

NOTICE 2249 OF 2001**DEPARTMENT OF LAND AFFAIRS****AMENDMENT OF THE 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), amended the Regulations promulgated by Government Notice No. R. 1130 of 29 August 1997, as set out in the Schedule hereto.

SCHEDULE

1. The Regulations are hereby amended by the insertion of the following table of content before the heading of "definitions" :

"TABLE OF CONTENT

1. Definitions
2. Survey Information
3. Field Measurements and Observations
4. Connection to the National Control Survey System
5. Limits of Allowable Error in Field Work
6. Limit of Allowable Difference from Original Survey
7. Adoption of Data
8. Curvilinear Boundaries
9. Physical Features Affecting Rights of Ownership
10. Alignment of Existing Beacons
11. Specification for Beacons

12. When Beacons are not Required
13. Indicatory Beacons
14. Marking of Survey Stations
15. Damage to and removal of Trigonometrical Stations
16. Reference Marks
17. Surveyor-General may test Survey
18. Survey Records
19. Diagrams
20. General Plans
21. Servitudes
22. Certified Copies of Diagrams or General Plans
23. Deductions, Alterations, Endorsements and Withdrawals
24. Correction of General Plans
25. Certificate of Township or Registered title
26. Replacement of Beacons
27. Fees of Office
28. Arbitration Proceedings
29. Deed of Submission
30. Service and Publishing of a Notice".

Amendment of Regulation 1

2. Regulation 1 of the Regulations is hereby amended by –

- (a) the deletion of the definition of "Chief Director"; and
- (b) the substitution for the definition of "metre" of the following definition :

" '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), and for the purpose of –

- (i) converting distances or co-ordinates, the following factors shall be used :

1 Geodetic Cape foot = 0,314 855 575 16 metres,

1 S. A. Geodetic foot ('English Foot') = 0,304 797 265 4 metres,

and

- (ii) converting areas, the following factors shall be used :

1 morgen = 0,856 532 hectares,

1 acre = 0,404 686 hectares;"

Amendment of Regulation 4

3. Regulation 4 of the Regulations is hereby amended by –

- (a) the addition in sub-regulation (1) of the following proviso after the expression "subregulation" :

"Provided further, that where a survey is carried out for the purpose of re-establishing an existing boundary of a right in a township, which right is already represented on a diagram or general plan, approved by the Surveyor-General, then it will not be necessary to connect such survey to the National Co-ordinate System."; and

- (b) the deletion of sub-regulation 2.

Amendment of Regulation 10

4. Regulation 10 of the Regulations is hereby amended by the deletion in sub-regulation (1) of the comma after the word "proceed".

Amendment of Regulation 11

5. Regulation 11 of the Afrikaans text of the Regulations is hereby amended by renumbering the existing sub-regulation (2) to sub-regulation (3) and the insertion of the following sub-regulation (2) :

"(2) Enige afwyking van die voorgeskrewe tipes bakens moet aan die Landmeter-generaal gerapporteer word."

Amendment of Regulation 13

6. Regulation 13 of the Regulations is hereby amended by the insertion in sub-regulation (2) of the words "or their extensions," after the word "boundaries" and the insertion of the words "or physical feature" after the word "structure".

Amendment of Regulation 19

7. Regulation 19 of the Regulations is hereby amended by –

(a) the substitution for paragraph (c) of sub-regulation (1) of the following paragraph :

"(c) Margins shall be as follows :

For A0, A1 and A2 diagrams a left-hand margin 40mm wide and all other margins 30mm, with the exception of the first sheet which

shall have an additional column 180mm wide on the right-hand side which may be used for endorsements, and for A3 and A4 diagrams a left-hand margin 40mm wide and all other margins 10mm;”;

(b) the deletion of item (c) of sub-paragraph (iii) of paragraph (i) of sub-regulation(1);

(c) the deletion in sub-regulation (2) of the words “beacon descriptions nor” and the insertion of the following proviso after the word “properties” :

“Provided that complete numerical data may be reproduced from component diagrams where those diagrams contain such data on the same survey system : Provided further that beacon descriptions may be omitted where no numerical data are furnished.”; and

(d) the insertion of the following sub-regulation after sub-regulation (2) :

“(2A) Notwithstanding the requirements of sub-regulation (1), a diagram framed in terms of section 16 of the Act for deduction or noting purposes from an approved general plan, shall contain no beacon descriptions nor numerical data other than the area, which shall agree exactly with the area indicated on the general plan.”.

Amendment of Regulation 20

8. Regulation 20 of the Regulations is hereby amended by –

(a) the substitution for paragraph (c) of sub-regulation (1) of the following paragraph :

- “(c) The provisions of paragraphs (d), (e), (f), (g), (h), (i), (j), (k), (l), (n), (o) and (p) of sub-regulation (1) of regulation 19 which are applicable to a diagram shall, with the necessary changes, also apply to a general plan.”;
- (b) the substitution for sub-paragraph (iii) of paragraph (d) of sub-regulation (1) of the following sub-paragraph :
- “(iii) The areas, which shall be tabulated consecutively and separately for each erf, shall be expressed in accordance with the provisions of paragraph (i)(iv) of sub-regulation (1) of regulation 19;”;
- (c) the renumbering of sub-paragraph (vii) of paragraph (d) of sub-regulation (1) to paragraph (e); and
- (d) the substitution for sub-regulation (2) of the following sub-regulation :
- “(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 twelve months after the date of the provisional approval, submit the final general plan to the Surveyor-General for approval : Provided that, if the final general plan is not submitted within the twelve months period, the Surveyor-General shall notify the Registrar accordingly, after which no initial registration of any erf shall take place until the final general plan is submitted.”.

Amendment of Regulation 21

9. Regulation 21 of the Regulations is hereby amended by the substitution for sub-regulation (6) of the following sub-regulation :

“(6) For the purpose of registering a servitude or lease area which is not situated at ground level, the elevation of that servitude or lease area above mean sea level, as determined from trigonometrical stations, shall be reflected on the diagram depicting that servitude or lease : Provided that, where such servitude or lease area is situated in or adjacent to a building or permanent structure, the position of that servitude or lease area should also refer directly to that structure : Provided further that, if it is not practical to determine the elevation, relative to the mean sea level, the difference in height between the servitude or lease area and two permanent survey stations in the near vicinity, shall be recorded.”.

Amendment of Regulation 23

10. The Regulations are hereby amended by –

- (a) the substitution for the heading preceeding regulation 23 of the following heading :

“Deductions, Alterations, Endorsements and Withdrawals”;

- (b) the addition in sub-regulation (1) of Regulation 23 of the following words after “Surveyor-General” :

“who shall inform the Registrar whenever such action affects any real right reflected on that diagram or general plan.”;

- (c) the insertion in sub-regulation (2) of regulation 23 after the word “in” and before the word “appropriate” of the word “the”;

- (d) the insertion after sub-regulation (2) of regulation 23 of the following regulation :

"2A. An approved diagram or general plan shall be withdrawn, prior to the registration thereof, by the Surveyor-General at the written request of the land surveyor concerned or the registered owner of the land."; and

- (e) by the insertion in sub-regulation (3) of regulation 23 after the words "initialled by" and before the word "the" of the word "either".

11. These regulations shall come into operation 30 days after the date of publication thereof in the *Government Gazette*.