

Statutory Instrument No. 103 of 1985.

LAND SURVEY ACT
(cap 33:01)

LAND SURVEY (AMENDMENT) REGULATIONS, 1985
(Published on 2nd August, 1985)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Amendment of First Schedule to Cap 33:01 Sub. Leg.

IN EXERCISE of the powers conferred on the President by section 46 of the Land Survey Act the following Regulations are hereby made —

1. These Regulations may be cited as the Land Survey (Amendment) Regulations, 1985. Citation

2. The Land Survey Regulations are hereby amended by substituting for the First Schedule thereto the following new Schedule — Amendment of First Schedule to Cap. 33:01 Sub. Leg

“FIRST SCHEDULE

Tariff of Fees

(reg. 67)

Tariff Item

1. Basic Area Charge
2. Location and Replacement of Beacons
3. Official Co-ordinate Values
4. Remaining Extent
5. Defining a Given Area
6. Connections
7. Curvilinear Boundaries
8. Diagrams, Endorsements and Prints
9. General Plans
10. Servitudes
11. Travelling, Transport and subsistence
12. Line Clearing
13. Miscellaneous

1. Basic Area Charge

The fees for the survey of one or more pieces of land included in the same survey, surveyed at the same time and having not more than six boundaries shall be as prescribed hereunder in either Table A or Table B and the charge per piece for any number of pieces not specified in Table A shall be derived proportionally from the tabulated charges to the nearest P1:

Table A

Charge for each piece of land				
Areas				
Total Number of pieces	600 m ²	601 - 1500 m ²	1501 - 4000 m ²	4000 m ² — ha
1	277	312	341	362
2	189	222	235	252
3	155	183	197	212
4	136	161	170	183
5	122	147	155	166
10	106	125	136	146
20	72	113	122	134
50	54	102	113	122
100	48	101	110	120
250	44			
500 and over	36			

Table B

Charge for each piece of land								
Number of pieces, for each of —								
Area in Hectares	Number of pieces, for each of —						Charge for every piece over —	
	One	Two	Three	Four	Five	Six		
Over 2 to 5	390	280	231	202	184	179	Six	179
Over 5 to 10	400	290	247	217	201	196	Six	196
Over 10 to 25	412	331	290	260	243	239	Six	239
Over 25 to 50	449	369	318	288	270	262	Six	262
Over 50 to 100	506	426	374	343	326	317	Six	317
Over 100 to 200	590	492	441	403	—	—	Four	403
Over 200 to 300	633	528	467	430	—	—	Four	430
Over 300 to 500	709	575	515	466	—	—	Four	466
Over 500 to 750	757	614	546	498	—	—	Four	498
Over 750 to 1000	804	662	590	542	—	—	Four	542
Over 1000 to 1500	851	709	—	—	—	—	Two	709
Over 1500 to 2000	897	757	—	—	—	—	Two	757
Over 2000 to 3000	946	794	—	—	—	—	Two	794
Over 3000 to 5000	994	822	—	—	—	—	Two	822
Over 5000 to 7500	1 077	889	—	—	—	—	Two	889
Over 7500 to 10,000	1 159	958	—	—	—	—	Two	958

Provided that:-

(1) For the survey of any piece of land whose area exceeds 10 000 hectares the charge prescribed in Table B shall be increased by P42,00 for every additional 1 000 hectares or part thereof.

(2) The basic areas charge shall include the cost of:-

- (a) supplying survey records as prescribed;
- (b) a reasonable amount of additional computing to verify the positions of the beacons of the land under survey;
- (c) preparing and supplying all such reports and certificates as may be required or prescribed;
- (d) preparing, lodging with the Director and supplying diagrams and general plans in such form and number as may be required or prescribed for registration: Provided further that when a general plan consists of 10 or fewer figures a charge for such general plan shall be made in terms of paragraph 9;
- (e) except as provided for elsewhere in this Tariff, supplying and erecting new beacons and reference marks and permanently marking main survey stations;
- (f) bringing existing beacons up to the prescribed standard;
- (g) preparing and supplying any agreement to beacons as may be required but shall not include obtaining the signature of land owners on such agreement;
- (h) searching for and fixing sufficient beacons and corner points to complete the survey provided the time occupied in doing so is reasonable;
- (i) obtaining survey data prescribed by Regulation;
- (j) basing the survey on trigonometrical stations and reference marks;
- (k) determining the position of such topographical features as may be required;
- (l) placing new beacons on an existing boundary;
- (m) pointing out beacons and boundaries in the course of the field work;
- (n) transport in the course of the field work;
- (o) supply of normal labour;
- (p) reasonable time devoted to receiving and perusing instructions for the survey.

(3) For each piece of land of two hectares or under the area, which is a regular figure, the area charge as specified in Table A shall be reduced by 25 per cent for those regular figures in excess of 10 in number: Provided further that the 10 regular figures exempted shall be the smallest regular figures.

(4) No reduction of the basic area charge shall be made when diagrams are not required for registration.

(5) (a) When it is necessary to embed the centre mark of a beacon in concrete, as prescribed, an additional charge of P10,00 shall be made;

(b) When a beacon is placed in accordance with the provisions of regulation 18 (1) (b), a charge of P10,00 shall be made for every such beacon.

(6) In the survey of pieces of land of varying areas, the charge for an individual piece shall be derived from its area at a rate which would be applicable if all the pieces were of the same size: Provided further that when two pieces of land are being surveyed and one piece of land is greater and the other smaller than 2 hectares, the charge for the larger area shall be made in accordance with the first column of Table B.

(7) For each servitude endorsement on a set of diagrams or general plan, a charge of P6,00 shall be made.

(8) For each component clause of a set of consolidated diagrams prepared by a land surveyor, a charge of P6,00 shall be made.

(9) In the survey of pieces of land represented on separate original diagrams an additional charge of P26,00 in respect of the second and each subsequent original diagram shall be made.

(10) For the survey of additional boundaries above six in number, the charge specified in Table A or Table B shall be increased by 10 per cent for each of ten such additional boundaries and thereafter by 5 per cent for any further such boundaries: Provided that the line joining an unbeaconed point with an indicative beacon shall not be deemed to be a boundary for the purpose of this tariff of fees.

(11) Except as provided in paragraphs 4 and 10 of this Tariff, no charge shall be made for the survey of any road area for which registration as a separate property is not required and which is created in the survey of one or more pieces of land. No charge shall be made for the survey of the outside figure represented on a general plan, unless a diagram of such figure is required for registration: Provided further that when such diagram is prepared a charge shall be made for the outside figure as a separate survey.

2. Location and Replacement of Beacons

For the location or replacement of beacons of a property in a township, a charge in terms of either paragraph 13 or Table A of paragraph 1 and paragraph 11 of this Tariff, whichever is less, shall be made.

3. Official Co-ordinate Values

The basic area charge for each piece of land shall be reduced by 5 per cent for each beacon to which an official co-ordinate value has been assigned: Provided that —

- (a) no reduction shall be made when it is necessary to redetermine or to verify the position of such beacon;
- (b) the total amount by which charge is reduced shall not exceed 50 per cent.

4. Remaining Extent

If it is necessary to survey the remaining extent of a piece of land being sub-divided in order to ascertain its area all charges as prescribed in paragraph (1) hereof shall apply to the area of such remaining extent as if it were one of the sub-divisions.

5. Defining a Given Area

The charge for computing the position of and placing a beacon to define a given area shall be 10 per cent of the charge specified in Table B: Provided that this charge shall not apply to pieces of land referred to in Table A.

6. Connections

For each of:-

- (a) the two distances between two suitably situated beacons of the land being sub-divided and two beacons of the sub-division as referred to in regulation 37 (1);
- (b) the sides referred to in regulation 37 (2) (a), or the distance referred to in regulation 37 (2) (b); the charges for connections shall be made in accordance with Table C hereunder:

Provided that —

- (i) no length shall be charged for twice;
- (ii) no charge shall be made if information obtained in a previous survey can be used again;

- (iii) the charge shall be made once only when two or more contiguous sub-divisions are surveyed at the same time;
- (iv) no charge shall be made for connections to terminal beacons, whose positions can be adopted from previous surveys, or when in circumstances as prescribed, it is no essential to record connecting data on diagram.

Table C

<i>Length in metres</i>	<i>P</i>
0 to 50	17
Over 50 to 100	22
Over 100 to 150	28
Over 150 to 300	40
Over 300 to 600	56
Over 600 to 900	74
Over 900 to 1500	96
Over 1500	96 plus P4,00 for every 100 metres or part thereof in excess of 1500 metres.

7. Curvilinear Boundaries

(1) For surveying any curvilinear boundary a charge of P8,00 for every 50 metres, or part thereof, plus an initial charge of P24,00 for each sub-division of the property being surveyed, shall be made: Provided that when it is necessary to survey both banks of a river in order to determine the middle, the charge shall be P16,00 for every 50 metres, or part thereof, plus an initial charge of P24,00 for each sub-division abutting on the curvilinear boundary.

(2) A land surveyor shall not charge a second time for the survey of a curvilinear boundary if information obtained in a previous survey can be used: Provided that any work that may be necessary to enable the land surveyor to use such information shall be charged for in accordance with paragraph 13 hereof.

8. Diagrams, Endorsements and Prints

(1) The following charge shall be made for the preparation and provisions of each copy, other than those prepared by a photographic reproduction process, of a diagram when not charged for elsewhere in this Tariff:-

- (a) *Diagrams without co-ordinates*
 - For a diagram of six sides or less P16,00
 - For each additional side above six P0,80
- (b) *Diagrams with co-ordinates*
 - For a diagram of six sides or less P20,00
 - For each additional side above six P1,00
- (c) *Consolidated diagrams*
 For consolidated diagrams the charges prescribed in sub-paragraphs (a) and (b) above shall apply an an additional charge of P6,00 shall be made for each component clause of the consolidation: Provided that a charge for the compilation and calculation of data shall be made in accordance with paragraph 13.

(2) Servitude endorsements

For each servitude endorsement on a diagram a charge of P6,00 shall be made.

(3) Prints

For providing suitable prints of diagrams for the purpose of registration a charge of P2,00 per 1000 square centimetres, or part thereof, shall be made.

9. General Plans

The following charge shall be made for the preparation of each copy, other than those produced by a photographic reproduction purpose, of a general plan when no charge for such plan has been prescribed elsewhere in this Tariff:-

For any number of figures up to including 10	P130,00
For every additional figure up and including 50	P4,00
For every additional figure above 50	P2,50:

Provided that the cost for printed or photographic copies shall be the actual cost incurred by the land surveyor.

10. Servitudes

(1) Line servitude (Separate servitude diagram)

(a) The basic charge for the survey of a line, to be represented on a separate servitude diagram, shall be made as prescribed in paragraph 1 of this Tariff, for the area of a square whose side is equal to one quarter of the length of such line:

Provided that:—

- (i)** all other charges and reductions specified in this Tariff shall apply, *mutatis mutandis*, as if the line represents one or more boundaries of a piece of land;
 - (ii)** such length shall be taken as being the distance along such line between the property boundaries for which connecting data are normally deemed necessary by the Director;
- (b)** For the case of two or more lines, following the same route and represented on the same servitude diagram, the charge for the survey of each additional line after the first line, shall be 35 per cent of the charge prescribed in sub-paragraph **(a)** of this sub-paragraph.

(2) Area Servitudes (Separate servitude diagram)

The charges prescribed in this Tariff for the survey of a piece of land shall apply, *mutatis mutandis*, to the survey involving the beaconing of a servitude area when it is essential to represent such area on a separate servitude diagram: Provided that when such area affects a number of contiguous properties, each section of such area which is necessarily beaconed shall rank as a separate piece of land for the purpose of applying the basic area charge;

(3) Line and area servitudes combined with sub-divisions

- (a)** For a servitude combined with a sub-division and represented on a sub-divisional diagram, when such servitude lies outside the boundaries of the sub-division, the charges prescribed in subparagraphs **(1)** and **(2)** hereof shall apply;
- (b)** A servitude combined with a sub-division and represented on a sub-divisional

diagram, shall be deemed to be an inherent part of such sub-division when such servitude lies within the boundaries of the sub-division, and the charges prescribed in this Tariff shall, *mutatis mutandis*, apply in regard to the survey of such servitude:

Provided that —

- (i) the charge for additional boundaries as prescribed in sub-paragraph (9) of paragraph 1 shall be determined from the aggregate number of beacons as have necessarily been placed to define the limits of the servitude;
- (ii) the applicable charge as prescribed in paragraph 7 shall be made when the servitude is defined by a curved line.

(4) *Miscellaneous servitudes*

For professional work in connection with servitudes, not specified elsewhere in this paragraph, a charge shall be made in accordance with paragraph 13 of this Tariff.

11. *Travelling, Transport and Subsistence*

(1) A charge for the forward and the return journey between a land surveyor's headquarters and the site of the survey, or from the place where last employed to such site and onwards to other work, shall be made at the rate of 40t per kilometre:

Provided that —

- (a) such charge shall be made in respect of one completed journey only and only one vehicle unless substantial reasons exist for additional journeys being made or additional vehicles being used;
- (b) no charge shall be made for travelling and transport during the performance of a survey for which a basic area charge is made;
- (c) an additional charge shall be made for the time occupied in travelling, during the forward and return journey between the land surveyor's headquarters and the site of the survey at a rate of P32,00 per hour.

(2) When a land surveyor is not provided with free accommodation at the site of a survey, he shall charge travelling and transport expenses at the rate prescribed in sub-paragraph (1) in respect of one forward and one return journey per day between the site of the survey and either —

- (a) his headquarters; or
- (b) his nearest suitable accommodation; or
- (c) the free accommodation provided elsewhere by the client:

Provided that —

- (i) the distance per day for which such charge is made shall not exceed 50 kilometres;
- (ii) no charge shall be made in terms of this paragraph for the first day devoted to the survey;
- (iii) for accommodation supplied by the land surveyor away from his headquarters, he shall charge subsistence at the daily rate of P40,00 for himself, and one assistant and P10,00 for each of his labourers:

Provided further that subsistence shall not be claimed for more than one technical assistant and two labourers per land surveyor.

12. *Line clearing*

When it is essential for the performance of a survey that vegetation should be cleared, the time necessarily occupied by the land surveyor solely on supervising such clearing shall be charged at the rate of P32,00 per hour: Provided that the land surveyor shall ensure that the clearing is done as economically and expeditiously as possible:

Provided further that, whenever practicable, the client shall be afforded the opportunity of having the necessary clearing done and of supplying the necessary labour. The cost of labour supplied by the land surveyor for the clearing shall be recoverable from the client.

13. *Miscellaneous*

(1) For professional work not specified elsewhere in this Tariff a charge of P50,00 per hour shall be made:

Provided that the following costs shall be recoverable:—

- (a) 40t per kilometre in respect of motor transport supplied by the land surveyor during the performance of the survey;
- (b) the amount of disbursements for beacon materials;
- (c) a charge equal to 1½ per cent of their monthly wage per hour or part thereof for technical assistants and labourers necessarily employed.

MADE this 23rd day of July, 1985.

Q.K.J. MASIRE,
President.

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