

Institute of Cadastral Surveying (Inc)

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ADVICE REGARDING THE CADASTRAL SURVEYOR'S CERTIFICATION

Legal context:

The Cadastral Surveyor's certification is taking place in terms of Rule 13 of the Rules for Cadastral Survey 2010, formulated under s49(1) of the CSA 2002, which reads:-

The Surveyor-General may, by notice in the Gazette make rules specifying-

- (a) standards for the conduct of cadastral surveys (including the use of survey marks)
- (b) standards for cadastral survey datasets.

Rules made under s49(1) of the Act are of course authorised by s7(1)(c) of the Act, which reads:-

to determine how the spatial extent (including boundaries) of interests under a tenure system must be defined and described, by setting standards under section 49:

While the cadastral survey profession has historically use the CSD term to mean the dataset of cadastral survey, this usage is not consistent with the legal definition of the CSD as set out in the CSA 2002, and it is no longer appropriate to use the generic CSD term to mean the dataset of cadastral survey.

Advice:

Unfortunately both the CSA 2002 and the RCS 2010 have been drafted on the basis that the dataset of cadastral survey and the CSD have the same legal meaning, giving all parties concerned significant difficulty of interpretation.

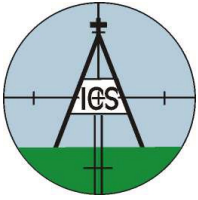
However, Rule 13 of the RCS 2010 reads:-

I [name], being a licensed cadastral surveyor, certify that:

- (a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and
- (b) the survey was undertaken by me or under my personal direction.

On this basis, ICS offers the following advice to Cadastral Surveyors:-

1. Stop referring to certification of the CSD. The generic use of the CSD term to mean the dataset of Cadastral Survey is at odds with the legal definitions of these terms.
2. Remove **all** generic use of the CSD term from your documentation, and replace with the term Cadastral Survey, or, dataset of cadastral survey as appropriate.



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3. In the survey report, explicitly list the component parts of the dataset being certified, limiting these to cadastral survey items.
4. In the survey report, disclaim against any item it may be necessary to include with the dataset of Cadastral Survey to gain approval as to survey, but which is not included in the certification (eg. 223 requirements).