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SAMOA SECOND INFRASTRUCTURE AND ASSET MANAGEMENT  
PROJECT (SIAM II)

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SURVEY REGULATIONS

Final Proposal

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## **SURVEY REGULATIONS 200(6)**

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## PART 1 PRELIMINARY

### 1 Short Title and Commencement

- (1) These Regulations may be cited as the Survey Regulations 200(6).
- (2) These Regulations shall come into force on the date they are made.

### 2 Interpretation

In these Regulations unless the context otherwise requires:

**“Act”** means the Survey Act 200(6) (which replaces the Survey Ordinance 1961)

**“Access Road”** means any direct access to individual allotment with minimum width of 10metres.

**“Access Lane”** means direct access with minimum road reserve of 4metres to an allotment or allotments with a total maximum area of 1000sq.metres.

**“Access Way”** means direct access to an allotment or allotments with a total maximum area of 4,000sq.metres with a minimum road reserve of 6metres.

**“Bush”** means virgin, indigenous or exotic forest or milled indigenous or exotic forest.

**“Cadastral Survey”** means the determination and description of the spatial extent including boundaries of interest under a tenure system

**“Cadastral survey Dataset”** means set of cadastral survey data necessary to integrate a cadastral survey into the cadastre

**“cadastral survey mark”** means a mark placed for the purpose of the cadastral survey

**“Cadastre”** means all the cadastral survey data held by or for the agencies of the government of Samoa

**“Court”** means the Supreme Court of Samoa

**“Chief Executive Officer”** means the Chief Executive Officer or CEO of the Ministry

**“Compiled Plan”** means a plan prepared from existing survey records:

**“Definition Plan”** means a survey plan that defines or redefines the boundaries and details of a parcel of land for any purpose

**“Dominant tenement”** means land which has attached to it an easement over other land

**“Digital cadastral dataset”** means cadastral dataset in digital format

**“Easement”** means a legal right to the use of land of another, without the right to possession of that land, or to take any part of the soil or product of such land

**“Easement in Gross”** means an easement over land, which is not appurtenant to other land, but which belongs to a person independently of the ownership of land

**“Easy country”** means country in which the average surface slopes are less than 5° to the horizontal:

**“Hilly country”** means country in which the average surface slopes are between 5° and 15° to the horizontal:

**“Land”** includes

- (a) subsoil, airspace, water and marine areas, and
- (b) interest in or over land

**“Licensed Surveyor or Surveyor”** means a person licensed as a surveyor under Part 3 of the Survey Act (as proposed)

**“Minister”** means the Minister responsible for the Ministry.

“**Ministry**” means the Ministry of the Government of Samoa responsible for the administration of the Survey Act and for these Regulations.

“**Owner**” means the owner in the fee simple whether beneficially or as a trustee, and includes a mortgagee acting in the exercise in power of sale, public trustee, and any board or other authority, howsoever designated, constituted or appointed, having power to dispose of land or interest therein by way of sale.

“**Plan**” means a graphical presentation of one or more cadastral surveys

“**Primary Road**” means any existing or proposed road, which in the opinion of the CEO is or will be required for through traffic with a minimum width of 25metres:

“**Registrar**” means the Registrar of Lands appointed under the Title Registration Act 200..

“**Rough country**” means country in which the average surface slopes exceed 15° to the horizontal:

“**Rural Survey**” means a survey of land not included in the definition of Urban Survey

“**Secondary Road**” means an access with a minimum road reserve of 15metres linking different local areas.

“**Servient Tenement**” means land over which there is an easement.

“**Survey Mark**” A cadastral survey mark or mark used for the national geodetic reference system

“**Subdivision Plan**” means a survey plan detailing a division of land into two or more allotments for any purpose

“**Urban Survey**” means a survey of land into lots for residential, commercial or industrial purposes.

## PART 2. ADMINISTRATION

### 3 Purpose of Regulations

The purpose of these Regulations is to set down standards for the survey of land to support the registration of interests in land and to maintain the integrity of the cadastre in Samoa.

### 4 Surveys

- (1) A survey of land may be made by a person holding a license as a surveyor under Part 3 of the Survey Act 200...or by a person under the personal supervision and direction of such surveyor and plans shall bear the signature of the surveyor whether made by him or under his direction.
- (2) Responsibility for a survey shall rest with the surveyor whose signature appears on the plan.
- (3) No plan shall be accepted as an official record of survey unless approved by the CEO.

### 5 Surveyor to comply with rules

- (1) A surveyor making any survey under these Regulations shall comply with all policies, rules and directions issued by the CEO supplementary to these Regulations and not contrary thereto, and shall conform to accepted good survey practice where procedure is not laid down by these Regulations.
- (2) A surveyor shall also conform to survey manual as approved by the CEO from time to time PROVIDED that it shall be the duty of the surveyor to recommend amendments to the survey manual where in his or her judgment amendments would improve field practice.

**6 Surveyor to comply with requisition by CEO**

On receipt of a requisition from the CEO to amend a survey plan, or to supply information concerning it which is not contained in the field notes or shown on the plan and which in the opinion of the CEO is necessary to complete the plan or survey in terms of these Regulations, the surveyor concerned shall promptly comply with the requisition.

**7 Surveyor shall be conversant with relevant legislation**

A surveyor conducting a survey under these Regulations shall make himself or herself conversant with such Acts, Ordinances and Regulations as apply to the survey of land in Samoa.

**8 Information to be obtained**

- (1) Before making any survey, the surveyor shall obtain all requisite information relating to the subject land and adjacent lands from the office of the CEO.
- (2) For this purpose, plans, record maps, field books and traverse books, land registers, land claims, and other relevant documents are open to surveyors during office hours.
- (3) The information so obtained shall be used only for the purpose of effecting surveys under these Regulations, and no surveyor shall use any such information, or permit any such information to be used, so as to infringe the copyright of the State or of any other person.

**9 Duty of surveyor**

- (1) It shall be the duty of every surveyor making a survey under these Regulations to study the interest of the State in all his or her operations. Every surveyor shall search for, and when found, connect to all old marks necessary to prove the accuracy of the survey, and shall supply to the CEO all information obtained by him or her relating to the survey that will aid in securing accuracy and completeness of the title to the land.
- (2) Surveyors shall report to the CEO all disturbances or likelihood of disturbance to trigonometric stations and survey marks, and surveyors engaged on Government work shall renew or repair any such stations or marks, or report their inability to do so.
- (3) Surveys shall be carried out by such methods as will readily attain the standards of accuracy herein defined, and it shall be the duty of every surveyor at all times to apply such checks and tests to their work as may be necessary to obtain those standards.
- (4) Where the land under survey is rough and inaccessible then, with the prior approval of the CEO, the boundaries of the land may in special cases be defined by tachometric, plane table, compass, or photogrammetric surveys, or other method approved by the CEO.

**PART 3. CONDUCT OF SURVEYS**

**10 Field notes**

- (1) The field notes shall be recorded on approved loose leaves or in an official field book and shall accompany the plan when lodged with the CEO.
- (2) The field notes of a surveyor shall be a record of all observations and measurements made, all marks found or placed, and occupation fixed by the surveyor for the purposes of these Regulations.

- (3) The first page of the field notes of each survey in a field book shall show the title of the survey, with particulars of the survey district, flur, island or other reference as will sufficiently identify the land surveyed, the date of commencing the survey and the signature of the surveyor. Each page of the field notes shall be initialed and dated by the surveyor.
- (4) The field notes shall record the type of equipment used for the survey, and in the case of electromagnetic distance measuring equipment, make, model, and number of the equipment.
- (5) The field notes shall be neatly and clearly recorded in hard black pencil in such a way that any surveyor or competent draughtsman may draw a correct plan of the survey from them.
- (6) The original field notes shall not be obliterated or inked out or erased. Every alteration made by the surveyor shall be clearly written and erroneous entries shall be neatly crossed out.
- (7) The field notes shall include diagrams illustrating –
  - a) The records referred to in sub-clause (2) with the distances corrected in accordance with regulation 11(3) and the bearings corrected in accordance with regulation 13 (2):
  - b) The topography of the land under survey;
  - c) Such information which will assist in the relocation of the survey marks found and placed including measurements from these marks to natural or artificial features;
  - d) Relevant appellation.

## 11 Distances

- (1) All distances shall be expressed in meters and decimal fractions of a meter.
- (2) The actual measurements found to exist on the ground shall be shown in the field book notwithstanding that those measurements may not agree with those previously recorded.
- (3) Where the definite location of a boundary is indeterminate owing to the absence of evidence supplied by approved records, sufficient measurement must be made of the adjoining properties to establish the fact that no encroachment is made upon the land of the adjoining titles.

## 12 Bearings

- (1) Bearings shall in every case be measured in degrees, minutes and seconds of arc commencing at 0 degree, the north point of the true meridian of the initial station of the circuit, and hence through east, south and west, in that order, returning to the north point at 360 degrees
- (2) With the exception of those compass surveys carried out in accordance with regulation 9 bearings shall be measured with a theodolite, all bearings being recorded and mean bearings deduced. Corrections for origin and closure, and where necessary, magnetic declination, are to be applied, and the deduced bearings shown in the field notes.
- (3) Check bearings shall be observed to the points of a traverse at approximately every 20<sup>th</sup> station. The exact number of stations between such check bearings shall depend upon the circumstances of a particular case and must be governed by the nature of the country, the length of lines between traverse stations and the visibility at the time of observations. Observations from trigonometric or control stations or from well

established traverse points may be used as check bearings. Stellar or solar azimuth may be used when other means are impracticable.

- (4) When lines exceed 2,000m in length check bearings shall be applied to the stations on both ends of the lines.

**13 Origin of coordinates and bearings**

- (1) The Origin of coordinates and bearings shall be obtained from 2 reliable marks from -
  - a) An approved triangulation system; or
  - b) Approved control traverses; or
  - c) Surveys approved under these or former regulations; or
  - d) Any other surveys executed by a surveyor which the CEO at his discretion accepts as suitable for the purpose of these Regulations; or
  - e) Two independent stellar or solar observations, where other means are impracticable.
- (2) The reliability of any 2 marks for the purpose of this regulation shall be proved by testing their agreement with a third approved mark.
- (3) When selecting the origin of coordinates and bearings, the desirability of bringing isolated surveys already approved under these and previous regulations into terms with the triangulation and control traverse, must be considered.

**14 Angular and linear errors**

The surveyor shall use such equipment and methods as will ensure-

- a) That the bearing of any line shown on the plan shall not differ from the true bearing expressed in terms of the origin of bearings of the survey by more than the following limits of error:

**Urban surveys:**

- 200m and under - by not more than 1'00"
- Over 200m - by not more than 0'30"

**Rural surveys:**

The limit of error prescribed for urban surveys, increased by 100% and

- b) That the length of any line shown on the plan shall not differ from its true length by more than the following limits of error.

**Urban surveys:**

0.01m, plus 0.01m for every 100 metres of measured line.

**Rural surveys:**

The limit of error prescribed for urban surveys, increased by 100%.

**15 Traverse computations and closures**

- (1) All traverses shall be computed and coordinated in terms of the meridian and perpendicular of the initial station and, where necessary, the coordinates shall be adjusted to conform to the projection laid down.
- (2) These coordinates shall be computed in the case of both rural and urban surveys to the nearest 0.01m.
- (3) The closure of the traverse onto well established marks, or the original or initial point of the survey after completing the traverse circuit shall not exceed the following limits –

(a) **Urban surveys**

1. Easy and hilly country - 1:7,500

(b) **Rural surveys**

1. Easy and hilly country - 1:5000

2. Rough country - 1:3500

PROVIDED THAT, on short or minor circuits, a misclose of not more than 0.03m shall be permitted.

PROVIDED ALSO THAT, in cases where the traverse circuit comprises in part or in whole traverse or boundary lines adopted from prior surveys the closing limits prescribed in this clause may be increased at the discretion of the CEO.

**16 Boundaries to be marked**

- (1) Boundaries shall be marked at every angle and, where necessary, at points on the boundary line, by one or other, according to circumstances, of the types of marks specified in regulation 17. Straight boundary lines shall be cleared where necessary and distinctly marked at intervals not exceeding 500m, which may be varied to suit the conformation of the country. Advantage shall be taken of the most prominent and favorable positions on the line for the markings so that the direction may be seen from mark to mark.
- (2) In bush country where complete measurement of the boundary is not necessary, then only such cutting of the line shall be required as will ensure adjoining marks being visible from each other, but the cutting must be sufficient to enable the distances from such marks along the line to be arrived at to show approximately on the plans the position of the marks. Under all circumstances the lines shall be cut for a distance of at least 100m from the boundary corners at each end to such a position that the boundary may be readily ranged and the distance to the mark determined for noting on the plan.
- (3) Every survey mark defining an angle in a boundary shall be connected to a traverse mark or a witness mark situated at a distance by traverse of, generally, not more than 50m therefrom in an urban survey and not more than 100m therefrom in a rural survey, which may be varied to suit the conformation of the country. No survey mark defining an angle in the boundary shall be itself a witness mark.
- (4) The only boundaries of reciprocal or other rights of way that need to be marked on urban surveys shall be the peripheral boundaries.

**17 Boundary marks**

- (1) Where practical, boundary marks shall be of reinforced concrete 100mm in diameter and 600mm long. These boundary marks shall be referred to as boundary stones or stones. One end of the stone shall be marked by a cross and at the intersection of which shall protrude not more than 10mm, an iron rod of at least 5mm in diameter and this iron rod shall reinforce the stone's entire length. All stones must be sunk in the ground for at least 0.50m and the earth thoroughly rammed around them.
- (2) Where boundary stones are impracticable or where the presence of rock, concrete or other permanent material or structure makes it impossible to use boundary stones, a metal spike or tube of appropriate length of at least 10mm in diameter, or a metal or plastic mark of a type approved by the Director shall be used, grouted if necessary into

the base material to ensure stability or driven or set to finish not more than 50mm above ground level. The height of the mark above ground level shall be shown on the plan.

- (3) Where a boundary corner or boundary line falls on a permanent structure or other obstacle in such a manner that it is not possible to use any of the marks prescribed in this Regulation, the exact position of the structure or obstacle shall be defined by survey. The relationship between the structure or obstacle and the boundary corner or boundary line shall be clearly shown on the plan of the survey, together with its age and description.
- (4) Permanence and stability shall be the main considerations in any boundary marking and where the necessary the length of any driven mark shall be increased accordingly.

### 18 Traverse and witness marks

- (1) Metal spikes of not less than 0.30m in length or permanent reference marks are to be used as traverse and witness marks.
- (2) All traverse and witness marks shall be placed in positions that are as safe as possible from foreseeable disturbance. Where there is any risk of disturbance or destruction by cultivation, by road formation or maintenance, or by malicious interference, marks shall be driven as deep as is considered necessary for reasonable preservation and the depths shall be shown in the field notes and on the plan. Traverse and witness marks shall be so located and driven so that they cannot be mistaken for boundary marks.
- (3) Where there is any danger of striking underground services, the length of the mark shall be reduce. In paved footways, streets or roads, a mark as described in Regulation 17(2) may be used.
- (4) Permanence and stability are the main consideration in the placing of traverse and witness stations and where necessary the length of any driven mark shall be increased accordingly.

### 19 Permanent reference marks

- (1) All surveys shall be connected to at least 2 permanent reference marks.
- (2) For the purposes of these Regulations the expression "permanent reference mark" means:
  - a) a trigonometrical station; or
  - b) a bench mark or other control survey station; or
  - c) a metal tube of not less than 10mm internal diameter and not less than 0.40m in length; or
  - d) a metal or plastic mark or a type approved by the Director; securely set or grouted into rock or into a permanent structure; or
  - e) such other mark as the Director, having regard to the permanence and definiteness, accepts.
- (3) Permanent reference marks shall be placed wherever practicable on traverse lines
- (4) Not more than 250m apart for a urban survey and 500m apart for a rural survey; in positions free from disturbance, so far as may be reasonable inferred.
- (5) Notwithstanding anything in subclause (3), the interval between permanent reference marks may be varied to suit the conformation of the terrain but no boundary angle mark shall be distant by traverse from a permanent reference mark by more than 125m in urban surveys and 250m in rural surveys.

**20 Control survey marks**

- (1) A control survey mark includes the permanent reference marks in Regulation 19(2), (a), (b), (d,) and (e)
- (2) Control survey marks shall be sited and established to ensure the greatest stability, permanence and convenience for future reference. Unless freedom from disturbance or destruction cannot be reasonably inferred, control survey marks shall not be located on any road formation. Control survey marks may be located at offsets to a traverse where it is not possible to comply with the foregoing requirements.

**21 Hanging traverses**

A hanging traverse shall not consist of more than one line. The line shall not exceed 50m in length and independent measurements to check bearing and distance shall be recorded in the field notes

**22 Curved boundaries**

Boundaries defined by curved lines shall be marked on the ground by stones or other accepted marks, on the curve in such a manner that the offset from the middle of the chord between adjacent ground marks shall not exceed 0.5m, nor shall those ground marks be at greater intervals than 20m apart, but in every case a curve shall be marked by at least one stone or mark in addition to the stones or marks at the tangent points.

**23 Measurement to natural boundaries**

- (1) Offset measurements fixing natural boundaries from traverse lines shall be taken at intervals sufficient to delineate those boundaries accurately and shall be shown on the survey plan, but no such measurements shall exceed 50m in length  
PROVIDED THAT this measurement may be varied to suit the physical features
- (2) Notwithstanding anything in subclause (1), fixation may be determined by tacheometric, photogrammetric, plane table, or compass surveys. Field notes and data required for these alternative methods shall accompany the survey plan.

**24 Elimination of close errors**

In new traverses forming a complete surround, or in traverses connecting 2 control traverse marks or two triangulation stations, or in traverses connecting 2 marks from previously approved surveys, the closing error is to be eliminated by the Bowditch Rule or any other systematic method approved by the CEO for this purpose, to distribute the closing error in accordance with the following formula:

*"The correction to each ordinate shall be proportional to the length of the corresponding traverse line and shall be applied so as to diminish the whole error in northings and eastings".*

**25 Traverse sheets**

- (1) Traverse co-ordinate values of all traverse stations and boundary marks, together with the appropriate references, the source of the initial value used and misclosures in major circuits, shall be tabulated on approved sheets.
- (2) Adopted traverse and boundary information used to close work shall also be tabulated on the approved sheets.

## 26 Computation of areas

- (1) Areas of parcels in all but exceptional circumstances shall be entirely mathematically computed; but where the area is bounded by irregular lines or a large number of sides of planimeter may be used to obtain the areas of small parts if at least 80% of the total area of a parcel is computed mathematically.
- (2) Areas of parcels:
  - (a) less than 1 hectare (10,000 m<sup>2</sup>) shall be shown in square metres (m<sup>2</sup>) although for computational purposes a tolerance of = 1 part in 1000 will be acceptable. Any area of finite dimensions shown on a plan shall have an area of at least one square metre;
  - (b) One hectare (10,000 m<sup>2</sup>) and larger shall be shown in hectare (ha), normally to 4 decimal places of a hectare, although for computational purposes a tolerance of = 1 part in 1000 shall be acceptable, and areas may be rounded up or down within this tolerance.

## PART 4 PLAN DRAUGHTING

### 27 Size of Lots

- (1) Except as provided in sub- clause 2, the minimum frontage, area and shape requirements shall be as follows;
  - a) a residential allotments shall contain a rectangle of 16metres x 30metres
  - b) Front sides – “the minimum frontage shall be 6metres and the minimum area shall be 1000sq.metres.
  - c) Rear sites – “ a rear site shall be served by an access lane of not less than 4metres in width.
  - d) The access way to a rear site with a maximum area of 4,000sq.metres is 6metres.
  - e) The access road to a rear site of an area more than 4,000sq.metres and less than 50,000sq.metres shall be 10metres wide.

### 28 Plan forms and scales

- (1) All plans shall be drawn in black ink on an approved form, and on drawing material approved by the Director.
- (2) The size of the plan form shall be International Standard Organisation size A3 measuring 420mm x 295mm.
- (3) Plans shall be plotted on appropriate metric representative fraction scales that shall suitably and clearly illustrate the details of the work. Where necessary intricate detail shall be shown by diagram.
- (4) Plans shall be drawn to a standard acceptable to the CEO and shall be drawn so as to be suitable for reproduction onto 35mm microfilm or any other approved medium.
- (5) Scale used on plans shall be a multiple of one of the following:  
1:100, 1:150, 1:200, 1:250, 1:300, 1:400, 1:500, 1:600, 1:750, 1:800:

### 29 Plan drawing

- (1) The survey plan shall define the whole of the parent folio with new and residual lots being defined, and individually assigned new numbers, on the survey plan;

- (2) Where all survey and boundary details cannot be shown clearly on one plan, then two plans shall be drawn.
- (3) One of the plans mentioned in sub-clause (1) of this regulation shall be the survey plan which shall show all survey traverses and adopted information that was used for the purposes of boundary definition. Boundary dimensions may be shown if detail permits.
- (4) The other plan mentioned in sub-clause (1) of this regulation shall be the title plan which shall show all areas, boundary dimensions, easements and other such information and appellations that are necessary for correctly recording the land in the land register.

**30 Plotting**

- (1) All plans shall be accurately plotted with the meridian parallel to the side of the plan form and the north point upwards; but in exceptional cases where it is necessary to make the best use of the form on account of the shape or layout of the survey, the plan may be plotted with the meridian at an angle to the side of the form. In such cases, this angle is not to exceed 90°, and the north pointing shall not be below a line parallel with the bottom edge of the form.
- (2) Full plotting lines are not to be shown; but grid cuts shall be shown towards the edge of the plan form together with their coordinate values for at least 2 meridians and 2 perpendiculars, suitably spaced.
- (3) North point shall be shown on all plans.

**31 Symbols for survey marks**

- (1) Survey marks or stations shall be represented on all plans as follows:

Type of mark	New	Adopted	Old Mark Found
(a) Boundary stone	□	□	
(b) Primary Control Survey mark			
(c) Permanent Reference mark (eg. IT)			
(d) Iron Spike			

Provide that, when, because of special circumstances, the mark employed does not conform to those prescribed in this Regulation, the symbol for that mark shall be accompanied by a descriptive note or annotation on the plan.

- (2) All plans shall contain the following information;
  - a) Where necessary all old marks shall be annotated with mark and plan number:
  - b) All adopted marks or traverses shall be annotated with the expression "Adpt", and shall show the plan number:
  - c) Marks, other than boundary stones, shall show the type of mark placed.
  - d) The type and number of a control survey station shall be noted against the symbol, e.g., BMS18 or 5 Vaea:

- e) The expression "Conc" shall be shown alongside any mark which has been set in concrete:
- f) An old mark found and renewed shall be shown by the symbol of the old mark, and the mark it replaced shall be indicated in the notation e.g. OIS II (4102) Ren ITV.
- g) Traverse stations shall have their distinguishing number shown

**32 Lines on plans**

(1) Lines on plans shall be shown as follows:

LineWeight	Specification	
(i)All new survey traverse lines shall be Shown by a pecked line.	-----	0.25mm
(ii)All boundary lines of parcels on the plan shall be shown by a heavy solid line i.e	—	0.7mm
(iii) Lines that have been calculated or adopted and that are not boundary lines described in paragraph (b) of this subclause shall be shown as a fine solid line, i.e., "Calc" or "Adpt"	-----	0.25mm

- (2) If boundary lines are adopted from prior surveys, it shall not be necessary to show the traverse detail upon which those lines depend, but a reference to the plan from which the lines are adopted shall be shown.
- (3) As far as practicable bearings and distances shall be written along the line or as close thereto as possible with a minimum height of 2.5mm. In special cases only may these particulars be written in tabular form on the plan.
- (4) Boundary dimension shall be shown boldly and clearly. If this is not possible, the symbol "bdy." shall be written alongside the distance.

**33 Title and details of Plan**

The title and details of a plan shall be as follows:

- a) **Title** - The title of the plan shall be clearly printed in bold letters in the appropriate position and shall state the correct appellation of the parcels or portions being surveyed, Flurs, Court Grants and Survey District where appropriate, town, village or other particular locality in which the survey is situated, and the scale of the plan. The correct Land Register references of the land affected shall also be shown.
- b) **Details** – The boundaries of the district, parcels, Court Grants, Flurs, Land Register references, road legalities, and fences shall be shown where applicable on the plan as follows:

<u>Feature Specification</u>	Symbol	Line weight
------------------------------	--------	-------------

Survey District Boundary.	— . . —	0.7mm
Flur Boundary	----- . -----	0.7mm
Court Grant;	----- -----	0.7mm
Underlying Boundary	-----	0.5mm
Abutting Land	-----	0.5mm
Register Reference	LR	0.25mm
Abutting Parcel	_____	0.5mm
Underlying Parcel	pecked parcel number	0.5mm
Road Legality Boundary	_____	0.35mm
Road Legality Reference	(wording)	0.35mm
Fence	____//____//____//____	0.25mm
Easements	_____	0.35mm
Boundaries of New Lot	-----	0.7mm
Roadside	-----	0.5mm

Provided that where the subject of the survey is an easement, the boundaries of that easement shall be shown with a 0.7mm line:

Provided further that where the land under survey is located in only one survey **district** or **flur** then the reference to that **district** or **flur** need only be shown in the title.

- c) **Plan references** – Latest reference plan numbers shall be shown on the face of the plan in their correct relation to the parcels affected and shall be shown in italics. All plan references shall also be noted in the panel.
- d) **Field notes and consents** – The plan (survey plan where two plans are drawn) shall refer to the field notes of the survey by the number and page of the filed book. The plan (title plan where two plans are drawn) shall bear all the consents and endorsements required under the provisions of any statute applicable to the survey
- e) **Plan details** –
  - (i) The plan of the area forming the subject of the survey shall show the area bordered with a 0.7mm line and in the case of regular boundaries, the bearings and distances of each boundary whether of the whole or any part, written in figures. Where a parcel boundary is comprised of more than one part along the same line the total boundary distance of that parcel shall be shown in brackets. The area of the parcel shall be written in the manner described in regulation 25, on

each parcel as nearly centrally as may be, and the total area of land being dealt with shall be shown in the margin.

- (ii) The position of all easements shall be accurately shown, and in order to identify clearly an easement or the parts of an easement, letters of the alphabet shall be assigned to the easement or the parts of the easement. A schedule showing all existing and proposed easements shall be added to the face of the plan. Such a schedule shall include the purpose, servient tenement, dominant tenement, and label of the easement.

**f) Details of occupation –**

- (i) Buildings with their eaves or projecting portions abutting on overlapping or closely approaching the boundary shall be accurately fixed and their position in relation to the boundary clearly specified and delineated on the plan. When the wall of a building or structure is erected on or adjoining a boundary and that wall is used as a party wall or party wall rights thereto have been created by grant or prescription, the wall must be described as a party wall on a plan, and the position of the boundary in relation to the wall must be shown by diagrams, illustrating any change or changes in the thickness of the wall. The position of the title boundary relative to fences, hedges and stone walls and any other occupation shall be accurately shown, and the nature, description and age of the feature or occupation shall be stated.
- (ii) Where the evidence available is insufficient to enable the surveyor with certainty to delineate a line of a boundary, he shall supply to the CEO all information known to him relating to the land under survey. The nominal and occupied widths of all roads and streets adjoining or within the area under survey, together with the names of those roads and streets, shall be shown on the plan. In preparing plans, no reference whatever must be made thereon to any works of defense.

- g) **Miscellaneous details** – Swamps, terraces or irregular fences are inadmissible as boundaries unless they are reduced to right lines:

- h) **Lot numbers** – Lot numbers for new allotments shall be allocated by the surveyor in a sequence order on each plan. The CEO will allocate plan numbers which goes together with the lot number of that Plan

- i) **Survey Districts of Samoa** – The Survey Districts of Samoa are as follows:

**In Upolu:** Tuamasaga, Aana and Atua

**In Savaii:** Savaii North, Savaii South, and Faasaleleaga

These Survey Districts are subdivided into Flurs as follows:

**In Upolu:**

Tuamasaga	Flur Nos 1-14
Aana	Flur Nos 15 – 16
Atua	Flur Nos 17-21

**In Savaii :**

Savaii North	Flur Nos 3,5,7,9 and 11
Savaii South	Flur Nos 2,4,6,8 and 10
Faasaleleaga	Flur No. 1

The islands of Apolima and Manono are included in Flur No. 16 of Upolu in the Aana District, whilst Fanuatapu, Nu'utele, Namua, and Nu'ulua are included in Flur 21 of Upolu in the Atua District.

#### **34 Certification by Surveyor**

All plans prepared for the purpose of these Regulations shall be verified by the surveyor by a certificate to the effect that the survey has been executed by him or under his direct personal supervision and that these Regulations have been complied with. The appropriate form of such a certificate is set out in Form 1 of the schedule to these Regulations.

#### **35 Plans the property of the State**

- (1) All plans received by the CEO from a surveyor or other person for examination, shall be deemed to be held on behalf of the surveyor responsible for the plan until approved by the CEO. The surveyor may notify the CEO that the approval is to be withheld until further notice.
- (2) After approval by the CEO all plans become the property of the State.

#### **36 Plans to be lodged**

Plans lodged with the CEO for examination shall be in good order and condition, and the CEO may refuse to receive any plan which has been damaged by folding or in any way which impairs its legibility or renders it unsuitable for processing on to microfilm or any other format. A written report shall accompany the plan when lodged for examination and shall include such information as will assist in the examination of the plan: For example - details on origin or origins of bearings and co-ordinates; details of how a definition of each boundary was arrived at; details of any differences or irregularities relevant in underlying surveys and any other information that will help future surveys.

#### **37 Proclamation surveys**

In the case of land required for public purposes, including land to be taken for road, the following provisions, in addition to those specified in the foregoing provisions of these regulations shall apply.

- (a) The surveyor shall mark the intersections of the boundaries of the land to be taken, with all existing title, section, or subdivisional boundaries, irrespective of ownership, in such a manner that a separate title for each portion taken can be issued.
- (b) Where the intersection mark is likely to be disturbed or to be inaccessible during construction, when the land survey is carried out before construction, reference marks or witness marks shall be placed on the extension of the intersection lines:
- (c) The provision of regulation 18 shall apply to road surveys, the interval between iron tubes being in accordance with the interval prescribed for rural surveys:
- (d) All plans shall show the title references of the land being surveyed and shall also show the title references to all abutting land, and, in particular –
  - (i) All plans to which this regulation refers shall show Land Register references together with names of the owner of the area being surveyed; but the names of owners of Customary land need not be shown, unless the owner is confirmed, but the words "Customary Land" being sufficient,

- Government land applied for any public purpose shall be described as "Government Land".
- (ii) A schedule of areas defined on the plan shall be shown in addition to the total area. Areas shall be grouped as land to taken, severances and road to be closed.
  - (e) Areas of land to be taken shall be identified in the following ways –
    - (i) Areas taken from each ownership shall be allocated a new lot number by the surveyor when lodge for approval.
    - (ii) Severed areas may also be allocated a new lot number:
    - (iii) The title description and area of each portion taken and each severance shall be shown on the plan in such a manner that if necessary the CEO can issue a separate title to the portion or severance
    - (iv) All land taken shall be described in accordance with the appellation of the land at the time of survey.
  - (f) Where a road crosses a stream not included in a title, the stream bed crossed shall be shown as land to be taken and labeled accordingly.
  - (g) Portions of road to be closed may be allocated a new lot number by the surveyor and when contiguous land fronting more than one property is held in the name of the same owner the land shall be shown to be subdivided so as to allow for the inclusion of the separate portions in the adjoining properties.
  - (h) In drawing up the area schedules of land to be taken or road to be closed, all portions in or adjoining one title shall be grouped together and all portions in one ownership shown consecutively.

### **38 Survey of Customary Lands**

- (1) The foregoing Regulations 1-35 inclusive shall apply equally to surveys and plans of customary land wherever they are not inconsistent with the clauses of this regulation.
- (2) All surveys undertaken for the purpose of the Samoan Land and Titles Court or for lands dealt with under any Act or Ordinance affecting customary lands, when not done by Ministry staff, may be done by licensed surveyors specifically authorised by the CEO, who shall issue a specific authority in writing in each case.
- (3) Before proceeding with a survey of customary lands to which Section 75 of the Samoan Land and Titles Protection Ordinance 1934 applies, the surveyor shall be satisfied that notice of the intention to survey has been given in the approved manner pursuant to that Section 75.
- (4) The surveyor shall be prepared to meet the Chiefs and Orators of a village or district when necessary and state the objects of the survey and invite all Samoans concerned to be present so that no excuse may be given for any person to obstruct the work. Samoan ceremonial custom should be complied with to a reasonable extent.
- (5) Preliminary surveys for the purpose of investigating titles to customary lands by the Land and Titles Court need not be made with a theodolite and may be made with a compass and chain but care must be taken to reference boundaries to permanent topographical features attend the survey and the boundaries are to be measured and defined as pointed out and claimed by each so that after investigation the boundaries as accepted or modified by the Court may be readily defined. In these surveys it is necessary for the contesting parties or claimants to be summoned to party. Care is to be taken that all fences, stone walls, houses, details of

cultivations, natural features, Samoan names, springs, wells and graves or other information likely to assist the investigation by the Court, is recorded. These surveys wherever possible should be connected by traverse to permanent monuments such as churches or to approved survey marks.

### 39 Surveys not requiring plans

Field notes and survey plans shall be made in all cases except where the reinstatement of stones of an approved plan of survey does not involve the placing of additional new marks. In such cases field notes only shall be lodged with the CEO for referencing on the appropriate plans.

## PART 5 SURVEY PLANS

### 40 Title and Plan Details

- (1) The title of the proposed subdivision shall state the correct appellation of the land to be dealt with and shall be clearly printed in the appropriate position on the plan. The correct Land Register reference of the land affected shall also be shown.
- (2) Each lot dealt with on the plan shall be given an allotment number. New roads, access lanes, access roads, reserves and public land shall also be given allotment numbers and described accordingly.
- (3) New roads need not be named, but any name given to a new road shall be allocated at the discretion of the Minister by advice of the Geographic Names Board. Access lanes and access roads shall not be named but shall be designated "Access lane" or "access Road", as the case may be. The nominal width of all existing or proposed roads, access lanes, and access roads shall be shown.
- (4) The purpose of every reserve shall be shown on the plan. Reserves shall be shown as being set aside for any one of the following purpose:
  - (i) **Recreation** - A reserve for the passive and active use and enjoyment of the public;
  - (ii) **Nature** - A reserve for the purpose of preserving fauna and flora;
  - (iii) **Historic** - A reserve for the purpose of preserving historic buildings, works or other archaeological remains
  - (iv) **Public use** - A reserve for the purpose of providing land for public use or public building, as distinct from other purposes
  - (v) **Coastal, River and Lake Reserves** - A reserve set aside under the provisions of Section 15 of the Act, along the foreshore of the sea or along the banks of any river or stream, or along the margin of any lake;
  - (vi) **Road** - A reserve set aside for the purpose of a future public road.
- (5) Every right of way or other easement set aside on the plan shall be clearly designated as such. A note shall be endorsed on the plan stating the allotments which are appurtenant to or subject to the right of way or other easements delineated on the plan, and in the case of easements in gross, the name of the proposed grantee and which allotments are subject to the easement
- (6) Commercial and industrial allotments shall be designated as such on the plan.

- (7) Boundaries of Districts, Parcels, Court Grants, Flurs, Land Register references, and fences shall be shown in accordance with Regulation 32.
- (8) The name of the surveyor together with the scale shall be shown on the plan.

#### 41 Topographical details

- (1) Topographical details shall generally be limited to the area being subdivided, extended where necessary to demonstrate possible area for roads and subdivision extensions. Contours and spot heights shall be shown in sufficient detail to determine the approximate grades or roads, the general sites of buildings, and the general level of land being subdivided.
- (2) The nature of the coverage, stream pattern, and extent of swamps and low-lying areas, existing building, drains, septic tanks and other mean of human waste disposal formation and where applicable, the location of any public utilities on the area being subdivided shall be shown on the plan.
- (3) The plan shall be supported by a report stating the purpose of the subdivision, the reasons for the siting of land for reserves, and any other matters that will assist in the interpretation and approval of the proposed subdivision

#### 42 Endorsement of Plans

- (1) **Signatures and approvals:** The certificate of the surveyor in Form No 1 specified in the schedule to these Regulations shall be shown in the approvals panel on the right hand side of the plan. Provision shall be made in the panel for the signatures of the owner of the land under survey, and the CEO.

#### 43 Frontage, Area and Shape Requirements

- (1) Except as provided in subclause (2), the minimum frontage, area and shape requirements shall be as follows:
  - (a) **Residential allotments:** All residential allotments shall contain a rectangle of 16m by 30m
    - (i) Front sites: The minimum frontage shall be 6m and the minimum area shall be 1000m<sup>2</sup>.
    - (ii) Rear sites: A rear site shall be served by a strip of land in the same title, not less than 3m in width measured at right angles to its course, and not more than 50m in length:  
PROVIDED THAT more than one and up to four adjoining rear site may be served by adjoining strips of land as follows:
      - A. Two sites each strip not less than 2m in width over which reciprocal rights of way shall be created.
      - B. Three and four sites shall be served by a strip of land of total width not less than 5m equally divided and over which reciprocal rights of way shall be created.
- (b) **Commercial and industrial allotments:** Commercial and industrial allotments shall be of such shape and size and have such frontage as will make the best use of the land

for the purpose for which it is designed. They may be served by rights of way or service lanes as hereinafter provided;

- (c) **Rural allotments:** Where in the opinion of the CEO future residential development is desirable, a rural allotment shall be of such shape and have such frontage as will ensure its future economic subdivision into residential allotments in accordance with the provisions of this Regulation. Minimum frontage for rural allotments shall be those prescribed for residential allotments.
- (2) The restriction imposed by subclause (1) shall not apply to any subdivision that is intended solely for the adjustment of existing boundaries in any case where the effect of the adjustment does not reduce the frontage or area of an adjusted allotment to less than the minimum prescribed for the class to which that allotment belongs, not shall they apply to any subdivision which is for some purpose of public utility.

#### 44 Road widths

- (1) **Primary Road** - Every new or proposed road shall be laid off to the best advantage and with due regard to the requirements of the locality, linking different districts or regions shall have a minimum width of 25metres
- (2) **Secondary Road** - The CEO may require the width of a new or proposed road to be 15metres in width, in any case where the road will be required for through traffic or for linking different local areas
- (3) **Access Road** – The CEO may require the width of any proposed road to direct access any individual property to be not less than 10metres wide.
- (4) The width or diameter of the end of any cul-de-sac shall be not less than 25m;
- (5) At all road intersection and road angles involving a change in roadside directions of 45° or more, provision shall be made for corner splays as follows:
- (6) The inside road boundary shall have a radius of not less than 6m provided that this boundary may be right-lined to conform with chords of a circle having a radius of not less than 6m.

#### 45 Road widening and Splays

Where the land being subdivided has a frontage on an existing road which has a width less than that prescribed for new roads in Regulation 46, the CEO may require the widening or splays of that road, where necessary to improve the flow of traffic and safety.

#### 46 Rights of Ways

A right of way shall be of a width of 6metres, measured at right angles to its course, serving an area of not more than 4,000sq.metres

#### 47 Access Ways

The CEO may require the width of any access way to a rear property of not more than 1,000sq.metres, to be not less than 4metres.

#### 48 Easements in Gross

Where an existing or proposed public utility is required within the area to be subdivided, an easement may be required over the area containing the public utility.

#### **49 Procedures on Appeal**

- (1) If any person is aggrieved by or dissatisfied with any decision of the Minister under sections 28 or 35 of the Act and desires to appeal to the Supreme Court he shall, within one month after being notified of that decision, give notice of appeal in writing to the Minister and to the Registrar of the Supreme Court and shall also give security (to be approved by the Registrar of the Supreme Court) for the costs of the appeal.
- (2) After hearing all persons entitled and desiring to be heard the Court shall give its decision and cause the same to be certified in writing by the Registrar of the Supreme Court to the Minister and the Minister shall be bound to follow that decision and shall reverse, alter, modify or confirm his own decision in accordance therewith;
- (3) The Court may make such order as to payment of the costs of an appeal as it thinks fit

### **PART 6 MISCELLANEOUS**

#### **50 Fees**

- (1) Fees may be charged on the basis of time plus materials plus disbursements or may be derived from lump sums or quotations or tenders as agreed with the client. In all cases the fee charged shall be fair and equitable and shall reflect the extent and circumstances of the work to which the fee relates. No surveyor shall offer inducements to or accept inducements from any person interested in the work undertaken by the surveyor.
- (2) Where a dispute as to survey fees cannot be resolved by the surveyor concerned, then the dispute shall be investigated by a panel nominated by the CEO. The panel shall consist of the CEO, who shall chair the panel, a licensed surveyor in private practice and a licensed government surveyor. The surveyor who set the fee in dispute shall not be on the panel. The decision of the panel shall be final.

#### **51 Penalty for Unreliable Surveys**

If the work of a surveyor shows that he or she has neglected to comply with these regulations or is found to be inaccurate or defective, he or she when called on by the CEO shall rectify such fault or error at the surveyors own cost. If the surveyor fails to comply with the request from the CEO in a reasonable amount of time, the CEO may rectify such fault or error and recover such costs for doing so from the surveyor.

#### **52 Repeal**

The Land Survey Regulations 1939, the Survey Charges Regulations 1955 and the Survey Charges Regulations 1955 Amendment No. 1, are hereby repealed.

**SCHEDULE**

**FORM No. 1**

I, ..... of ..... Licensed surveyor, hereby certify that this plan has been made from surveys executed by ....., and that both plan and survey are correct and have been made in accordance with the Regulations under the Survey Act 200..... .

.....  
**LICENCED SURVEYOR**

*Issued under the Authority of the Regulations Ordinance 1953.  
Date of notification in the Samoa Gazette:  
These Regulations are administered by the Ministry of Natural Resources, Environment and Meteorology .*