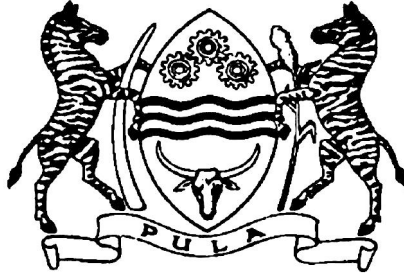


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

EXTRAORDINARY

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Statutory Instrument No. 68 of 1993

LAND SURVEY ACT
(Cap. 33 : 01)

LAND SURVEY (AMENDMENT) REGULATIONS, 1993
(Published on 30th June, 1993)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation and commencement
2. Amendment of First Schedule to Cap. 33 : 01 Sub. Leg.
3. Amendment of Second Schedule to principal regulations

INEXERCISE of the powers conferred on the President by section 46 of the Land Survey Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Land Survey (Amendment) Regulations, 1993, and shall come into operation on the 1st July, 1993.

2. The First Schedule to the Land Survey Regulations is amended by substituting, therefor, the following new Schedule —

Citation
and
commence-
ment
Amendment
of First
Schedule
to Cap. 33:
01 Sub.Leg.

“FIRST SCHEDULE

(reg. 67)

Tariff of Fees

TARIFF ITEM

1. Basic area charge
2. Location and replacement of beacons
3. Official co-ordinate values
4. Remaining extent
5. Defining a given area
6. Connections
7. Curvilinear boundaries
8. Diagrams, endorsements and prints
9. General plans
10. Servitudes
11. Travelling, transport and subsistence
12. Line clearing
13. Miscellaneous

Basic area
charge

1. The fees for the survey of one or more pieces of land included in the same survey, surveyed at the same time and having not more than six boundaries shall be as prescribed hereunder in either Table A or Table B and the charge per piece for any number of pieces not specified in Table A shall be derived proportionally from the tabulated charges to the nearest P5:

TABLE A

<i>Charge for each piece of land</i>				
<i>Areas</i>				
<i>Total number of pieces</i>	<i>600m²</i>	<i>600-1500m²</i>	<i>1501-4000m²</i>	<i>4000m²-ha</i>
1	740	850	910	920
2	485	545	590	620
3	390	440	470	510
4	340	385	410	440
5	310	355	370	400
10	270	300	325	350
20	235	270	290	320
50	190	265	270	290
100	180	245	265	290
250	160			
500 and over	145			

TABLE B

<i>Charge for each piece of land</i>								
<i>Area in hectares</i>	<i>Number of pieces, for each of.....</i>						<i>Charge for every piece over.....</i>	
	<i>One</i>	<i>Two</i>	<i>Three</i>	<i>Four</i>	<i>Five</i>	<i>Six</i>		
Over 2 to 5	935	670	555	484	440	430	Six	430
Over 5 to 10	955	695	595	540	480	470	Six	470
Over 10 to 25	985	795	695	625	565	560	Six	560
Over 25 to 50	1075	885	765	690	650	630	Six	630
Over 50 to 100	1220	1020	895	820	780	760	Six	760
Over 100 to 200	1350	1180	1055	970	—	—	Four	970
Over 200 to 300	1515	1265	1120	1030	—	—	Four	1030
Over 300 to 500	1700	1375	1235	1115	—	—	Four	1115
Over 500 to 750	1815	1480	1305	1190	—	—	Four	1190
Over 750 to 1000	1925	1590	1410	1300	—	—	Four	1300
Over 1000 to 1500	2040	1700	—	—	—	—	Two	1700
Over 1500 to 2000	2150	1815	—	—	—	—	Two	1815
Over 2000 to 3000	2270	1900	—	—	—	—	Two	1900
Over 3000 to 5000	2380	2035	—	—	—	—	Two	2035
Over 5000 to 7500	2580	2130	—	—	—	—	Two	2130
Over 7500 to 10000	2780	2290	—	—	—	—	Two	2290

Provided that —

(1) For the survey of any piece of land whose area exceeds 10 000 hectares the charge prescribed in Table B shall be increased by P100,00 for every additional 1000 hectares or part thereof.

(2) The basic area charge shall include the cost of —

- (a) supplying survey records as prescribed;
- (b) a reasonable amount of additional computing to verify the positions of the beacons of the land under survey;
- (c) preparing and supplying all such reports and certificates as may be required or prescribed;
- (d) preparing, lodging with the Director and supplying diagrams and general plans in such form and number as may be required or prescribed for registration:

Provided further that when a general plan consists of 10 or fewer figures a charge for such general plan shall be made in terms of paragraph 9;

- (e) except as provided for elsewhere in this Tariff, supplying and erecting new beacons and reference marks and permanently marking main survey stations;
- (f) bringing existing beacons up to the prescribed standard;
- (g) preparing and supplying any agreement to beacons as may be required but shall not include obtaining the signature of land owners on such agreement;
- (h) searching for and fixing sufficient beacons and corner points to complete the survey provided the time occupied in doing so is reasonable;
- (i) obtaining survey data prescribed by regulations;
- (j) basing the survey on trigonometrical stations and reference marks;
- (k) determining the position of such topographical features as may be required;
- (l) placing new beacons on an existing boundary;
- (m) pointing out beacons and boundaries in the course of the field work;
- (n) transport in the course of the field work;
- (o) supply of normal labour; and
- (p) reasonable time devoted to receiving and perusing instructions for the survey.

(3) For each piece of land of two hectares or under the area, which is a regular figure, the area charge as specified in Table A shall be reduced by 15 per cent for those regular figures in excess of 10 in number:

Provided further that the 10 regular figures exempted shall be the smallest regular figures.

(4) No reduction of the basic area charge shall be made when diagrams are not required for registration.

(5) When it is necessary to embed the centre mark of a beacon in concrete, as prescribed, an additional charge of P40,00 shall be made; and when a beacon is placed in accordance with the provisions of regulation 18 (1) (b), a charge of P30,00 shall be made for every such beacon.

(6) In the survey of pieces of land of varying areas, the charge for an individual piece shall be derived from its area at a rate which would be applicable if all the pieces were of the same size :

Provided further that when two pieces of land are being surveyed and one piece of land is greater and the other smaller than two hectares, the charge for the larger area shall be made in accordance with the first column of Table B.

(7) For each servitude endorsement on a set of diagrams or general plan, a charge of P20,00 shall be made.

(8) For each component clause of a set of consolidated diagrams prepared by a land surveyor, a charge of P20,00 shall be made.

(9) In the survey of pieces of land represented on separate original diagrams an additional charge of P50,00 in respect of the second and each subsequent original diagram shall be made.

(10) For the survey of additional boundaries above six in number, the charge specified in Table A or Table B shall be increased by 10 percent for each of 10 such additional boundaries and thereafter by five percent for any further such boundaries:

Provided that the line joining an unbeaconed point with an indicatory beacon shall not be deemed to be a boundary for the purpose of this tariff of fees.

(11) Except as provided in paragraphs 4 and 10 of this Tariff, no charge shall be made for the survey of any road area for which registration as a separate property is not required and which is created in the survey of one or more pieces of land.

(12) No charge shall be made for the survey of the outside figure represented on a general plan, unless a diagram of such figure is required for registration:

Provided that when such diagram is prepared a charge shall be made for the outside figure as a separate survey.

Location and
replacement
of beacons

2. For the location or replacement of beacons of a property in a township, a charge in terms of either paragraph 13 or Table A of paragraph 1 and paragraph 11 of this Tariff, whichever is less, shall be made.

Official
co-ordinate
values

3. The basic charge for each piece of land shall be reduced by five per for each beacon to which an official co-ordinate value has been assigned:

Provided that —

(i) no reduction shall be made when it is necessary to redetermine or to verify the position of such beacon,

(ii) the total amount by which a charge is reduced shall not exceed 50 per cent.

Remaining
extent

4. If it is necessary to survey the remaining extent of a piece of land being sub-divided in order to ascertain its area all charges as prescribed in paragraph (1) hereof shall apply to the area of such remaining extent as if it were one of the subdivisions.

Defining
a given
area

5. The charge for computing the position of and placing a beacon to define a given area shall be 10 percent of the charge specified in Table B:

Provided that this charge shall not apply to pieces of land referred to in Table A.

Connections

6. For each of —

- (a) the two distances between two suitably situated beacons of the land being subdivided and two beacons of the subdivision as referred to in regulation 37 (1);
- (b) the sides referred to in regulation 37 (2) (a), or the distance referred to in regulation 37 (2) (b), the charges for connections shall be made in accordance with Table C hereunder:

Provided that —

- (i) no length shall be charged for twice,
- (ii) no charge shall be made if information obtained in a previous survey can be used again,
- (iii) the charge shall be made once only when two or more contiguous subdivisions are surveyed at the same time,
- (iv) no charge shall be made for connections to terminal beacons, whose position can be adopted from previous surveys, or when in circumstances as prescribed, it is not essential to record connecting data on diagram.

TABLE C

<i>Length in metres</i>	<i>P</i>
0 to 50	70
Over 50 to 600	155
Over 600 to 900	175
Over 900 to 1500	235
Over 1500	235 plus P20,00 for every 100 metres or part thereof in excess of 1500 metres.

Curvilinear
boundaries

7. (1) For surveying any curvilinear boundary a charge of P25,00 for every 50 metres, or part thereof, plus an initial charge of P55,00 for each subdivision of the property being surveyed, shall be made:

Provided that when it is necessary to survey both banks of a river in order to determine the middle, the charge shall be P50,00 for every 50 metres, or part thereof, plus an initial charge of P60,00 for each subdivision abutting on the curvilinear boundary.

(2) A land survey shall not charge a second time for the survey of a curvilinear boundary if information obtained in a previous survey can be used:

Diagrams,
endorsements
and prints

Provided that any work that may be necessary to enable the land surveyor to use such information shall be charged for in accordance with paragraph 13 hereof.

8. (1) The following charge shall be made for the preparation and provision of each copy, other than those prepared by a photographic reproduction process, of a diagram when not charged for elsewhere in this Tariff —

(a) *Diagrams without co-ordinates*

For a diagram of six sides or less P40,00
For each additional side above six P 5,00

(b) *Diagrams with co-ordinates*

For a diagram of six sides or less P50,00
For each additional side above six P 5,00

(c) *Consolidated diagrams*

For consolidated diagrams the charges prescribed in subparagraphs (a) and (b) above shall apply and an additional charge of P20,00 shall be made for each component clause of the consolidation:

Provided that a charge for the compilation and calculation of data shall be made in accordance with paragraph 13.

(2) *Servitude endorsements*

For each servitude endorsement on a diagram a charge of P20,00 shall be made.

(3) *Prints*

For providing suitable prints of diagrams for the purpose of registration a charge P10,00 per 1000 square centimetres, or part thereof, shall be made.

General
plans

9. The following charge shall be made for the preparation of each copy, other than those produced by a photographic process, of a general plan when no charge for such plan has been prescribed elsewhere in this Tariff —

For any number of figures up to and including 10.....P325,00

For every additional figure up to and including 50.....P15,00

For every additional figure above 50.....P10,00

Provided that the cost for printed or photographic copies shall be the actual cost incurred by the land surveyor.

Servitudes

10. (1) *Line servitude* (Separate servitude diagram)

(a) The basic charge for the survey of a line, to be represented on a separate servitude diagram, shall be made as prescribed in paragraph 1 of this Tariff, for the area of a square whose side is equal to one quarter of the length of such line:

Provided that —

- (i) all other charges and reductions specified in this Tariff shall apply, *mutatis mutandis* as if the line represents one or more boundaries of a piece of land;
 - (ii) such length shall be taken as being the distance along such line between the property boundaries for which connecting data are normally deemed necessary by the Director.
- (b) For the case of two or more lines, following the same route and represented on the same servitude diagram, the charge for the survey of each additional survey of each additional line after the first line shall be 35 per cent of the charge prescribed in subparagraph (a) of this subparagraph.

(2) *Area servitudes* (Separate servitude diagram)

The charges prescribed in this Tariff for the survey of a piece of land shall, *mutatis mutandis*, apply to the survey involving the beaconing of a servitude area when it is essential to represent such area on a separate servitude diagram:

Provided that when such area affects a number of contiguous properties, each section of such area which is necessarily beaconed shall rank as a separate piece of land for the purpose of applying the basic area charge.

(3) *Line and area servitudes combined with subdivisions*

- (a) For a servitude combined with a subdivision and represented on a subdivisional diagram when such servitude lies outside the boundaries of the subdivision, the charges prescribed in subparagraphs (1) and (2) hereof shall apply;
- (b) A servitude combined with a subdivision and represented on a subdivisional diagram shall be deemed to be an inherent part of such subdivision when such servitude lies within the boundaries of the subdivision, and the charges prescribed in this Tariff shall, *mutatis mutandis*, apply in regard to the survey of such servitude:

Provided that —

- (i) the charge for additional boundaries as prescribed in subparagraph (9) of paragraph 1 shall be determined from the aggregate number of beacons as have necessarily been placed to define the limits of the servitude,
- (ii) the applicable charge as prescribed in paragraph 7 shall be made when the servitude is defined by a curved line.

(4) *Miscellaneous servitudes*

For professional work in connexion with servitudes not specified elsewhere in this paragraph, a charge shall be made in accordance with paragraph 13 of this Tariff.

Travelling,
transport and
subsistence

11 (1) A charge for the forward and return journeys between a land surveyor's headquarters and the site of the survey, or from the place where last employed to such site and onwards to other work, shall be made at the rate of P1,50 per kilometre:

Provided that —

- (i) such journey shall be made in respect of one completed journey only and only one vehicle unless substantial reasons exist for additional journeys being made or additional vehicles being used,
- (ii) no charge shall be made for travelling and transport during the performance of a survey for which a basic area charge is made,
- (iii) an additional charge shall be made for the time occupied in travelling, during the forward and return journey between the land surveyor's headquarters and the site of the survey at a rate of P75,00 per hour.

(2) When a land surveyor is not provided with free accommodation at the site of a survey, he shall charge travelling and transport expenses at the rate prescribed in subparagraph (1) in respect of one forward and one return journey per day between the site of the survey and either —

- (a) his headquarters;
- (b) his nearest suitable accommodation; or
- (c) the free accommodation provided elsewhere by the client:

Provided that —

- (i) the distance per day for which such charge is made shall not exceed 100 kilometres,
- (ii) no charge shall be made in terms of this paragraph for the first day devoted to the survey, and
- (iii) for accommodation supplied by the land surveyor away from his headquarters, he shall charge subsistence at the daily rate of P75,00 for himself, and one assistant and P25,00 for each of his labourers:

Provided that subsistence shall not be claimed for more than one technical assistant and two labourers per land surveyor.

Line clearing

12. When it is essential for the performance of a survey that vegetation should be cleared, the time necessarily occupied by the land surveyor solely on supervising such clearing shall be charged at the rate of P75,00 per hour:

Provided that the land surveyor shall ensure that the clearing is done as economically and expeditiously as possible:

Provided further that, whenever practicable, the client shall be afforded the opportunity of having the necessary clearing done and of supplying the necessary labour and the cost of labour supplied by the land surveyor for the clearing shall be recoverable from the client.

Miscellaneous

13. (1) For professional work not specified elsewhere in this Tariff a charge of P110,00 per hour shall be made:

Provided that the following costs shall be recoverable —

- (i) P 1,50 per kilometre in respect of motor transport supplied by the land surveyor during the performance of the survey,
- (ii) the amount of disbursements for beacon materials, and
- (iii) a charge equal to one and a half percent of their monthly wage per hour or part thereof for technical assistants and labourers necessarily employed."

2. The Second Schedule to the principal Regulations is hereby substituted with the following new Schedule —

Amendment
of Second
Schedule to
principal
regulations

"SECOND SCHEDULE

SCALE OF FEES TO BE CHARGED IN THE OFFICE OF
THE DIRECTOR OF SURVEYS AND LANDS
(*regulation 69*)

Examination of Cadstral Surveys

1. (a) For the examination of a general plan or a data plan, inclusive of such additional copies as are prescribed by these Regulations, provided all copies are lodged simultaneously..... P50,00 per sheet, lot, holding or portion
- (b) For the examination of a diagram of any lot, holding, subdivision or portion, inclusive of additional copies as are prescribed by these Regulations, provided all copies are lodged simultaneously..... P37,50 per diagram plus P3,00 for each side over six
- (c) For the examination of a diagram of any lot, holding, subdivision or portion shown on an approved general plan for which the fees prescribed in subparagraph (a) have been paid, inclusive of additional copies as prescribed by these Regulations, provided all copies are lodged simultaneously..... P20,00 per diagram plus P1,50 for each side over six

- (d) For the examination of any servitude diagram, inclusive of additional copies as prescribed by these Regulations, provided all copies are lodged simultaneously..... P37,50 per diagram plus P3,00 for each side over six
- (e) For the examination of any servitude appearing on a general plan, data plan or diagram..... P12,50 per servitude

Certified Copies of Diagrams

2. For comparing and certifying a true copy of an approved diagram and for approving copies additional to those prescribed by these Regulations..... P25,00

Consolidation Diagrams by Compilation

3. For the examination of a diagram of consolidation by compilation..... P18,50 plus P 3,00 per component clause of the diagram

Deductions and Endorsements, etc

4. For effecting each amendment, deduction, addition or endorsement to a diagram or general plan..... P 5,00

Certificate of Remaining Extent Or Compliance

5. (a) For supplying a Certificate of Remaining Extent —
For every hour or part thereof spent in the preparation of such certificate..... P25,00
With a minimum charge of P25,00
- (b) Certificate of Compliance..... P25,00 plus any transport costs

Duostat, Contact Prints and Other Copies

6. (a) For duostat or contact prints —
Actual cost of material, labour and direct overhead costs

(b) In addition to (a) above, the Director may levy a charge to cover a part of, or all costs of, original data.

Searches

7. For each search made in the office of the Director of Surveys and Lands —
For every hour or part thereof..... P25,00
With a minimum charge of P25,00

N.B. Licenced land surveyors shall, subject to such conditions as the Director of Surveys and Lands may prescribe, be exempt from the payment of fees for searches made by themselves.

Defective Surveys

8. Any cadastral survey which is returned to a surveyor will be surcharged at the discretion of the Director and the fee shall be 20% of the normal total examination fee.

Miscellaneous Work

9. For any work or service not specified above the charge shall be on a time basis at the rate of P25,00 for each hour or portion thereof, or P75,00 for each hour or part thereof where professional services are involved.

Licence Fee

10. The Director may at his discretion levy a licence fee for the use of data supplied by the Department or for the copying of maps or other matter in any publication.

MADE this 29th day of June, 1993.

F.G. MOGAE,
Acting President.

Statutory Instrument No. 69 of 1993

CUSTOMS AND EXCISE DUTY ACT
(Cap. 50:01)

AMENDMENT OF SCHEDULES (NO. 42) NOTICE, 1993
(Published on 30th June, 1993)

IN EXERCISE of the powers conferred on the Minister of Finance and Development Planning by sections 52 and 53 of the Customs and Excise Duty Act, the Schedules to the Act are amended to the extent set out in the Schedule below.

SCHEDULE

Part 7 of Schedule No. 1 to the Act

TARIFF ITEM	TARIFF HEADING AND DESCRIPTION	RATE OF ADDITIONAL DUTY
186.00	Tariff Item 186.01 is revoked	

Schedule No. 9 to the Act

ITEM	TARIFF HEADING AND DESCRIPTION	EXTENT OF REBATE
904.01	Tariff Item 904.01/186.01 is revoked	

- NOTES:
1. This revocation takes effect from 1st July, 1993.
 2. The period of tariff protection relating to Tariff item 186.00 under Part 7 of Schedule No. 1 to the Act and Tariff item 904.01/186.00 of Schedule No. 9 to the Act expire on 30th June, 1993.

MADE this 24th day of June, 1993.

F. G. MOGAE,
*Vice-President and Minister of Finance
and Development Planning.*