



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Gereistreer

Registered at the Post Office as a Newspaper

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)
Plaaslik **70c** Local
Buitelands R1,00 Other countries
Posvry • Post free

VOL. 300

KAAPSTAD, 29 JUNIE 1990

CAPE TOWN, 29 JUNE 1990

No. 12575

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1451.

29 Junie 1990

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 76 van 1990: Opmetingswysigingswet, 1990.

No. 1451.

29 June 1990

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 76 of 1990: Land Survey Amendment Act, 1990.

Wet No. 76, 1990

OPMETINGSWYSIGINGSWET, 1990

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Opmetingswet, 1927, ten einde die benaming "Hoofdirekteur" na "Hooftlandmeter-generaal" te verander; die pligte van die Hooftlandmeter-generaal uit te brei; die samestelling van die Opmetingsregulasieraad verder te reël; gemelde raad te magtig om regulasies in verband met grondinligtingsdienste uit te vaardig; die voorskryf van kantoorbelde verder te reël; die wysiging van algemene planne verder te reël; sekere uitdrukkings te omskryf of nader te omskryf en sekere omskrywings te skrap; en sekere verouderde verwysings reg te stel of te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1990.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 1 van Wet 9 van 1927, soos vervang deur artikel 1 van Wet 26 van 1981

1. Artikel 1 van die Opmetingswet, 1927 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

"Aanstelling, bevoegdhede en werksaamhede van Hooftlandmeter-generaal

1. (1) Die Minister stel, met inagneming van die wetsbepalings op die staatsdiens, 'n beampde aan wat die **[Hoofdirekteur van Opmetings en Kartering]** Hooftlandmeter-generaal genoem word en 'n landmeter moet wees.

(2) Behoudens die voorskrifte van die Minister, oefen die **[Hoofdirekteur]** Hooftlandmeter-generaal die bevoegdhede uit en verrig hy die werksaamhede wat hierdie Wet aan hom verleen of toewys." 15

Vervanging van artikel 2 van Wet 9 van 1927, soos vervang deur artikel 2 van Wet 26 van 1981

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

"Pligte van Hooftlandmeter-generaal

2. (1) Die **[Hoofdirekteur]** Hooftlandmeter-generaal is in beheer van die geodetiese, topografiese en kadastrale opmetings en grondinligtingsdienste in die Republiek wat die Minister gelas en, met inagneming van die bepalinge van hierdie Wet, moet hy— 20

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Land Survey Act, 1927, so as to change the designation "Chief Director" to "Chief Surveyor-General"; to extend the duties of the Chief Surveyor-General; to further regulate the constitution of the Survey Regulations Board; to authorize the said board to make regulations in respect of land information services; to further regulate the prescription of fees of office; to further regulate the alteration of general plans; to define or further define certain expressions and to delete certain definitions; and to rectify or delete certain outdated references; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 21 June 1990.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Substitution of section 1 of Act 9 of 1927, as substituted by section 1 of Act 26 of 1981

- 5 1. The following section is hereby substituted for section 1 of the Land Survey Act, 1927 (hereinafter referred to as the principal Act):

"Appointment, powers and functions of Chief Surveyor-General

10 1. (1) Subject to the provisions of any law governing the public service, the Minister shall appoint an officer to be styled the Chief **[Director of Surveys and Mapping]** Surveyor-General, who shall be a land surveyor.

(2) The Chief **[Director]** Surveyor-General shall, subject to the directions of the Minister, exercise the powers and perform the functions conferred upon or assigned to him by this Act."

15 Substitution of section 2 of Act 9 of 1927, as substituted by section 2 of Act 26 of 1981

2. The following section is hereby substituted for section 2 of the principal Act:

"Duties of Chief Surveyor-General

20 2. (1) The Chief **[Director]** Surveyor-General shall be in charge of such geodetic, topographical and cadastral surveying and land information services in the Republic as the Minister may direct, and subject to the provisions of this Act, shall—

Wet No. 76, 1990

OPMETINGSWYSIGINGSWET, 1990

- (a) alle aangeleenthede rakende sodanige opmetings en dienste bevorder en beheer;
 - (b) die opmeting en kartering van grond vir die doeleindes van registrasie in 'n registrasiekantoor onder toesig hou en beheer;
 - (c) die driehoeks-, topografiese, geodetiese en ander toepaslike opmetings wat nodig is, uitvoer; 5
 - (d) van tyd tot tyd, soos die omstandighede vereis, die landkaarte en ander dokumente wat nodig word, voorberei, saamstel en wysig;
 - (e) die prosedure in elke streekkantoor reël en die wyse bepaal waarop die bepalinge van hierdie Wet en die regulasies uitgevoer moet word; 10
 - (f) die stukke (wat nie deel uitmaak van die stukke van 'n kantoor van 'n Landmeter-generaal nie) van alle opmetings en handeling wat voor die inwerkingtreding van die Opmetingswysigingswet, 1972, of kragtens hierdie artikel uitgevoer is, onder sy beheer neem en bewaar. 15
- (2) 'n Beampte werksaam in die kantoor van die **[Hoofdirekteur]** Hooftlandmeter-generaal en wat 'n landmeter is, kan, as hy deur die **[Hoofdirekteur]** Hooftlandmeter-generaal daartoe gemagtig is, enige bepaalde handeling of taak verrig wat die **[Hoofdirekteur]** Hooftlandmeter-generaal wettiglik ingevolge hierdie Wet of die regulasies of 'n ander wet mag verrig." 20

Wysiging van artikel 6 van Wet 9 van 1927, soos vervang deur artikel 6 van Wet 71 van 1972 en gewysig deur artikel 41 van Wet 40 van 1984 en artikel 46 van Wet 97 van 1986 25

3. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2A) deur die volgende subartikel te vervang:

"(2A) Indien die Suid-Afrikaanse Raad vir Professionele Landmeters en Tegniese Opmeters in paragraaf (c) van subartikel (2) bedoel, versuim om— 30

 - (a) 'n lid kragtens genoemde paragraaf (c); of
 - (b) 'n plaasvervangende lid kragtens subartikel (2B),

te benoem, stel die Minister 'n landmeter as lid of plaasvervangende lid aan, en 'n lid of plaasvervangende lid aldus aangestel, word geag ingevolge **[genoemde]** paragraaf (c) van subartikel (2) of subartikel (2B), na gelang van die geval, benoem te gewees het." 35
- (b) deur na subartikel (2A) die volgende subartikel in te voeg:

"(2B) Vir elke lid van die raad ingevolge subartikel (2) (b) aangestel of ingevolge subartikel (2) (c) benoem, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel of benoem word, na gelang van die geval, en enige plaasvervangende lid aldus aangestel of benoem, moet in die plek van die lid ten opsigte van wie hy as plaasvervangende lid aangestel of benoem is, optree gedurende die afwesigheid van sodanige lid of sy onvermoë om as lid van die raad op te tree." 40
- (c) deur subartikel (8) deur die volgende subartikel te vervang: 45

"(8) Elke sodanige regulasie en elke wysiging of herroeping daarvan word binne 14 dae nadat dit in werking getree het, in die **[Senaat en die Volksraad]** Parlement ter Tafel gelê indien die Parlement in gewone sessie is of, indien die Parlement nie in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie." 50

Wysiging van artikel 7 van Wet 9 van 1927, soos vervang deur artikel 7 van Wet 71 van 1972 en gewysig deur artikel 1 van Wet 23 van 1977 en artikel 41 van Wet 40 van 1984

4. Artikel 7 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) na paragraaf (i) die volgende paragraaf in te voeg: 55

"(iA) die stappe wat 'n landmeter, 'n Landmeter-generaal en die Registrateur moet doen wanneer 'n algemene plan verander of gewysig word om foute te verbeter;" en

LAND SURVEY AMENDMENT ACT, 1990

Act No. 76, 1990

- (a) promote and control all matters affecting such surveys and services;
 - (b) supervise and control the survey and charting of land for purposes of registration in a deeds registry;
 - (c) conduct such trigonometrical, topographical, geodetic and other relevant survey operations as may be required;
 - (d) prepare, compile and amend from time to time, as the circumstances necessitate, such maps and other documents as may be required;
 - (e) regulate the procedure in each regional office and determine the manner in which the provisions of this Act and of the regulations shall be carried out;
 - (f) take charge of and preserve the records (which do not form part of the records of an office of a Surveyor-General) of all surveys and operations carried out before the commencement of the Land Survey Amendment Act, 1972, or under this section.
- (2) Any officer employed in the office of the Chief **[Director]** Surveyor-General and who is a land surveyor may, if delegated thereto by the Chief **[Director]** Surveyor-General, do any specified act or thing which may lawfully be done under this Act or the regulations or any other law by the Chief **[Director]** Surveyor-General."

20 **Amendment of section 6 of Act 9 of 1927, as substituted by section 6 of Act 71 of 1972 and amended by section 41 of Act 40 of 1984 and section 46 of Act 97 of 1986**

3. Section 6 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2A) of the following subsection:

"(2A) If the South African Council for Professional Land Surveyors and Technical Surveyors referred to in paragraph (c) of subsection (2), fails to nominate—

 - (a) a member under the said paragraph (c); or
 - (b) an alternate member under subsection (2B),

the Minister shall appoint a land surveyor as a member or an alternate member, and a member or an alternate member so appointed shall be deemed to have been nominated in terms of **[the said]** paragraph (c) of subsection (2) or subsection (2B), as the case may be.";
- (b) by the insertion after subsection (2A) of the following subsection:

"(2B) For every member of the board appointed in terms of subsection (2) (b) or nominated in terms of subsection (2) (c), there shall be an alternate member appointed or nominated, as the case may be, in the same manner as the member referred to, and any alternate member so appointed or nominated, shall act in the place of the member in respect of whom he has been appointed or nominated as alternate member, during the absence of such member or during his inability to act as a member of the board.";

and
- (c) by the substitution for subsection (8) of the following subsection:

"(8) Every such regulation and every alteration or rescission thereof shall be laid on the table **[of the Senate and of the House of Assembly]** in Parliament within 14 days after it has taken effect if Parliament is in ordinary session or, if Parliament is not in ordinary session, within 14 days after the commencement of its next ensuing ordinary session."

Amendment of section 7 of Act 9 of 1927, as substituted by section 7 of Act 71 of 1972 and amended by section 1 of Act 23 of 1977 and section 41 of Act 40 of 1984

50 4. Section 7 of the principal Act is hereby amended—

- (a) by the insertion in subsection (1) after paragraph (i) of the following paragraph:

"(iA) the steps to be taken by a surveyor, a Surveyor-General and the Registrar when any general plan is altered or amended for the purposes of rectifying errors;" and

- (b) deur in subartikel (1) die woorde wat op paragraaf (k) volg deur die volgende woorde te vervang:

“en in die algemeen oor ’n aangeleentheid wat betrekking het op die opmeting en kartering van grond, die lewering van grondinligtings- 5
dienste, en ter uitvoering van die oogmerke en doeleindes van hierdie Wet en die omstandighede waaronder die **[Hoofdirekteur]** Hooftland-
meter-generaal of ’n Landmeter-generaal ’n afwyking kan magtig van
’n regulasie uitgevaardig ingevolge paragrawe (b), (c), (d), (g) en (i)
wanneer daar gevind word dat nakoming van so ’n regulasie onmoont-
lik of onuitvoerbaar is.”. 10

Vervanging van artikel 9 van Wet 9 van 1927, soos vervang deur artikel 9 van Wet 71 van 1972 en gewysig deur artikel 2 van Wet 23 van 1977

5. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

“Kantoor gelde

9. Ondanks andersluidende wetsbepalings kan die Direkteur-generaal: 15
Openbare Werke en Grondsake, met die instemming van die Tesourie,
by kennisgewing in die *Staatskoerant* die gelde voorskryf wat betaalbaar
is ten opsigte van ’n handeling of aangeleentheid wat verrig of mee
gehandel moet of kan word in of in verband met die kantore van die
Hooftlandmeter-generaal en die Landmeters-generaal.”. 20

Wysiging van artikel 30 van Wet 9 van 1927, soos vervang deur artikel 12 van Wet 71 van 1972 en gewysig deur artikel 6 van Wet 26 van 1981

6. Artikel 30 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) (a) ’n Algemene plan wat in ’n landmeter-generaalskantoor bewaar word 25
of in ’n registrasiekantoor geregistreer is, kan deur die Landmeter-generaal
verander of gewysig word om foute in die getalgegewens, figuur of
bewoording te verbeter: Met dien verstande dat as die grootte of benaming
van erwe met die verbetering gemoeid is, die Landmeter-generaal en die
Registrateur op die voorgeskrewe wyse moet optree. 30
- (b) Die Landmeter-generaal kan, ten einde ’n verbetering soos bedoel in
paragraaf (a) aan te bring, van ’n landmeter vereis om op die voorgeskrewe
wyse ’n verbeteringsvel van die hele of ’n gedeelte van die betrokke
algemene plan vir ondersoek en goedkeuring by hom in te dien.”.

**Wysiging van artikel 49 van Wet 9 van 1927, soos gewysig deur artikel 19 van Wet 14 35
van 1941, artikel 21 van Wet 14 van 1950, artikel 29 van Wet 52 van 1962, artikel 9
van Wet 64 van 1970, artikel 15 van Wet 71 van 1972, artikel 11 van Wet 23 van 1977,
artikel 9 van Wet 26 van 1981 en artikel 41 van Wet 40 van 1984**

7. Artikel 49 van die Hoofwet word hierby gewysig—

- (a) deur na die omskrywing van “goedkeur” die volgende omskrywing in te 40
voeg:

“‘assistent’ beteken iemand wat ingevolge die Wet op Professionele
Landmeters en Tegniese Opmeters, 1984 (Wet No. 40 van 1984), as ’n
professionele landmeter, ’n professionele landmeter-in-opleiding of ’n
tegniese opmeter geregistreer is;” 45

- (b) deur die omskrywing van “Hoofdirekteur” te skrap;

- (c) deur voor die omskrywing van “Registrasiekantoor” die volgende omskry-
wing in te voeg:

“‘Hooftlandmeter-generaal’ beteken die Hooftlandmeter-generaal aangestel
ingevolge artikel 1;” 50

- (d) deur die omskrywing van “persoonlike toesig” of “persoonlik onder toesig
hou” deur die volgende omskrywing te vervang:

“‘persoonlike toesig’ of ‘persoonlik onder toesig hou’ of woorde van
dieselfde strekking, wanneer gebesig met betrekking tot ’n opmeting
en die veldverrigtinge deur ’n assistent, beteken— 55

LAND SURVEY AMENDMENT ACT, 1990

Act No. 76, 1990

- (b) by the substitution in subsection (1) for the words following upon paragraph (k) of the following words:

“and generally as to any matter appertaining to the surveying and charting of land, the rendering of land information services, and for carrying out the objects and purposes of this Act, and the circumstances in which the Chief **[Director]** Surveyor-General or a Surveyor-General may authorize a departure from a regulation framed in terms of paragraphs (b), (c), (d), (g) and (i) when compliance with any such regulation is found to be impossible or impracticable.”.

10 **Substitution of section 9 of Act 9 of 1927, as substituted by section 9 of Act 71 of 1972 and amended by section 2 of Act 23 of 1977**

5. The following section is hereby substituted for section 9 of the principal Act:

“Fees of office

9. Notwithstanding anything to the contrary contained in any other law the Director-General: Public Works and Land Affairs may, with the concurrence of the Treasury, by notice in the *Gazette* prescribe the fees to be charged in respect of any act or matter required or permitted to be performed or dealt with in or in connection with the offices of the Chief Surveyor-General and the Surveyors-General.”.

20 **Amendment of section 30 of Act 9 of 1927, as substituted by section 12 of Act 71 of 1972 and amended by section 6 of Act 26 of 1981**

6. Section 30 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) Any general plan which is filed in a surveyor-general's office or is registered in a deeds registry, may be altered or amended by the Surveyor-General for the purposes of rectifying errors in the numerical data, figure or wording: Provided that if such correction affects the extent or designation of erven, the Surveyor-General and the Registrar shall act in the prescribed manner.

(b) The Surveyor-General may, so as to make a correction as referred to in paragraph (a), require from a surveyor to submit to him in the prescribed manner a correction sheet of the whole or part of the general plan for examination and approval.”.

35 **Amendment of section 49 of Act 9 of 1927, as amended by section 19 of Act 14 of 1941, section 21 of Act 14 of 1950, section 29 of Act 52 of 1962, section 9 of Act 64 of 1970, section 15 of Act 71 of 1972, section 11 of Act 23 of 1977, section 9 of Act 26 of 1981 and section 41 of Act 40 of 1984**

7. Section 49 of the principal Act is hereby amended—

- (a) by the insertion after the definition of “approve” of the following definition:

“‘assistant’ means a person registered in terms of the Professional Land Surveyors’ and Technical Surveyors’ Act, 1984 (Act No. 40 of 1984), as a professional land surveyor, a professional land surveyor in training or a technical surveyor;”;

- (b) by the deletion of the definition of “Chief Director”;

- (c) by the insertion before the definition of “deeds registry” of the following definition:

“‘Chief Surveyor-General’ means the Chief Surveyor-General appointed in terms of section 1;”;

- (d) by the substitution for the definition of “personal supervision” or “personally supervise” of the following definition:

“‘personal supervision’ or ‘personally supervise’, or words to the same effect when used in relation to a survey and the field operations by an assistant, mean—

Wet No. 76, 1990

OPMETINGSWYSIGINGSWET, 1990

- (a) die persoonlike teenwoordigheid van **[en aktiewe deelname deur]** die landmeter wanneer bestaande bakens **[of ander aanwysings of]**, hoekpunte **[ondersoek word en wanneer bakens by voorafbepaalde plekke deur 'n assistent opgerig word]** of ander voorwerpe wat opgemeet moet word, deur die landmeter geïnspekteer en aan die assistent uitgewys word, met sodanige deelname deur die landmeter tydens die verkenning om die betroubare vasstelling van die bakens, hoekpunte of voorwerpe te verseker: Met dien verstande dat die landmeter nie verplig is om teenwoordig te wees of deel te neem nie wanneer enige sodanige bakens, hoekpunte of ander voorwerpe wat voorheen 10 verbind is aan of gebaseer is op versekeringsmerke of (behalwe in 'n **[dorpsgebied]** dorp) peilbakens deur **[iemand wat ingevolge die Wet op Professionele Landmeters en Tegniese Opmeters, 1984, geregistreer is]** 'n assistent ondersoek word;
- (b) die persoonlike teenwoordigheid van en die aktiewe deelname deur 15 die landmeter wanneer bakens deur 'n assistent geplaas en opgemeet word: Met dien verstande dat die landmeter nie verplig is om teenwoordig te wees of deel te neem nie wanneer bakens in die opmeting van 'n dorp deur 'n assistent op lyn geplaas word;";
- (e) deur die omskrywing van "provinsie" te skrap; 20
- (f) deur die omskrywing van "Republiek" te skrap; en
- (g) deur die omskrywing van "Suid-Afrika" te skrap.

Herroeping van artikel 49A van Wet 9 van 1927, soos ingevoeg deur artikel 10 van Wet 64 van 1970

8. Artikel 49A van die Hoofwet word hierby herroep. 25

Vervanging van sekere uitdrukking in Wet 9 van 1927

9. Behoudens die bepalings van artikels 1, 2 en 4 van hierdie Wet word die Hoofwet hierby gewysig deur die uitdrukking "Hoofdirekteur", oral waar dit voorkom, deur die uitdrukking "Hooflandmeter-generaal" te vervang.

Kort titel 30

10. Hierdie Wet heet die Opmetingswysigingswet, 1990.

LAND SURVEY AMENDMENT ACT, 1990

Act No. 76, 1990

- 5 (a) the personal presence of **[and active participation by]** the land surveyor when existing beacons **[or other indications or]**, corner points or other objects which must be surveyed, are inspected **[and when beacons are erected in predetermined positions]** by the land surveyor and pointed out to an assistant, with such participation by the land surveyor during the reconnaissance to ensure the sound determination of the beacons, corner points or other objects: Provided that the land surveyor shall not be **[obliged]** compelled to be present or to participate when any such beacons, corner points or other objects which were previously connected to or based upon reference marks or (except in a township) trigonometrical stations are inspected by **[any person registered in terms of the Professional Land Surveyors' and Technical Surveyors' Act, 1984]** an assistant;
- 10 (b) the personal presence of and active participation by the land surveyor when beacons are placed and surveyed by an assistant: Provided that the land surveyor shall not be compelled to be present or to participate when during the survey of a township beacons are placed on line by an assistant;";
- 15 (e) by the deletion of the definition of "province";
- 20 (f) by the deletion of the definition of "Republic"; and
- (g) by the deletion of the definition of "South Africa".

Repeal of section 49A of Act 9 of 1927, as inserted by section 10 of Act 64 of 1970

8. Section 49A of the principal Act is hereby repealed.

Substitution of certain expression in Act 9 of 1927

- 25 9. Subject to the provisions of sections 1, 2 and 4 of this Act, the principal Act is hereby amended by the substitution for the expression "Chief Director", wherever it occurs, of the expression "Chief Surveyor-General".

Short title

10. This Act shall be called the Land Survey Amendment Act, 1990.

