

CHAPTER 134

LAND SURVEYS

ARRANGEMENT OF SECTIONS

SECTION

1. SHORT TITLE
2. INTERPRETATION
3. APPLICATION TO BE REGISTERED AS LAND SURVEYOR
4. EXAMINATION OF APPLICANT
5. RULES AND DIRECTIONS BY SURVEYOR-GENERAL
6. RECOGNITION OF SURVEYS BY COURTS AND GOVERNMENT
7. PLANS, ETC TO BE SIGNED AND DATED
8. DUPLICATE OF PLANS, ETC, TO BE FILED IN SURVEYOR-GENERAL'S OFFICE
9. PENALTY FOR UNAUTHORISED USE OF BROAD ARROW
10. ERRORS OF REGISTERED SURVEYOR TO BE CORRECTED AT HIS COST
11. COMMISSION OF REGISTERED SURVEYOR MAY BE SUSPENDED OR CANCELLED IN CERTAIN EVENTS
12. FEES FOR GOVERNMENT SURVEYS
13. FEES PAYABLE TO REGISTERED LAND SURVEYORS
14. PENALTY FOR UNAUTHORISED PRACTISING AS A SURVEYOR

CHAPTER 134

LAND SURVEYS

5 of 1915
13 of 1959
4 of 1968
LN 46A of 1978
LN 88 of 1978

AN ACT FOR THE REGULATION OF LAND SURVEYORS AND SURVEYS

[19th May 1915]

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

2. In this Act unless the context otherwise requires "Surveyor-General" means the chief surveyor in the service of the Government.

3.-(1) Every person desirous of becoming a Land Surveyor shall address an application to that effect to the Minister, accompanied by such certificates of qualification as may be deemed expedient, and the Minister, if he thinks fit, may transmit such application and accompanying certificates to the Surveyor-General for his report thereon.

(2) No application shall be entertained unless the applicant produces satisfactory certificates that he has been professionally employed for not less than two years, of which period not less than eighteen months has been spent in the field.

4.-(1) The Surveyor-General shall examine every such applicant, provided that such applicant shall before the time appointed for the examination pay to the Surveyor-General a fee of four dollars and twenty cents and shall report to the Minister as to the fitness of such applicant to be commissioned as a Land Surveyor.

(2) If the report be favourable the Minister may issue a commission to the applicant as a Land Surveyor, and the name of every person to whom such a commission is issued shall be registered by the Surveyor-General.

(3) The Surveyor-General may, at his discretion, dispense with the examination above provided for in the case of an applicant who at the time of his application is registered or licensed as a Land Surveyor in any part of Her Majesty's dominions the laws whereof require the passing of an examination as a condition precedent to registration or licensing.

5. Every registered Land Surveyor shall in the exercise of his functions conform to such rules and directions as the Surveyor-General, with the approval of the Minister, may from time to time make or issue.

6. No surveys other than those executed by a registered Land Surveyor, or other than those executed by or under the direction or authority of the Surveyor-General, the plans and memoranda of which have been countersigned by the Surveyor-General, shall be recognised by any Court in Solomon Islands or by the Government.

7. Every plan or memorandum of survey made by a registered Land Surveyor shall be signed by the person making the same and shall bear the date of making.

8. Every registered Land Surveyor shall file in the office of the Surveyor-General a duplicate of every plan and memorandum of survey made by him, and it shall be the duty of the Surveyor-General to lay down as far as possible upon general maps of the various islands of Solomon Islands the position and boundaries of the land surveyed.

9. If any person shall without the authority of the Minister use or make upon any land or upon anything thereon any mark in the form of a representation of a broad arrow he shall on conviction be liable to a fine of two hundred dollars or to imprisonment for six months or to both.

10. Any registered Land Surveyor who, in the exercise of his functions, shall make an error in any work which he shall have been directed or instructed to perform shall be liable at the request of the Surveyor-General or of the person directing or instructing him to correct such error at his own expense.

11. If it shall be brought to the notice of the Surveyor-General or if he himself shall have reason to believe that any registered Land Surveyor has in the exercise of his functions acted dishonestly or negligently or in an unprofessional or improper manner or shown want of reasonable skill or that he has refused or neglected to conform to any rule or direction made or issued by the Surveyor-General as hereinbefore provided it shall be the duty of the Surveyor-General to frame a charge against him and to call him to answer thereto before a Board consisting of the Surveyor-General and two persons to be nominated by the Minister and if the said Board by a majority shall find the charge proved, or if such registered Surveyor shall fail to appear before the Board or appearing shall refuse to answer, the Board shall report the result to the Minister who may thereupon suspend or cancel the commission of the offender. The suspension or cancellation shall be published in the Gazette.

12. The Minister may from time to time by order fix the fees to be paid for surveys carried out by the Government, or for any work performed by the Government, in relation to any matter within the functions of the Surveyor-General.

13. There shall be paid to registered Land Surveyors for surveys and work done in connection therewith, when employed otherwise than by the Crown, such fees as may

from time to time be fixed by the Surveyor-General with the consent of the Minister. In the event of any registered Land Surveyor charging any higher fees than those so fixed he may be deemed guilty of having exercised his functions in an unprofessional and improper manner and may be dealt with accordingly.

14. Any person, not being a duly registered Land Surveyor and entitled to practise as such, who for gain or reward as a Surveyor, purports to perform any of the duties or functions appertaining to the office of a Surveyor shall be liable, on conviction, to a fine of fifty dollars.

CHAPTER 134

LAND SURVEYS

Subsidiary Legislation

THE SURVEYOR-GENERAL'S RULES

(Section 5)

[31st January 1964]

1. These Rules may be cited as the Surveyor-General's Rules.

2. A registered Land Surveyor proposing to survey any parcel of land for any purpose connected with the title thereto, or in circumstances in which the survey may be used for any such purpose, shall first obtain the written permission of the Surveyor-General to survey such land and in granting permission the Surveyor-General may give such directions concerning the method of survey as he thinks fit.

3. A registered Land Surveyor shall disclose in every plan and by calculation and written report where necessary all doubts, discrepancies and difficulties connected with the survey, and shall afford to the Surveyor-General all information obtainable by him

relating thereto which may aid in securing accuracy and completeness in the records.

4. Before making a survey, a registered Land Surveyor shall obtain from the Surveyor-General all information relevant to the survey respecting the subject land and the adjacent lands and shall take special care that his survey does not include any land other than the subject land.

5. In the case of land which is being surveyed for the purpose of application for first registration under the Land and Titles Act, a registered Land Surveyor shall take due care to survey and record any part of the land appearing to be occupied by any person other than the applicant.

6. The survey of any parcel of land shall be based on or connected to the Universal Transverse Mercator System of Coordinated Stations, unless such parcel of land is situated more than three miles from the nearest co-ordinated station, or this requirement is expressly dispensed with by the Surveyor-General.

7. When the survey of any parcel of land is not based on the Universal Transverse Mercator System of Co-ordinated Stations, astronomical observations for azimuth (True North) and latitude shall be made and recorded in the field notes.

8. Boundary marks shall be established at all corners unless this requirement is expressly dispensed with by the Surveyor-General under rule 9.

9. Where a corner point of a parcel of land falls within inaccessible ground, or where it is inadvisable to place a mark, or where the position of an original mark of the land under survey falls in an inaccessible place such as in a river, stream, road reserve or at high water mark or the like, its position with the consent of the Surveyor-General shall be indicated on the ground by a mark erected on the straight boundary line meeting the corner point and as near to the corner point as is consistent with its permanency, and the distance between such indicative mark and the corner point shall be recorded on the plan by means of an inset.

10. Boundary and indicative marks shall be of a type and size approved by the Surveyor-General.

11. All roads, rights of way and easements shall be shown on every plan of the parcel of land through or into which they run.

12. Plans for filing in the Surveyor-General's office shall be neatly and accurately drawn on drawing paper or other drawing material the size and quality of which has been approved by the Surveyor-General. Any plan not conforming to the standard required may be rejected. A plan shall be a most complete record of survey showing the distances and bearings of all boundary and survey lines. Each parcel of land depicted on the plan shall be edged in varying colours to avoid doubt. The plan shall face north and a north point or Universal Transverse Mercator Grid Lines shall be given on the plan. Lettering, area of each parcel of land, boundary lines and the bearings and distances of boundary lines shall be written in approved black ink; other data shall be written in approved red ink.

13. Natural scales of 1:1000, 1:1250, 1:1500, 1:2000, 1:2500, 1:5000, 1:7500, or any of the above scales in which the denominator is multiplied or divided by ten shall be used, provided that the size of any parcel of land depicted on a plan shall not be less than one square inch.

FEES FOR GOVERNMENT SURVEYS ORDER

(Section 12)

[16th June 1995]

The fees to be paid for the carrying out of any survey by the Government or for the performance of any work by the Government in relation to any matter within the functions of the Surveyor-General shall be as set forth in the following Schedule:-

SCHEDULE

Scale of Fees

A. DEFINITIONS

In this Schedule-

"boundary beacon" means a survey mark constructed and placed for the purpose of indicating a boundary;

"closer settled land" means any land, not being rural land whether customary land or not, which is used for settlement purposes;

"rural land" means any land, not being closer settled land whether customary land or not, which is used for agricultural or forestry purposes exclusively;

B. CHARGES FOR BOUNDARY SURVEYS OF CLOSER SETTLED LAND

- (i) The basic survey fee for a survey of closer settled land shall be \$150.00
- (ii) The following additional fees shall also apply-
 - (a) For the creation of new lots, the charge shall be \$300.00 per lot requested by the subdivider;
 - (b) For each boundary beacon placed or replaced by an iron rod in concrete shall be \$25.00 or an iron fence post in the ground shall be \$40.00;
 - (c) For each indicatory or unco-ordinated line beacon necessarily placed shall be \$10.00;
 - (d) For every 10 metres or part thereof by which the perimeter of each requested lot exceeds 100 metres shall be \$5.00.
 - (e) For each kilometre of survey traversed or part thereof the charge shall be \$100.00.
 - (f) Registration survey fee shall be the summation of \$50.00 for one new lot created and \$10.00 for each additional new lot in the subdivision.
 - (g) Identification survey without replacement of boundary beacons shall be as per provision B(i), B(ii) (c), B(ii) (d), B(ii) (e) and D(iv). For the replacement of boundary beacons, all closer settled land fees and transport shall be applied except for provision B(ii) (a).

C. CHARGES FOR BOUNDARY SURVEYS OF RURAL LAND

- (i) The basic survey fee for a survey of rural land shall be \$200.00.
- (ii) The following additional fees shall also apply-
 - (a) For the creation of new lots, the charge shall be \$200.00 per lot requested by the subdivider;
 - (b) For each boundary beacon placed or replaced by an iron rod in concrete shall be \$30.00 or an iron fence post in the ground shall be \$45.00;
 - (c) For each indicatory or unco-ordinated line beacon necessarily placed shall be \$20.00;
 - (d) For every 10 metres or part thereof by which the perimeter of each requested lot exceeds 400 metres shall be \$5.00;
 - (e) For each kilometre of survey traverse or part thereof the charge shall be \$200.00;
 - (f) Registration survey fee shall be the summation of \$50.00 for one new lot created and \$10.00 for each additional new lot in the subdivision;
 - (g) Identification survey without replacement of boundary beacons shall be as per provision C(ii); C(ii) (c), C(ii) (d), C(ii) (e) and D(iv). For the replacement of boundary beacons, all closer settled land fees and transport shall be applied except for provision C(ii) (a) and C(ii) (f).

D. OTHER SURVEY CHARGES THAT MAY BE APPLICABLE

- (i) The actual cost of travel and/or transport to and from the site of the survey together with costs of accommodation shall be chargeable; provided that when more than one survey is carried out during one tour the costs shall be apportioned to the area of each survey.
- (ii) Travelling time shall be charged at the daily rates laid out in section E(a).
- (iii) Where it is necessary to camp overnight in the course of a survey, the fee shall be \$60.00 per party per night.
- (iv) For surveys carried out within the Town boundary, the actual vehicle charge shall be \$10.00 per lot and \$5.00 for each additional lot. For surveys carried outside the Town boundary, the actual vehicle charge shall be \$20.00 per lot and \$5.00 for each additional lot.
- (v) Lodgement Fee shall be charged at the rates laid out in B(i) and B(ii) (f) for closer settled land, and C(i) and C(ii) (f) for rural land.

E. DAILY RATES

For any surveys other than boundary surveys, daily rates shall be charged for the whole party involved in the work as follows-

- | | | |
|-----|-----------------|---|
| (a) | Senior Surveyor | \$675.00 per day or part thereof
with or without party |
| | Surveyor | \$525.00 per day or part thereof
with or without party |
| | Technician | \$375.00 per day or part thereof |

- | | |
|----------|---------------------------------|
| | with or without party |
| Chainman | \$95.00 per day or part thereof |
| | with or without party |
| Casual | \$30.00 per day or part thereof |
| | with or without party. |
- (b) The actual cost of material, travel and transport plus 20% of the cost.
- (c) Survey professional consultation rates shall be \$100.00 per hour or \$25.00 for every quarter hour or part thereof.

REGISTERED LAND SURVEYORS' SCALE OF FEES

(Section 13)

[27th March 1968]

The fees specified in the following Schedule have been fixed as the fees that shall be paid to registered Land Surveyors for surveys and work done in connection therewith, when employed otherwise than by the Crown.

SCHEDULE

Scale of Fees

PART I

DEFINITIONS, GENERAL INFORMATION AND BASIC FEES

Arrangement of Items

- (a) General Remarks
 - (b) Definitions
 - (c) Variation from standard conditions applying to all Parts of this Scale of Fees
 - (d) Daily and hourly rates
 - (e) Travelling, accommodation and transport charges applying to all Parts of this Scale of Fees
 - (f) Double Traversing
 - (g) Additional Charges.
1. (a) *General Remarks*
- (1) The fees are mandatory.
 - (2) An estimate of probable fees payable under this Scale may be made and progress payments received provided that total fees paid shall not exceed the rates laid down under this Schedule.
 - (3) In all Parts of this Scale, unless otherwise stated, the fees set out shall include the cost of field work, marking, calculations, report, fair drawn plan, searching and the depositing of a duplicate copy of every plan, memorandum of survey and report in the office of the Surveyor-General.
- (4) All fees hereby prescribed shall be increased by ten *per centum* in respect of work performed and charges incurred on or after 1st June 1973.
1. (b) *Definitions*

In the interpretation of this Scale of Fees, unless the context otherwise indicates, the following terms shall have the meaning set against each respectively-

- (1) *Urban land* includes a town and any such area of land designated town land under section 125 (4) of the Land and Titles Act (Cap. 133).
- (2) *Rural land* means any land other than (1) above.
- (3) *Beacon* means a survey mark constructed and placed to the satisfaction of the Surveyor-General.
- (4) *Surveyor-General* means the chief surveyor in the Public Service.
- (5) *Fair drawn plan* means a plan drawn to the satisfaction of the Surveyor-General and suitable to be lodged in the Department of Lands and Surveys as a basis for the registration of title to interests in land.
- (6) *Surveyor* means a person to whom a commission has been issued, and who has been registered, under section 4 (2) of the Land Surveys Act.
- (7) *Finder* means a pole, pipe or similar object driven into the ground and used to indicate the position of a beacon.

1. (c) *Variation from standard conditions applying to all parts of this Scale of Fees*

This Scale is based on Standard Conditions where land is clear, slopes do not exceed 3° and measured lines are not obstructed. Where conditions vary from standard, the rates shall be increased in accordance with the following table of percentage increases, applicable to all Parts of this Scale-

TYPE OF COUNTRY		AVERAGE SLOPE OF COUNTRY					
		0-3°	3-8°	8-15°	15-20°	20-25°	over 25°
Percentage Increases							
Minimum clearing	0	50	100	150	200	250	
Light undergrowth, open timber, light grass, sand beach	50	100	150	200	250	300	
Heavy grasslands, or forest with medium undergrowth	100	150	200	250	300	350	
Heavy forest with dense undergrowth, swampy land	150	200	250	300	350	400	
Forest with heavy ground cover of rotten vegetation and undergrowth	200	250	300	350	400	450	
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Bad swamp, dense Loya or prickly vines, dense bamboo	300	350	400	450	500	550	

1. (d) *Daily and Hourly Rates*

- (1) When surveys are undertaken at daily rates, the charges, clear of all expenses shall be-
Surveyor- \$70 per day for field work.
\$60 per day for office work.

Seven (7) hours shall constitute a working day, any time worked which is less than, or in excess of, seven hours shall be charged for *pro rata* of the daily rate.

- (2) When carrying out inspections with a client or a representative of a Government Department, a daily rate of \$60 for a surveyor, clear of all expenses, shall apply.

- (3) When it is necessary to employ labour on work done at daily rates, the surveyor shall charge wages and all expenses actually incurred plus an overhead charge of 100 per cent. In calculating wages, the basis shall be a working year of 180 days.

- (4) Daily rates shall only be used under the following circumstances-

- (i) where specified in this Scale;
 - (ii) where no other part of the Scale is applicable;
 - (iii) after consultation with the Surveyor-General in cases where unusual difficulties have arisen for which the fees prescribed are not commensurate with the work involved.
1. (e) *Travelling accommodation and transport charges applying to all parts of this Scale of Fees*
- (1) A surveyor, when travelling away from his headquarters, shall be entitled to charge first class fares by the usual means of transport together with the actual cost of accommodation plus \$5 per day. For staff accompanying a surveyor, the actual cost of second class fares, where available, shall be charged together with the actual cost of accommodation.
 - (2) When a surveyor finds it necessary to hire a car or to charter an aircraft or a small ship, the charge for such transport shall be the actual cost of the car hire or the aircraft or small ship charter.
 - (3) When a survey party is obliged to camp, a camping allowance of \$13 per party per night is chargeable.
 - (4) On surveys of urban land, a surveyor shall charge a vehicle mileage allowance of 30c per mile—otherwise an allowance of \$8 per day shall be charged.
 - (5) Travelling time shall be charged for at the rate of \$60 per day for a surveyor, plus the actual wages of any employees.
1. (f) *Double Traversing*
- Where, under any Part of this Scale, it is necessary to close field work by double traversing, such shall be charged for at one and one half times the relevant rate set down herein for single traversing.
1. (g) *Additional Charges*
- Where, as a result of an additional instruction from a client, a surveyor is obliged to carry out more field or office work than could reasonably be expected in connection with a particular survey, he shall charge for such extra work at daily rates.

PART 2

CHARGES FOR SURVEYS OF URBAN LAND

Arrangements of Items

- (a) Identification surveys
 - (b) Urban subdivisions into two lots
 - (c) Urban subdivisions into more than two lots
 - (d) Preliminary field or office work
 - (e) Urban road and easement surveys
 - (f) Survey of one side of a road and marking of the other side, no severance involved
 - (g) Travelling and accommodation
 - (h) Points fixed by triangulation
2. (a) *Identification Surveys*
- (1) Where it is necessary to re-define the boundaries of land held under title, provide a report on any encroachments and state whether or not any structures are wholly confined within boundaries, the fee shall comprise a basic fee of \$25 plus extras as designated in (2) hereunder.
 - (2) 25c for each 10' by which the perimeter of each lot exceeds 400'.
\$6 for each obstructed boundary that is re-defined.
\$4 for each corner in excess of four that is re-defined.
50c for each corner indicated by a finder.
 - (3) Where it is necessary to furnish a sketch plan in conjunction with a report, the charge for same shall be \$10.
 - (4) Where it is necessary to re-mark the boundaries of an existing parcel on the ground, a basic fee

of \$35 shall be charged, together with extras as designated in (2) and (3) above.

- (5) Where spot levels are taken in conjunction with a survey carried out under this Part, the charge shall be \$10 for up to 20 spots and 40c per spot thereafter.

2. (b) *Urban subdivision into two lots*

- (1) Fees shall be similar to Part (2) (a) except that the basic fee shall be \$50 for the first lot.
(2) If the second lot is surveyed, the fees shall be 50 per cent of those of the first lot.
(3) If the second lot is in the form of a compiled residue, the fees shall be 25 per cent of those of the first lot.

2. (c) *Urban subdivisions into more than two lots*

- (1) Contiguous lots will be charged for as follows-
\$80 for the first three lots and \$12 for each additional lot up to 10, \$10 for each additional lot thereafter.
The provisions of Part 2 (a) (2) shall apply.
(2) The fees in (1) above shall include the clear and permanent marking of the lot number on each corner beacon.

2. (d) *Preliminary field or office work*

Such work shall be charged for at daily rates.

2. (e) *Urban road and easement surveys*

- (1) Where acquisition involves the severance of corners from individual lots, basic fees will be charged in accordance with either Part 2 (b) or 2 (c), depending on the number of lots involved, and the provisions of Part 2 (a) (2) shall apply.
(2) If calculated residues of severed lots are required to be shown on the survey plan, such calculations shall be charged for at daily rates.
(3) Boundary cuts which are calculated only shall be charged for at daily rates.

2. (f) *Survey of one side of a road with marking at angle and secant points only, no severance involved*

A basic fee of \$50 plus-

- (1) \$50 per mile for new road boundaries and secant distances, includes the opening of the boundary;
(2) \$60 per mile for re-defined road boundaries and secant distances, includes the opening of the boundary;
(3) \$30 per mile for connections by linear measurement only;
(4) \$50 per mile for connections by traverse;
(5) \$4 for each angle or line mark placed.

2. (g) *Travelling and Accommodation*

The provisions of Part 1 (e) shall apply.

2. (h) *Points fixed by Triangulation*

Any point fixed under Part 2 by triangulation shall be charged for at daily rates.

PART 3

CHARGES FOR SURVEYS OF RURAL LAND

Arrangement of Items

- (a) Calculation of charges
(b) Linear rates for new boundaries
(c) Linear rates for boundary re-definition
(d) Linear rates for boundaries following irregular natural features
(e) Linear rates for connections

- (f) Rates for corners, angles, reference marks and line marks
- (g) Fixation of corners and traverse points by triangulation
- (h) Opening of existing boundaries, where no measurement of distance is involved
- (j) Travelling and accommodation
- (k) Rural road and easement surveys
- (l) Astronomical observations
- (m) Work carried out by electronic or optical distance measuring instruments.

3. (a) *Calculation of Charges*

For survey of contiguous lots a basic fee of \$35 shall be applicable to the first lot and \$18 to each subsequent lot-plus additional charges based on Part 3 (b) to (j) hereunder.

3. (b) *Linear rates on new boundaries*

- (1) Where survey is carried out by random traverse, the fee shall be \$60 per mile.
- (2) Where survey is carried out by direct measurement and the boundary is opened, the fee shall be \$70 per mile.

3. (c) *Linear rates for boundary re-definition*

For re-defining and opening a boundary, a fee of \$70 per mile shall apply.

3. (d) *Linear rates for boundaries following irregular natural features*

A fee of \$45 per mile shall apply, unless a random traverse is necessary in which case a fee of \$60 per mile shall apply.

3. (e) *Linear rates for connections*

- (1) Traverse connections shall be charged for at \$60 per mile.
- (2) Connections taped only shall be charged for at \$30 per mile.

3. (f) *Rates for Corners, Angles, Reference Marks and Line Marks*

- (1) Marked corners or angles shall be charged for at \$4 each.
- (2) Reference marks placed in accordance with directions from the Surveyor-General shall be charged for at \$3 each.
- 3 Co-ordinated line marks shall be charged for at \$4 each, those not coordinated at \$2 each.

3. (g) *Fixation of Corners and Traverse points by Triangulation*

Any point fixed under Part 3 by triangulation shall be charged for at daily rates.

3. (h) *Opening of existing boundaries, where no measurement of distance is involved.*

A fee of \$20 per mile of opened boundary shall apply, plus a basic fee of \$40, plus extras in this Part as may be applicable.

3. (j) *Travelling and accommodation*

The provisions of Part 1 (e) shall apply.

3. (k) *Rural road and easement surveys*

- (1) Where severance of existing lots is involved, a basic fee as designated in Part 3 (a) shall be charged.
- (2) Calculated residues and boundary cuts shall be charged for at daily rates.
- (3) Charges as designated in Part 2 (f) shall apply where no severance is involved.

3. (l) *Astronomical observations*

- (1) Observations for orientation per point, \$45.
- (2) Observations for other purposes to be charged for at daily rates.

3. (m) *Work carried out by electronic or optical distance measuring instruments*

Charges shall be at the rate of \$120 per day in lieu of the relevant linear rate.