

LAND SURVEY ACT 8 OF 1997

(Afrikaans text signed by the President)

[Assented To: 5 April 1997]

[Commencement Date: 11 April 1997]

as amended by:

Land Affairs General Amendment Act 61 of 1998
Mineral and Petroleum Resources Development Act 28 of 2002

ACT

To regulate the survey of land in the Republic; and to provide for matters connected therewith.

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1. Definitions

In this Act, unless the context indicates otherwise -

“approve”, in relation to the Surveyor-General and to any general plan or diagram, means the signing of a general plan or diagram in order to signify that the requirements of this Act have been complied with in regard to that general plan or diagram;

“Chief Director” means the Chief Director: Surveys and Mapping, appointed in terms of [section 2A](#);

[Definition of “Chief Director” inserted by s. 8 of Act 61/98]

“Chief Surveyor-General” means the Chief Surveyor-General appointed in terms of [section 2](#);

“contiguous”, in relation to any land represented in a diagram or being subdivided, includes any land having a common beacon or boundary with that land, or land having a beacon being a common terminal point of a straight boundary line of such land, and with reference to any river boundary of such land, includes any land which may be affected by the acceptance of an agreement referred to in [section 33](#) (2) (b);

“deeds registry” means a deeds registry as defined in the Deeds Registries Act, 1937 (Act No. 47 of 1937), and when used in relation to any mining title includes the Mining Titles Office;

“Department” means the Department of Land Affairs;

“diagram” means a document containing geometrical, numerical and verbal representations of a piece of land, line, feature or area forming the basis for registration of a real right and which has been signed by a person recognised under any law then in force as a land surveyor, or which has been approved or certified by a Surveyor-General and includes a diagram or copy thereof prepared in a Surveyor-General’s office and approved or certified as such, or a document which has at any time, prior to the commencement of this Act, been accepted as a diagram in a deeds registry or Surveyor-General’s office in the Republic or in any such office situated in any area which became part of the Republic at the commencement of the Constitution, 1993;

“Director-General” means the Director-General of the Department;

“erf” means any piece of land registered as an erf, lot, plot or stand in a deeds registry, and includes a stand or lot forming part of a piece of land laid out as, but not proclaimed, a township, or a portion of such erf, stand or lot;

“general plan” means a plan which, representing the relative positions and dimensions of two or more pieces of land, has been signed by a person recognised under any law then in force as a land surveyor, or which has been approved or certified as a general plan by a Surveyor-General and includes a general plan or a copy thereof prepared in a Surveyor-General’s office and approved or certified as such or a general plan which has, prior to the commencement of this Act, been lodged for registration in a deeds registry or Surveyor-General’s office in the Republic or any area which became part of the Republic at the commencement of the Constitution, 1993;

“land surveyor” means a person registered as a professional land surveyor in terms of the Professional and Technical Surveyors’ Act, 1984 (Act No. 40 of 1984), and whose name is entered in the register referred to in [section 7](#)(4)(a) of that Act;

“local authority” means a local government body referred to in [section 1](#) of the Local Government Transition Act, 1993 (Act No. 209 of 1993);

“Minister” means the Minister for Agriculture and Land Affairs;

“owner”, in relation to land, means the person registered in a deeds registry as the owner of such land, and includes -

- (a) the liquidator of a company or close corporation or the representative recognised by law of any owner who has died, become insolvent, assigned his or her estate, is a minor or of unsound mind or is otherwise under disability, provided that such liquidator or representative acts within the power conferred on him or her by law;
- (b) the person in whom the ownership of the land is vested by statute, and the allottee of land held under provisional title and in process of alienation by the State;
- (c) the lessee of land held under a lease for a period of 99 years registered in a deeds registry, and in the Province of KwaZulu-Natal a lease of land from the State for a period of 99 years; or

(d)

[Para. (d) deleted by s. 110 of Act 28/2002]

“prescribed” means prescribed under this Act;

“public place” includes any street, road, thoroughfare, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in any deeds registry or Surveyor-General’s office, and all land (other than erven shown on the general plan) the control whereof is vested, to the entire exclusion of the owner, in a local authority or to which the owners of erven in the township have a common right, and for purposes of this definition “settlement” means a group of pieces of land or of subdivisions of a piece of land which are used or intended for use mainly for farming or horticulture, and includes a combination of such groups which is suitable for inclusion in one property register;

“reference mark” means a survey mark of permanent construction placed in a township to form one of a system of such marks for the purpose of basing the survey or resurvey of the pieces of land in the township thereon or connecting such survey or resurvey thereto;

“Registrar” means a registrar of deeds appointed under the Deeds Registries Act, 1937 (Act No. 47 of 1937), and, when used in relation to -

- (a) any deeds registry means the registrar in charge of that deeds registry; and

- (b) a document means the registrar in charge of the deeds registry wherein that document is registered or registrable or intended to be used or filed;

“registration” means the registration of any real right in or to land in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), and “registered” shall have a corresponding meaning;

“regulation” means any regulation made under this Act;

“share”, in relation to land, means an undivided share;
[Definition of “share” substituted by s. 110 of Act 28/2002]

“supervise” or **“supervision”**, when used in relation to a survey and the field operations by any person registered as a professional surveyor, professional surveyor in training or technical surveyor in terms of the Professional and Technical Surveyors’ Act, 1984 (Act No. 40 of 1984), (in this definition referred to as “an assistant”), means -

- (a) the personal presence of the land surveyor when existing beacons, corner points or other objects which must be surveyed are inspected and pointed out to an assistant, with such participation by the land surveyor during the reconnaissance as to ensure the sound determination of the beacons, corner points or other objects: Provided that the land surveyor shall not be compelled to be present or to participate when any such beacons, corner points or other objects which were previously connected to or based upon reference marks or trigonometrical stations are inspected by an assistant; and
- (b) adequate control by the land surveyor when beacons are placed and surveyed by an assistant;

“Surveyor-General”, in relation to any land or any general plan or diagram thereof, or in relation to any matter in connection with any land, means the Surveyor-General of the Surveyor-General’s office established in terms of section 4 of the province in which that land is situate or such general plan or diagram is registered or registrable;

“the court” means the provincial or local division of the Supreme Court having jurisdiction or any judge thereof;

“this Act” includes the regulations made under this Act;

“township” means a group of pieces of land, or of subdivisions of a piece of land, which are combined with public places and are used mainly for residential, industrial, business or similar purposes, or are intended to be so used;

“trigonometrical station” means any survey station, including a town survey mark, erected by or under direction of the Chief Director as part of the national

control survey system and for which he or she has published, or intends to publish, official co-ordinate values, and includes such other stations as may be prescribed.

[Definition of “trigonometrical station” substituted by s. 8 of Act 61/98]

2. Appointment, powers and functions of Chief Surveyor-General

- (1) The Minister shall, subject to [section 50](#) and the Public Service Act, 1994 (Proclamation No. 103 of 1994), appoint an officer, who shall be a land surveyor, to be styled the Chief Surveyor-General.
- (2) The Chief Surveyor-General shall, subject to the directions of the Minister, exercise the powers and perform the duties conferred upon or assigned to the Chief Surveyor-General by this Act or any other law.

2A. Appointment, powers and functions of Chief Director

- (1) The Minister shall, subject to [section 50](#) and the Public Service Act, 1994 (Proclamation No. 103 of 1994), appoint an officer, who shall be a person registered in terms of [section 20](#) of the Professional and Technical Surveyors’ Act, 1984 (Act No. 40 of 1984), to be styled the Chief Director: Surveys and Mapping.
- (2) The Chief Director shall, subject to the directions of the Minister, exercise the powers and perform the duties conferred upon or assigned to the Chief Director by this Act or any other law.

[S. 2A inserted by s. 10 of Act 61/98]

3. Duties of Chief Surveyor-General

- (1) The Chief Surveyor-General shall be in charge of such cadastral surveying and land information services in the Republic as the Minister may direct and, subject to this Act, shall -
 - (a) promote and control all matters connected with those surveys and services;
 - (b) conduct such cadastral survey related research as may be required;
[Para. (b) substituted by s. 11 of Act 61/98]
 - (c) take charge of and preserve the records of all surveys and operations which do not form part of the records of an office of a Surveyor-General and which were carried out before the commencement of this Act or under this section;
 - (d) prepare, compile and amend such maps and other documents as may be required;

- (e) supervise and control the survey and diagrammatic representation of land for purposes of registration in a deeds registry; and
 - (f) regulate the procedure in each Surveyor-General's office and determine the manner in which this Act shall be carried out.
[Sub-s. (1) amended by s. 11 of Act 61/98]
- (2) Any land surveyor employed in the office of the Chief Surveyor-General may, if authorised thereto by the Chief Surveyor-General, perform any specified act or task which may be performed in terms of this Act or any other law by the Chief Surveyor-General .

3A. Duties of Chief Director

- (1) The Chief Director shall be in charge of such geodetic and topographical surveying and geospatial information services in the Republic as the Minister may direct and, subject to this Act, shall -
- (a) promote and control all matters connected with those surveys and services;
 - (b) conduct such geodetic, topographical and other relevant survey operations as may be required;
 - (c) acquire such aerial photography or other remotely sensed imagery as may be required;
 - (d) establish and maintain a national control survey system;
 - (e) prepare, compile and amend such maps and other cartographic representations of geospatial information as may be required; and
 - (f) take charge of and preserve the records of all geodetic and topographical surveys, maps and aerial photography or other remotely sensed imagery.
- (2) Any person employed in the office of the Chief Director may, if authorised thereto by the Chief Director, perform any specified act or task which may be performed by the Chief Director in terms of this Act or any other law.
[S. 3A inserted by s. 12 of Act 61/98]

4. Establishment of offices of Surveyors-General for provinces

- (1) The Minister may, by notice in the *Gazette*, establish a Surveyor-General's office for any province or any provinces jointly, give a name to that office, and determine the seat thereof.

- (2) The Minister may, in the execution of subsection (1), abolish any Surveyor-General's office or incorporate it with any other such office, and may for this purpose make any administrative or other arrangements as he or she may deem necessary.
- (3) The Minister may, by notice in the *Gazette*, amend or withdraw a notice referred to in subsection (1).

5. Appointment of Surveyor-General

In respect of each Surveyor-General's office referred to in [section 4](#), the Minister shall, after consultation with the Chief Surveyor-General, and subject to [section 50](#) and the Public Service Act, 1994 (Proclamation No. 103 of 1994), appoint an officer who shall be a land surveyor, who shall be styled the Surveyor-General and who shall, subject to the directions of the Chief Surveyor-General, exercise the powers and perform the duties conferred upon or assigned to him or her by this Act.

6. Powers and duties of Surveyor-General

- (1) A Surveyor-General shall be in charge of the office in respect of which he or she has been appointed and shall, subject to this Act -
 - (a) take charge of and preserve all records pertaining to surveys of land which were, prior to the commencement of this Act, preserved as records in that Surveyor-General's office and which, after the commencement, become records of that office;
 - (b) before any registration is effected in a deeds registry, examine and approve or provisionally approve all general plans and diagrams which have been prepared in accordance with this Act and, when applicable, are in accordance with any statutory consent in so far as the layout is concerned;
 - (c) on the diagram of any piece of land -
 - (i) define the geometrical figure representing any portion of that land, the transfer of which has been registered in a deeds registry, and deduct the numerical extent of that portion;
 - (ii) define the geometrical figure representing any portion thereof for which a certificate of township title or registered title has been issued under the Deeds Registries Act, 1937 (Act No. 47 of 1937), and deduct the numerical extent of that portion; and
 - (iii) define the geometrical figure and make the necessary endorsements in respect of any servitude or lease over or on that

land which has been surveyed in terms of this Act and registered in a deeds registry;

- (d) cancel or amend in accordance with the provisions of any law any general plan or diagram;
- (e) prepare, certify and issue, at the request of any person and on payment by that person of the prescribed fees, copies of diagrams, general plans and other documents filed in his or her office and available to the public, and copies of general plans and diagrams registered in a deeds registry in the province concerned;
- (f) compile and amend such cadastral plans as may be required,

and generally exercise all such powers and perform all such duties as are by any law conferred or imposed upon a Surveyor-General, and perform such other functions as the Chief Surveyor-General may assign to him or her.

- (2) Any land surveyor employed in a Surveyor-General's office may, if delegated thereto by the Surveyor-General concerned, perform any function which may be performed in terms of this Act or any other law by that Surveyor-General, and a Surveyor-General may delegate any power referred to in subsection (1) (c), (d), (e) and (f) to any person employed in his or her office.

[Sub-s. (2) substituted by s. 13 of Act 61/98]

7. Delegation of powers

The Minister may delegate or assign any power or duty conferred or imposed upon him or her by or under this Act, except the powers referred to in [sections 2, 4 and 5](#), and the proviso to [section 33](#) (1) (a) to any officer of the Department.

8. Fees of office

- (1) The Director-General may, by notice in the *Gazette*, prescribe the fees to be charged in respect of any act or matter required or permitted to be performed or dealt with in or in connection with the offices of the Chief Surveyor-General, the Chief Director and the Surveyors-General.

[Sub-s. (1) substituted by s. 14 of Act 61/98]

- (2) Any notice referred to in subsection (1), or any amendment or rescission thereof, shall come into effect 30 days after it has been published in the *Gazette*, or at such later date as the Director-General may determine.

9. Survey regulations board

- (1) A survey regulations board (in this section and in [section 10](#) referred to as "the board") is hereby established consisting of -

- (a) the Chief Surveyor-General, who shall be the chairperson of the board;
 - (b) three land surveyors appointed by the Minister, who shall be officers in the service of the State; and
 - (c) three land surveyors nominated by the South African Council for Professional and Technical Surveyors established by [section 2](#) of the Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984).
- (2) For every member of the board appointed in terms of subsection (1) (b) or nominated in terms of subsection (1) (c), there shall be an alternate member appointed or nominated, as the case may be, in the same manner as the member referred to, and any alternate member so appointed or nominated shall act in the place of the member in respect of whom he or she has been appointed or nominated as alternate member, during the absence of that member or during his or her inability to act as a member of the board.
- (3) If the South African Council for Professional and Technical Surveyors fails to nominate -
- (a) a member for the purposes of subsection (1) (c); or
 - (b) an alternate member referred to in subsection (2),

the Minister shall appoint a land surveyor as a member or alternate member, and any member or alternate member so appointed shall be deemed to have been nominated in terms of subsection (1) (c) or (2), as the case may be.

- (4) (a) A member of the board referred to in subsection (1) (b) shall hold office for the term determined by the Minister, but the Minister may at any time remove that member from office on grounds of misbehaviour, incapacity or incompetence.
- (b) A member of the board referred to in subsection (1) (c) shall hold office for a term determined by the South African Council for Professional and Technical Surveyors but not exceeding two years, but that Council may, at any time remove that member from office on grounds of misbehaviour, incapacity or incompetence.
- (c) A member of the board whose term of office has expired, may be reappointed.
- (5) Should a member of the board die or vacate office before the expiration of his or her term of office, the Minister or the South African Council for

Professional and Technical Surveyors, as the case may be, may appoint a person to fill the vacancy for the unexpired part of the term for which the member was appointed or nominated.