempt, he or she shall not be allowed to present himself or herself for such further law examinations or trial survey or practical test until further training has been undergone as determined by the council.
- (3) For the purpose of this rule -
- “cadastral surveys” means surveys referred to in section 27(1)(a)(i) and (ii) of the Act;
- “practical work” means such survey operations, the nature of which shall be approved by the council and includes cadastral surveys.
- (4) The professional oath or affirmation that a candidate is required to make in terms of section 20(1)(f) of the Act, shall be in form A obtainable from the Registrar.

(5) Any person who has passed an examination for which the council has granted recognition in terms of section 20(1)(b) of the Act and who desires to qualify for registration as a professional land surveyor shall apply for registration as a professional land surveyor in training using form B obtainable from the Registrar.

(6) When a professional land surveyor in training complies with the requirements mentioned in section 20(1) of the Act he or she may apply to the council for registration as a professional land surveyor using form C obtainable from the Registrar, and the council shall register such a person in the appropriate register.

Registration of professional surveyors and professional surveyors in training

7B(1) (a) Any person who has passed an examination for which the council has granted recognition in terms of section 20(1)(b) of the Act or complied with the requirements set out in section 20(2A) of the Act and who desires to qualify for registration as a professional surveyor in a division of the register provided for in section 7(4)(b) of the Act, shall submit such proof of experience and qualifications as the council may determine.

(b) Subject to the provisions of section 20(2A) of the Act, the training in practical work to be undergone by a candidate for registration as a professional surveyor, shall be the carrying out of practical work under the supervision of a professional surveyor registered in the same category who has been practising as such for at least five years after registration as a professional surveyor in terms of section 20(1) or section 20(2A) of the Act, or such other qualified person approved by the council.

(c) The period of training referred to in paragraph (b), which shall be continuous, and the nature of which shall be approved and controlled by the council shall be for such period after completion of the academic training of the candidate as the council may determine but shall not exceed 320 working days: Provided that the candidate applies for registration as a professional surveyor in training within two months of such completion date, failing which, the period of training will be deemed to commence as from the actual date of application for registration : Provided further that -

(i) the period of training occupied in any category of practical work shall be in accordance with the requirements as laid down from time to time by the council;

(ii) the council may condone a break in the continuous period of training if reasonable grounds for such a break exist after a written request in this regard has been made by the candidate.

- (d) (i) Proof of employment during the period of training by a candidate shall be submitted to the council in the form of a certificate substantially as set out in rule 7A(1)(c)(i).
 - (ii) The certificate prescribed in this rule shall be supported by an annexure in the form of a schedule, signed by the professional surveyor or other person and the candidate, in which detailed particulars of all practical work are entered.
 - (iii) The council may require the candidate to undergo such further training as it may deem fit.
- (2) (a) A candidate who fails to pass the examination in law as may be determined or who fails to carry out an acceptable trial survey or practical test which in whole or in part may consist of an oral examination set by the council, shall be afforded a chance to present himself or herself for re-examination after a period of not less than two months after the date of the unsuccessful attempt at the law examination and/or the trial survey.
- (b) Should the candidate fail to attain a standard acceptable to the council after the second attempt, he or she shall not be allowed to present himself/herself for such further law examination or trial survey or practical test until further training has been undergone as determined by the council
- (3) The professional oath or affirmation that a candidate is required to make in terms of section 20(1)(f) of the Act, shall be in form A obtainable from the Registrar.
- (4) Any person who has passed an examination for which the council has granted recognition in terms of section 20(1)(b) of the Act and who desires to qualify for registration as a professional surveyor shall apply for registration as a professional surveyor in training using form D obtainable from the Registrar.
- (5) When a professional surveyor in training complies with the requirements mentioned in section 20(1) of the Act, he or she may apply to the council for registration as a professional surveyor using form E obtainable from the Registrar and the council shall register such a person in the appropriate register.

CHAPTER VI**Registration of surveyors, survey technicians and survey technicians in training**

8. (1) The council shall, on application of any person who has -
- (a) (i) after passing an examination for which the council has granted recognition in terms of section 22(1)(a)(i) of the Act completed training in the form of practical experience for a period of at least three years in such practical work which in the opinion of council is of sufficient variety and of a satisfactory nature and standard; or
 - (ii) complied with the requirements set out in section 22(3)(a)(i) or 22 (3)(b)(i) of the Act; and
 - (b) carried out such trial survey or practical test which in whole or in part may consist of an oral examination set by the council; and
 - (c) has passed such examination in law as determined by the council; and
 - (d) made an oath or affirmation in form A obtainable from the Registrar; and
 - (e) submitted the form F obtainable from the Registrar.
- register such person as a surveyor in the appropriate register.
- (2) The council shall, on application of any person who has -
- (a) (i) passed an examination for which the council has granted recognition in terms of section 22(1)(b)(i) of the Act and has completed such training as the council shall determine; or
 - (ii) complied with the requirements set out in section 22(3)(a)(ii) or 22 (3)(b)(ii) of the Act; and
 - (b) carried out such trial survey or practical test which in whole or in part may consist of an oral examination set by the council; and
 - (c) made an oath or affirmation in form A obtainable from the Registrar; and

(d) submitted the application form G obtainable from the Registrar; register such person as a survey technician in the appropriate register.

(3) The council shall, on application on form H obtainable from the Registrar, of any person who is registered as a survey technician and who complies with the requirements of subrules (1)(a)(i), (b), (c) and (d) register such a person as a surveyor in the appropriate register.

(4) (a) Any person who does not qualify for registration as a surveyor or a survey technician, and who wishes to pass an examination for which the council has granted recognition as contemplated in section 22(1)(b)(i) of the Act and who desires to qualify for registration as a survey technician shall apply for registration as a survey technician in training using form I obtainable from the Registrar.

(b) Subject to the provisions of paragraph (c) the training in practical work to be undergone by a candidate for registration as a survey technician, shall be the carrying out of practical work under the supervision of a professional land surveyor, a professional surveyor, a surveyor, a survey technician or another person whom the council considers suitable: Provided that if it is under a technician who qualified in terms of section 22(1)(b) of the Act then such technician must have had at least three years experience after passing an examination for which the council has granted recognition in terms of section 22(1)(b)(i) of the Act.

(c) The period of training shall be determined by the council in each individual case unless the candidate has obtained a diploma from a recognised technikon or college in the Republic of South Africa and such technikon or college has certified that the applicant has received suitable training: Provided that, in respect of a diploma issued before 1 January 1985 a professional land surveyor, professional surveyor, or surveyor registered in terms of the Act or such other person whom the council considers suitable may issue such certificate if the applicant has received suitable training under his supervision.

(d) Proof of employment and such further condition of training shall be in the form specified in rule 7A(1)(c) *mutatis mutandis*.

(e) (i) The council shall set the candidate a trial survey or practical test which in whole or in part may consist of an oral examination.

(ii) Should the candidate fail to attain a standard acceptable to the council he or she shall be afforded a chance to present himself or herself for re-examination after a period of not less than two months after the date of the unsuccessful attempt of the trial survey.

- (iii) Should the candidate fail to attain a standard acceptable to the council after the second attempt, he or she shall not be allowed to present himself or herself for such further examination until further training has been undergone as determined by the council.
- (5) When a survey technician in training complies with the requirements mentioned in section 22(1)(b) of the Act, the council shall on application in form J obtainable from the Registrar cancel the registration of such person as a survey technician in training and register him as a survey technician in terms of section 22(2) of the Act.

CHAPTER VII

Establishment of register

9. (1) In terms of section 7(4) of the Act a register shall be kept and maintained relating to persons whose applications for registration under sections 20(2), (2B) and (4), 21, 22 and 23 of the Act have been accepted by the council.
- (2) Such particulars as referred to in section 26 of the Act regarding any person referred to in subrule (1) upon payment of such registration and annual fees determined by the council in terms of section 7(1)(g) of the Act, shall be entered in the register.
- (3) The date of the first registration of any person in terms of the Act shall be the date the registrar receives the documents prescribed in terms of these rules, together with the registration and annual fees.

Keeping of register

10. (1) The registrar shall keep the register correctly and in accordance with the provisions of the Act and shall remove therefrom the name of any registered person who has died or whose registration has been cancelled, or who has been disqualified for registration or whose registration has lapsed in terms of the Act.
- (2) No particulars in regard to any qualification shall be entered in the register unless the registrar is satisfied that the person claiming to possess such qualification is entitled thereto.
- (3) Any entry in the register which is proved to the satisfaction of the council to have been made in error or through fraudulent misrepresentation or under circumstances not tenable in law, shall under authority of the council, be deleted or amended in the register.

- (4) Whenever any entry in respect of any person has been deleted under the authority of the council, the registrar shall, within seven days of such deletion notify the person concerned thereof, in writing transmitted by registered post to his/her registered address.
- (5) Any certificate of registration issued in accordance with the provision of the Act shall be deemed to be cancelled from the date upon which the registration is cancelled by the council in terms of sections 24(2) or (4) and 29(1)(d) or (e) of the Act or has lapsed in terms of section 24(3) of the Act.
- (6) The register shall be kept in the office of the council and the registrar shall from time to time, upon the authority of the council, cause copies of the register to be printed, published and issued upon payment of such fees as the council may determine from time to time.

Divisions of the register

11. The council shall determine from time to time the various divisions for registration in which the names of professional land surveyors, professional surveyors, professional surveyors in training, surveyors, survey technicians and survey technicians in training shall be in the register.

Applications

12. (1) Any person who applies for registration in terms of the Act, shall submit application forms obtainable from the Registrar, as follows:
For a person who desires to register as -
- (a) a professional land surveyor in training who qualifies for registration in terms of rule 7A(5), on form B;
 - (b) a professional land surveyor and who qualifies for registration in terms of rule 7A(6), on form C;
 - (c) a professional surveyor in training who qualifies for registration in terms of rule 7B(4) on form D;
 - (d) a professional surveyor who qualifies for registration in terms of rule 7B(5) on form E;
 - (e) a surveyor, and who qualifies for registration in terms of rule 8(1) on form F;
 - (f) a surveyor, registered as a survey technician, and who qualifies for registration in terms of rule 8(3) on form H;

- (g) a survey technician, and who qualifies for registration in terms of rule 8(2) on form G;
 - (h) a survey technician, registered as a survey technician in training, and who qualifies for registration in terms of rule 8(5), on form J; and
 - (i) a survey technician in training, and who qualifies for registration in terms of rule 8(4) on form I.
- (2) An application in terms of subrule (1) shall be accompanied by the registration and annual fees as determined by the council from time to time in terms of section 7(1)(g) of the Act.
- (3) Apart from the application forms required by subrule (1) and the fees submitted in terms of subrule (2) a person shall submit to the registrar such proof of qualification, certificates of practical experience or other documents which would indicate proof of his or her acceptance for registration; Provided that where any such certificate or document has been lost or destroyed, he or she may provide written confirmation by competent authority to the effect that such certificate or document was issued to him or her: Provided further that the register kept by the Central Council of Land Surveyors established in terms of the Land Surveyors' Registration Act, 1950 (Act 14 of 1950), immediately prior to the commencement of the Act, shall be deemed as sufficient proof of the suitability of any such land surveyor applying for registration as a professional land surveyor in terms of the Act.
- (4) After satisfying himself or herself that the applicant is entitled to be registered, the registrar shall enter his or her name and such other particulars as referred to in section 26 of the Act, in the register and issue to him or her a certificate of registration using form K.

Registration and annual fees

13. (1) The registration and annual fees for different categories of registration shall be determined annually by the council in terms of section 7(1)(g) of the Act, and made known to all persons registered in terms of the Act.
- (2) The annual fees as determined by the council shall become due and payable on the first day of April of each year: Provided that an applicant for registration after the 30th day of September in any year shall only be obliged to pay one half of the annual fee in respect of the unexpired portion of the year together with the registration fee.

Registered address

- 14A. Every person registered in terms of the Act shall supply the council together with his or her application form for registration, with an address which shall indicate the place at and from which he or she normally practises, and which shall be entered in the register by the registrar.

Companies

- 14B. (1) Every member of a company registered pursuant to the provisions of section 27A of the Act shall within 30 days of such registration notify the registrar of the following -
- (a) the name of the company, its registration number and the date of its incorporation, and the address of its registered office;
 - (b) the names and addresses of every member of the company;
 - (c) a certified copy of its Memorandum and Articles of Association.
- (2) Within 30 days of a transfer of shares in a company as contemplated by section 27A of the Act, the remaining members of the company, as the case may be, shall supply the registrar with the names and addresses of every registered member of the company.
- (3) The members of a company registered in terms of section 27A of the Act shall notify the registrar of any amendment to the Memorandum and Articles of Association of the company, which notification shall be given in writing within 10 days of such amendment coming into force.
- (4) Notwithstanding anything to the contrary contained herein, the registrar shall at all times whilst a company is registered to perform the work of a professional land surveyor, professional surveyor or surveyor, be entitled to require the members of such company to provide the names and addresses of every member and past member of the company and/or to furnish the registrar with a certified copy of the Memorandum and Articles of Association, as amended, of the company and the members of the company shall be bound and obliged to furnish such information and copies within 10 days of the receipt of the registrar's request.

CHAPTER VIII**Improper conduct**

15. The undermentioned acts and omissions by a person who is or was registered in terms of the Act, shall constitute improper conduct (in addition to improper conduct referred to in section 28 of the Act) and which acts and omissions the council may inquire into in terms of section 29(1) of the Act -

- (1) undertaking work of a survey nature for the execution of which he or she was inadequately trained or insufficiently experienced;
- (2) performing any survey work undertaken by him or her in an incompetent, reckless or negligent manner;
- (3) using a name with any misleading content for the title and style or name of his or her firm;
- (4) signing or otherwise identifying as having been issued by him or her or his or her firm any plan or document of which he or she or his or her firm is not the *bona fide* author;
- (5) failing, without just cause, to comply with the provisions of any contract undertaken by him or her;
- (6) advertising services of a survey nature rendered by him or her in a manner which lauds his or her own work or in a manner which is not true and factual or in a manner that is derogatory to the dignity of the profession; or in a manner which misrepresents his or her qualifications;
- (7) permitting his or her name to be used in connection with the direct advertisement of any survey equipment or, in his or her capacity as a registered person, with any other commodity other than when his or her name appears in an informative article;
- (8) using or allowing to be used any letterhead, account form, receipt form or other document, on which is printed qualifications which, in the opinion of the council, are inconsistent with his or her training and experience;
- (9) canvassing or touting for clients or for any survey work, including without affecting the generality of the rule, the following -
 - (a) the soliciting for custom or work directly or indirectly from any person; or
 - (b) the making of unsolicited visits or telephone calls or the sending of unsolicited letters or printed material to any person except to an existing professional connection with a view to establishing a professional relationship with such person; or
 - (c) in any other manner touting for work of a kind commonly performed by registered professional land surveyors, professional surveyors or surveyors; or
 - (d) permitting, encouraging or conniving with another person to do any of the foregoing on his or her behalf.

- (10) entering, in his or her capacity as a professional land surveyor, professional surveyor or surveyor, into partnership with a person other than a town and regional planner, a quantity surveyor, an architect, and a professional engineer, registered respectively in terms of the Town and Regional Planners Act, 1984 (Act 19 of 1984), the Quantity Surveyors Act, 1970 (Act 36 of 1970), the Architects Act, 1970 (Act 35 of 1970), and the Professional Engineers Act, 1968 (Act 81 of 1968); or such other suitably qualified person approved by the council;
- (11) failure, within 60 days after having been instructed in writing by the council to do so, to dissolve any partnership or other association of which he or she is a member in his or her capacity as a registered person;
- (12) receiving or seeking to recover, directly or indirectly from any source, any fee or other reward for survey services in excess of that which would constitute a reasonable fee or reward for such services, with due regard to all prevailing circumstances, unless such fee or reward has been agreed in writing with the client who is fully acquainted with prevailing guidelines, scales or levels of charges generally applied within the profession;
- (13) in respect of any survey, employing a person -
 - (a) whose name has been removed from the register in terms of the Act or whose right to practise has been suspended or cancelled in terms of section 12 of the Land Survey Act; or
 - (b) who has been suspended from practising in terms of the Act or section 12 of the Land Survey Act during the period of such suspension;
- (14) allowing an unregistered person to assist him or her by making measurements in the field without exercising proper control;
- (15) permitting an assistant to perform -
 - (a) cadastral survey field operations without exercising supervision in accordance with the provisions of the Land Survey Act, 1997 (Act 8 of 1997); or
 - (b) any other survey field operations without exercising supervision in accordance with the provisions of rule 1;
For the purpose of this sub-rule "assistant" has the meaning assigned thereto in section 1 of the Land Survey Act, 1997 (Act 8 of 1997);

- (16) quoting or tendering or offering to tender for any survey work unless prior thereto tenders or quotes have been invited by, or on behalf of the person requiring such work to be done : Provided that any quote or tender shall be a bona fide quote or tender and shall not be made for the purpose, or as a means, of canvassing or touting for any other survey work;
- (17) superseding another registered person on any survey work which he or she knows, or ought to have known or suspected, had been entrusted to such other registered person without first ascertaining from him or her, in writing or by any other means satisfactory to the council, that the services had been terminated;
- (18) (a) becoming a member of a company practising as a professional land surveyor, a professional surveyor or surveyor if the other members or shareholders are not natural persons registered as professional land surveyors, professional surveyors, surveyors or other natural persons approved by the council in writing; or
- (b) failing to comply with any of the provisions of Section 27A of the Act, or failing to comply with any of the aforementioned provisions of rule 14B;
- (19) unjustifiably casting reflection by word or implication upon the propriety, reputation or skill of any registered person;
- (20) committing any act calculated to bring into contempt or disrepute his or her profession or calling or the council or any of its officers;
- (21) conducting himself or herself dishonourably in connection with any work performed by him or her, or under his or her supervision;
- (22) granting a certificate in his or her capacity as a registered person unless he or she has satisfied himself or herself that the facts are fully and correctly stated therein;
- (23) using the advantage of a salaried position to compete unfairly with other registered persons;
- (24) unreasonably delaying the execution and completion of work entrusted to him or her by a client; or
- (25) failing to carry out anything required of a registered person in terms of these rules;

Provided that nothing in the foregoing subrules shall preclude a professional land surveyor, a professional surveyor, surveyor, a company registered pursuant to the provisions of Section 27A of the Act, or a survey technician permitted to practise in terms of Section 22(4)(b)(ii) of the Act, from -

- (a) placing his or her signature and the name of his or her firm on any document or model prepared by him or her or by his or her firm;

- (b) displaying a name plate or panel of plain character bearing his or her name or the name of the firm and status, outside his or her office and at the entrances to the building in which the office is located;
- (c) issuing a business card or printed information giving details about his or her practice to prospective clients;
- (d) advising clients of any change of address or staff of his or her firm or of the dissolution of any partnership;
- (e) superseding another registered person, at the request of a client or of the local institute, on any survey work entrusted to such person by the said client, which has been unreasonably delayed and after such person has failed to reply within three weeks to a written request by the said institute to complete the said work;
- (f) permitting his or her name, status, the name of his or her firm, the address and telephone number to be listed in a membership list of an organisation of which he or she is a member;
- (g) furnishing the following information on a letterhead or other document -
 - (aa) the name under which the firm operates, which name shall consist of proper names or such other name as approved by council, and may include the names of present registered persons in the firm and the names of present partners with whom partnerships may be formed : Provided further that a previous name of the firm may be used and that the name of a past partner may be retained in the name of the firm;
 - (bb) a description of the service which can be rendered, such as land surveying, town planning, township planning, topographical and engineering surveying, mine surveying, sectional title surveying, photogrammetrical surveying, and property valuation : Provided further that his or her or an associates' qualifications and experiences shall not be misrepresented:
 - (cc) a list of names of the partners in the firm and the names of registered assistants: Provided further that where such partners or assistants operate from another office of the firm, the address and telephone number of such office may be given on the letterhead;
- (h) placing his or her name or the name of his or her firm in any advertisement which he or she has inserted on behalf of his or her client in the legal or tender columns of a newspaper;
- (i) publishing in respect of any practice or organisation offering survey services, the following kinds of advertisements -

- (aa) notices of commencement of practice and notices of change of address or partnership or company
- (bb) advertisement for staff
- (cc) a detailed entry in any directory;
- (dd) an announcement in the press that the practice is responsible for the survey work in connection with any structure illustrated in the same issue
- (j) distributing brochures or pamphlets describing his or her experience and capabilities;
- (k) sending to the media articles, or being interviewed, about his or her work or about surveying topics of general interest, and allowing the work to be displayed in exhibitions;
- (l) appearing in a documentary film relating to survey and in the course of which mention is made, in so far as it is reasonably necessary for the purpose of the said film, of the words professional land surveyor, professional surveyor or surveyor, of the name of the person concerned or of the name of his or her firm;
- (m) exhibiting his or her name on the site of a survey in the format of the notice boards as approved by the council;
- (n) commissioning or employing a public relations consultant or similarly designated person to carry out all or any such aspects of his or her public relations policy as may be permitted within the context of these rules:

Provided further that nothing in the foregoing sub-rules shall preclude a professional land surveyor, professional surveyor or surveyor from entering into partnership with a professional land surveyor, professional surveyor or with a surveyor.

CHAPTER IX

Inquiries into alleged improper conduct

- 16 (1) In the case of alleged improper conduct on the part of any person who is or was a person registered in terms of the Act being reported to the council or to any institute the matter shall be referred to the president who shall address the body or person making the complaint or allegation in writing, calling upon it or him or her to furnish an affidavit detailing in concise terms the specific acts complained of or alleged.

- (2) On receipt of the affidavit the president shall forward a copy thereof to the person against whom the complaint, charge or allegation is lodged, calling upon him or her to submit to the president within 21 days a written explanation verified by affidavit in answer to the complaint, but warning him or her that any explanation given by him or her may be used in evidence should an inquiry take place.
- (3) On receipt of such explanation, or if no explanation is received from the person concerned, a subcommittee consisting of three practising professional land surveyors, professional surveyors or surveyors as the case may be and assisted by a practising attorney or advocate, shall be appointed by the president (failing whom, the vice-president) and such sub-committee shall consider the complaint, charge or allegation and the explanation (if any) and if, in the opinion of the majority of the sub-committee the statements furnished do not disclose *prima facie* evidence of improper conduct, they shall inform the president (failing whom, the vice-president) accordingly and he or she shall forthwith advise both the complainant and the person concerned of that fact in writing.
- (4) (a) Should the majority of the members of the sub-committee consider that the statements furnished disclose *prima facie* evidence of improper conduct, they shall inform the president (failing whom, the vice-president) accordingly and simultaneously make written recommendations to him or her in regard to -
 - (i) the nature of the charges to be brought against the accused person; and
 - (ii) whether, in the opinion of the sub-committee, the alleged conduct of the accused person, if proved, is of sufficient importance to the profession to warrant that charges of improper conduct be brought against that person by the council.
- (b) Upon receipt thereof, the president and vice-president (acting as a sub-committee of council, the president to have a second or casting vote) shall consider the information and recommendation referred to in subrule 4(a) and shall decide whether prosecution of the charges shall be brought in the name of the council or in the name of the complainant. At the same time the same sub-committee shall submit to the council for approval the names of the members of a committee of inquiry.
- (5) The members of the council shall indicate in writing to the president their acceptance or other proposals regarding the constitution of the committee within 21 days of the date of the notification mentioned in subrule (4).

- (6) Save as provided in rule 4(2), when the president is satisfied that the majority of the members agree to the constitution of the committee of inquiry, he or she shall notify the members of such committee stating where and when the inquiry will be held. At the same time he or she shall notify the complainant in writing of the nature of the council's decision and of the composition of the committee of inquiry and the complainant, if his or her complaint is to be prosecuted in his or her name, shall have the right, if he or she so wishes, to withdraw the charges and to resile from the prosecution thereof by notice in writing addressed and delivered to the president within 10 days of the delivery of the aforesaid notice from the president to the complainant. If the complainant fails to deliver such notice to the president within the aforesaid period of ten (10) days, such failure shall constitute proof that the complainant requires the charges to be prosecuted in his or her own name by the council.
- (7) After the president has satisfied himself or herself that the complainant wishes to proceed with the prosecution of the charges or if it has been decided that the council shall prosecute such charges in its own name, the president shall issue a summons in the form J obtainable from the Registrar, addressed to the person concerned, (hereinafter referred to as "the accused") stating where and when the enquiry will be held.
- (8) The president shall, together with the summons, furnish the accused with a copy of these rules and of such affidavits and other documents as he or she deems fit. In addition the president shall furnish the accused with a schedule of all other documents in his or her possession which may be used as exhibits at the inquiry, and the accused shall be entitled, prior to the inquiry, to examine the said exhibits and, if he or she so desires, to make copies thereof.
- (9) The summons shall be served on the accused in the manner stipulated by section 30(2) of the Act and shall allow the accused a reasonable period of time to prepare his or her defence to the charges against him or her and/or to respond in any way which he or she may deem appropriate to the charges set forth in the summons.
- (10) Whenever the complainant or the accused requests the president, in writing, that any person or persons be summoned to give evidence on his or her behalf, or whenever the accused requires the presence of the complainant or any person giving evidence on behalf of the complainant for purposes of cross-examination, the president shall, if he or she considers that such person or persons, or any other person or persons are necessary witnesses, summon such person or persons to appear before the committee to give evidence. The fees payable to witnesses shall be according to the tariff in criminal cases in magistrates' courts and shall be payable by the council.

Procedures at inquiries

17. At an inquiry convened in terms of these rules the following procedure shall be followed -

(1) When the accused appears -

- (a) the chairperson shall read the summons addressed to the accused and shall table proof of proper service thereof;
- (b) the chairperson shall then read to the committee the complaint and shall table any documents or other evidence submitted in support thereof. No statement made by any person shall be tabled unless it is in the form of a properly sworn or affirmed affidavit;
- (c) the accused shall then be asked whether he or she accepts such evidence or if he or she desires to cross-examine the person or persons whose affidavit or affidavits have been tabled. If the accused has no objection to the evidence he or she shall sign a statement to that effect, but if he or she desires to cross-examine any person whose affidavit has been tabled, the said affidavit shall not be admitted in evidence unless the deponent appears before the committee and submits himself or herself to cross-examination by or on behalf of the accused: Provided that where any part of the evidence tabled is a properly certified copy of a record of a court of law, such copy shall be accepted as *prima facie* proof of the proceedings of such court;
- (d) when all the evidence on behalf of the council or the complainant, as the case may be, has been led or placed before the inquiry, the accused shall be invited to lead evidence in answer to or rebuttal of the complaint; and
- (e) at the conclusion of the evidence led by or on behalf of the accused, the accused shall be entitled to address the committee of inquiry, either personally or by his/her counsel or attorney. Thereupon the representative of the council or the complainant, as the case may be, shall be entitled to address the committee of inquiry, either personally or by his or her counsel attorney.

(2) When the accused fails without good cause or refuses to appear -

- (a) the chairperson shall read the summons addressed to the accused and shall table proof of proper service thereof;
- (b) evidence shall then be given or led by or on behalf of the council or the complainant, as the case may be.

- (3) Any person giving evidence at an enquiry shall first be examined by or on behalf of the party by whom he or she is called, and may then be cross-examined by or on behalf of the other party. Thereafter he or she may be re-examined by or on behalf of the party by whom he or she is called. Such person may then, with the permission of the chairperson, be questioned by members of the committee.
- (4) All oral evidence at an inquiry shall be on oath or affirmation, and if any witness or deponent declines to submit to cross-examination, the committee may refuse to admit his or her evidence to any document or statement.
- (5) When all the available evidence has been led by or on behalf of both the council to the complainant (as the case may be) and the accused, and after the committee has been addressed by the accused and the representative of the council or the complainant as provided in sub-rule 17(1)(e) above, the committee shall deliberate thereon in committee.
- (6) The accused may be represented at an inquiry in terms of these rules by counsel or an attorney or both.
- (7) In the event of the accused or any other person obstructing the proceedings at any inquiry, the committee may, in its discretion, adjourn or postpone the inquiry or order the accused or such other person to be removed, and may continue the inquiry in his or her absence.
- (8) If the accused is found not guilty of the complaint the council shall be notified forthwith and after review the accused shall be advised accordingly, and his or her name and the nature of the complaint upon which he or she has been found not guilty shall be published by the council only if requested by the accused to do so.
- (9) Having considered the decision of and the punishment imposed by the committee, and having decided whether to confirm, review, amend or withdraw any such decision or punishment as provided in section 10(2) of the Act, the council, in its discretion, may cause the final result of the inquiry to be published in such form and publication(s) as it may deem necessary or appropriate : Provided that notification of the final result of the inquiry and the nature and extent of punishment imposed upon the accused shall be communicated to him/her in writing.

- (10) The costs of any inquiry which the complainant or the accused may be ordered to pay in terms of section 29 of the Act shall be recoverable from the person concerned by action instituted against him or her in court with appropriate jurisdiction by or at the instance of the council, the complainant or the accused, as the case may be. Costs due to the council shall be payable within such period as the council in its discretion may determine. Any award of costs made in terms of section 29 of the Act shall include all costs reasonably disbursed in connection with the inquiry, including the legal costs of an attorney or counsel appointed in terms of section 30(1)(c) of the Act, on the scale of charges recommended by the applicable Law Society for non-litigious matters.
- (11) Any decision of the committee with regard to any point of procedure of the evidence in whatever form or any other legal issue arising in connection with, or in the course of, any inquiry convened in terms of these rules shall be made in committee.
- (12) Notwithstanding anything to the contrary contained in these rules, the chairperson of the committee of inquiry shall have exclusive discretion to rule on any issue relating to the form or admissibility of evidence presented to the committee, or to the nature and extent to which any witness may be examined by any party to the proceedings, including other members of the committee, or to any adjournment or postponement of the proceedings, and in respect of such rulings the Chairperson shall be guided but not bound by the general rules of evidence applicable in a court of law.
- (13) The proceedings of all inquiries conducted in terms of these rules shall be preserved by the council. If the proceedings have been mechanically or electronically recorded the tapes of such recordings shall be placed in a sealed container and authenticated by the signature of the chairperson of a committee of inquiry as soon as reasonably possible after the inquiry has been completed. If the proceedings of the inquiry have been recorded in the form of typewritten minutes, such minutes shall be preserved by the council and authenticated, after confirmation, by signature of the chairperson of the committee of inquiry as soon as reasonably possible after the inquiry has been completed. If the mechanically or electronically recorded tapes are required to be transcribed for any purpose whatever, such transcriptions shall be submitted to the chairperson of the committee of inquiry for verification and authenticated by him or her by his or her signature as soon as reasonably possible after completion of the transcription.
- (14) A person registered in terms of the Act in the same division of the register as the accused, may attend an inquiry: Provided that the committee shall have the right to exclude any person: Provided further that the reasons for such exclusion shall be recorded in the minutes.

CHAPTER X***Titles and letters of designation***

18. (1) A professional land surveyor who is registered in terms of section 20 of the Act may append after his/her name the letter and title Pr L (SA) (Professional Land Surveyor, South Africa) : Provided that the council may determine such categories of professional surveyor and the designation as will be necessitated by circumstances.
- (2) A surveyor who is registered in terms of rule 8(1) or (3), may append after his/her name the letter and title S (SA) (Surveyor, South Africa) or such other designation as the council may determine.
- (3) A survey technician who is registered in terms of rule 8(2) or (5) may append after his/her name the letters and title ST (SA) (Survey Technician, South Africa) or such other title as the council may determine.

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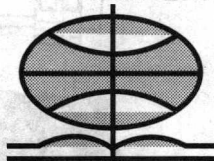
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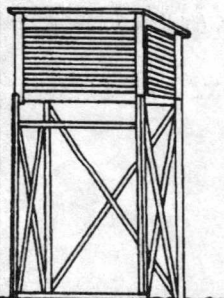
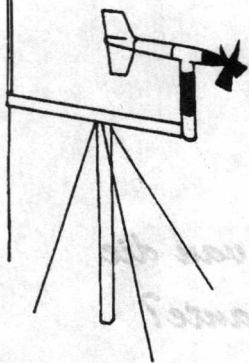
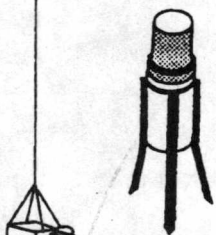
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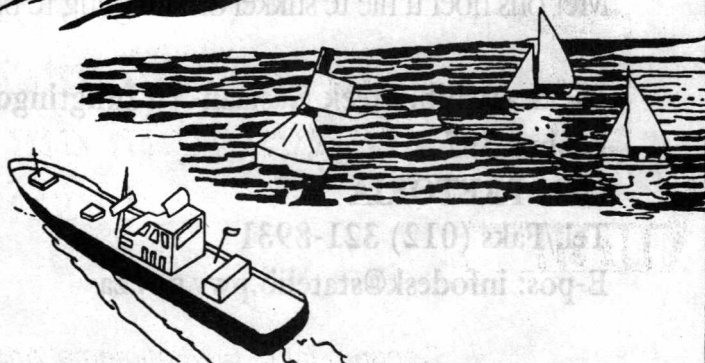
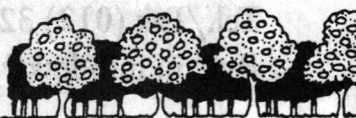
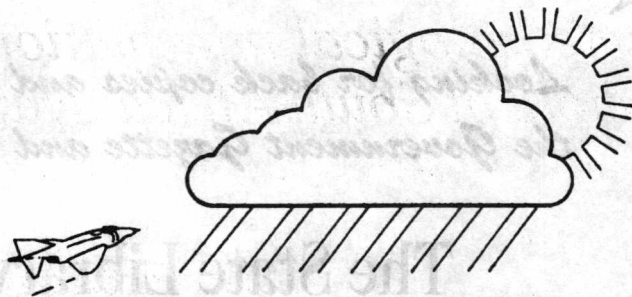
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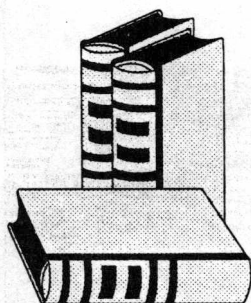
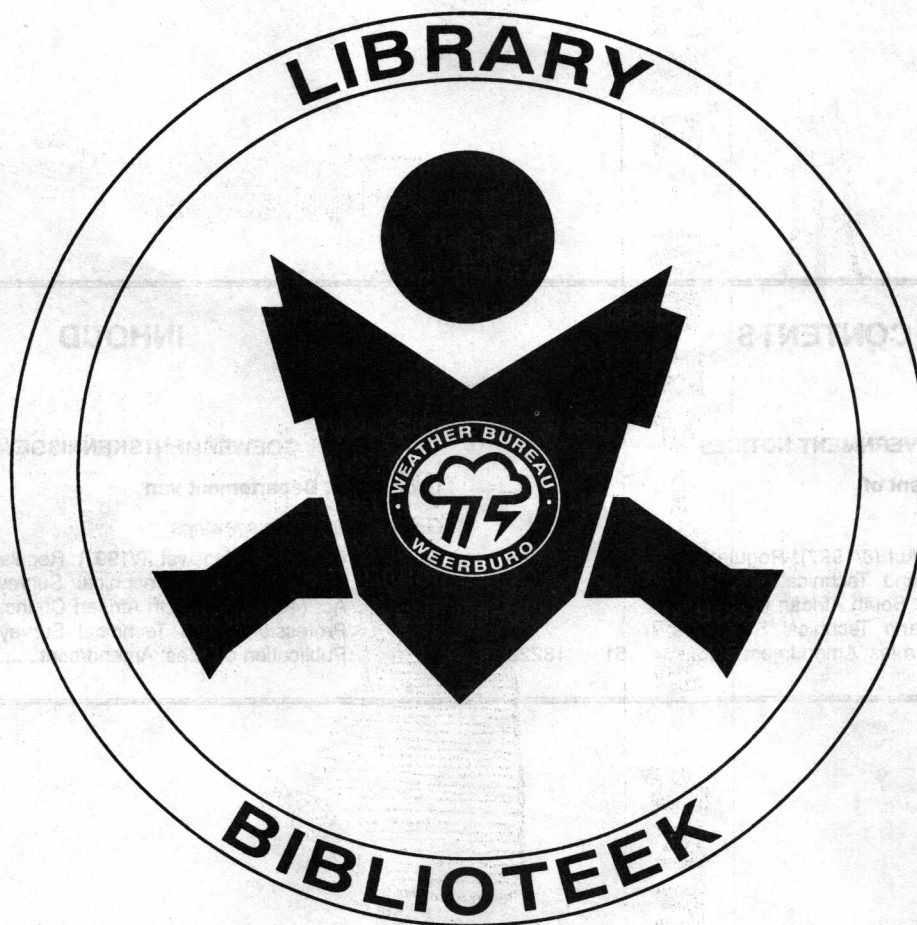
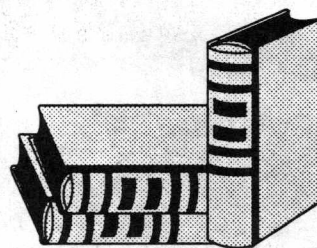


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