

THE LAND SURVEY REGULATIONS

[4th June, 1964]

PART I

Introductory

1. Citation

PART II

Field Work

2. Information previous to survey.
3. Testing of measuring bands and adjustment of instruments.
4. Field book observations, etc.
5. Surveys to be based on trigonometrical stations.
6. Position of trigonometrical stations to be indicated.
7. True north.
8. Determination of points.
9. Checking of surveys and limits of allowable error.
10. Beacons on or near boundaries.
11. Boundaries to be adopted in certain cases.

REGULATION

12. Limit of allowable difference between original and sub-divisional surveys.

PART III

Beacons, Reference Marks and Trigonometrical Stations

13. Beacons.
14. When beacons not required.
15. Indicatory beacons.
16. Moving of beacons.

17. Report of damage to trigonometrical stations.

PART IV

Diagrams

18. Quality and size of paper.

19. Margin.

20. Ink.

21. Geometrical figure.

22. How to indicate beacons and stations.

23. Lettering and numbering.

24. How to indicate contiguous properties.

25. Unit of measure.

26. Scales.

27. Numerical data to be recorded on a diagram.

28. Co-ordinates.

29. Limits of inconsistency.

30. True north.

31. Names of rivers, etc., to be given.

32. Direction of rivers.

33. Direction of roads.

34. Irregular boundaries.

35. Limits of figure to be verbally defined.

36. Land to be designated by Letter and number.

37. Identity of divided land to be quoted.

38. Servitudes.

39. Beacons to be described.

40. Connecting data.

41. Diagram not to be composite.

42. Director may exempt from requirements of this Part.

- 43. Erasures.
- 44. Approved diagrams.
- 45. Untidy and dilapidated diagrams.
- 46. Diagrams to be signed and dated.
- 47. Number of diagrams required,

PART V

Survey Records

- 48. Survey records.
- 49. Working plan.
- 50. Computations.
- 51. Co-ordinates of points on straight line.

PART VII

Arbitration Proceedings and Determination of Compensation for Damages Caused as Result of Surveys

- 52. Arbitration proceedings.
- 53. Compensation for damage caused in exercise of the powers conferred by section 28 of the Act.

PART VIII

Fees and Taxation

- 54. Fees that may be charged by Director.
- 55. Tariff for surveys.
- 56. Taxation of bill of costs.

PART IX

Miscellaneous

- 57. When a beacon has a bearing on a period of land.
- 58. Surveys of State land and surveys on behalf of the Government.
- 59. Existing diagram to accompany an application for a new diagram.
- 60. Document required by director under regulations deemed to be an essential part of the survey.
- 61. Replacement of lost beacon to be reported by land surveyor.
- 62. Sketch to be in duplicate when return desired.

63. Form of agreement as to beacons and boundaries.
64. Prescribed oath.
65. Certified copies that may be issued by land surveyor.
66. Duties of Director and records to be kept in his office.
67. Who is to act for purposes of section 13(5) of the Act in case of surveys carried out by Director.
68. Regulations to apply to Director and Government Surveyors.
69. Discretion of Director.
70. Service of notice.
71. Consent, agreement or acceptance in writing.

LAWS OF SEYCHELLES

LAND SURVEY ACT

CHAPTER 109

PART I

Introductory

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

PART II

Field Work

2. Before carrying out any survey a land surveyor shall provide himself with all available information in respect of any previous surveys of the parcel of land to be surveyed and of the adjoining parcels of land. The Director will furnish this information to the land surveyor free of charge if he is in a position to do so.

3. (1) Every land surveyor shall assure himself that the measuring bands or other measuring equipment which he uses for the purpose of base or other measurements have been properly tested and their error ascertained, and that his theodolite and other survey instruments are in proper state of adjustment.

(2) A land surveyor shall, once every year and again when called upon to do so by the Director, submit to that officer his measuring bands or other measuring equipment for the purpose of being tested.

(3) A land surveyor, if he so desires, may at any time submit one or more of his measuring bands or other measuring equipment to the Director to be tested.

(4) The Director may condemn any instrument or measuring band or other measuring equipment which he considered is not fit for survey work, or he may prescribe on what class of survey

S.I. 29 of 1964.
S.I. 37 of 1964.
S.I. 57 of 1968.
S.I. 75 of 1973.
S.I. 95 of 1975.
S.I. 104 of 1975.
S.I. 72 of 1976.
S.I. 1 of 1978.
S.I. 87 of 1980.
S.I. 38 of 1986.
S.I. 77 of 1987.
S.I. 6 of 1990.
S.I. 43 of 1991.
S.I. 95 of 2008.

work any particular instrument may be used and the number of repeat observations which must be made with any particular instrument.

(5) It shall not be lawful for a land surveyor to use in any survey made under the Act any instrument or measuring band or other measuring equipment condemned under sub-regulation (4).

(6) The Director shall assign a distinctive number to each of the measuring bands and instruments tested by him, and a land surveyor shall quote such number in the field book relating to each survey he makes.

(7) The testing of measuring bands or other measuring equipment by the Director under this regulation shall be made free of charge.

4. (1) Observations shall be made on both faces and these observations shall be separately entered in the field book.

(2) Tours of observations from any point shall be made alternately in clockwise and in anti-clockwise order.

(3) In the first tour at each observing point the instrument shall be set, when possible, in the direction which is to be used throughout the survey and computations.

(4) Each tour of observations from an observing point shall be concluded by signing on to the first object observed in the tour, and the resultant reading shall be entered in the field book.

(5) All angular observations, measurements of length, the dip and when necessary, the temperature, and the distance to be corrected for sag, shall be separately entered in the field book.

(6) At each observation station the following information shall be recorded in the field book-

- (a) the name of the observer and the booker;
- (b) the time and date on which the observation is made;
- (c) the type of instrument and the particulars of the measuring band or other measuring instrument; and
- (d) any special circumstances affecting any observation;

(7) A full description of all beacons, whether placed, found or adopted, and other marks used in the course of the survey, shall also be entered in the field book. When an existing beacon has been reconstructed, a description of it as found and as finally left shall be given.

(8) All field books used in surveys of land shall be in a form approved by the Director, and all observations and measurements made in the field shall be recorded clearly and legibly in hard pencil.

(9) Any entries in the field book other those of actual observation or measurements made in the field, shall be written in ink unless under exceptional circumstances this is impracticable. Entries of date for setting out beacons shall be written in ink and be cross referenced to the pages in the computation from which such data were extracted.

The values obtained in the field as the result of actual observation or measurement in respect of any such entries shall be written fully in pencil.

(10) On no account shall erasures be made in a field book. Alterations shall be made by drawing a line through the erroneous entry in such a way that the original entry remains legible. The correct value of the entry shall be written outside the erroneous entry and never across it.

Such alterations must be made in the field as the result of actual direct re-observation or re-measurement and at the time such re-observation or re-measurement is made. All such alterations shall be initialed by the land surveyor.

5. (1) Subject to sub-regulation (2), the survey of any parcel of land shall be based on the trigonometrical control network.

(2) The Director may, in any circumstances which he deems exceptional and subject to regulation 7 and to such other conditions as he deems fit to impose, exempt a survey from the requirement of sub-regulation (1).

6. The position of any trigonometrical station which falls within the limits of the land surveyed shall be indicated on the diagram of such land.

7. When the survey of any parcel of land is not based on trigonometrical stations, the direction of the true north shall be determined by astronomical observation, if not derived from other sources. The manner in which the true north has been determined shall be recorded in the field book.

8. (1) Adequate checks of a standard acceptable to the Director shall be carried out to all points.

(2) The checks referred to in sub-regulation (1) shall include, in addition-

- (a) in the case of a single triangle, the angle at the point being determined, shall not be less than 30 degrees nor greater than 150 degrees;
- (b) in the case of resection, the resection shall be determined from at least four points and the total internal angle shall not be less than 90 degrees;
- (c) in the case of bearing and distance, the bearing and distance shall be determined from at least two survey stations; and
- (d) in the case of angle observation, the observation shall be made on both faces and on at least two separate arcs of the circle.

9. (1) A land surveyor shall always perform sufficient field work to enable him to apply a thorough check of every part of his survey.

(2) For the purpose of paragraph (d) of subsection (1) of section 9 of the Act, the error in any survey shall not exceed the limits expressed by the following formulae where-

Class A refers to the fixing of control stations and of reference marks;

Class B refers to the survey or re-survey of boundary beacons:

- (a) when the position of a point is fixed by triangulation, the difference between the observed and calculated value of any of the directions used in the fixing of the point shall not exceed 20,000

For Class A _____seconds.

$$S + 1000$$

30,000

For Class B _____seconds.

$S + 1000$

Where S is the distance in meters;

- (b) when the position of a point is fixed by traverse, the traverse shall proceed from a known point to a known point, and the linear displacement between the known position of a point and its position as determined by traverse shall not exceed-

1

For Class A _____the of the total length of

5000 the traverse.

1

For Class B _____th of the total length of

3000 the traverse.

- (c) when the position of a point in Class ^a is fixed by a traverse which closes on the starting point only, the linear displacement referred to

1

in subparagraph (b) shall not exceed _____th of

4000

the total length of the traverse.

- (d) Where the Director considers a traverse to be too short, he may allow a reasonable misclosure, notwithstanding any other requirements under these Regulations;

- (e) where a surveyor is unable to close his work within the limits presented in these Regulations, the Director may authorise or instruct the surveyor to accept a lower order of misclosure.

(3) The survey of curvilinear bound shall-

- (a) be made by either a subsidiary traverse or survey procedure or air-survey method acceptable to the Director; and

- (b) be carried out to a standard of accuracy appropriate to the plotting scale of the plan.

10. (1) In any survey of land, where the position of an existing beacon is supposed to be on a straight line boundary which is common to the land under survey and to other properties, the surveyor shall investigate position of the beacon and proceed as follows-

- (a) where the terminal beacons of a straight line are established beacons, the beacon, if it is not on the straight line, shall be placed on line, unless it is a beacon which is recognized by all parties in which case it shall be adopted as a beacon of the land under survey;
 - (b) where the terminal beacons are not established beacons, the beacon if it is not on line, may be adopted as a beacon of the land under survey if it is recognized by all parties and is accepted as such in accordance with section 13 or section 14 of the Act.
- (2) When any beacon on the common boundary of a parcel of land under survey and an adjoining parcel of land is found not on line-
- (a) if the beacon is an established beacon, it shall be adopted as a beacon of the land under survey; or
 - (b) If the beacon is a well established beacon recognized by all parties and is accepted or deemed to be accepted under section 13 or section 14 of the Act, it may be adopted as a beacon of the parcel under survey.
- (3) In cases not provided for above the land surveyor shall investigate the matter thoroughly and collect all available information and evidence to enable him to place the beacons in their most likely positions. Where applicable an agreement in the prescribed form in respect of all such beacons shall be lodged with the Director if deemed necessary by him. A full report detailing all the evidence on which the land surveyor based his action shall be submitted with the relative survey records.
- (4) In correcting the alignment of a beacon as provided for in this regulation such beacon shall as a rule be placed on the intersection of the boundary line of which it forms a terminal with the straight line on which it is supposed to be.
- (5) Should there be any uncertainty whether a beacon or boundary has been lawfully established or consented to as provided in sub-regulation (1), the land surveyor shall apply to the Director for information on this point.
- (6) For the purpose of this regulation-
- (i) a beacon shall be deemed to be not on the true and correct boundary when its displacement exceeds-

$$d$$

$$0.1 + \frac{d}{700} \text{ meters, with a maximum of one metre}$$
 - (ii) “established beacon” means a beacon established in terms of section 21 of the Act; and
 - (iii) a survey includes a re-survey.

11. Wire fences, roads, streams which are liable to change their courses, and any other natural or artificial features, which are not clearly and permanently defined shall not be adopted as boundaries in any survey unless they are shown as boundaries in the original diagram of the adjoining parcel of land.

12. For the purpose of section 18 of the Act-

- (a) the limit of error for disagreement with the original survey is $.015\sqrt{d}$ where “d” represents the distance in meters between any two beacons affected by the sub-division. Any portion of a boundary line shall be considered to be within the limit when the whole of the boundary line is within such limit;
- (b) the allowable error in any curvilinear boundary represented on an original diagram is limited merely by the consideration whether the boundary is represented thereon with sufficient accuracy to enable the Director to perform the duties assigned to him under paragraph (d) of regulation 66 in regard to such original diagram.

PART III

Beacons, reference marks and trigonometrical stations

13. (1) Except as provided in regulation 14, the corner points and any on line points of every parcel of land surveyed shall be marked with beacons.

(2) A beacon marking a corner point or any on line point shall be one of the following namely-

- (a) a 3 to 6 mm. diameter metal stud embedded in a concrete block 10 cm. square by 30 co. high, having thereon a number assigned by the Director shall constitute a standard beacon; such a beacon shall be planted in the ground to a depth of not less than 20 cm.;

Provided that where a boundary mark falls on rock, the beacon shall be in the form of an iron peg 15 – 20 mm. diameter cemented in a hole drilled in rock and projecting 5 – 10 cm. above the rock;

- (b) a 15 – 20 mm. diameter iron bar or galvanized iron pipe at least 45 cm. long driven vertically into the ground and projecting 5 – 10 cm. above the ground; or
- (c) a metal stud as in paragraph (a) above embedded in a masonry or concrete beacon embedded at least 30 cm. below ground level and projecting 5 – 10 cm. above ground level;
- (d) any other type of beacon or mark acceptable to the Director.

(3) All survey points which may prove of value at a later date shall be marked by 15 – 20 mm. diameter iron bar 45 cm. long covered by a cairn of stones 60 cm.

(4) When in the survey of a parcel of land a beacon which should define one of its corner points is missing or is in a dilapidated condition or is of a type decidedly inferior to the standard prescribed by this regulation, the land surveyor shall cause it to be re-built in its original position or cause it to be repaired so as to bring it in conformity with the requirements of this regulation.

(5) Any departure from authorised types of beacons which may be necessitated by local circumstances shall be reported to the Director for sanction.

14. (1) Where the corner point of a parcel of land coincide with a corner of a building, the corner of the building shall be adopted as the beacon, provided that the exact point is described on the diagram.

(2) Where the corner point of a parcel of land does not coincide with the corner of a building, but is in such proximity to it that a beacon cannot conveniently be placed in position, the

relative positions of the corner of the building and the point which the beacon should occupy shall be ascertained and clearly indicated on the diagram by numerical data in an inset on an enlarged scale.

(3) Where the area affected by a servitude is of a definite width it shall be necessary to place beacons only along one side or along a convenient indicatory line thereof:

Provided that in any particular case, subject to the consent of the Director, beacons to define servitudes may be dispensed with.

(4) In the survey of a parcel of land for alienation to the owner of an adjoining parcel of land is shall not be necessary to replace any beacon which defines the boundary common to such parcels of land but which is missing when it is evident that the re-erection of such beacon shall serve no useful purpose.

15. (1) When a corner point of a property falls within inaccessible ground or where it is inadvisable to place a beacon, or when the position for an original beacon of a property under survey falls in an inaccessible place such as in a river, stream, dam, marsh, road, or street, its position shall be indicated on the ground by beacons erected on the straight boundary lines meeting at this point, and as near as possible thereto as will be consistent with their safety, and the distance between such indicatory beacons and the inaccessible corner point of the property shall be furnished on the diagram, provided that, where indicatory beacons are likely to be mistaken for corner beacons, they shall not be placed.

(2) The intersection of a rectilinear boundary with a curvilinear boundary shall be indicated by a beacon erected on the former boundary and as near to the latter as circumstances permit without endangering the permanency of the beacon. Whenever practicable, the indicatory beacon shall be on the same side of the curvilinear boundary boundary the land in respect of which it is a beacon.

(3) When a beacon has been removed under the authority of the Director in accordance with section 25 of the Act, and it is not possible or advisable to replace it in its original position, an indicatory beacon shall be placed on each of the straight boundary lines meeting thereat. The placing of these beacons shall be effected under the supervision of a land surveyor who shall furnish the Director with such information as he may require to enable him to record the positions of the indicatory beacons on the relative diagrams.

16. Subject to the provisions of regulation 10, the Director may, when he shall deem it necessary, alter the position of, remove or destroy a beacon or land mark erected to define or recognized as defining a boundary of any land or may, by writing under his hand, depute a land surveyor to do so.

17. If it should come to the knowledge of a land surveyor, in the course of his work, that a trigonometrical station has been damaged or destroyed, he shall immediately report the circumstance to the Director.

PART IV

Diagrams

18. (1) All diagrams shall be framed on single sheets of goods durable paper of a quality approved by the Director and only one side of the sheet shall be used.

(2) The dimensions of all diagrams shall be laid down in writing by the Director and such dimensions shall not be departed from save in exceptional circumstances and with the prior approval of the Director.

19. A marginal space shall be left along all four edges of the paper used in framing any diagram: that along the left and top edges to be not less than 4 centimetre in width. These marginal spaces shall

be free from all writing, and shall not be encroached upon in any way in the framing of the diagram except as provided in regulation 43(1).

20. The ink used in the preparation of a diagram shall be of the best durable black quality. The signature shall be in black of good quality.

21. (1) Except with the written approval of the Director, no diagram shall contain more than one parcel of land and on every diagram the land surveyed shall be represented by a geometrical figure:

Provided that the following may be represented thereon:

(a) Two or more parts of a parcel of land which are disconnected by the prior deduction of a narrow strip of land from the original diagram and which together form a sub-division of the land represented on such original diagram, provided that such part of the strip situated between the disconnected parts of land shall be referred to in the verbal description on the sub-division diagram as being excluded from the figure comprising the external boundaries of the sub-division exclusive of the area of the strip shall be quoted.

(b) Two or more parts of a parcel of land represented on the same original diagram and which meet at one or more common points, provided that only the combined area of such parts is given on the sub-divisional diagram, and the verbal description of such parts and the corresponding data are recorded thereon in such a manner as not to reflect separate geometrical figures.

(2) All the boundaries of such land, including curvilinear boundaries, shall be represented on the figure by continuous well defined black lines.

(3) The plot of the figure shall agree with the results of the survey within a limit of one millimeter.

22. (1) The position of each beacon shall be indicated on a diagram by a small black circle.

(2) When two or more beacons are in such close proximity to one another that their relative positions cannot be clearly shown on the diagram, they shall be plotted on a larger scale in an inset thereon.

(3) A trigonometrical station shall be indicated by a small circle inscribed within a triangle.

23. (1) Each beacon of a parcel of land shall be designated by a letter and number differing from the letters and numbers by which the other beacons of the parcel of land are designated, which letter and number shall be written wherever possible outside the figure of the diagram but as near as may be to the point indicated. The system of lettering and numbering to be adopted shall regulated by the Director.

When a parcel of land has a curvilinear boundary, each intersection of the straight with the curvey boundary lines shall be lettered.

(2) No letters or numbers other than those which can be reproduced by an ordinary typewriter shall be used in a field book, working plan or diagram.

24. The directors of the boundary lines of contiguous properties shall be indicated by broken lines drawn from the points representing common beacons, and the names and other designations, if known, of such contiguous properties shall be written in their respective position.

25. The sides and co-ordinates recorded on a diagram shall be expressed in one and the same unit of measure which shall be the International Metre. In these regulations any reference to a metre or to a sub-division or multiple of a metre shall be construed as a reference to the International Metre or to a sub-division or a multiple thereof respectively.

26. (1) The scale to which the figure on a diagram is plotted shall be recorded.

(2) The figure on a diagram shall be plotted to one of the scales which shall be laid down in writing by the Director:

Provided that the size of the figure shall not be less than 6 square centimeters, nor so small as to be unnecessarily cramped, or that Any essential information would be inadequately represented on it, except as provided for in regulation 22(2). This regulation may be departed from only with the prior consent in writing of the Director.

27. (1) A diagram shall contain the following numerical data:

- (a) The rectangular co-ordinates to two decimal places of every beacon of the parcel of land represented on the diagram, of all unbeaconed points defining the rectilinear figure, of all other beacons in respect of which connecting data are furnished, and of any trigonometrical station such as is referred to in regulation 6.
- (b) The sides to two decimal places.
- (c) The grid bearing of each straight boundary line or imaginary line joining any two beacons between which the boundary is curvilinear to the nearest ten seconds when such line is less than 1,000 meters in length, and to the nearest second when such line exceeds 1,000 meters in length.
- (d) The distance, when obtained by direct measurement, and the grid bearing from the indicatory beacon to the intersection of the rectilinear boundary with the curvilinear boundary, where a parcel of land has a curvilinear boundary and an indicatory beacon has been placed in accordance with regulation 15(2).
- (e) The area shall be in hectare and square metre and shall be calculated to the degree of accuracy specified in the following sub-paragraphs-

(A) the area of a parcel of land of one hectare or less shall be given to three decimal places of an hectare and quoted to the nearest 10 square meters;

(B) the area of a parcel of land of more than one hectare shall be given to the two decimal places of an hectare and quoted to the nearest 100 square metres.

(2) The numerical data shall not be inscribed within the figure itself but shall be neatly tabulated on the diagram.

In the tabulation of the numerical data, points of the figure shall be referred to consecutively in clock-wise order.

28. The algebraic sign + shall be written before each Easting and each Northing and in the statement of co-ordinates and E's (representing eastings) shall always appear in the left-hand column and the N's (representing Northings) in the right-hand column.

If either the E or the N co-ordinates are reduced by a constant quantity such constant, with its sign, shall be inserted above the column containing the corresponding reduced co-ordinates. The constant shall be such that the signs of the original co-ordinates shall not be altered by the reduction.

29. The sides, angles of direction and areas given on any diagram shall agree with their values, as obtained from the co-ordinates as far as the limitation prescribed in regulation 27 will allow:

Provided that this paragraph shall be read in conjunction with regulation 51.

30. The direction of the grid north shall be indicated on every diagram by a straight line, and shall be distinctly designated by the letter "N". The north direction shall point as nearly as possible at right angles to and towards the top of the paper, and the line indicating it shall be drawn, if possible, to the left and clear of the figure.

31. The names of all important rivers, lakes and mountains within or adjacent to the limits of the land surveyed shall be given on the diagram.

32. When a river, stream or water-course is taken as one of the boundaries of the property being surveyed, the direction of the flow of the water shall be indicated by an arrow-head.

33. When a main road or important thoroughfare is shown by a land surveyor on the diagram of any land surveyed by him, he shall state against the lines representing it, but not within the figure of the diagram, the name of the nearest town, village, or place of importance in each direction through which such road or important thoroughfare passes, indicating by the words "from" and "to" the direction in which such town, village or place of importance lies.

The word "from" shall be used generally to indicate the direction of roads entering the land from the south and west sides, and the word "to" to indicate the direction of those leaving the land on the north and east sides.

34. (1) When a river, stream, water-course, wall, cliff, or other well defined permanent natural or artificial feature on the grounds forms a boundary of a parcel of land, it shall be distinctly recorded in the verbal definition of the figure whether the right or left bank, or the middle of such river, stream or water-course, the north, east, south or west edge or middle of the wall, or the upper or lower edge of the cliff, is the boundary.

When the curvilinear boundary is not definitely described on the original diagram, or its description is ambiguous, the ambiguity shall be resolved in the sub-divisional diagram.

(2) When a boundary between two parcels of land is ill-defined or unsatisfactory, and it is in the interest of all parties concerned that a boundary of another character be substituted for it, the Director may permit such last-named boundary to be adopted in the survey in lieu of the first-named boundary, provided that he is satisfied that it is so close thereto that no material alteration in the area of either parcel of land shall have taken place by reason of the substitution, and provided further that the owners of all properties contiguous to that boundary have signed an agreement as provided under section 13 of the Act accepting the new boundary or have agreed to the boundary under section 14 of the Act.

35. Subject to the provisions of regulation 34(1) every diagram shall contain a clear verbal definition of the limits of the figure representing the land.

36. (1) The land represented shall be distinguished on a diagram of a parcel of land surveyed by a letter and number designated by the Director and on a diagram of sub-division of a parcel of land of which a diagram has been filed in the office of the Director.

(2) The letter and number by which a parcel of land is designated shall be quoted in the description and not written within the figure on the diagram.

(3) In this regulation “number” means the number under which a parcel of land is filed in the office of the Director and the letter shall designate the cadastral district within which the parcel of land falls.

37. In addition to the designation of the land as prescribed in regulation 36 there shall be quoted by the land surveyor, when possible and below his signature, on every diagram representing a sub-division of a parcel of land,-

- (a) the Director’s number, if any, of the original diagram;
- (b) the date and number, if any, of the deed of transfer to which the original diagram is annexed or relates.

38. (1) Special care shall be taken to represent with accuracy on a diagram features which form the subject of a servitude.

Beaconing shall not be necessary where the servitude is defined by physical features. When the features or boundaries defining an existing servitude have been determined by survey and represented on an approved diagram, these need not for the purposes of any new diagram of the whole or a portion of the land affected by such servitude be re-surveyed, provided the limits of the servitude falling within the land surveyed are graphically represented on the new diagram and a reference is made to the diagram from which these were reproduced.

Where a new sub-divisional line is in close proximity to an existing servitude which is not indicated on the diagram of the relevant sub-division, the land surveyor shall furnish the Director with an assurance that such sub-division is not subject to such servitude.

(2) When it is intended to create over a parcel of land a servitude which will be of effect upon such parcel being transferred, a note underlined in red with reference to such servitude shall be made by the land surveyor on the diagram of such parcel, below the data column. The note shall be in the form of a direct statement, e.g. “J.K.L.M. represents a three metre right of way” but shall contain no condition which it is proposed to attach to the servitude, e.g. “J.K.L.M. represents a three metre right of way for the use of the owner of plot number 15”.

(3) If upon the transfer of a portion of a property being effected, the remainder of a contiguous property owned by the same person is to be made subject to a right-of-way or other servitude, the surveyor may represent its position on the sub-divisional diagram, provided the whole figure of the servitude is shown on the diagram true to the scale of that diagram or in an inset plotted on a suitable scale.

(4) Such data as are necessary to enable the position and limits of any such servitude as are referred to in paragraphs (2) and (3) of this regulation to be located on the ground shall be recorded on the sub-divisional diagram or servitude diagram, as the case may be, in the most convenient manner.

When the area of the servitude represents an appreciable proportion of the land affected it shall also be recorded on the sub-divisional diagram.

(5) The provisions of regulations 18, 19, 22, 29, 30 and 37 shall apply mutatis mutandis to a diagram framed for the purpose of a servitude. At least one copy shall be framed on paper.

39. As a help to its future identification there shall be given a concise description of each beacon on any convenient space on the face of each diagram; such description shall be more or less in the following form-

- AB 98 Standard numbered concrete beacons
- B iron peg cemented in hole drilled in rock
- C 20 mm. galvanized iron pipe projecting 10 cm. above ground
- D old coral beacon
- E masonry beacon
- F corner of wall.

If any beacon is a fence post, this must be clearly stated in the description e.g., iron rail (corner fence post).

40. In the case of a subdivision or combination of parcels a note shall be made on the diagrams of the subdivided or combined parcels that the parcel or parcels thus created are sub-divisions or combinations of the parent parcel.

41. No sub-divisional diagram framed for transfer purposes shall represent portions of land represented on more than one original diagram.

42. (1) Subject to sub-regulation (2), in any case where the Director is of the opinion that it is not practicable because of the extent of the parcel covered by a diagram and the number of beacons involved in the survey of the parcel to comply with this Part he may exempt the diagram from the requirement of any or all of the provisions of this Part.

(2) A diagram to which sub-regulation (1) applies shall contain a note stating that the information in respect of the diagram required by this Part may be obtained by reference to the diagrams of the adjacent parcel to in the diagram.

43. (1) Erasures shall not be allowed on any diagram submitted for approval. Any alterations or amendments of the numerical data, or of the verbal definition of the figure, shall be effected by ruling out the incorrect data or words and by writing in the correct data or words above or next to those ruled out.

The amendments or alterations shall be initialed by the land surveyor who has signed the diagram, or in special cases, by the Director in his discretion. The Director shall notify the land surveyor of such amendment or alteration.

The initials shall be placed in the margin opposite the correction, preferably in the right-hand margin.

(2) In the framing of nay diagram, prick marks shall not be used for the purpose of transferring to it from another diagram or plan the positions of curvilinear boundaries or topographical features of the ground. The positions of buildings and of beacons and stations used in the survey may, however, be transferred by means of pricking needle.

44. (1) After a diagram has been approved no alteration of any nature whatsoever shall be made thereto except by the Director with the consent of the land surveyor responsible; a certified copy thereof shall be issued by the Director on payment of the prescribed fee.

(2) No deduction shall be laid down, nor shall any erasure, amendment, note or endorsement be made on an original diagram except by the Director.

45. The Director may refuse to approve a diagram should he consider that it is framed in a careless or untidy manner or on unsuitable paper, or that by reason of amendments or by the addition of any matter other than is required by these regulations or other causes its general appearance has been spoilt or should it be in a dilapidated condition.

46. Every diagram framed from a survey shall bear the date of such survey, and shall be signed by the land surveyor who effected the survey below the following certificate

“Surveyed on the 19..... by me.

.....

Land Surveyor.”

47. A diagram submitted for approval shall be submitted in duplicate or otherwise as the Director may require.

PART V

Survey records

48. The survey records referred to in paragraph (c) of subsection (1) of section 9 and paragraph (a) of section 20 of the Act shall be-

- (a) the original field-book;
- (b) the computations in ink written on one side of the paper only;
- (c) a report relative to the alignment of beacons and other matters which may be considered material and useful;
- (d) the working plan;
- (e) a comparative sketch; and
- (f) the agreement to beacons and boundaries when relevant.
- (g) Copies of notices served in accordance with section 14(2) of the Act together with certificates of posting when service has been effected by post;
- (h) Copies of the newspaper carrying the notices mentioned in section 14(3) of the Act; and
- (i) Copies of the consent in writing of owners or contiguous owners mentioned in section 14(4) of the Act.

The records shall be submitted by the land surveyor to the Director for examination with every diagram, set of diagrams framed from the survey, unless they are already filed in the office of the Director. The Director will approve the diagrams, provided they are in order and the necessary examination fees, if any, have been paid.

49. (1) The size of the working plan shall not exceed 85 centimetres by 130 centimetres nor be less than 20 centimetres by 30 centimetres and it shall be drawn in ink on a stable transparent plastic material and on it shall be recorded the following informations-

- (a) a description sufficient to identify the land surveyed;
 - (b) the letter, number or name assigned to each portion or lot into which the land has been sub-divided;
 - (c) the position and name or other designation of every station, traverse point, reference mark, trigonometrical station or calculated point fixed or used in the survey or computations;
 - (d) the positions and designations of all the beacons, and the positions of the boundary lines which they define;
 - (e) the curvilinear boundaries. These shall be accurately drawn in black ink on a scale not smaller than 1 in 5,000 unless otherwise permitted by the Director, in the case of any particular survey, by notice in writing to the surveyor engaged on such survey. Should the scale of the working plan be smaller than 1 in 5,000 the curvilinear boundaries may be shown by means of an inset on the working plan or on a separate working plan;
 - (f) all measured lines and directions used in the determination of a curvilinear boundary;
 - (g) the positions and descriptions of all marked stations, beacons and landmarks or other indications of corner points which the surveyor has determined or placed in the course of his survey;
 - (h) the scale on which the working plan is plotted, and that on which the curvilinear boundary is plotted;
 - (i) where it is considered necessary or desirable in the interests of clarity or accuracy, the topographical features of the ground, including fences which are on or are supposed to be on the boundary lines;
 - (j) the direction of the true north;
 - (k) the area of each parcel in hectare and square metre shall be tabulated.
- (2)
- (a) All boundaries shall be drawn on the working plan in black and all straight lines notionally separating rectilinear areas from curvilinear areas or showing a notional boundary common to both rectilinear and curvilinear areas shall be drawn in black pecked lines.
 - (b) All lines, the lengths of which have been measured, shall be drawn in red. Where a measured line is a boundary line the measured line shall be shown in red alongside the black. All lines whose lengths have not been measured but whose angles of direction have been measured shall be drawn in blue. When such a line has been observed from one end only, it shall be shown pecked in blue at the end from which it was not observed and full blue at the end from which it was observed. Where buildings are plotted on the working plan such buildings must be shown in violet.

- (c) Beacons placed in the course of a survey shall be indicated by small black circles. All beacons found and adopted in a survey shall be indicated by two concentric circles in black. All beacons found and not adopted shall be indicated by two concentric circles in black with a line drawn through them. Points which have only been calculated shall be indicated by small violet circles.
- (d) Traverse points and survey stations shall be indicated by red circles and where such points and stations have been marked as prescribed in regulation 13(3) they shall be indicated by two concentric circles drawn in red.
- (e) Each trigonometrical station shall be indicated by a small circle inscribed in a triangle, both drawn in black.
- (f) When two or more points are in such close proximity to one another that the required details cannot be clearly shown on the working plan they shall be indicated thereon by means of an enlarged inset not necessarily to scale.
- (g) Reference marks shall be indicated by crosses inscribed in circles both in red.
- (h) Conventional signs to be adopted on a working plan shall be as determined by the Director.
- (i) A working plan shall be signed by the responsible land surveyor under the following certificate:-
- (j) A working plan shall be signed by the responsible land surveyor under the following certificate:-

“Surveyed by me on 19.....

.....

Land Surveyor

PART VI

Computations

50. (1) A land surveyor shall by his computations apply an efficient check to every part of his survey.

These checks shall be clearly indicated by means of cross-references or concise statements.

(2) Computations shall be clearly and legibly written. Each sheet shall be numbered and references shall be made in the computations to the page or pages in the field book from which the date for the computations have been obtained. One side only of the paper shall be used.

(3) With the computations made in respect of any survey shall be-

- (a) a complete list of final co-ordinates of every point fixed in the survey and reference shall be made in this list to that page of the calculations on which the co-ordinates have been computed; and

(b) a consistency sheet in respect of each diagram on which co-ordinates are furnished.

(4) Computations shall be made throughout in the unit of measure prescribed in regulation 25.

(5) Unorthodox methods of computation shall be fully explained if so required by the Director.

(6) The Director may stipulate the methods and forms to be used in computations.

51. In calculating the co-ordinates of a point on a straight line between two fixed points, and at a given distance from them, the shorter distance and the angle of direction of the whole line shall be used.

PART VII

Arbitration proceedings and determination of compensation for

damages caused as result of surveys

52 (1) Upon receiving an objection lodged in terms of section 13(6) or section 14(6) of the Act to a beacon or boundary adopted in the survey or resurvey of any land, the Registrar of the Supreme Court shall serve notice, in the manner provided in regulation 70, requiring the person noticed, within a period of one month after the date of such notice to complete and sign before two witnesses and to return to him, a deed of submission substantially in the following form-

Deed of submission

I, the owner of the parcel of land called situated at
..... Seychelles, hereby undertake to submit

The question of the disputed beacon and/or boundary common to the land called to the decision of an arbitrator or arbitrators to be appointed by a Judge in Chambers under the provisions of section 13(6) or 14(6) of the Land Survey Act, and to accept his or their award in regard to such beacon and/or boundary, and to the costs of or incidental to such arbitration as final and conclusive.

Signed

In the presence of 1 Witness

In the presence of 2 Witness

(2) Upon receipt of deeds of submission from every owner affected by an objection, a Judge in Chambers shall appoint an arbitrator or arbitrators to determine the matter in dispute, but shall, unless he deems it otherwise desirable, appoint one arbitrator only. If, however, half or more than half of the persons affected by the objection demand that more than one arbitrator shall be appointed he shall appoint three arbitrators. In the event of three arbitrators being appointed, the decision of any two of them shall determine all questions under submission.

(3) Before any arbitrator enters on a reference under the Act he shall make and subscribe to the following declaration before the Registrar of the Supreme Court:-

“I do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matter referred to me under the Land Survey Act.”

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

(5) If an arbitrator dies or becomes incapable of acting before making his award, a Judge in Chambers may appoint another arbitrator in his place. Every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose place the appointment is made.

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

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

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

(9) As far as practicable, written notes shall be taken of the oral evidence of witnesses by the arbitrator or arbitrators before whom it is given, and such notes shall be submitted to the Registrar of the Supreme Court, together with the award, for purpose of record.

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

(11) In every award the arbitrator or arbitrators shall direct by whom the cost of and consequent upon the arbitration, or any part thereof, shall be paid, and may decide upon or tax the amount of the cost or part thereof to be so paid except the fees payable to the arbitrator or arbitrators. The fees to be paid to an arbitrator shall be determined by the Judge in Chambers prior to the appointment of such arbitrator.

(12) In deciding what are the true and correct beacons or boundaries common to two contiguous parcels of land an arbitrator shall take into consideration the particular circumstances of each particular case but shall generally be guided by the following principles:-

- (a) The original beacons of a parcel of land as erected or adopted at the original survey thereof, if any, shall be deemed to define the true boundaries of such land notwithstanding that such beacons may not correspond with the original diagram or may not include the extent of land which the title deed of such land purports to convey.
- (b) When well ascertained beacons have, for an uninterrupted period of not less than 20 years been recognized by the parties to the dispute or predecessors in title as the true and correct beacons, such beacons shall be taken to be the original beacons:

Provided that no land which is clearly not included nor intended to be included in the title deed of a parcel of land may be included in a new diagram of that parcel of land, notwithstanding that it may have been used or occupied for the period of prescription by the owner of such parcel of land or his predecessors in title to the exclusion of others.

53. Whenever an owner or occupier of land alleges that he is entitled to compensation in terms of paragraph (ii) of the proviso to section 29(1)(g) of the Act, such compensation shall be determined and paid in accordance with the following provisions:-

- (a) The land surveyor and the owner or occupier of the land shall agree upon a fair compensation for the damage done by the land surveyor, and a statement of damage done and of the compensation which is agreed upon shall be duly signed by both the owner or occupier of the land and the land surveyor.
- (b) Where the land surveyor and the owner or occupier of the land are unable to agree upon the amount of compensation payable, the land surveyor shall apply to the Public Works Manager or the Principal Secretary responsible for Agriculture to inspect the damage done to buildings or to trees or crops, as the case may be, and to assess the amount of compensation which shall be paid. If the owner or occupier of the land thereupon agrees with the amount of compensation proposed, then a statement of damage done and of the compensation which is agreed upon shall be duly signed by both the owner or occupier of the land and the land surveyor.
- (c) Where the owner or occupier of the land and the land surveyor do not agree either that such owner or occupier is entitled to compensation or that the compensation offered to be paid by the land surveyor is adequate, the claim for compensation shall be determined summarily by a Judge in Chambers.

PART VIII

Fees and taxation

54. The fees or charges to be paid in respect of any diagram, plan or document issued by or any act or matter required or permitted to be performed or dealt with in the office of the Director shall be as set out in Schedule A.

55. The charge for services performed by a land surveyor shall be in accordance with the tariff of fees prescribed in Schedule B;

Provided that increased charges may be made by written agreement between the owner and the surveyor.

56. The bill of costs of a land surveyor shall be taxed in case of dispute by the Board, subject to a right of appeal to a Judge in Chambers.

PART IX

Miscellaneous

57. For the purpose of the second proviso to paragraph (a) of section 18 of the Act, a beacon shall be deemed to have a bearing on a parcel of land represented on a diagram based upon a division survey when it defines a terminal point of a straight boundary line which is common to such parcel of land and to the land under division.

58. A survey of State land or a survey of any land on behalf of the Government shall not be undertaken except under the instructions and with the authority of the Director.

59. Upon applying to the Director under the provisions of subsection (1) of section 16 of the Act for the approval of a new diagram of any land, the owner of such land shall forward or produce the existing diagram thereof to the Director for cancellation, or, if this has been lost or destroyed, shall forward, or produce in lieu thereof, a written statement to that effect.

60. Any diagram, plan, report or other document required by the Director in terms of these regulations shall be deemed to be an essential part of a survey, and the cost thereof shall form a part of the cost of such survey.

61. When a land surveyor has replaced a lost beacon he shall report forthwith the circumstances to the Director, and shall submit to that officer for examination and for permanent filing the survey records relative to such replacement.

62. Should a plan or sketch, of which the return is desired, be submitted to the Director in illustration of a letter or report, it shall be in duplicate.

63 (1) An agreement as to beacons and boundaries shall be, as far as practicable, in the form in Schedule C.

(2) Notices served by a land surveyor in accordance with section 14(2) on owners and contiguous owners shall as far as practicable, be in the form set out in Schedule D, and consent in writing to beacons and boundaries shall so far as practicable be in the form set out in Schedule E.

64 (1) The oath to be taken by the Director and every land surveyor shall be taken and subscribed before the Minister and shall be in the following form-

I, do swear that I will discharge the duties of a land surveyor carefully and without partiality, fear, favour or affection and will conform to all laws defining these duties. So help me God!

(2) A person may, instead of taking the prescribed oath, make a solemn affirmation in the form of oaths prescribed in paragraph (1) of this regulation. In such a case the words "So help me God" shall be the omitted and the words "solemnly, sincerely and truly declare and affirm" shall be substituted for the word "swear".

65. A land surveyor may issue certified copies of his working plan, field-book or calculations relative to any survey carried out by him. He may not issue certified copies of diagrams approved by the Director under the Act notwithstanding that he may have carried out the survey upon which the diagrams are based:

Provided that this prohibition shall not extend to plans or memoranda or survey made under any enactment prior to the Act.

66. The Director shall generally exercise such powers and perform such duties as are conferred or imposed upon him by the Act and these regulations and without prejudice to the generality of the foregoing provision he shall, subject to the Act and these regulations-

- (a) supervise and control the survey and charting of land within Seychelles;
- (b) take charge of and preserve all records appertaining to surveys of land which were prior to the commencement of the Act in the custody of his predecessors or in the custody of the Registrar of Deeds;
- (c) examine all survey records and diagrams and approve such diagrams if he is satisfied that such surveys have been carried out in such a manner as to ensure accurate results

and that such diagrams have been prepared and the boundaries of the land surveyed have been defined in accordance with the Act and these regulations;

- (d) on the diagram of an parcel of land defined the geometrical figure of any portion of such land which has been surveyed, and deduct the numerical extent of such portion on the reverse of the diagram;
- (e) cancel any diagram in accordance with the provisions of sections 16 and 18 of the Act;
- (f) assign to each parcel of land surveyed under the Act for which a diagram has been prepared, a distinctive number which number shall thereafter be used in all references to the parcel. Primary sub-divisions of the parcel shall be called "Portion of Parcel No.....". Secondary and subsequent sub-divisions shall be allocated the next consecutive portion number in the parcel and shall show, in brackets, after the number of the portion, the immediate parent of that portion;
- (g) issue technical circulars;
- (h) where he considers that any survey has been carried out by unsound or unacceptable survey techniques or methods in his discretion, refuse to approve any such survey.

67. In the case of surveys carried out by the Director, the functions of the Director under subsection (5 of section 13 of the Act shall be performed by the Public Works Manager or by a Government surveyor or if there are no Government surveyors or no Government surveyor is able to act, such functions shall be performed by a land surveyor designated by the Minister.

68. The provisions of these regulations shall apply to the Director and to all Government surveyors when these officers act as land surveyors.

69. Notwithstanding anything to the contrary contained in these regulations, the Director, in his discretion, in the case of any particular survey, may, by notice in writing to the surveyor carrying out such survey direct that the standards of accuracy prescribed in these regulations be relaxed in such manner, to such an extent and subject to such conditions as he shall specify in such notice.

70 (1) Where a notice is required to be served under the Act or these Regulations, such service may be effected by personal delivery or by registered post at the last known address of the person to be served either in Seychelles or overseas.

(2) Service by personal delivery shall be authenticated by the addressee signing a copy of the notice of affixing his mark thereto before a witness who shall sign the copy of the notice and attest that the mark was affixed in his presence.

(3) Service by registered post shall be proved by the certificate of posting.

71. Where a party is required under the Act or these Regulations to give or indicate his consent, agreement or acceptance in writing, it shall be sufficient if such party signs a document giving or indicating such consent, agreement or acceptance or if such party is unable to sign from physical disability or otherwise, he shall affix a mark to such document in the presence of two witnesses who shall identify the party, attest that the mark was affixed in their presence and sign the document. In any other cases consent, agreement or acceptance may be given by notarial deed.

1. For the examination of survey records per survey:
 - (a) of 1000 square meters or less, for each parcel: R. 200.00
 - (b) of more than 1,000 square meters
and up to 4,000 square meters, for each parcel: R. 300.00
 - (c) of more than 4,000 square meters
and up to 20,000 square meters, for
each parcel: R. 500.00
 - (d) of more than 20,000 square meters,
and up to 40,000 square metres.
for each parcel: R. 800.00
-

*Note S.I 95 of 2008 repealed the entire schedule A and replaced it with the above schedule causing an anomaly in that there is a schedule B that follows the Schedule. Secondly that SI attempted to make certain amendments to a certain regulation 4,5,6,7 and 8 which amendments are senseless and therefore those amendments have not been made in this updated copy of the Regulations.

SCHEDULE B

(Regulation 55)

FEES

1. Survey-

For the survey (other than a survey referred to in paragraphs 2, 3 and 5) of a parcel including boundary adjudication in respect thereof-

- | | |
|---|----------|
| (a) involving the fixing of not more than 4 beacons | R4500.00 |
| (b) involving the fixing of more than 4 beacons- | |
| (i) for the first 4 beacons | R4500.00 |
| (ii) for each additional beacon | R 450.00 |

2. Subdivision Survey-

- | | |
|--|----------|
| (a) For the preparation of planning application for subdivision, for each plot | R 300.00 |
| (b) For survey work- | |
| (i) involving the fixing of not more than 2 beacons | R2400.00 |
| (ii) involving the fixing of more than 2 beacons- | |
| A for the first 2 beacons | R2400.00 |
| B for each additional beacon | R 450.00 |

3. Compilations Survey-

For the compilation of a rectilinear parcel-

- | | |
|--|----------|
| (a) of not more than 4000 sq. metres | R1800.00 |
| (b) of more than 4,000 sq. metres | |
| (i) for the first 4,000 square metres | R1200.00 |
| (ii) for each additional 6,000 square metres or part thereof | R 600.00 |

4. For tachymetric work, in respect of a

parcel for each 25 metres or part thereof	R 300.00
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5. Topographical, Engineering and Detail Surveys

The fee shall be the fee agreed between the client and the surveyor.

6. Relocation of Beacons-

(a) For relocating or replacing a beacon R1200.00

(b) For relocating or replacing each additional beacon R 300.00

7. Location Plan-

(a) For the preparation of up to 5 copies of a location plan R 150.00

(b) For the preparation of additional copy of location plan in excess of 5 copies, for each copy R 30.00

8. Cost of Travelling etc-

In addition to the fees specified in paragraphs 1 to 6, reasonable cost of traveling and, when working away from Mahe, reasonable cost of lodging and subsistence.

SCHEDULE C

(Regulation 63)

AGREEMENT AS TO BEACONS AND BOUNDARIES

We, the undersigned (a)

1 Owner of

2 Owner of

3 Owner of

4 Owner of

and owner of the parcel of land under survey called declare that we have inspected the beacons and boundaries common to our said parcels as adopted in the survey of the lat named parcel of land by Land Surveyor

And we declare that we agree and consent to the positions indicated on the figure on the opposite page of the beacons and boundaries specified below and consent to a diagram being framed in accordance therewith.

Date

Signature or mark	Beacons & Boundaries	Witnesses to
(b) & (c)	Accepted and signed for	mark(d)
1		1.....
		2.....
2		1.....
		2.....
3		1.....
		2.....
4		1.....
		2.....

(e) We, the abovesigned witnesses, declare that the mark appearing opposite our signature was affixed in our presence by the person whom we have identified before attesting his mark.

Signed

.....

.....

.....

Signature of Land Surveyor

Date

NOTES

1. (a) The name of each owner should be entered on a separate line in block capitals.
 - (b) Only one signature to be written opposite each number, which must correlate with the number previously used.
 - (c) An agent or proxy must produce the original power of attorney or a certified copy thereof. The original power of attorney or the certified copy thereof will be returned after being noted hereon by the Director.
 - (d) Two witnesses are required to each mark. Witnesses must also sign the declaration (e).
2. The page containing the figure referred to in the agreement is to be headed-

“Figure representing land survey and common beacons and boundaries of contiguous properties.”

This page must be signed by the land surveyor performing the survey and the beacons and boundaries must be designated on the figure so as to correspond with the beacons and boundaries referred to in the agreement. Description of the beacons as agreed to must be given. No data regarding the positions of the beacons need be given but the figure must be plotted to scale which scale must be stated.

SCHEDULE D

(regulation 63)

OBJECTIONS TO BEACONS AND BOUNDARIES

I Land Surveyor, appointed by to survey/subdivide his/her/their property at hereby inform you that the survey has been completed and lodged in the office of the Director. The parcel number(s) is/are If you have any objections to the beacons and boundaries established in connexion with the survey of the above numbered parcels of land, you should lodge your objections at the Registry of the Supreme Court within two months of date of this notice.

If you so wish, you may agree to the above said beacons and boundaries by writing to the Director.

Any person failing to lodge his objection within the prescribed period will be deemed to have agreed to the said beacons and boundaries. Your attention is drawn to section 14 of the Land Survey Act.

SIGNATURE OF LAND SURVEYOR

DATE

SCHEDULE E

(regulation 63)

CONSENT TO BEACONS AND BOUNDARIES

Name:

Address:

Date:

Director

In accordance with section 14(4) of the Land Survey Act, I/we* the undersigned, hereby record my/our* consent to the beacons and boundaries of Parcel(s) No(s) or boundaries line(s) Folio No(s)

Signature(s)

.....

.....

.....

.....

To: Director

*Delete as appropriate. _____