



MONTSERRAT

## CHAPTER 8.09

# LAND SURVEY ACT and Subsidiary Legislation

### Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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## CHAPTER 8.09

### LAND SURVEY ACT

*(Acts 13 of 1975, 15 of 2005 and 9 of 2011)*

AN ACT TO MAKE PROVISION FOR THE LICENSING AND PROFESSIONAL CONDUCT OF LAND SURVEYORS, FOR REGULATING THE MAKING OF LAND SURVEYS, AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.

#### Commencement

*[4 June 1975]*

#### PART 1

##### PRELIMINARY

#### Short title

1. This Act may be cited as the Land Survey Act.

#### Interpretation

2. In this Act, unless the context otherwise requires—

“**assistant**” means a person not being a surveyor who is engaged on survey work directly under the control of a surveyor;

“**Board**” means the Land Surveyors’ Board established pursuant to the provisions of section 4;

“**Chief Surveyor**” means the Chief Surveyor appointed under section 3;

“**Land Registry**” means the Office of the Registrar of Lands established under the Registered Land Act;

“**Licensed Surveyor**” means a surveyor licensed under this Act;

“**Old Law**” means the Land Surveyors Ordinance, 1887;

“**owner**”, in relation to any land, means any person receiving or entitled to receive rents or profits from any tenant or occupier thereof whether on his own account or as an agent or trustee for any other person or who would receive the same if the land were let;

“**plan**” includes a map, plot, diagram, aerial photograph or a mosaic compiled from aerial photographs approved by the Chief Surveyor as suitable for survey purposes;

“**prescribed**” means prescribed by regulations made under this Act;

“**public survey**” means any survey made for the purpose of defining the boundaries of any land which is owned by the Government of

Montserrat or any public authority, or in which the Government or any public authority possesses or disposes of any interest or any survey which forms part of a survey of Montserrat or any part thereof;

**“registered land”** means land registered in the Land Registry;

**“registered owner”** means any person having a legal interest in registered land;

**“Registrar”** means the Registrar of Lands;

**“Regulations”** means Regulations made under section 28;

**“section”** means a section of this Act;

**“survey”** means a survey defining the boundaries of any land in Montserrat and includes a survey for the purpose of the Registered Land Act;

**“Survey Department”** means the Department of the Government of Montserrat exercising functions relating to surveys;

**“surveyor”** means a licensed land surveyor or an officer of the Surveys Department authorised by the Chief Surveyor to carry out surveys.

### Chief Surveyor

**3. (1)** There shall be a Chief Surveyor appointed by the Deputy Governor\* who shall subject to the provisions of this Act—

- (a) direct and control all public surveys;
- (b) supervise and control all other surveys;
- (c) examine all general and particular plans of surveys before any registration of land is effected in accordance with the Registered Land Act and approve such plans if satisfied that such surveys have been carried out and the plans prepared in accordance with the Regulations;
- (d) take charge of and preserve all survey records;
- (e) cancel or amend in accordance with the provisions of any law, any survey plan or diagram found to be incorrect, outdated or inadequate; and
- (f) prepare, certify and issue at the request of any person upon payment of the prescribed fees, copies of diagrams and documents filed within his department which are available to the public.

**(2)** The Chief Surveyor shall be the authority for the preparation and publication of the official maps of Montserrat, and no other person shall, without licence in writing of the Chief Surveyor, make use of any material

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\* See Montserrat Constitution Order 2010

which has been prepared or published in official maps in the preparation or publication of any other map.

## PART 2

### THE LAND SURVEYORS' BOARD

#### Land Surveyors' Board

**4. (1)** There shall be established a Board, to be known as the Land Surveyors' Board, consisting of the Chief Surveyor, who shall be the Chairman of the Board, and two other persons appointed by the Governor, one of whom shall be a surveyor licensed to practise in Montserrat. The Chairman of the Board may from time to time co-opt a member of the legal department to assist in its deliberations.

**(2)** A member of the Board appointed by the Governor shall hold office for two years, and may at any time resign his appointment by notice in writing given to the Governor.

**(3)** The Governor may at any time cancel the appointment of a member of the Board under subsection (2).

**(4)** The Governor may, from time to time, appoint a Secretary who shall hold office during Her Majesty's Pleasure.

#### Duties of the Board

**5. The Board—**

- (a)* may grant to persons duly qualified therefor in accordance with the provisions of this Act licences to practise Land Surveying in Montserrat;
- (b)* shall keep a register of all licensed surveyors in accordance with section 8;
- (c)* may, with the approval of the Governor, take disciplinary proceedings against licensed surveyors in accordance with the provisions of this Act;
- (d)* shall hear and determine any dispute between any licensed surveyor and his client as to the fees charged by the licensed surveyor; and
- (e)* shall perform such other functions as are prescribed by this Act or any regulations made thereunder.

#### Examination

**6.** The Board shall not grant a licence to practice land surveying to any person who is less than eighteen years of age and who fails to produce sufficient evidence of good character and that he—

- (a) is a member of the Land Survey section of the Royal Institution of Chartered Surveyors; or
- (b) is a member of a similar institution of Land Surveyors of a Commonwealth country; or
- (c) possesses such other qualification in Land Surveying from an examining or teaching body as may be approved by the Board;

and produces such other evidence to the satisfaction of the Board, of practical survey work carried out by him for at least six months under the supervision of the Chief Surveyor or other licensed surveyor approved for the purpose by the Chief Surveyor.

*(Inserted by Act 15 of 2005)*

### **Form of licence and fee therefor**

7. (1) The grant of a licence under this part shall be in the form prescribed in the First Schedule of this Act and notice thereof shall be published in the *Gazette*.

(2) There shall be payable to the Treasury in respect of the grant of a licence to a surveyor such fee as may be prescribed.

### **Register of Licensed Surveyors**

8. The Board shall cause a register to be kept which shall contain the names, addresses and qualifications of all persons to whom licences have been granted, the date upon which each such licence was granted and any other particulars which may be prescribed.

### **Disciplinary proceedings against Licensed Surveyors**

9. (1) Where, after due enquiry by the Board, a licensed surveyor has been found to have been guilty of professional misconduct, or, having been convicted of a criminal offence, is found by the Board to be unfit to practise, the Board may, with the approval of the Governor—

- (a) revoke the licence granted to such licensed surveyor; or
- (b) suspend the licence for a period not exceeding three years; or
- (c) reprimand such licensed surveyor.

(2) Upon any inquiry held by the Board under subsection (1), the person whose conduct is being inquired into shall be afforded an opportunity of being heard, either in person or by an advocate.

(3) For the purpose of proceedings at any inquiry held by the Board, the Board may administer oaths and affirmations and may, subject to the provision of any regulations made under this Act, enforce the attendance of persons as witnesses and the production of books and documents.

(4) Any person who, having been summoned by the Board in the form prescribed in the Second Schedule to attend before it, fails so to attend, or fails to produce any books or documents which he is required to produce, shall be guilty of an offence against this Act.

### **Appeal**

10. Any person aggrieved by a decision of the Board under section 9, or under section 24(4), may within one month after the date of the decision, appeal to the High Court against the decision, and, on any such appeal, the High Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal, and no appeal shall lie from an order of the High Court under this section.

### **Restoration of name to register**

11. Where an order has been made for the revocation of the licence granted to any person or for suspending such a licence, the Board may either of its own motion or on the application of the person concerned, and in either case after holding such inquiry as the Board thinks fit, grant a new licence and cause the name of that person to be restored to the register.

### **Grant, revocation etc. of licence to be Gazetted**

12. Notice of the grant, revocation or suspension of any licence, or of the termination of the suspension thereof, under this Part shall be published in the *Gazette*.

## **PART 3**

### **THE CONDUCT OF SURVEYS**

#### **Conduct of surveys**

13. (1) Every surveyor shall carry out every survey undertaken by him in such manner as will ensure that the survey accords in all respects with the provisions of this Act and any Regulations made thereunder; and shall be responsible for the correctness and completeness of every survey carried out by him or under his supervision.

(2) Neither the Government nor any public officer shall be liable for any defective survey, or any work appertaining thereto, performed by a licensed surveyor, notwithstanding that any plan relating to such survey has been authenticated in accordance with the requirements and provisions of this Act or accepted for registration under the Registered Land Act.

#### **Surveys to be carried out under directions of Chief Surveyor**

14. Any survey of land for the purposes of the Registered Land Act shall be carried out under and in accordance with the directions of the Chief Surveyor.

**Only licensed Surveyors may survey land**

15. No person, other than a licensed surveyor shall—

- (a) survey any holding or land for the purpose of preparing any plan which is attached to, or is referred to in, any document or instrument purporting to confer, declare, transfer, limit, extinguish or otherwise deal with or affect any right, title or interest, whether vested or contingent, to, in or over any holding or land, being a document or instrument which is required to be registered, or is ineffectual until registered, under any law for the time being in force relating to the registration of transactions in or of title to land; or
- (b) perform any survey which affects or may affect the definition of the boundaries, or the location of survey marks, of any holding or land registered or to be registered under any law for the time being in force relating to the registration of land or of title to land.

**Surveyors and assistants may enter upon land and set up marks, etc.**

16. (1) For the purposes of any public survey the Chief Surveyor or any surveyor authorised by him may enter upon any land with such assistants as may reasonably be required, and may affix or set up or place thereon or therein trigonometrical stations, monuments, survey beacons, marks or poles, and do all things necessary for such survey.

(2) Every surveyor shall give at least seven days notice to the owner or occupier of the land of his intention to enter thereon. Where the owner or occupier cannot be found notice may be placed in a conspicuous place on the land.

**Compensation for damage to crops or trees**

17. Compensation shall be payable out of the public revenues to the owner of any crops or trees cut or damaged in the exercise of any of the powers conferred by section 16, and if any question shall arise as to the amount of compensation to be paid or the right of a claimant to recover compensation such question shall, in default of agreement between the Chief Surveyor and all persons concerned, be finally determined by a Magistrate on application made by the Chief Surveyor or any person authorised by him in that behalf or by any person claiming to be entitled to compensation under the provisions of this section:

Provided that, save with the approval of the Governor no such application shall be granted if it is by a person claiming to be entitled to compensation and is made more than six months after the date on which the crop or trees in respect of which the claim is brought were cut or damaged.

### **Passage over lands**

**18. (1)** After giving notice as required by section 16(2) any surveyor may, with assistants, for the purpose of surveying any land which he is employed to survey, enter on and pass over any land, whether private or public causing as little inconvenience to the owner or occupier of such land as is consistent with his duties.

**(2)** Compensation shall be payable for any damage done to any land by reason of the exercise of the powers contained in subsection (1).

**(3)** Where a surveyor is a Government employee, compensation shall be assessed in accordance with the procedure set out in section 17.

**(4)** Where the surveyor is not a Government employee, any compensation payable shall be subject to agreement between the surveyor and the aggrieved party or parties:

Provided that, where such agreement is not possible the Chief Surveyor shall act as arbitrator and in default of agreement between the Chief Surveyor and all persons concerned compensation shall be determined by a Magistrate as provided in section 17. No compensation shall be payable out of public revenues for damage to land by reason of the exercise by a surveyor who is not a Government employee of the powers contained in subsection (1).

## **PART 4**

### **THE PRESERVATION OF SURVEY MARKS**

#### **Removing or damaging survey marks, etc.**

**19.** Any unauthorised person who shall wilfully obliterate, remove, or damage any trigonometrical station, monument, survey beacon, mark or pole or any boundary mark affixed, set up or placed for the purpose of conducting any public or other survey under this Act shall be guilty of an offence and in addition to any other punishment imposed on summary conviction may be ordered to pay the cost of repairing or replacing the thing obliterated, removed or damaged and of making any survey rendered necessary by the act for which the conviction is had.

#### **Obstruction etc. of surveyors**

**20.** Any person, who wilfully obstructs, hinders, resists or threatens any surveyor in the execution of his duty in or about the conduct of any public survey or other survey under this Act, or any workman or other person acting in aid of any such surveyors, shall be guilty of an offence.

### **Recovery of sums due**

**21.** Any sum due under the provisions of this Act may be sued for and recovered by the Chief Surveyor or any person authorised by him by action in any court of competent jurisdiction.

### **Chief Surveyor may delegate functions**

**22. (1)** The Chief Surveyor may by public notice delegate any of his functions under this Act to any officer of the Survey Department by name or office.

**(2)** Any such delegation shall be revocable by public notice and no delegation shall prevent the exercise by the Chief Surveyor of any function.

## **PART 5**

### **GENERAL**

### **Surveyors to send plans etc. to Chief Surveyor**

**23. (1)** Every surveyor who executes any survey in accordance with the provisions of this Act and of any regulations made thereunder shall send to the Chief Surveyor all plans, field notes and computations relating thereto, and all such plans shall be deposited in the Survey Department and shall become the property of the Government, but the field notes and computations shall be returned to the surveyor.

**(2)** No plan deposited in the Survey Department in accordance with subsection (1) shall be altered or amended in any way without the permission of the Chief Surveyor.

### **Chief Surveyor may make checks on survey work of surveyors**

**24. (1)** The Chief Surveyor may at any time undertake such field and office checks on the survey work of a licensed surveyor as he thinks fit.

**(2)** The Chief Surveyor may, under section 25, by notice in writing, instruct any licensed surveyor to correct at his own expense within a time specified in such notice any error made by him in the survey represented by the plan submitted for authentication.

**(3)** In the event of such licensed surveyor refusing or neglecting within the time specified to correct such error, it shall be lawful for the Chief Surveyor to undertake such correction and to recover the whole cost of such correction from the licensed surveyor concerned.

**(4)** If such licensed surveyor refuses or neglects to pay the cost of the correction referred to in subsection (3) within fourteen days of the same having been demanded of him, the Chief Surveyor may report the facts to the Board for disciplinary action, and after due inquiry the Board may order such licensed surveyor to pay the cost of correction to the Chief Surveyor; and if such licensed surveyor refuses or neglects to comply with such order

within one month after the date of the order, the Board may, subject to the provisions of section 21, suspend the licence of the licensed surveyor until the cost of the correction has been paid, or for a period not exceeding three years, whichever it thinks fit.

### **Plans of surveyed land to be authenticated by Chief Surveyor**

**25. (1)** No land shall be deemed to have been surveyed or re-surveyed until the plan thereof has been authenticated by the signature of the Chief Surveyor.

**(2)** Every plan authenticated by the Chief Surveyor under subsection (1) shall in any Court of Law or in any proceeding of a legal or quasi-legal nature be conclusive evidence of the survey information comprised therein unless and until such plan is cancelled by the Chief Surveyor by virtue of section 26.

**(3)** Every plan purporting to bear the signature of the Chief Surveyor for the purpose of subsection (1) shall be deemed to be properly authenticated unless and until the contrary is proved.

### **Chief Surveyor may cancel authentication of plans**

**26. (1)** Where, in the case of a document or instrument to which an authenticated plan is attached, or in which reference to such plan is made—

- (a)* the plan is found to be inaccurate by reason of any error or omission in the survey; or
- (b)* the plan does not conform with the terms and conditions subject to which permission to subdivide the land to which the plan relates has been given,

the Chief Surveyor may cancel the authentication of such plan and may recall any copies which may have been issued, and in every case the provision of section 24 shall apply.

**(2)** The Chief Surveyor shall forthwith upon the cancellation of the authentication of any plan notify in writing—

- (a)* the owner of the land to which such plan relates;
- (b)* the surveyor by whom the survey was executed; and
- (c)* the Registrar of Lands.

### **Aerial photographers to notify Chief Surveyor in advance and supply him with copies**

**27. (1)** Any person who intends to carry out any aerial photography of Montserrat for use in mapping or similar purpose shall, before carrying out the same, give to the Chief Surveyor in writing not less than one month's notice of his intention so to do.

(2) Any person who has carried out any such aerial photography shall, if the Chief Surveyor so requires in writing—

- (a) produce to the Chief Surveyor for his inspection all of the photographs thereby produced or such of them as the Chief Surveyor may specify; and
- (b) supply to the Chief Surveyor, at the Chief Surveyor's cost, such copies and diagrams as the Chief Surveyor may require of such photographs:

Provided that, the supply of photographs to the Chief Surveyor under this section shall not in any way affect the copyright therein of the person supplying them or other owner of such copyright.

### Regulations

28. The Governor acting on the advice of Cabinet may make regulations—

- (a) prescribing the manner in which surveys are to be made, the records to be kept by licensed surveyors and the manner of keeping the same;
- (b) prescribing the manner in which survey marks shall be constructed;
- (c) with regard to plans of survey and their preparation and the matters to be shown thereon;
- (d) with regard to the publication, issue, service and form of the notices to be published, issued or served under this Act or regulations made thereunder;
- (e) prescribing the returns to be made by licensed surveyors to the Chief Surveyor;
- (f) requiring surveyors to report to the Chief Surveyor matters connected with surveys on which they are engaged or with previous surveys, ascertained by them during the course of their work;
- (g) for securing the maintenance of survey marks in their correct position and the preservation of the same;
- (h) providing for the checking of surveys alleged to be erroneous and for the payment of the expenses of such checking;
- (i) providing for the checking of tapes and instruments used by surveyors;
- (j) providing for and regulating the inspection and the taking of copies of plans of surveys in any office of the Survey Department;
- (k) prescribing any fees which may be charged under this Act;

- (l) prescribing the syllabi of examinations for the purpose of section 6;
- (m) prescribing any other matters which this Act requires or authorises to be prescribed by him; and
- (n) generally for giving effect to the purposes of this Act, so far as the Chief Surveyor and the Governor are the appropriate authorities therefor.

*(Amended by Act 9 of 2011)*

### **Offences and penalties generally**

**29.** Any person who contravenes any provision of this Act or any regulation made thereunder is guilty of an offence and unless otherwise provided shall on summary conviction be punishable with a fine of \$500 or to imprisonment for a term of six months or to both such fine and such imprisonment.

### **Liability of officers, agents, servants, etc.**

**30.** Where there exists a relationship of master and servant, principal and agent or corporation and officer of that corporation, every such person concerned in that behalf shall be jointly and severally responsible for compliance with the provisions of this Act.

### **Saving for surveyors and plans under Old Law**

**31. (1)** Every surveyor who at the commencement of this Act was commissioned under section 2 of the Old Law shall be deemed to have been licensed under section 7.

**(2)** Every survey plan registered under section 7 of the Old Law shall be deemed to have been authenticated under section 25.

**FIRST SCHEDULE**  
*(Section 7)*  
**LAND SURVEY ACT**  
**LICENCE TO LAND SURVEYOR**

WHEREAS the Board constituted under the above mentioned Act have duly satisfied themselves that

..... (*Name*) by virtue of (*here state particulars of qualifications*) .....

.....

..... is duly qualified to practise as a land surveyor;

NOW THEREFORE, I ..... Chairman of the Land Surveyors' Board under and by virtue of the provisions of the above mentioned Act hereby authorise the said ..... to practise as a Land Surveyor in Montserrat.

Dated this ..... day of ....., 20.....

Chairman.

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**SECOND SCHEDULE**

*(Section 9(4))*

LAND SURVEY ACT

SUMMONS TO WITNESS

IN THE MATTER OF A.B., A LICENSED SURVEYOR  
IN THE MATTER OF THE LAND SURVEY ACT

To ..... (1) C.D.

You are hereby summoned to attend before the Land Surveyors' Board at  
..... (2) on the ..... day of .....,  
20..... at the hour of..... and so from day to day until the above  
matter is heard, to give evidence respecting such matter and also to bring with you  
and produce at the time and place aforesaid:—

Given under my hand this (3)..... on  
the .....day of ....., 20 .....

.....  
Chairman, Land Surveyors' Board.

*(1) Name and address of person summoned*

*(2) Place*

*(3) Here specify the documents required.*

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**LAND SURVEY REGULATIONS**

**ARRANGEMENT OF REGULATIONS**

**PART 1**

**PRELIMINARY**

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2. Interpretation

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**LAND SURVEY REGULATIONS – SECTION 28**

*(S.R.O. 23/1979, G. 3/1987, S.R.O. 18/1988 and Act 8 of 1999)*

**Commencement**

*[8 June 1979]*

PART 1

PRELIMINARY

**Short title**

1. These Regulations may be cited as the Land Survey Regulations.

**Interpretation**

2. In these Regulations, except where the subject otherwise requires—  
“**approximate**” in relation to any boundary has the meaning ascribed to it in section 17 of the Registered Land Act;  
“**fixed**” in relation to any boundary, has the meaning ascribed to it in section 18 of the Registered Land Act;  
“**Act**” means the Land Survey Act;  
“**registration section**” has the meaning ascribed to it in the Registered Land Act;  
“**Registry Map**” has the meaning ascribed to it in the Registered Land Act.

PART 2

REGULATIONS AFFECTING ALL SURVEYS  
MADE UNDER SECTION 14 OF THE LAND SURVEY ACT

**Disputes**

3. If a dispute arises between a licensed surveyor and the Chief Surveyor over the application of the regulations, either party may refer the matter to the Board. The Board shall hear and determine such dispute, and its decision shall be final.

**Units of Measurement**

4. (1) All distances shown on plans shall be in English feet and decimals of an English foot, or international metres or decimals of an international metre.  
(2) All angular measurements shall be in degrees, minutes and seconds of arc.  
(3) For purposes of conversion from international metres to English feet, the relationship to be used shall be one international metre = 3.280840 English feet or one English foot = 0.3048 international metres.

### Systems of Co-ordinate and Projections

5. (1) The figure of the earth and the projection to be used in the computation of co-ordinates of any survey shall be the Transverse Mercator Projection for the West Indies using the Clark 1880 figure having elements; semi-major axis 6378249 international metres flattening 1/293.5.

(2) Where Transverse Mercator co-ordinates are given in metres they shall be converted to English feet using the relationship in regulation 4(3).

### Maintenance of Measuring Instruments

6. (1) Every licensed surveyor shall maintain his theodolite, measuring bands and all other equipment in good order, and the Chief Surveyor may refuse to authenticate any survey which has been made with defective equipment.

(2) Every measuring band, tape, thermometer and spring balance shall be submitted to the Chief Surveyor before use and thereafter not less than once in every twelve months for comparison with the official standard in the custody of the Chief Surveyor.

(3) The Chief Surveyor may at any time require any licensed surveyor to submit any measuring equipment for his inspection.

### Presentation of Surveys

7. (1) Every licensed surveyor shall be personally responsible for the accuracy, fidelity, and completeness of every survey presented by him for the approval of the Chief Surveyor.

(2) It shall be the duty of every surveyor making any survey under these Regulations to record all the relevant information that may aid in securing the accuracy and completeness of every such survey.

(3) Every surveyor shall perform sufficient work to enable him to apply a thorough check to every part of his survey.

(4) Every surveyor shall present his plan, computations and connected documents of every survey in such a manner as the Chief Surveyor may require, and if any surveyor forwards to the Chief Surveyor any plan, computation or connected document which does not conform substantially with the appropriate requirements, the Chief Surveyor may, at his discretion, return the plan, computation and connected documents to the surveyor and may refuse to authenticate such plan, computation or connected document until it has been made to conform with the appropriate requirements.

(5) All surveys returned to a surveyor shall be resubmitted to the Chief Surveyor without undue delay.

### Permissible errors of Measurement

8. All measurements must be made in accordance with regulations 33, 34 and 37 and the Chief Surveyor may refuse to authenticate any survey which contains errors in excess of those that can be expected from measurements properly carried out in the manner specified.

### **Checking of Surveys**

**9.** The Chief Surveyor may at any time depute any surveyor to check in the field any survey made under the Law by any other surveyor, and such check may include the verification of any information recorded in connection with such survey mark established under the Law or any regulations made thereunder.

### **Information prior to Survey**

**10. (1)** Before carrying out any survey, every licensed surveyor shall be provided, or shall provide himself with all available information in respect of any previous survey of the parcel of land to be surveyed and of any adjoining parcel.

**(2)** Applications to the Chief Surveyor for this information shall be in writing and shall, whenever applicable, make reference to the approval for sub-division, or other transaction.

**(3)** The Chief Surveyor shall make available to any licensed surveyor all technical information in his possession. Where the licensed surveyor extracts the information himself by personal search, no fee will be payable, but where the information is extracted on his behalf by the Chief Surveyor, the fee prescribed in the Fourth Schedule shall be paid.

### **Prior Approval of Statutory Authorities**

**11.** Before submitting any survey to the Chief Surveyor, a licensed surveyor shall ensure that approval has been obtained for a subdivision or other transaction of any parcel of land in any case where such approval is required by any law and that the survey submitted conforms with such approval.

### **Authority for entry upon Land**

**12. (1)** In pursuance of sections 16 and 18 of the Act, the Chief Surveyor shall furnish to every surveyor an official letter of authority in Form A in the First Schedule to these Regulations.

**(2)** Every surveyor shall present his letter of authority to any owner or occupier of land who demands proof that such surveyor is duly authorised to enter upon his land.

### **Employment of Unqualified Assistants**

**13. (1)** No licensed surveyor shall employ an unqualified assistant without the written approval of the Board:

Provided that, the Chief Surveyor may give provisional approval pending decision by the Board.

**(2)** When such approval is given it shall be for a period of not more than two years in the first instance and may thereafter be renewed for further periods at the discretion of the Board.

**(3)** The work done by any such assistant shall be under the direct personal control of the licensed surveyor, who shall himself carry out a sufficient check to

ensure that the work done by such assistant is correct. The licensed surveyor shall accept full personal responsibility for all work performed by his unqualified assistant.

(4) The licensed surveyor shall supply a certificate which shall be drawn up in Form B in the First Schedule to these Regulations.

(5) If the Chief Surveyor finds that an unqualified assistant has performed any work which has not been supervised and checked by the licensed surveyor he may suspend approval for the employment of the unqualified assistant, and the case shall be referred to the Board whose decision on the matter shall be final.

### **Fees Chargeable by Chief Surveyor**

14. (1) The Chief Surveyor shall charge fees for all surveys carried out by the Survey Department in accordance with the charges prescribed in the Second Schedule to these Regulations.

(2) The Chief Surveyor shall charge fees in accordance with the charges prescribed in the Third Schedule to these Regulations for the authentication under section 25 of the Act of a plan submitted by a licensed surveyor.

(3) The Chief Surveyor shall charge fees in respect of all documents issued or services rendered by the Survey Department in accordance with the charges prescribed in the Fourth Schedule to these Regulations.

### **Fees for Licensed Surveyors**

15. (1) The fees prescribed in the Fifth Schedule to these Regulations shall be charged by a licensed surveyor in respect of work done by him.

(2) The fees chargeable for the granting of a licence to practice as a Surveyor in Montserrat shall be \$250. (*Inserted by S.R.O. 18/1988*)

## **PART 3**

### **SURVEY MARKS, BOUNDARY BEACONS AND BOUNDARIES**

#### **Design and Specification of Survey Marks**

16. (1) The design of survey marks shall be as specified by the Chief Surveyor, except in special circumstances which must be set out in the report on the survey.

(2) Every new triangulation or trilateration station other than a purely auxiliary station shall be permanently marked.

(3) In third order traverses as defined in regulation 37 all traverse stations shall whenever possible be permanent points.

#### **Placement of Survey Marks**

17. (1) Where the boundaries of a parcel are required to be fixed in accordance with section 18 of the Registered Land Act, any beacons required to be placed to define accurately the boundaries of the parcel shall be of such type as the Chief Surveyor may require and shall normally be surmounted by a cairn of stones or a mound of earth.

(2) Where a boundary is inadequately defined and it is necessary to place a beacon to define the approximate position of the boundary such beacons shall conform to the requirements of paragraph (1).

(3) With a view to facilitating the location of isolated boundary beacons, such beacons shall be referenced to any nearby telephone pole, suitable tree or other prominent physical feature.

### **Line Beacons and River Beacons**

18. (1) (a) Where a rectilinear boundary intersects a curvilinear boundary and a beacon, required by regulation 17 cannot be placed at the intersection, a beacon shall be placed on the rectilinear boundary, as near as possible to the intersection. Such beacon shall be known as a line beacon.

(b) Where the rectilinear boundary continues on both sides of the curvilinear boundary, line beacons shall be placed on both sections of the rectilinear boundary.

(c) Where the curvilinear boundary falls within a river or swamp the line beacon shall be placed above flood level and shall be known as a river beacon.

(2) When a line or river beacon has been placed in accordance with regulation 17(1) the distance from the line or river beacon to the actual boundary shall be measured to the precision required by regulation 66(2).

(3) All subdivisions of a parcel, the boundaries of which have been fixed, which is situated across a road reserve shall be fully beacons as self contained units.

(4) Where a curvilinear feature is adopted as a subdivisional boundary of a parcel, the boundaries of which have been fixed, the several subdivisions and any remainder shall be fully beacons as self-contained units.

### **Placing Beacon on Boundary Line**

19. Where a beacon is placed on a boundary line that has been fixed, it shall be proved to be on line by establishing either directly or indirectly its relationship with the terminal beacons of the line.

### **Beacons Placed from Computed Data**

20. Where a beacon is placed from computed data, its position shall be proved by an independent field check and calculation.

### **When Beacons cannot be Placed**

21. When the corner of a parcel, the boundaries of which are required to be fixed, falls within inaccessible ground where a beacon cannot be placed, the position of such corner shall be permanently referenced by at least one indicator beacon placed on a boundary line as near as possible to the corner. The details of the situation shall be indicated on the plan.

### **Damaged Beacons to be Repaired**

22. Where an old beacon of the parcel under survey is found to be damaged, the surveyor shall repair or renew the beacon and shall make a record of the repairs in his field notes.

### **Trigonometrical Station to be required**

23. (1) Every surveyor engaged on a public survey who discovers any trigonometrical or traverse station to be damaged and in need of repair shall carry out such repair as may be necessary.

(2) A licensed surveyor not engaged on a public survey is not required to repair any damaged trigonometrical or traverse station, but he shall report in writing to the Chief Surveyor the name, number and position of any such station and the nature of the damage he has observed.

### **Missing Beacons**

24. Missing beacons shall be noted in the surveyors' report (regulation 63 refers) and in order to demonstrate that he has searched in the right place the surveyor shall furnish such measurement and observations as may be necessary.

### **Re-establishment of missing Beacons**

25. If a surveyor is required to re-establish a missing beacon, he shall submit his field notes, computations and report to the Chief Surveyor.

### **Redundant Beacons**

26. Where the existence of a visible redundant beacon is likely to lead to confusion, it shall be removed and replaced by an underground witness mark.

### **Surveys and re-establishment of Boundaries**

27. (1) In every survey of land where the position of a feature or beacon defining the boundary of a parcel is found to differ materially from that indicated by the relevant previous surveys, the surveyor shall exercise the greatest care—

- (a) in establishing that the discrepancy actually does exist;
- (b) in collecting all evidence which may have a bearing on the eventual action to be taken.

(2) A careful search shall be made in the position indicated by the previous survey to ascertain whether or not any evidence of the old boundary feature or beacon still exists and the position of any building or other development in the immediate vicinity of the boundary shall be recorded.

(3) The surveyor, before taking further action shall provide the Chief Surveyor with a full report and shall request instructions.

PART 4

SURVEYS PERFORMED BY TRIANGULATION,  
TRILATERATION, TRAVERSE AND AIR SURVEYS

**Guiding Principle**

28. All licensed surveyors shall assist, as far as is consonant with efficient and economical survey, in the establishment and increase of permanent control marks of all types throughout Montserrat.

*Triangulation and Trilateration*

**Geodetic and Secondary Triangulation**

29. All geodetic and secondary triangulation and trilateration shall be carried out under the control of the Chief Surveyor, and shall normally be performed by Government surveyors.

**Lower Order Triangulation**

30. (1) All new triangulation and trilateration of a lower order than geodetic or secondary required to provide general control for cadastral surveys shall be brought into harmony with existing control by methods conforming with current survey practice.

(2) When issuing survey data for such work to a licensed surveyor, the Chief Surveyor may recommend either a particular sequence in the computation of new work or any special computations which the circumstances may require, and it shall be the duty of a licensed surveyor so informed not to depart from the Chief Surveyor's recommendation without reasonable cause.

**Tertiary and Minor Triangulation**

31. For the purpose of regulations 32 and 33, tertiary triangulation or trilateration means triangulation or trilateration established to an accuracy which makes it suitable for use as a basis of further triangulation or trilateration; minor triangulation or trilateration means triangulation or trilateration established to a lower accuracy and suitable only as a basis for fixing local traverses and beacons.

**Instruments used for Triangulation and Trilateration**

32. (1) A micrometer theodolite of an approved pattern reading directly to one second of arc, or better, shall be used for tertiary triangulation.

(2) A micrometer theodolite of an approved pattern reading directly to twenty seconds of arc, or better, shall be used for minor triangulation.

(3) Electronic distance measuring equipment of an approved pattern shall be used for trilateration distance measurement.

### Method of Triangulation Observations

**33. (1)** The minimum requirement for tertiary and minor triangulation shall be two arcs observed on different zeros:

Provided that, two rounds observed on different faces and different zeros may be sufficient for observations to points situated less than 6,000 feet distant.

**(2)** An arc of angular observations for triangulation shall consist of two rounds observed in opposite directions on the same zero, one round being on face left and the other on face right.

**(3)** For each arc a suitable reference station shall be selected and both rounds of the arc shall be closed on to it, and the misclosure of each round shall be appropriate to the class of theodolite used.

**(4)** The difference between measurements of any angle on different arcs shall be appropriate to the class of theodolite used.

**(5)** Where electronic distance measuring equipment is used sufficient observations shall be taken to eliminate any ambiguities and achieve the accuracy required by regulation 8.

### Fixing of Beacons

**34. (1)** Triangulation, trilateration, or a combination of these techniques for determining the position of beacons shall be carried out in accordance with the procedure laid down in regulations 30 to 33 and the method of computation shall conform with current survey practice.

**(2)** Beacons may also be fixed by—

- (a)* intersection, provided at least three suitable rays are observed on to the point to be fixed;
- (b)* resection, provided at least four points in favourable positions for such fixing are observed;
- (c)* any other method which is capable of fixing a point with no less accuracy than that of the methods of intersection resection;

Provided that, no point fixed by any of the methods specified in paragraphs *(a)*, *(b)* and *(c)* shall be used to form the basis of further triangulation or trilateration.

### Isolated Surveys

**35.** In areas where no triangulation exists a licensed surveyor shall request instructions from the Chief Surveyor as to the datum and method of survey to be used.

### *Traverse Surveys*

### Geodetic and Secondary Traverses

**36.** All geodetic and secondary traverses shall be carried out under the control of the Chief Surveyor and shall normally be performed by Government Surveyors.

### Lower Order Traverses

37. (1) (a) All main control traverses shall be observed to third order standard.
- (b) Where such lines are measured by means of a measuring band all such lines shall be double-chained.
- (c) Where such lines are measured by means of electronic distance measuring equipment sufficient observations shall be taken to eliminate any ambiguities.
- (d) All such field operations shall be appropriate to a standard of accuracy of not less than 1:15,000.
- (2) (a) All other control traverses for the survey of rectilinear boundaries shall be observed to fourth order standard.
- (b) Field operations for such surveys shall be appropriate to a standard of accuracy of 1:10,000, but computational disclosures shall be allowed to the same degree of accuracy as the datum supplied by the Chief Surveyor.
- (c) A surveyor shall not use a loop traverse closing on his starting point if it is practicable to traverse between two previously fixed stations.
- (d) When a surveyor is unable to close his work within the limits prescribed by the Chief Surveyor, the Chief Surveyor may at his discretion authorise or instruct the surveyor, to accept a lower order of disclosure, otherwise the surveyor shall close his new work by a loop traverse, orientation being confirmed in a satisfactory manner.
- (3) (a) The survey of curvilinear boundaries such as roads, rivers, high water marks, etc., shall be made by subsidiary traverse or by air-survey methods:
- Provided that, this regulation shall not preclude any more accurate method.
- (b) Such surveys of curvilinear boundaries shall be carried out to a standard of accuracy appropriate to the plotting scale of the plan of the survey.
- (4) Where traverses are very short, a reasonable disclosure shall be allowed irrespective of the minimum requirements under these Regulations.

### Angular Measurement of Traverses

38. (1) A theodolite permitted by regulation 32(1) shall be used for all third order traverses where the distances are measured with electronic distance measuring equipment.
- (2) A theodolite permitted by regulation 32(2) shall be used for all other third and fourth order traverses.

(3) At every traverse station of third and fourth order traverses not less than two rounds of angular measurements on different faces and different zeros shall be observed.

(4) Angular measurements for subsidiary traverses, may be made either with a theodolite or a compass of approved pattern, subject to the necessity to achieve the standard of accuracy required by regulation 37(3)(b). If a compass is used, both forward and back observations must be observed at each station.

(5) For all angular measurements the first round at each station shall be set, when possible, to the general orientation which is to be used throughout the survey.

(6) It is not necessary to close rounds of traverse observations on to a reference station.

### Linear Measurement of Traverses

39. (1) (a) All linear measurements of third and fourth order traverses shall be measured using equipment and methods appropriate to the standards of accuracy specified in regulation 37(1) and (2).

(b) Slopes shall be determined by a theodolite, with a degree of precision appropriate to the standards specified in regulation 37(1) and (2), and where the slope is in excess of  $10^\circ$  the theodolite shall be read on both faces.

(c) All measurements shall be reduced to the horizontal at mean sea level. In addition measurements made with a measuring band shall be corrected for temperature and, where appropriate, sag.

(2) (a) All linear measurements of subsidiary traverses shall be measured using equipment and methods appropriate to the standards of accuracy specified in regulation 37(3).

(b) Slopes shall be determined by a theodolite or abney level with a degree of precision appropriate to the standards specified in regulation 37(3).

(c) All measurements shall be reduced to the horizontal.

### Surveys of Curvilinear Boundaries

40. (1) In a survey of curvilinear boundaries by the tacheometric method, distances determined by staff readings shall not normally exceed 500 feet and all three stadia readings on the staff shall be read.

(2) Offsets to curvilinear boundaries from a traverse line which substantially exceed 150 feet shall be set out instrumentally or geometrically and the method shall be recorded in the field notes.

### Swinging or Hanging Traverses

41. Swinging or hanging traverses unsupported by independent checks shall not be used.

### **Verification of Terminals of Traverse**

42. Where the means exist, every point of departure of a new traverse and every terminating point shall be verified by observations and or measurements, which shall be recorded in the field notes.

### **Verification of Datum**

43. Where a previously co-ordinated traverse station is converted for use as a boundary beacon or where such traverse station is used to place or fix a boundary beacon the surveyor shall verify the station by observations and/or measurements which shall be recorded in the field notes.

### *Air Surveys*

### **Air Surveys**

44. Air survey methods may be employed in special cases with prior written approval of the Chief Surveyor.

## PART 5

### FIELD NOTES

### **Field notes to be on special forms**

45. (1) Field notes shall be made on such forms or books as the Chief Surveyor may require.

(2) Licensed surveyors shall pay to the Chief Surveyor the cost price of any blank forms or books supplied to them by the Chief Surveyor.

### **Recording of Triangulation Observations**

46. (1) At each triangulation and trilateration station every surveyor shall, when taking observations, record in his field notes the date, the time, the weather conditions and degree of visibility.

(2) When it is necessary, for any reason, for a surveyor to divide his observations at any station into two sets, the second set shall incorporate at least two stations which have been observed in the first set.

### **Recording of Traverse Observations**

47. All traverse observations and measurements shall be recorded in the field notes in the sequence in which they are observed or measured.

### **Description of Beacons**

48. A full description of every beacon and other mark used in the course of the survey, whether placed, found and used or adopted shall be recorded in the field notes.

### Method of entering field notes

49. (1) All observations and measurements made in the field, shall be recorded clearly and legibly in hard pencil or ink, and shall be in such manner as the Chief Surveyor may require.

(2) All entries in field notes, which are not made in the field shall be written in blue or black ink.

(3) All entries in field notes shall be indexed and referenced in such a way that any competent person may be able to prepare a true plan therefrom and the entries shall be in such form that they have only one reasonable and correct interpretation.

### Erasures and Corrections

50. (1) In no circumstances shall any erasure be made in field notes.

(2) Corrections shall be made by drawing a thin line through the erroneous entry so as to have the original entry legible; the correct entry shall be written outside the erroneous entry and not across it.

(3) Corrections to field notes shall be made in the field and shall be a true record of actual measurements or reobservations and shall be initialled by the surveyor.

### Nomenclature

51. (1) The letters, names and numerals, by which any beacon or survey mark is described in field notes shall be written in roman script.

(2) In choosing suitable descriptions, surveyors shall take care to avoid nomenclature which is likely to lead to confusion and the letters I, O, S and Z shall not be used except in pronounceable words.

### Cover Page and Index

52. (1) The cover page of field note forms or the cover of field note books shall contain such information as the Chief Surveyor may require.

(2) This information shall include the standard temperature and tension for the measuring band used in the survey and where measurements have been made in catenary the weight per 100 ft. of the measuring band.

(3) The pages of field notes shall be numbered and an index in alphabetical and numerical order of all observations and measurements in the field notes shall be given on the reverse of the cover or cover page.

### Unorthodox Methods

53. When any surveyor is compelled to use unorthodox methods of survey owing to obstructions or difficulties in the field, he shall give explanatory notes and, where necessary, diagrams in the field notes to explain clearly the method he has used and recorded.

### **Topographical features**

**54. (1)** Sketched topographical features in vicinity of a beacon shall be recorded, where possible, to facilitate its location.

**(2)** All developments on any plot such as buildings, wells and bore-holes shall be surveyed. Any other development such as pipelines, which in the surveyor's opinion may involve a question of easement, right of way or any prescriptive rights shall also be surveyed.

## **PART 6**

### **COMPUTATIONS**

#### **Computations to be on special forms**

**55. (1)** Computations shall be made on such forms as the Chief Surveyor may require.

**(2)** Licensed surveyors shall pay to the Chief Surveyor the cost price of any blank forms supplied to them by the Chief Surveyor.

#### **Method of entering computations**

**56.** Computations shall be clearly and legibly set out in ink, and the entry of numbers or words to indicate checks on the computations shall be made in pencil or a different coloured ink:

Provided that, red ink shall be reserved for the use of the Chief Surveyor.

#### **Triangulation and trilateration**

**57.** Surveys carried out by triangulation or trilateration shall normally be set out and computed by the Direction Method, or in conformity with any other current standard survey method.

#### **Traverses**

**58. (1)** In surveys carried out by traverse methods, each separate traverse shall normally be set out in suitable form so as to demonstrate the initial datum bearing or bearings, the bearing misclosure and the consequent adjustment of bearings.

**(2)** The positional misclosure, its distribution through the traverse, and the finally adjusted values of all traverse points shall be demonstrated in conformity with current standard survey practice.

#### **Independent checks to be made**

**59.** Before any surveyor forwards any computations to the Chief Surveyor for authentication he shall make an independent and complete check of all his calculations, and such checks shall accompany the computations and be clearly demonstrated.

**Method of computing areas**

**60. (1)** The rectilinear areas of parcels, the boundaries of which have been fixed, shall be computed mathematically.

**(2)** When a portion of the boundary of a parcel, the boundaries of which have been fixed, is a curvilinear boundary, the area of the parcel shall be determined partly by computing from co-ordinates and partly by planimeter determination from a drawing of the curvilinear boundary which has been drawn in conformity with regulation 66.

**(3)** If necessary, the co-ordinates of accurately scaled points on the drawing of the curvilinear boundary shall be used in the computation, in order to reduce to a minimum the area to be determined by the planimeter.

**Method of measuring areas**

**61.** The areas of parcels, the boundaries of which are approximate only, shall be determined by planimeter measurement.

**Degree of accuracy of calculating areas**

**62.** Areas shall normally be calculated to the degree of accuracy specified in the following table—

	<b>Decimal places of an Acre</b>	
	<i>Fixed boundaries</i>	<i>Approximate boundaries</i>
Parcels not more than one acre	four	two
Over one acre and not more than 5	three	two
Over five acres and not more than 25	two	one
Over twenty five acres and not more than 100	one	nearest acre
Over 100 acres	nearest acre	nearest acre

**Presentation of computation**

**63.** The computation of every survey submitted for authentication shall be preceded by—

- (a) a report; and
- (b) a general index to the computation; and
- (c) a complete list of final co-ordinates of every point adopted or calculated in the survey; this list shall be arranged in groups comprising datum points, new triangulation, trilateration, and traverse stations, old or re-established boundary beacons and new boundary beacons, arranged in alphabetical and numerical order; and on this co-ordinate list a description of every point shall be given, and reference

shall be made to the source of co-ordinates including datum plans or pages of computations.

## PART 7

### PLANS

#### **Plans to be drawn on special forms**

**64. (1)** All plans shall be drawn in waterproof inks on such plan forms as the Chief Surveyor may require.

(2) Licensed surveyors shall pay to the Chief Surveyor the cost price of any plan forms supplied to them by the Chief Surveyor.

#### **Scales to be used**

**65.** Plans shall be plotted at the same scale as the Registry Map of the registration section in which the parcel is situated:

Provided that, in special circumstances plans shall be plotted at such scale as the Chief Surveyor may require.

#### **Plotting of curvilinear boundaries**

**66. (1)** Where the consent of the Chief Surveyor has been obtained for the adoption of an existing survey of a curvilinear boundary, the surveyor shall—

- (a) make an accurate reduction of the larger scale plan for use at a smaller scale; or
- (b) make an accurate transfer for use at the same scale; or
- (c) replot from the original field notes and computations for use at a larger scale.

(2) Where a rectilinear boundary intersects a curvilinear boundary and the provision of regulation 18(1) is applicable, the distance from each line or river beacon to the intersection shall be shown to the nearest foot, but the distances between successive beacons along the rectilinear boundary shall be shown to the degree of precision required by regulation 70(3).

(3) Where a curvilinear boundary of a parcel has been fixed, such curvilinear boundary shall be distinctively described.

#### **Plotting by co-ordinates**

**67. (1)** All plans shall be plotted by rectangular co-ordinates.

(2) A plotting grid of squares covering the surveyed areas shall be drawn in blue such that grid line values shall be at intervals of 500 feet or even multiples of 500 feet.

(3) Every plan shall contain at least one complete grid square and no square shall have sides exceeding 8 inches in length.

### General rules

**68. (1)** All detail shown on the plan shall be distinct and the cramping of figures shall be avoided.

**(2)** The north point on every plan shall be upwards and parallel to the sides of the plan form.

### Abutting boundaries

**69. (1)** All boundaries abutting on any parcel which has been surveyed shall be shown on the plan.

**(2)** Where the parcel or parcels adjoin a surveyed road, and where the scale of plotting permits, the boundaries abutting on the other side of the road shall be shown.

### Co-ordinates and numerical data

**70. (1)** In every survey the co-ordinates of permanent control stations shall be tabulated on the plan.

**(2)** Where boundaries of parcels have been fixed, the following additional information shall be given on the plan—

*(a)* the co-ordinates of block corners of regular shaped figures and of all beacons of irregular shaped parcels shall be tabulated.

*(b)* the length and bearing of every boundary shall, when possible, be inscribed along the line to which they refer and such lengths and bearings shall be deduced from the final co-ordinates tabulated on the plan.

**(3)** Co-ordinates, and lengths when required by paragraph (2), shall be shown to one decimal place of a foot or to two decimal places of an international metre.

**(4) (a)** The area of every parcel shall be inscribed where possible within the figure to which it refers to the degree of accuracy prescribed by regulation 62.

*(b)* Sufficient space shall be left for the parcel number to be inserted by the Chief Surveyor.

*(c)* No parcel number shall be inserted by any surveyor.

**(5)** All other data which may serve to clarify or complete any survey plan, shall be shown on the plan.

### Triangulation charts

**71.** When surveys have been made by triangulation or trilateration or a combination of these techniques, a chart drawn on a separate plan form shall be made showing all rays observed or measured or both. Such charts shall show a tabulated list of final co-ordinates of all permanent control points:

Provided that, it shall not be necessary to draw a separate plan where the control points have been surveyed by methods permitted in regulation 34(2).

### **Colours and style of printing**

72. Every survey plan shall be drawn in accordance with the requirements of the Chief Surveyor, in respect of colours, style of printing and other details.

### **Topographical features**

73. (1) All topographical features that have been accurately fixed by survey, or have been sketched with reasonable precision, in accordance with regulation 54(1), shall be shown in their correct plotted positions on the plan.

(2) When form lines add nothing of significant value to the plan, they shall not be shown.

(3) Topographical information may be taken from any official map published by the Chief Surveyor or any authority approved by the Chief Surveyor with due caution in regard to the limitations enjoined by the scale of the map.

(4) Where topographical information is taken from aerial photographs, the source shall be shown on the plan.

### **Erasures or corrections**

74. (1) No erasures shall be made after a plan has been drawn in ink.

(2) Necessary correctness shall be made by scoring through the incorrect words, letter, or numeral in ink and writing the correct word, letter, or numeral outside the incorrect word, letter or numeral. Every such correction shall be initialled by the surveyor.

### **Certificate**

75. Every plan shall have on it a certificate in such form as the Chief Surveyor may require and the certificate shall be signed and dated by the surveyor who made the survey.

### **Authentication by Chief Surveyor**

76. The Chief Surveyor may refuse to authenticate any plan submitted by a licensed surveyor which, in his opinion has been drawn carelessly and untidily, or is received by him in a dilapidated or damaged condition.

## PART 8

### MISCELLANEOUS

### **Public access to maps and plans**

77. (1) Any person shall have access, free of charge, to every published map and plan in the possession of the Chief Surveyor:

Provided that, the Chief Surveyor or his representative may refuse access as he may deem necessary in the public interest.

(2) A search fee of \$1 per plan shall be paid in advance by any person who is not a licensed surveyor or not on Government duty, for access to any unpublished plan. The search fee may be credited against the price of any print of the plan purchased at the time of the search.

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**FIRST SCHEDULE**

**PRESCRIBED FORMS**

FORM A

*(Regulation 12)*

**LETTER OF AUTHORITY**

In exercise of the powers conferred upon him by regulation 12 of the Survey Regulations, the Chief Surveyor hereby authorises .....  
..... (name and designation of person authorised) to enter upon any land to perform any duty which he is required to perform under the Land Survey Act.

Dated ....., 20 .....  
.....  
*(Chief Surveyor)*

*Note the relevant sections 16, 18 and 20 of the Land Survey Act are printed for general information, on the back of this Letter of Authority.*

FORM B

*(Regulation 13)*

**CERTIFICATE FOR UNQUALIFIED ASSISTANTS**

I certify that all the work performed in the field and in the office by my assistant, ..... has been carried out under my personal direction, and I take full responsibility for all work so performed.

Dated ....., 20 .....  
.....  
*(Licensed Surveyor)*

**SECOND SCHEDULE***(Regulation 14)***FEES PAYABLE FOR SURVEYS  
EXECUTED BY THE SURVEY DEPARTMENT**

1. For surveys for alienation and first registration of any Crown land, fees shall be assessed in accordance with the following formula—

Under 5,000 sq. ft.	\$ 175
5,000 – 10,000 sq. ft.	200
10,000 – 15,000 sq. ft.	225
15,000 – 20,000 sq. ft.	250

over 20,000 to be assessed by Chief Surveyor.

*(Amended by Act 8 of 1999)*

2. For surveys for the fixing of boundaries under section 18 of the Registered Land Act, fees shall be assessed in accordance with the Fifth Schedule to these Regulations.
3. For mutation surveys, fees shall be assessed in accordance with the following provisions—
- (a) where the registered owner of a parcel, the boundaries of which have not been fixed, has demarcated the mutation on the ground—
- For each parcel of land to be transferred ..... \$25 A (where “A” is the square root of the area, in acres of the parcel): Provided that, the fees shall be computed to the nearest \$5 and the minimum fee shall be \$25;
- (b) where the registered owner of a parcel, the boundaries of which have not been fixed, requires a specific area to be surveyed for transfer and in all cases where the boundaries of the parcel have been fixed, fees shall be assessed in accordance with the Fifth Schedule to these Regulations.
4. In any other case survey fees shall be assessed by the Chief Surveyor.
5. The Chief Surveyor may, at his discretion, remit part or all of any fee.

**THIRD SCHEDULE**

*(Regulation 14)*

**FEES PAYABLE FOR THE AUTHENTICATION OF PLANS  
SUBMITTED TO THE CHIEF SURVEYOR FOR APPROVAL**

The following fees will be charged for the authentication of every plan submitted to the Chief Surveyor for approval—

For each parcel shown on the plan ..... \$1A

(where “A” is the square root of the area, in acres, of the parcel)

Provided that—

- (i) fees shall be calculated to the nearest \$1 with a minimum of \$5 and a maximum of \$100;
- (ii) the fee for each easement shall be \$5;
- (iii) one-half the above fees shall be charged for authenticating compiled plans;
- (iv) the Chief Surveyor may, at his discretion remit part or all of any fee;
- (v) no fee shall be charged for authenticating any triangulation chart, traverse chart, or any survey made for re-establishment of beacons.

**FOURTH SCHEDULE***(Regulation 14)***FEES CHARGEABLE FOR DOCUMENTS ISSUED AND  
OTHER SERVICES RENDERED BY THE SURVEY DEPARTMENT**

The following fees shall be charged—

1. Prints of survey plans on dyeline paper A4 size \$1 each larger by arrangements:

Provided that, licensed surveyors may be granted a discount of 25%.

2. Photocopying computations, field notes etc. per foolscap sheet \$1
3. Provision of survey data per approved scheme: \$10

Provided that, prints of plans up to a maximum of three per scheme shall be included in the fee. Any additional prints in excess of this number shall be charged as in paragraph 1 above.

4. Preparation of special plans, maps or issue of any special documents not listed in this Schedule shall be assessed by the Chief Surveyor.

**FIFTH SCHEDULE**

**LAND SURVEYORS' FEES**

*(Inserted by G. 3 of 1987)*

Fees chargeable by Licensed Surveyors in accordance with the agreement of the Survey Board.

**1. Single Plots – 1 acre and below**

(a) Below ¼ acre .....	\$300
(b) ¼ acre to ½ acre .....	\$400
(c) ½ acre to one acre .....	\$500

**2. Plots above 1 acre**

For the first acre .....	\$500
Next four acres .....	\$300 per acre
Next ten acres .....	\$150 per acre
Next twenty acres .....	\$100 per acre
Next twenty five acres .....	\$50 per acre
Next forty acres .....	\$75 per acre
Additional acres .....	\$25 per acre

**3. Town Surveys**

Apply 50% of the above minimum charges plus 1% of the market value of the land up to the first \$10,000, plus ½% for the next \$40,000 plus ¼% on the residue or by special arrangement with the client.

**4. Old Boundary Surveys**

The charge shall be \$200 plus \$50 per 100 feet for transversing or \$75 for boundary mark.

**Note:** *The above fees do not include the cost of labour, permanent marks and transportation.*



