

THE STATUTES OF THE REPUBLIC OF SINGAPORE

BOUNDARIES AND SURVEY MAPS ACT

(CHAPTER 25)

**Act
35 of 1998**

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(30th December 1999)

Boundaries and Survey Maps Act

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An Act to provide for the demarcation of land, the establishment and maintenance of boundary marks and the publication of certain survey maps.

[16th October 1998]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Boundaries and Survey Maps Act.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“approved co-ordinates” means co-ordinates approved by the Chief Surveyor or approved under section 7 (c) which are capable of describing and ascertaining the boundaries of any land in relation to survey control marks;

“boundary mark” includes any survey stone, iron pipe, spike, or other survey mark authorised by law for the purpose of marking boundaries;

“cadastral survey” means any survey relating to the recording of land boundaries, subdivision lines, buildings and related details;

“certified plan” means a survey plan which has been approved by, and filed in the office of, the Chief Surveyor under section 4 (1) (e);

“Chief Surveyor” means the Chief Surveyor appointed under section 3 (1) and includes an acting Chief Surveyor appointed under section 3 (2);

“land” includes —

- (a) a parcel of land which is in the actual possession of the owner by himself or other person holding by, through or under him;
- (b) land covered by water;
- (c) a building or a structure erected on land;
- (d) any parcel of airspace or any subterranean space held apart from the surface of the earth; and
- (e) any estate or interest in land;

“owner”, in relation to any parcel of land, means the person for the time being receiving the rent of the land, whether on his own account or as agent or trustee or who would receive the rent if the land were let to a tenant;

“registered surveyor” means a surveyor registered under the Land Surveyors Act (Cap. 156);

“repealed Act” means the Boundaries and Survey Maps Act (Cap. 25, 1985 Ed.) in force immediately before 16th October 1998;

“survey control mark” means any survey mark placed under the supervision of the Chief Surveyor the horizontal position or height of which is determined;

“survey officer” means any person authorised by the Chief Surveyor to carry out a cadastral survey for any parcel of land.

(2) In this Act, any reference to a plan shall, unless the context otherwise requires, include a reference to a plan in electronic form.

Appointment of Chief Surveyor

3.—(1) The Minister may appoint a Chief Surveyor who shall administer this Act and act in accordance with such directions as may be given by the Minister from time to time.

(2) If the Chief Surveyor is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for any reason temporarily unable to perform his duties, the Minister may appoint a person to act in the place of the Chief Surveyor during any such period of absence from duty.

(3) The functions, duties and powers of the Chief Surveyor under this Act may be carried out, discharged, performed or exercised by any person who is duly authorised by the Chief Surveyor to act on his behalf.

PART II

SURVEY

Survey requirements for land

4.—(1) A cadastral survey for any parcel of land shall not be taken to have been completed until —

- (a) the boundaries of the land have been determined by straight lines;
- (b) the physical boundaries of the land have been demarcated by boundary marks or defined by approved co-ordinates or, if it is impossible or impracticable to do so, by reference to floors and walls so as to enable the boundary lines of the land to be ascertained;
- (c) the area of the land has been determined;
- (d) a lot number has been assigned to the land by the Chief Surveyor; and
- (e) a survey plan, showing the location of the land and its boundaries, area, lot number and the boundary marks placed on the land or the approved co-ordinates, has been approved by, and is filed in the office of, the Chief Surveyor.

(2) A certified plan shall be prima facie evidence of the boundaries and boundary marks of the parcel of land to which it refers, and of its area and lot number.

(3) Any plan for a cadastral survey of a parcel of land approved by, and filed in the office of, the Chief Surveyor under the repealed Act shall be deemed to have been approved by, and filed in the office of, the Chief Surveyor under subsection (1) (e).

Powers of Chief Surveyor

5.—(1) The Chief Surveyor shall have and may exercise the following powers:

- (a) to carry out a cadastral survey of any parcel of land for the purposes of this Act or any other written law and do

anything reasonably necessary for the carrying out of the survey including all or any of the following:

- (i) to carry out any preparatory work on the land and any adjacent land;
 - (ii) to mark out the boundaries of the land;
 - (iii) to place boundary marks on the land and any adjacent land;
 - (iv) to alter, repair or remove any boundary mark placed on the land;
 - (v) to remove or destroy trees, crops, fences and other property on the land and any adjacent land;
- (b) to establish a survey control mark on any parcel of land and to enter on the land and any adjacent land to do all things reasonably necessary for the establishment, protection, maintenance, repair, alteration or removal of the mark; and
- (c) in respect of a cadastral survey of any parcel of land carried out and submitted by a registered surveyor —
- (i) to undertake field checks at any time;
 - (ii) to make such computations, from the field books, calculation sheets and survey data deposited, as are necessary to prove the accuracy of the survey, the dimensions, areas, geographical position and the emplacement of boundary marks on the parcel of land; and
 - (iii) to give any direction to the registered surveyor of the survey made by him.

(2) In the exercise of the powers conferred by subsection (1), the Chief Surveyor and survey officer shall have the right of access to and entry upon any land, foreshore or sea-bed.

(3) The powers conferred on the Chief Surveyor and survey officer by subsections (1) and (2) may be exercised at all reasonable times and with such number of assistants as the Chief Surveyor or survey officer, as the case may be, thinks appropriate.

Duties of Chief Surveyor

6.—(1) It shall be the duty of the Chief Surveyor —

- (a) to assign a lot number, strata lot number and accessory lot number which would enable a parcel of land to be identified for the purposes of any written law;
- (b) to maintain all survey records;
- (c) to make available copies of survey records and plans on payment of the prescribed fees; and
- (d) to perform such other functions specified in this Act or any other written law.

(2) For the purposes of subsection (1), the Chief Surveyor may inspect all records submitted and deposited by any registered surveyor and request for such information from any registered surveyor as he requires.

(3) The survey records and plans for any land may be maintained by the Chief Surveyor in any electronic media or other means.

Co-ordinated cadastre

7. The Chief Surveyor shall be responsible for establishing a co-ordinated cadastre and may, for that purpose —

- (a) establish and maintain a network of survey control marks with recorded co-ordinates for use in surveying, mapping and related practice;
- (b) declare, by notice in the *Gazette*, specified areas to be designated survey areas, being areas of land in respect of which cadastral surveys must be carried out by reference to survey control marks in accordance with survey instructions under this Act, and for which co-ordinates must be determined in accordance with those instructions;
- (c) approve and record the co-ordinates of the boundaries of land within each designated area as determined by surveys carried out in the area (whether before or after the declaration of the area as designated survey area), convert the co-ordinates recorded in relation to those parcels of land within the area and make any necessary adjustments to the recorded co-ordinates; and
- (d) where the co-ordinates for all parcels of land within a designated survey area have been so approved, recorded, converted and adjusted, declare, by notice in the *Gazette*, that area to be within the co-ordinated cadastre.

Notice to secure attendance for certain purposes

8.—(1) A survey officer may cause a notice to be served on any person owning, occupying or found on any parcel of land which is the subject of a cadastral survey and any land adjacent to the parcel of land calling upon that person to attend before him, at a time and place to be stated in the notice, for the purpose of —

- (a) pointing out the boundaries of the parcel of land;
- (b) rendering aid in emplacing or repairing boundary marks; and
- (c) affording other information or assistance for the purpose of the survey.

(2) A survey officer who reasonably believes that any person —

- (a) can give any information respecting the boundaries of any land which is the subject of a cadastral survey; or
- (b) has in his custody or under his control any document relating to the boundaries of any land,

may serve on that person a notice calling upon him to attend before the survey officer at a time and place to be stated in the notice for the purpose of giving the information or producing the document, as the case may be.

(3) Any person who fails, without reasonable excuse, to comply with any requirement of a notice served on him under subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Notice to clear boundary line

9.—(1) A survey officer may cause a notice to be served on any person who is the owner of or has an interest in any land which is the subject of a cadastral survey calling upon that person —

- (a) to clear any boundary line of the land; or
- (b) to cut any line which may be necessary for the purposes of the survey.

(2) Where a person fails to carry out work which he is required to carry out by a notice served on him by a survey officer under subsection (1) —

- (a) the survey officer may himself cause the work to be carried out; and

- (b) the cost of carrying out the work shall be recoverable from that person as a debt due to the Government.

Replacement or repair of boundary mark or survey control mark

10.—(1) Every owner of any land shall preserve the boundary marks erected on the boundaries of the land.

(2) Where the Chief Surveyor becomes aware that any boundary mark or survey control mark erected on any land has been injured, destroyed or removed, or requires repairs, the Chief Surveyor may —

- (a) cause the mark to be replaced or repaired; and
- (b) recover the costs of the replacement or repair from the owners of the lands for which the boundary marks and survey control marks are to serve as boundaries as a debt due to the Government in such proportion as appears to the Chief Surveyor to be proper.

(3) The costs of replacing or repairing boundary marks or survey control marks where the marks are to serve as boundaries of 2 or more parcels of land, including the costs of carrying out a cadastral survey if the survey has been made by the order of the Chief Surveyor, shall be borne by the owners of the lands for which the marks are to serve as boundaries in such proportion as appears to the Chief Surveyor to be proper.

Penalty for obliteration of boundary mark or survey control mark

11.—(1) Any person who wilfully obliterates, removes or injures, without reasonable excuse, any boundary mark or survey control mark which has been made or erected by or under the direction of the Chief Surveyor shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and may further be required by a Magistrate's Court to pay 3 times the cost of replacing and repairing the boundary mark or survey control mark and of making any survey rendered necessary by the act for which the person was convicted.

(2) The amount mentioned in subsection (1) shall be levied in the manner provided by the Criminal Procedure Code (Cap. 68) for the collection of fines.

(3) If any person committing an offence under this section cannot be found, the Chief Surveyor may give directions for the replacement

or repair of any boundary mark or survey control mark, and may order the cost thereof to be paid by the owners of the adjacent lands in such proportion as appears to the Chief Surveyor to be proper.

PART III

SURVEY MAP

Correction of map

12.—(1) All maps published under the repealed Act shall continue to be valid.

(2) No map published under the repealed Act shall be corrected, altered or added to in respect of any boundary of any land therein laid down, except in the following cases:

- (a) where it is found that a map does not correctly represent the boundaries of any land, the Chief Surveyor shall inquire into the reason for the difference and, if it is found to be due to inaccuracy in the survey caused by error in measuring the angles or the sides of the land or in plotting the survey, he shall give notice to the owners of the land affected, or their agents if they are known and are in Singapore, of the error and require them to forward to the Chief Surveyor within one month of their objections (if any) to its correction;
- (b) where it appears that wrong boundary marks have been joined up in the survey and delineation of a boundary shown on a map, or where it appears that there has been a change in the position of a boundary from that which it held at the time of the survey or at the time when it was delineated on the map under paragraph (c), the Chief Surveyor shall, after one month's notice to the owners of the land affected, or their agents if they are known and are in Singapore, of his intention, proceed to hold an inquiry, which may be held in part upon the land;
- (c) where in the case of the assignment or demise of any land comprised wholly or partly in any State title in parcels or otherwise than the entirety thereof, the parcels have been properly demarcated and surveyed to the satisfaction of the Chief Surveyor and the fees payable in respect of the demarcation and survey have been duly paid, the boundaries

of the parcels or any subdivision thereof shall be delineated upon the representation of the land or parcel of the land on the map;

- (d) where any owners whose boundaries are conterminous agree to an alteration in their boundaries, the map may be altered by the order of the Chief Surveyor upon a deed or instrument being presented at the Registry of Deeds or the Land Titles Registry, as the case may be, effectuating the alteration agreed to;
- (e) where in any suit an order of the High Court has been made which affects the position of the boundaries of any land, the map may be altered upon an office copy of the order being served on the Chief Surveyor; and
- (f) where any land delineated on the map has been subdivided into parcels and the parcels have not been surveyed to the satisfaction of the Chief Surveyor, the Chief Surveyor may proceed to make a cadastral survey of them and shall proceed to fix and demarcate the boundary in the position which he considers to be the true position and shall make an order for the delineation upon the map of the boundary so fixed.

(3) If no objection is lodged with the Chief Surveyor under subsection (2) (a) within one month from the service of the notice, the Chief Surveyor shall make an order for the correction to be made.

(4) If any objection is lodged with the Chief Surveyor under subsection (2) (a), the Chief Surveyor shall hold an inquiry and make such order as he thinks fit.

(5) If, after taking into consideration the evidence of the owners or their agents appearing at the inquiry under subsection (2) (b) and of such other persons as have knowledge of the subject, the Chief Surveyor is satisfied that the boundary as it appears from the then existing occupation of the land is the true boundary, the Chief Surveyor shall make an order for the correction of the map.

(6) Where it is found that the boundaries of a Mukim or Town Sub-division shown on any map published under the repealed Act should be altered by reason of —

- (a) any correction, addition or alteration of the boundaries of any land made in accordance with this section;

(b) the change in, alteration or deviation of, any boundary mark of the Mukim or Town Sub-division boundaries; or

(c) any reclamation of the foreshore or sea-bed,

the Chief Surveyor may, after the publication of a notice in the *Gazette* describing the alteration of the boundaries of the Mukim or Town Sub-division, make an order for the delineation or alteration of the boundaries on the map.

Map to be conclusive evidence

13. Every map published under the repealed Act shall be conclusive evidence in all courts of the boundaries of the land comprised in every land shown therein, subject only to any order made under section 12 for their modification, correction or alteration.

PART IV

MISCELLANEOUS

Power to perform order at expense of person disobeying order

14.—(1) If any person who is ordered under any provision of this Act to perform any act fails to perform the act within a reasonable time, the person who gave the order may, after giving notice to that person of his intention to do so, cause the act to be performed.

(2) The expenses incurred in such performance shall be payable by the person who was so ordered to perform the act.

Penalty for non-compliance

15. Any person who being legally bound to comply with any order under this Act, or with the requisition contained in any notice served upon him under this Act, wilfully refuses, or without reasonable excuse neglects, to comply therewith, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 for every day or part thereof during which the refusal or neglect continues after conviction.

Recovery of amounts due

16. Every amount due to the Government under this Act may be recovered by any procedure for the time being provided by law for the recovery of arrears of land revenue.

Rules

17.—(1) The Minister may make rules for carrying out the purposes of this Act and for any matter which is required under this Act to be prescribed.

(2) Without prejudice to the generality of subsection (1), the Minister may make rules —

- (a) prescribing the fees for the purposes of this Act; and
- (b) prescribing the manner and procedure for inquiries to be held under this Act.

LEGISLATIVE HISTORY
BOUNDARIES AND SURVEY MAPS ACT
(CHAPTER 25)

Act 35 of 1998 — Boundaries and Survey Maps Act 1998

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