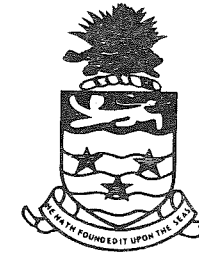


CAYMAN ISLANDS



Supplement No. 3 published with Gazette No. 4 of 1978.

**THE DEVELOPMENT AND PLANNING LAW**  
(Revised)

CAYMAN ISLANDS

**THE DEVELOPMENT AND PLANNING LAW  
(Revised)**

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Interpretation

**PART I: Central Administration**

3. Establishment and constitution of Central Planning Authority
4. Appointment of staff
5. Duties of Authority

**PART II: Development plans**

6. Preparation of development plans
7. Amendment of development plans
8. Approval of development plans
9. Deposit of development plans

**PART III: Control of development of land**

10. Provision for development
11. Functions of the Board
12. Application for planning permission
13. Supplementary provisions re grants of planning permission
14. Revocation and modification of planning permission
15. Enforcement of planning control
16. Supplementary provisions as to enforcement
17. Penalties for failure to comply with certain enforcement notices
18. Continuing operation of enforcement notices
19. Preservation of trees and woodlands
20. Storm belts
21. Maintenance of waste land etc.
22. Taking ballast from shoreline an offence
23. Application of Part III to development in Lesser Islands

**PART IV: Compensation for refusal, or conditional  
grant of, planning permission.**

24. Definition of "planning decision"
25. Compensation for planning decisions
26. No compensation payable in certain cases
27. No compensation if other development permitted
28. General provisions as to claims for compensation
29. Acquisition of land in lieu of compensation

**PART V: Acquisition and disposal of land  
for planning purposes**

- 30. Acquisition of land
- 31. Amendment of section 21 of Cap. 81 for the purpose of this Law

**PART VI: Supplemental**

- 32. Powers of entry
- 33. Service of notices
- 34. Powers to require information
- 35. Regulations
- 36. Application to land regulated by special enactments
- 37. Unfinished buildings
- 38. Appeal Tribunal
- 39. Lesser Islands Appeal Tribunal
- 40. Appeals against decisions of the Authority
- 41. Appeals against decisions of the Board
- 42. Annual report
- 43. Repeal of Law 2 of 1969 with savings
- 44. Saving of existing laws
- 45. Financial provision
- 46. Application
- 47. Transitional
- 48. General penalty

**FIRST SCHEDULE  
SECOND SCHEDULE**

**CAYMAN ISLANDS**

**THE DEVELOPMENT AND PLANNING LAW  
(Law 28 of 1971)  
(Revised)**

Consolidated with  
Law 13 of 1974  
Law 2 of 1975  
Law 16 of 1977  
Law 24 of 1977

**Originally enacted**

Law 28 of 1971	17th January, 1972
Law 13 of 1974	14th January, 1975
Law 2 of 1975	2nd May, 1975
Law 16 of 1977	11th August, 1977
Law 24 of 1977	15th December, 1977

Published in revised and consolidated form this 13th day of February, 1978, by authority of the Law Revision Law (No. 19 of 1975).

**Short title.** 1. This Law may be cited as the Development and Planning Law (Revised).

**Interpretation.** 2. (1) In this Law unless the context otherwise requires —

“agriculture” includes horticulture, fruit growing, dairy farming, the breeding and keeping of livestock (including the farming of turtles in confinement), the use of land as grazing land, meadow land, market gardens and nursery grounds and “agricultural” has a corresponding meaning;

“appointed day” means the day upon which this Law comes into operation, that is to say, the 17th of January, 1972;

“Authority” means the Central Planning Authority established under section 3;

“Board” means the Development Control Board established under subsection (4) of section 3;

“building” includes any structure or erection of a permanent or semi-permanent nature and any part of a building as so defined, but does not include plant or machinery comprised in a building;

“building or work” includes waste materials, refuse, garbage and any other matter deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;

“building operations” includes rebuilding operations, structural alterations of or additions to buildings, and other physical operations normally undertaken by a person carrying on business as a builder;

“court” means a court of summary jurisdiction;

“detached house” means a dwelling unit on its own exclusive lot;

“development” has the meaning assigned to it by subsection (2) of section 10 and “develop” has a corresponding meaning;

“development plan” has the meaning assigned to it by section 6 and includes the plan deemed to be the first development plan of the Cayman Islands under section 6(5) and any amendment to a development plan;

“Director” means the Director of Planning appointed under section 4;

“duplex” means two dwelling units one above the other or side by side having a common wall and being on one lot;

“engineering operations” includes the formation and laying out of means of access to highways;

“erection” in relation to buildings includes extension, alteration and re-erection;

“functions” includes powers and duties;

“Governor” means the Governor in Council;

“highway authority” means the authority responsible for the maintenance of a road;

“land” includes land covered by water and also includes incorporeal hereditaments of every tenure or description, and any interest therein and also an undivided share in land;

“Lesser Islands Appeal Tribunal” means the Lesser Islands Appeal Tribunal established under section 39 (1);

“outline planning permission” means permission for the erection of a building or for the use of land, which permission is granted subject to a condition that approval be given by the Authority at some later time to the siting, design, density, or external appearance of any such building or the means of access;

“owner” in relation to any building or land means a person other than a mortgagee not in possession, who is for the time being entitled to dispose of the right of ownership of the building or land, whether in possession or reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement the unexpired term whereof exceeds ten years;

“permission granted for a limited period only” has the meaning assigned to it by subsection (2) of section 12;

“primary use” within a zone includes any use which is subsidiary to, and compatible with, the primary purpose of that zone;

“road” means a road as defined from time to time in the Roads Law;

“statutory undertakers” means persons authorised by any Law to carry on any road transport, water transport, dock, harbour or pier un-

dertakings, or any undertaking for the supply of electricity, water, telephonic, telegraphic, sewerage or quarrying services, and “statutory undertaking” has a corresponding meaning;

“subdivision” in relation to land means the division of any land other than buildings held under one ownership whether the subdivision is by conveyance, transfer, or partition, or for the purpose of sale, gift, lease, or any other purpose, and “subdivide” has a corresponding meaning;

“Tribunal” means the Tribunal established under subsection (1) of section 38; and

“tree preservation order” has the meaning assigned to it by section 19 (1).

(2) Where under this Law the approval or sanction of the Legislative Assembly is required to any matter such approval shall have effect from the date on which the Legislative Assembly signifies approval or sanction thereto.

PART I: Central administration

Establishment and  
constitution of  
Central Planning  
Authority.

3. (1) For the purposes of this Law there is established a body of persons to be called the Central Planning Authority, exercising such functions throughout the Cayman Islands as are hereinafter assigned to it.

(2) The Authority consists of a Chairman and nine other members who shall be appointed by the Governor.

(3) The Chairman and one other member of the Board shall be appointed members of the Authority.

(4) A Development Control Board is established for the Lesser Islands consisting of a Chairman and four other members who are appointed by the Governor.

(5) An executive secretary for each body is appointed by the Governor.

First Schedule

(6) Subject to the provisions of this section, the constitution and procedure of the Authority and Board shall be in accordance with the First Schedule.

(7) Every member of the Authority or Board (not being a Government employee) is entitled to receive out of the Public Treasury the appropriate sum for attendance at any meeting of the Authority or Board payable quarterly upon the certificate of the Chairman of either body as to the number of attendances of each member.

Appointment of  
staff.

4. (1) The Governor shall appoint a Director of Planning and such other officers as appear necessary for the proper exercise of the functions of the Authority.

(2) It is the duty of the Director to attend all meetings of the Authority.

Duties of Authority.

5. (1) It is the duty of the Authority to secure consistency and continuity in the framing and execution of a comprehensive policy approved by the Executive Council with respect to the use and development of the land in the Islands to which this Law applies in accordance with the development plan for the Islands prepared in accordance with the provisions of Part II or otherwise

in operation by reason thereof.

(2) All acts of the Authority shall be signified under the hand of the Director or such other officer as he may authorise.

#### PART II: Development plans

Preparation of  
development plans.

6. (1) A development plan includes such maps and descriptive matter in the form of a planning statement as may be necessary to illustrate its proposals with such degree of particularity as may be appropriate to different parts of the Islands; and a development plan may, in particular —

(a) define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces;

(b) allocate areas of land for use for agricultural, residential, industrial or other purposes of any use or class specified in the plan;

(c) designate, as land subject to acquisition by the Authority —

(i) land allocated by the plan for purposes of any of their functions or the functions of a statutory undertaker or highway authority;

(ii) other land that, in the opinion of the Authority, ought to be subject to acquisition by the Authority for the purpose of securing its use in the manner proposed by the plan.

(2) A development plan shall not designate any land as land subject to acquisition by the Authority if it appears to it that the acquisition is not likely to take place within five years from the date on which the plan is approved.

(3) Where any land is designated by a development plan as subject to acquisition by the Authority, then if at the expiration of one year from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated came into operation, any of that land has not been acquired by the Authority, any owner of an interest in the land may serve on the Authority a notice requiring the interest of the owner in the land to be so acquired and if within six months after the service of that notice, or such longer period as may be agreed between the Authority and the owner, the interest of the owner has not been so acquired, the development plan shall have effect, after the expiration of the said six months, as if the land in which the said interest subsists was not designated as subject to acquisition by the Authority, but subject to such alternate restrictions as to user as shall be specified in the development plan.

Second Schedule.

(4) Without prejudice to the provisions of subsection (1), a development plan may make provisions for any of the matters mentioned in the Second Schedule.

(5) Any other provision of this Law to the contrary notwithstanding, the paper entitled The Planning Statement for the Cayman Islands, 1977, together with its Appendices and accompanying map approved by a resolution of the Legislative Assembly on the 28th day of July, 1977, is deemed to be the first development plan of the Cayman Islands and to have been prepared and approved in accordance, and after full and proper compliance with, this Law.

Amendment of  
development plans.

7. (1) At least once in every five years after the date on which a development plan for any area is approved by the Legislative Assembly, the Authority shall

carry out a fresh survey of that area, and submit to the Legislative Assembly a report of the survey, together with proposals for any alterations or additions to the plan that appear to them to be required having regard thereto.

(2) Notwithstanding the provisions of subsection (1), the Authority —

(i) shall, if at any time so required by the Governor, or by a resolution of the Legislative Assembly,

(ii) may, whenever it appears expedient, submit to the Legislative Assembly proposals for alterations or additions to any development plan.

Approval of  
development plans.

8. (1) The Authority shall, in the course of preparing a development plan relating to any land, or proposals for alterations or additions to any such plan, consult with the Board and any other public authority concerned with the development contemplated in the area concerned and may consult with such other persons or bodies as they think fit, and the Authority shall, before submitting any such plan or proposals for approval by the Legislative Assembly, give to the Board and to any public authority as aforesaid and to any such persons or bodies as aforesaid an opportunity to make objections or representations with regard thereto.

(2) Notice shall be published in a public newspaper circulating in the Islands in two issues in each of two consecutive weeks that the Authority has prepared in draft any such plan, and of the place or places in each district where copies of such plan or proposals may be inspected by the public.

(3) (a) If any objection or representation with regard to any such plan or proposals is made in writing to the Authority within two months after the publication of the notice referred to in subsection (2), the Governor shall refer the matter to the Tribunal for an enquiry into all such objections or representations; and the Authority shall, before submitting any such plan or proposals for the approval of the Legislative Assembly, take into consideration the objections or representations together with the report thereon of the Tribunal and shall include such report with the plan or proposals submitted to the Legislative Assembly.

(b) Where the Board objects to any such draft plan or proposals in so far as they relate to land within the limits of the Lesser Islands, the Board may include in its representations to the persons holding such enquiry alternative draft plans or proposals in relation to such land and, in that event, such alternative draft plans or proposals shall be included in the report of the Authority submitted to the Legislative Assembly unless modifications in the development plan submitted by the Authority to the Legislative Assembly take account of such alternative draft plans or proposals to the satisfaction of the Board.

(4) If as a result of any objection or representation considered, or public inquiry held, in connection with a development plan or proposals for amendment of such a plan the Authority is of the opinion that the Board or any other authority or person ought to be consulted before it decides to make the plan either with or without modifications, or to amend the plan, as the case may be, the Authority shall consult that authority or person, but unless otherwise directed by the Governor they shall not be obliged to consult any other authority or person, or to afford any opportunity for further objections or represen-

tations or to cause any further public inquiry to be held.

**Deposit of development plans.** 9. A development plan and any amendment thereof, as approved by the Legislative Assembly, shall be deposited with the Governor.

### PART III: Control of development of land

**Provision for development.** 10. (1) Subject to the provisions of this Law, permission shall be required under this Part for any development of land that is carried out after the appointed day. Except where otherwise provided for by this Law, permission shall not be given which would result in a development at variance with a development plan and, in particular in the case of development in the Lesser Islands, at variance with the guidelines therefor contained in any such plan.

(2) In this Law, except where the context otherwise requires, the expression "development" means the carrying out of building, engineering or other operations in, on, over or under any land, the making of any material change in the use of any building or other land, or the subdivision of any land, except that the following operations or uses of the land shall not be deemed for the purposes of this Law to involve development of the land, that is to say —

- (a) the carrying out of works for the maintenance, improvement or other alteration of any building, if the works affect only the interior of any dwelling-house or do not materially affect the external appearance of the building;
- (b) the carrying out by a highway authority of any works required for the maintenance or improvement or widening of a road;
- (c) the carrying out, with the approval of the Chief Engineer in the Public Works Department, by any authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (d) the use of any buildings or other land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;
- (e) the use of any land for the purpose of agriculture (except living accommodation, grazing, dairy farming, the breeding or keeping of livestock, or the farming of turtles in confinement);
- (f) the erection or construction of gates, fences, walls or other means of enclosure not being within any setback adjacent to the sea, not exceeding 3 feet 6 inches in height and not constructed of sheet metal;
- (g) the enlargement, improvement or other alteration of a dwelling-house provided that —
  - (i) the square footage of the enlargement does not exceed one-tenth of the square footage of the ground floor of the house;
  - (ii) the enlargement is single storey;
  - (iii) the regulations governing the setback of buildings and coverage of site are upheld;

(iv) the enlargement is an integral part of the existing dwelling-house; and

(v) a notice of intention to construct under this section is forwarded to the Authority.

(3) The use for the display of advertisements of any external part of a building that is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

(4) Approval will be given to the subdivision of land into six lots or less subject to compliance with zoning, access and other requirements.

(5) Permission to develop land the primary purpose of which is residential for a commercial or agricultural purpose may be given by the Authority if it is satisfied that —

(a) the applicant has published adequate notice of his application for such permission in two consecutive issues of a public newspaper circulating in the Islands; and

(b) no objection which the Authority regards as raising grounds for the refusal of such permission is received by it within twenty-one days of the publication of the second of such issues.

(6) Subject to subsection (5), permission to develop land the primary purpose of which is for residential use for any other purpose than such use shall not be granted unless the Authority is satisfied that —

(a) the applicant has published adequate notice of his application for such permission in four consecutive issues of a public newspaper circulating in the Islands; and

(b) consent to the granting of such approval has been given by a majority of all persons of full legal capacity who for the time being own land or reside within a radius of one thousand and five hundred feet of the boundaries of the land to which the application relates.

**Functions of the Board.**

11. (1) There is hereby conferred exclusively upon the Board in relation only to the Lesser Islands the functions and powers (which but for this section would be exercisable or enjoyable by the Authority) provided by the following sections

section 12 (save subsections (5) and (6));  
 section 14;  
 section 19;  
 section 21;  
 section 22;  
 section 32 and  
 section 34.

(2) In the absence of express provision to the contrary, nothing in subsection (1) shall serve, by implication or otherwise, to confer upon the Board any other of the Authority's functions or powers under this Law.

**Application for planning permission.**

12. (1) Subject to the provisions of this section and section 5(1), where application is made to the Authority for outline planning or permission to develop land, the Authority may grant permission either unconditionally or subject to

such conditions as it thinks fit, or may refuse permission.

(2) Without restricting the generality of subsection (1), conditions may be imposed on the grant of permission to develop land thereunder—

(a) for regulating the development or use of any land under the control of the applicant (being land contiguous to the land that is the subject of the application) for requiring the carrying out of works on any such land, so far as appears to the Authority to be expedient for the purposes of or in connection with the development authorised by the permission;

(b) for requiring the removal of any building or works authorised by the permission, or the discontinuance of any use of land so authorised, at the expiration of a specific period, and the carrying out of any works required for the reinstatement of land at the expiration of that period, and permission granted subject to any such condition as is mentioned in paragraph (b) is in this Law referred to as permission granted for a limited period only.

(3) Approval granted by the Authority remains effective for one year only from the date of promulgation thereof.

(4) Notice of application for planning permission (other than an application for permission having relation to a detached house or duplex) must be served upon all adjacent owners and copies of such notices enclosed with the relevant application to the Authority which will not consider applications in the absence of evidence of service of such notices.

(5) Subject to the provisions of section 40, the decision of the Authority on any application made to them under this section shall be final.

(6) Subject to the provisions of section 41 the decision of the Board on any application to it under this section shall be final.

Supplementary provisions re grants of planning permission.

13. (1) The power to grant permission to develop land under this Part shall include power to grant permission for the retention on land of any buildings or works constructed or carried out thereon before the date of the application, or for the continuance of any use of land instituted before that date (whether without permission granted under this Part or in accordance with permission so granted for a limited period only); and references in this Part to permission to develop land or carry out any development of land, and to applications for such permission, shall be construed accordingly.

(2) Any such permission as is mentioned in subsection (1) may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or from the expiration of the said period, as the case may be.

(3) Where permission is granted under this Part for erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(4) Where permission to develop land is granted under this Part, then, except as may be otherwise provided by the permission, the grant of permission shall enure for the benefit of the land and of all persons for the time being in-

terested therein, but without prejudice to the provisions of this Part with respect to the revocation and modification of permission granted thereunder.

(5) Where permission to develop land is granted under this Part for a limited period only, nothing in this Part shall be construed as requiring permission to be obtained thereunder for the resumption, at the expiration of that period, of the use of the land for the purpose for which it was normally used before the permission was granted.

(6) In determining for the purposes of subsection (5) the purposes for which land was normally used before the grant of permission, no account shall be taken of any use of the land begun in contravention of the provisions of this Part.

Revocation and modification of planning permission.

14. (1) Subject to the provisions of this section, if it appears to the Authority that it is expedient, having regard to the development plan and to any other material considerations, that any permission to develop land on an application made in that behalf under this Part should be revoked or modified, it may by order revoke or modify the permission to such an extent as appears to it to be expedient as aforesaid.

(2) The power conferred by this section to revoke or modify permission to develop land may be exercised —

(a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;

(b) where the permission relates to a change of the use of any land, at any time before the change has taken place:

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

(3) Where permission to develop land is revoked or modified by an order made under this section, then if, on a claim made to the Authority within six months of the making of the order, it is shown that any person interested in the land has incurred expenditure in carrying out work that is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage that is directly attributable to the revocation or modification, the Authority shall pay to that person compensation in respect of that expenditure, loss or damage.

(4) No compensation shall be payable under subsection (3) in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification.

(5) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work or upon other matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under this section in respect of any work carried out before the grant of the permission that is revoked or modified, or by reason of any other loss or damage (other than loss or damage by way of depreciation in value of an interest in land) arising out of anything done before the grant of that permission.

(6) Where the permission that is revoked or modified by an order under this section is permission for which compensation would be payable under Part IV in the circumstances therein mentioned, the provisions of sections 25, 28 and

29 shall apply as if for references in section 25 to the refusal of the permission or the imposition of conditions on the grant thereof there were substituted references to the revocation of permission or the modification thereof by the imposition of conditions, and subsection (1) of section 25 shall have effect as if for the words "if the permission had been granted or had been granted unconditionally" there were substituted the words "if the permission had not been revoked or had not been modified".

(7) Where by virtue of the provisions of this section, compensation is payable in respect of expenditure incurred in carrying out any work on land, then if the Authority purchases any interest in that land, or a claim for compensation is made in respect of any such interest under section 25, any compensation payable in respect of that interest or, as the case may be, any compensation payable in respect of the interest under section 25 shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this section.

Enforcement of  
planning control.

15. (1) If it appears to the Authority that any development of land has been carried out after the appointed day without the grant of permission required in that behalf under this Part, or that any conditions subject to which such permission was granted in respect of any development have not been complied with, then the Authority may within one year of such development being carried out, or, in the case of non-compliance with a condition, within one year after the date of the alleged failure to comply with it, if they consider it expedient so to do having regard to the provisions of the development plan and to any other material considerations, serve on the owner and occupier of the land a notice under this section.

(2) Where a prospective purchaser of any land serves notice on the Authority that —

(a) he intends purchasing land described in the notice; and

(b) he is unaware of any development having been carried out on that land without the grant of permission in that behalf,

then, unless the Authority, within thirty-eight days of the receipt of such notice, notify such prospective purchaser of any development which has been carried out on that land without permission granted in that behalf, then all development thereon at the time of the receipt of such notice by the Authority shall, for the purposes of any enforcement notice thereafter issued, be deemed to have been permitted by the Authority.

(3) Any notice served under subsection (1) (hereinafter called an "enforcement notice") shall specify the development that is alleged to have been carried out without the grant of such permission as aforesaid or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require the taking of such steps as may be specified for restoring the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of the land, or the carrying out on land of any building or other operations.

(4) Except as otherwise provided in this section, an enforcement notice shall take effect at the expiration of such period after the service thereof, as

may be specified therein.

(5) When, within the period mentioned in subsection (4) an application is made to the Authority under this Part for permission —

(a) for the retention on the land of any buildings or works to which the enforcement notice relates; or

(b) for the continuance of any use of the land to which the enforcement notice relates,

the operation of the enforcement notice shall be suspended pending the final determination of the application and if the permission applied for is granted on that application, the enforcement notice shall not take effect.

(6) When within the period mentioned in subsection (4), an appeal is made to the court under this section by a person on whom the enforcement notice was served, the operation of the enforcement notice shall be suspended pending the final determination or withdrawal of the appeal.

(7) If any person on whom an enforcement notice is served under this section is aggrieved by the enforcement notice, he may, at any time within the period mentioned in subsection (4), appeal against the enforcement notice to a court; and on any such appeal such court —

(a) if satisfied that permission was granted under this Part for the development to which the enforcement notice relates, or that no such permission was required in respect thereof, or as the case may be, that the conditions subject to which such permission was granted have been complied with, shall quash the enforcement notice to which the appeal relates;

(b) if satisfied that a variation of the enforcement notice would be appropriate, may vary the enforcement notice accordingly;

(c) in any other case shall dismiss the appeal, and make such order as to costs as the court thinks just.

(8) Where the enforcement notice is varied or the appeal is dismissed, then, subject to paragraph (a) of subsection (7), the court may, if it thinks fit, direct that the enforcement notice shall not come into force until such date, not being later than twenty-eight days from the determination of the appeal, as the court thinks fit.

(9) The decision of a court under subsection (7) or (8) shall be final and binding on all parties concerned therewith.

Supplementary  
provisions as to  
enforcement.

16. (1) If within the period specified in an enforcement notice, or within such extended period as the Authority may allow, any steps required by the enforcement notice to be taken (other than the discontinuance of any use of land) have not been taken, the Authority may enter on the land and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by the Authority in that behalf; and if that person, having been entitled to appeal to the court under section 15, has failed to make such an appeal, he shall not be entitled in proceedings under this subsection to dispute the validity of the action taken by the Authority upon any ground that could



have been raised by such an appeal.

(2) Any expenses incurred by the owner or occupier of any land for the purposes of complying with an enforcement notice served under section 15, in respect of any development, and any sums paid by the owner of any land under subsection (1) in respect of the expenses of the Authority in taking steps required to be taken by such an enforcement notice, shall be deemed to be incurred or paid for the use and at the request of the person by whom the development was carried out.

(3) Where, by virtue of an enforcement notice, any use of land is required to be discontinued, or any conditions are required to be complied with in respect of any use of land or in respect of the carrying out of operations thereon, then if any person, without the grant of permission in that behalf under this Part, uses the land or causes or permits to be carried out those operations, in contravention of the enforcement notice, he is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars and, in the case of a continuing offence, to a further fine not exceeding one hundred dollars for every day after the first day during which the use is so continued.

(4) Nothing in this Part shall be construed as requiring permission to be obtained thereunder for the use of any land for the purpose for which it could lawfully have been used under this Part if the development in respect of which an enforcement notice served under section 15 had not been carried out.

Penalties for failure to comply with certain enforcement notices.

17. (1) Subject to the provisions of this section, where an enforcement notice has been served under section 15 on the person who was, when the notice was served on him, the owner or occupier of the land to which the enforcement notice relates and within the period specified in the enforcement notice, or within such extended period as the Authority may allow, any steps required by the enforcement notice to be taken (other than the discontinuance of any use of land) have not been taken, that person is guilty of an offence and liable on summary conviction to a fine not exceeding four hundred dollars and, in the case of a continuing offence, to a further fine not exceeding one hundred dollars for every day after the first day during which the requirements of the enforcement notice (other than the discontinuance of any use of land) remain unfulfilled.

(2) If a person against whom proceedings are brought under this section has at some time before the end of the period specified in the enforcement notice for compliance with the notice (or of such extended period as the Authority may allow for compliance with the notice) ceased to be the owner or occupier of the land, he shall, upon information duly laid by him and on giving to the prosecution not less than three days' clear notice of his intention, be entitled to have the person who then became the owner or occupier of the land joined in the proceedings.

(3) If, after it has been proved that any steps required by the enforcement notice have not been taken as aforesaid, the original defendant proves that the failure to take the steps was attributable in whole or in part to the default of the person joined in the proceedings as aforesaid, that person may be convicted of the offence and if the original defendant further proves that he took all reasonable steps to secure compliance with the enforcement notice, he shall be acquitted of the offence.

18. (1) Compliance with an enforcement notice, may call for —  
(a) the demolition or alteration of any buildings or works; or

Continuing operation of enforcement notices.

(b) the discontinuance of any use of land; or

(c) any other requirements in the enforcement notice.

(2) Without restricting the generality of subsection (1), where any development is carried out on land by way of reinstating or restoring buildings or works that have been demolished or altered in compliance with an enforcement notice, the enforcement notice shall, notwithstanding that its terms are not apt for the purpose be deemed to apply in relation to the buildings or works as reinstated or restored as it applied in relation to the buildings or works before they were demolished or altered and subsections (1) and (2) of section 16 shall apply accordingly.

(3) Without affecting the operation of section 17, a person who carries out any development on land by way of reinstating or restoring buildings or works that have been demolished or altered in compliance with an enforcement notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding four hundred dollars.

Preservation of trees and woodlands.

19. (1) If it appears to the Authority that it is expedient in the interests of amenity to make provision for the preservation of any tree, trees or woodlands in any area, it may for that purpose make an order (in this Law referred to as a "tree preservation order") with respect to any such tree, trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order —

(a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, lopping or wilful destruction of trees except with the consent of the Authority which may be given subject to conditions;

(b) for securing the replanting, in such a manner as may be prescribed by or under the order, of any part of a woodland area that is felled in the course of forestry operations permitted by or under the order;

(c) for applying, in relation to any consent under the order, and to applications therefor, any of the provisions of this Part relating to permission to develop land, and to applications for any such permission, subject to such adaptations and modifications as may be specified in the order;

(d) for the payment by the Authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or the grant of any such consent subject to conditions.

(2) Provision may be made by regulations under this Law with respect to the form of tree preservation orders, and the procedure to be followed in connection with the making and approval of such orders, and such regulations shall, in particular, make provision for securing —

(a) that notice shall be given to the owners and occupiers of land affected by any such order;

(b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is made by the Authority, and

(c) that copies of the order when it comes into operation shall be served on the owners and occupiers of the land to which it relates.

(3) Notwithstanding the provisions of subsection (2), where it appears to the Authority that any tree preservation order should take effect immediately, they may make the order provisionally without complying with the requirements of any regulations with respect to the consideration of objections and representations, but any order so made shall cease to have effect upon the expiration of two months from the date on which it is so made unless within that period it has again been made, with or without modifications, after compliance with those requirements.

(4) Without limiting the other exemptions for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees in compliance with any obligation imposed by or under any Law or so far as may be necessary for the prevention or abatement of a nuisance.

(5) If any person contravenes the provisions of a tree preservation order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding four hundred dollars and, in case of a continuing offence to a further fine not exceeding twenty dollars for every day after the first day during which the contravention is so continued.

Storms belts.

20. Storm belts as indicated on a development plan shall not be the subject of development or clearance other than by persons authorised in that behalf by the Authority and to the extent and in the manner, if any, directed by them.

Maintenance of waste land etc.

21. If it appears to the Authority that the amenity of any area is seriously injured, by reason of the ruinous or dilapidated condition of any buildings, or by the condition of any buildings, or by the condition of land due to the deposit of refuse, spoil or derelict vehicles, or the occupation of land or a public road for purposes of the repair of vehicles, it may serve on the owner or occupier of the land or the person responsible a notice requiring such steps to be taken for abating the injury as may be specified by the Authority. Any person failing to comply with such notices is guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred dollars and in default of payment or in lieu of such fine to imprisonment not exceeding three months and in the case of a continuing offence to a further fine of ten dollars for each day on which the offence continues.

Taking ballast from shoreline and of fence.

22. (1) Without prejudice to any other provision of this or any other Law, whoever without the express permission of the Authority given in writing takes or removes any —

- (a) sand,
- (b) gravel,
- (c) pebbles,
- (d) stone,
- (e) coral, or
- (f) other filling

from any area between mean high water mark and five hundred feet inland thereof, or from any land covered by water, is guilty of an offence and is liable on summary conviction to a term of imprisonment not exceeding three months, or to a fine not exceeding \$500 or to both in respect of each separate taking or removal and whoever aids or abets any person in the commission of an offence against this section shall, on summary conviction, be punishable in the same

manner as the principal offender:

Provided that nothing in this subsection shall apply to the taking or removal for domestic purposes by any person of any of the substances hereinbefore referred to in a quantity not exceeding one cubic yard in any one month.

(2) Whoever, in any area or land referred to in subsection (1), is found by any constable in possession or control of sand, gravel, pebbles, stone, coral or other filling loaded or being loaded in or being unloaded from any vehicle shall be deemed to have contravened subsection (1) until he proves the contrary.

Application of Part III to development in Lesser Islands.

23. For the avoidance of doubt it is hereby declared that the provisions of this Part shall apply to the development of land of the Lesser Islands irrespective of whether any of the functions of the Authority under this Part have been delegated to the Board.

**PART IV: Compensation for refusal, or conditional grant of, planning permission.**

Definition of "planning decision".

24. In this Part, "planning decision" means in the case of an application for permission to develop made under Part III, a refusal of that permission, or a grant thereof whether or not subject to conditions.

Compensation for planning decisions.

25. (1) If on a claim made to the Authority in the manner prescribed by regulations made under this Law, it is shown that, as a result of a planning decision involving a refusal of permission or a grant thereof subject to conditions, the value of the interest of any person in the land to which the planning decision relates is less than it would have been if the permission had been granted or had been granted unconditionally, then the Authority shall, subject to the provisions of this Part, pay to that person compensation of an amount equal to the difference.

(2) In determining for the purposes of subsection (1) to what extent, if any, the value of any interest in land is less than it would have been if the permission therein referred to had been granted or had been granted unconditionally, it shall be assumed that any subsequent application for permission in respect of the land would be determined in the same way, except that if, on the refusal of permission for the development in respect of which application is made, the Authority undertakes to grant permission for any other development of the land in the event of an application being made in that behalf, regard shall be had to the undertaking in determining the matter aforesaid.

No compensation payable in certain cases.

26. (1) Subject to the provisions of any regulations, compensation under this Part shall not be payable —

- (a) in respect of the refusal of permission for any development that consists of or includes the making of any material change in the use of any buildings or other land;
- (b) in respect of the refusal of permission to develop land if the reason or one of the reasons stated for the refusal is that the development of the kind proposed would be premature by reference to either or both of the following matters, that is to say —
  - (i) the order of priority, if any, indicated in the development plan for the area in which the land is situated for development in that area;
  - (ii) any existing deficiency in the provision of roads, water supplies

or sewerage services, and the period within which any such deficiency may reasonably be expected to be made good;

(c) in respect of the refusal of permission to develop land if the reason or one of the reasons stated for the refusal is that the land is unsuitable for the proposed development on account of its liability to flooding or subsidence;

(d) in respect of the imposition, on the granting of permission to develop land of any condition relating to —

(i) the number or disposition of buildings on any land;

(ii) the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction;

(iii) the manner in which any land is to be laid out for the purposes of the development, including the provision of facilities for the parking, loading, unloading or fuelling of vehicles on land;

(iv) the use of any buildings or other land; or

(v) the location or design of any means of access to a highway, or the materials to be used in the construction thereof;

(e) in respect of the refusal of permission for any development where such development was prohibited, or permission could have been refused, by the Development Control Board under the Land Development (Interim Control) Law 1969 or any statutory instrument made or having effect thereunder and in force immediately prior to the appointed day.

(2) For the purpose of this section, a planning decision whereby permission to develop land is granted subject to a condition prohibiting development of a specified part of that land shall be treated as a decision refusing the permission as respects that part of the land.

(3) For the avoidance of doubt it is hereby declared that paragraph (a) of subsection (1) applies only to a building or other land which has a predominant existing use at the time when, or within two years before, a development plan takes effect, including use as agricultural land, or to any land which has been developed after a development plan takes effect, but does not apply to land which has not been developed in any way.

27. (1) Subject to the provisions of any regulations, compensation under this Part shall not be payable in respect of a planning decision whereby permission is refused for the development of land if, notwithstanding that refusal, there is available with respect to that land planning permission for development to which this section applies.

(2) Where planning permission for development to which this section applies is available with respect to part only of the land, this section shall have effect only in so far as the interest subsists in that part.

(3) Where a claim for compensation under this Part is made in respect of an interest in any land, planning permission for development to which this section applies shall be taken for the purposes of this section to be available with respect to that land or a part thereof if, immediately before the Authority

Law 2 of 1969.

No compensation if other development permitted.

give notice of their findings in respect to that claim, there is in force with respect to that land or such part thereof, a grant of, or an undertaking by the Authority to grant, planning permission for some such development, subject to no conditions other than such as are mentioned in paragraph (d) of subsection (1) of section 26.

(4) This section applies to any development of a residential, commercial or industrial character, if the development consists wholly or mainly of the construction of houses, flats, shop or office premises, hotels, garages and petrol filling stations, cinemas or industrial buildings (including warehouses) or any combination thereof.

28. (1) Compensation under this Part shall not be payable unless a claim for it is duly made in accordance with the provisions of this section.

(2) A claim for compensation under this Part shall not have effect unless it is made before the end of the period of six months beginning with the date of the planning decision to which it relates, but the Authority may in any particular case (either before, on or after that date on which the time for claiming would otherwise have expired) allow an extended or further extended period for making such a claim.

(3) Regulations made by the Authority under this section may —

(a) require claims for compensation under this Part to be made in a form prescribed by the regulations;

(b) require a claimant to provide the Authority with such evidence in support of the claim, and such information as to the interest of the claimant in the land to which the claim relates, and as to the interests of other persons therein that are known to the claimant, as may be so prescribed.

(4) Compensation payable under this Part shall in default of determination by agreement be determined in accordance with the procedure under the Land Acquisition Law with such modifications as circumstances may require.

29. Where a claim for compensation under this Part in respect of any interest in land has been determined in accordance with the provisions of section 28, the Authority may within one month after the date of the determination of such compensation and in lieu of paying the same, make an offer in writing to purchase the interest in land to which the claim for compensation relates and if the person entitled to that interest is willing to sell the same the Authority may forthwith acquire the interest in accordance with the provisions of this Law, or if that person is unwilling to sell the same the Authority may, with the approval of the Legislative Assembly, so acquire the interest.

#### PART V: Acquisition and disposal of land for planning purposes

30. (1) Where any land is designated in a development plan made under Part II as subject to acquisition by the Authority or may otherwise be acquired by the Authority under the provisions of this Law then the Authority may notify the Governor of their intention so to acquire such land and thereupon the Governor may proceed to acquire such land pursuant to the provisions of the Land Acquisition Law as land needed for a public purpose.

(2) Any land acquired by the Governor at the instance of the Authority

General provisions as to claims for compensation.

Cap. 81.

Acquisition of land in lieu of compensation.

Acquisition of land.

Cap. 81

pursuant to this section shall be held by the Governor or transferred to any other person, in pursuance of the provisions of this Law.

(3) Nothing in this section shall be deemed to prevent the acquisition by agreement of any land mentioned in subsection (1).

Amendment of section 21 of Cap 81 for the purpose of this Law.

31. For the purposes of determination of compensation for the compulsory acquisition of land under this Law, the Land Acquisition Law shall be construed as if there were substituted for paragraph (a) of section 19 the following —

“(a) the amount which the land might have been expected to realise if, in the condition in which it was at the date of notification of intention of appropriation, either in a development plan or otherwise, it had been sold in the open market by a willing seller at a date not less than twelve months prior to that date.”

#### PART VI: Supplemental

Powers of entry.

32. (1) Any person duly authorised in writing by the Authority may, at any reasonable time, enter upon any land for the purpose of surveying it, or estimating its value, in connection with —

- (a) the preparation, approval, making or amendment of a development plan relating to the land under Part II, including the carrying out of any survey under that Part;
- (b) any application under Part III, or under any order or regulations made thereunder, for any permission, consent or determination to be given or effected in relation to that or any other land under Part III or under any such order or regulations;
- (c) any proposal by the Authority to serve or make any notice or order under Part III or under any such order or regulations as aforesaid;
- (d) any claim for compensation payable by the Authority under this Law.

(2) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land that is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(3) Any person who wilfully obstructs a person acting in the exercise of his powers under this section is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

(4) Where the land is damaged in the exercise of a power of entry conferred under this section, or in the making of any survey for the purpose of which any such power of entry has been so conferred, compensation in respect of that damage may be recovered from the Authority by any person interested in the land.

(5) Any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil.

(6) A person shall not carry out any works authorised by subsection (5) unless notice of his intention so to do has been included in the notice required by

subsection (2).

Service of notices.

33. (1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Law, or under any regulation, order, direction or instrument in writing under this Law may be served or given either —

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in the case in which an address for service has been furnished by that person, at that address; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in any case in which an address for service has been furnished by that person, at that address; or
- (d) in the case of a body corporate by delivering it to the secretary or clerk of the body corporate at its registered or principal office, or sending it in a prepaid registered letter addressed to the secretary or clerk of the body corporate at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises the notice shall be deemed to be duly served if —

- (a) being addressed to him either by name or by the description of “the owner” or “the occupier”, as the case may be, of the premises (describing them) it is delivered or sent in the manner prescribed by paragraph (a), (b) or (c) of subsection (1); or
- (b) being addressed as aforesaid and marked in such a manner that it is plainly identifiable as a communication of importance, it is sent in a prepaid registered letter to the premises and is not returned to the Authority sending it, or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and it appears that any part of that land is unoccupied, the notice shall be deemed to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has furnished an address for the service of the notice on him) if it is addressed to “the owners and any occupiers” of that part of the land (describing it), and is affixed conspicuously to some object on the land.

Powers to require information.

34. The Authority may, for the purpose of enabling them to make any order or serve any notice or other document that they are by this Law authorised or required to make or serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise; and any person who, having been required in pursuance of this section to give information, fails to give that in-

formation or knowingly makes any mis-statement in respect thereof, is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

## Regulations.

35. (1) The Governor may make regulations for the better carrying out of the provisions of this Law and for giving effect thereto and, in particular —

- (a) for prescribing the form of any notice, order or other document or thing authorised or required by this Law to be served, made, issued or done;
- (b) for any purpose for which regulations are authorised or required to be made under this Law and for prescribing anything that by this Law is required or authorised to be prescribed by regulations;
- (c) for securing with respect to the constructing of buildings (including the materials used and design) that specified standards are observed (including a building code); and for securing the installation of suitable and adequate drains and drainage systems in connection with the buildings;
- (d) in relation to the construction of buildings for securing the proper access of air and light to buildings and parts of buildings, and for prescribing the minimum dimensions of rooms in buildings;
- (e) for empowering such authorities or persons as may be specified in the regulations to administer or execute the provisions of the regulations and to make orders, impose requirements or give directions for the purposes of the regulations;
- (f) for empowering such authorities or persons as may be specified in the regulations to take measures, including the entry and inspection of any land or building and the carrying out of works, to secure compliance with the regulations or any order, requirement or direction made, imposed or given thereunder; and for enabling such authorities or persons to recover expenses incurred by them in the exercise of any such power;
- (g) for the review of decisions given under the regulations;

## Second Schedule

- (h) in amplification of any of the matters specified in the Second Schedule;
- (i) for the public notification of applications for development the grant of which may injure neighbouring landowners, the right of objection of such landowners to the decision of the Authority or Board and the right of appeal of objectors;
- (j) for the payment of interest and for grant of relief from taxes in any case where there is an unreasonable delay in an acquisition by the Authority, and for the grant of relief in cases where the application of the provisions of this Law relating to compensation operates inequitably.

(2) Any regulations made under this Law may be made so as to apply generally or in relation to any particular area specified in the regulation.

(3) No regulations shall be made pursuant to the provisions of this Law

Application to land regulated by special enactments.

36. For the avoidance of doubt it is hereby declared that the provisions of this Law, and any restrictions or powers thereby imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any Law or statutory instrument in force on the appointed day, for authorising or regulating any development of the land.

Unfinished buildings.

37. (1) Subject to the provisions of this section, where any works for the erection or alteration of a building have been begun but not completed before the appointed day, then if any permission required under the Land Development (Interim Control) Law 1969 for the carrying out of these works has been granted, planning permission shall by virtue of this section be deemed to have been granted under Part III of this Law in respect of the completion of those works.

Law 2 of 1969.

Law 2 of 1969.

(2) The permission deemed to have been granted by virtue of this section shall be deemed to have been so granted subject to any conditions imposed by the permission granted under the Land Development (Interim Control) Law 1969 and shall include permission to use the building when erected or altered for the purpose for which the building, or the building as altered, is designed.

Appeals Tribunal.

38. (1) For the purposes of this Law there is hereby established an Appeals Tribunal which shall consist of a Chairman and four other members who shall be appointed by and hold office at the pleasure of the Governor.

(2) Three members of the Tribunal shall form a quorum.

(3) Members of the Tribunal shall be entitled to be paid out of the Public Treasury subsistence and travelling allowances at a rate equivalent to the agreed rate paid to members of the Legislative Assembly.

Lesser Islands Appeal Tribunal.

39. (1) For the purposes of this Law there is hereby established a Lesser Islands Appeal Tribunal which shall consist of a Chairman and three other members appointed by and holding office at the pleasure of the Governor. The Chairman shall be a person holding the office of Magistrate and the members shall be persons for the time being resident in one of the Lesser Islands.

(2) The Chairman and any two other members of the Lesser Islands Appeal Tribunal shall form a quorum.

(3) Members of the Lesser Islands Appeal Tribunal (other than the Chairman) shall be entitled to be paid out of the Public Treasury subsistence and travelling allowances at a rate equivalent to the agreed rate paid to members of the Legislative Assembly.

Appeals against decisions of the Authority.

40. (1) Any person aggrieved by a decision of the Authority may within ten days after receipt of notification of such decision (or within such longer period as the Tribunal may in any particular case allow for good cause) appeal by way

of rehearing to the Tribunal against such decision on the ground that —

- (a) it is erroneous in law;
  - (b) it is unreasonable;
  - (c) it is contrary to the principles of natural justice; or
  - (d) it is at variance with a development plan having effect in relation thereto;
- but not otherwise.

(2) On any such appeal the Tribunal may make such order (including any order for costs) as it thinks just.

(3) In the event of the Tribunal being equally divided in the matter of any decision, the Chairman shall have a second or casting vote.

(4) Any person aggrieved by a decision of the Tribunal under subsection (2) may within 14 days appeal there against to the Grand Court.

(5) After hearing the parties to an appeal under subsection (4) the Grand Court may confirm, reverse or modify any decision of the Tribunal and the decision of the Grand Court shall be final and binding upon the parties affected thereby.

(6) The Chief Judge shall make rules for the better carrying out of the provisions of this section, for the procedure and forms to be used for the admission of evidence and fees to be paid on any appeal under this Law.

Appeals against decisions of the Board.

41. (1) Any person aggrieved by a decision of the Board may within ten days after receipt of notification of such decision (or within such longer period as the Lesser Islands Appeal Tribunal may in any particular case allow for good cause) appeal by way of rehearing to the Lesser Islands Appeal Tribunal against such decision on the ground that —

- (a) it is erroneous in law;
  - (b) it is unreasonable;
  - (c) it is contrary to the principles of natural justice; or
  - (d) it is at variance with a development plan having effect in relation thereto;
- but not otherwise.

(2) The provisions of subsections (2), (4), (5) and (6) of section 40 shall apply to appeals under this section as if references in the former section to "the Tribunal" were references to the Lesser Islands Appeals Tribunal.

(3) The Chairman of the Lesser Islands Appeals Tribunal shall not have an original vote, but in the event of the other members of the Tribunal being equally divided he shall have a casting vote.

Annual report.

42. The Authority shall during the month of March in every year submit a report to the Governor for the information of the Legislative Assembly con-

taining an account of the Authority's activities during the twelve months ended on the thirty-first day of December next preceding the date of the report.

Repeal of Law 2 of 1969 with savings.

43. Subject to the saving provisions of this Law, the Land Development (Interim Control) Law, 1969 is hereby repealed and every statutory instrument made or having effect thereunder is hereby revoked:

Provided that the appeal procedure constituted thereunder shall continue in force for as long as may be necessary for the determination of any appeal pending thereunder on the appointed day.

Saving of existing Laws.

44. (1) Subject to the provisions of subsection (2), nothing in this Law shall derogate from the provisions of the following Laws —

Governor (Vesting of Lands) Law (R)  
Law 6 of 1976.

(a) The Governor (Vesting of Lands) Law (Revised);

Cap. 81.

(b) The Hotels Aid Law, 1976;

Cap. 102.

(c) The Land Acquisition Law;

Cap. 103.

(d) The Minerals (Vesting) Law;

Mosquito Research and Control Law (R).  
Cap. 123.

(e) The Mining Law;

Law 21 of 1974.

(f) The Mosquito Research and Control Law (Revised);

Law 18 of 1974.

(g) The Petroleum (Production) Law;

Law 8 of 1976.

(h) The Public Health Law, 1974;

(i) The Roads Law, 1974;

(j) The Animals Law, 1976.

(2) Where but for the provisions of subsection (1) the exercise of any power under any of the enactments specified under that subsection would contravene any development plan or require planning permission under Part III, then such power shall be exercised in consultation with the Authority and in the event of any dispute between the authority empowered to exercise such power and the Authority the dispute shall be referred to the Governor for determination.

Financial provision.

45. Subject to the appropriation by the Legislative Assembly of the requisite funds, the cost of the administration and giving effect to the provisions of this Law shall be a charge on the Public Treasury.

Application.

46. This Law shall bind the Crown.

Transitional (Law 2 of 1969)

47. Any application pending under the Land Development (Interim Control) Law 1969 shall be determined in accordance with the provisions of this Law as if such application had been made under this Law.

General penalty.

48. Whoever contravenes any provision of this Law for which no penalty is elsewhere prescribed is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or both.

**FIRST SCHEDULE**  
**CONSTITUTION AND PROCEDURE OF THE AUTHORITY AND BOARD**  
 (Section 3 (6) ).

1. A member of the Authority or Board shall, subject to the provisions of this Schedule, hold office for a period not exceeding two years but such member shall be eligible for re-appointment.
2. The Governor may appoint any person to act temporarily in the place of the Chairman or a member of the Authority or Board in the case of the absence or inability to act of the Chairman or of such member as the case may be.
3. The Chairman or any member may at any time resign his office by instrument in writing addressed to the Governor and such resignation shall take effect as from the date of receipt of such instrument by the Governor.
4. The Governor may at any time revoke the appointment of any member, including the Chairman.
5. The Authority or Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Chairman may determine.
6. If the Chairman is absent from a meeting the other members present at the meeting shall elect one of their number to preside thereat as Chairman.
7. The quorum of the Authority shall consist of five members and the quorum of the Board of three members.
8. The decisions of the Authority or Board shall be by a majority of votes of members present and voting and, in addition to an original vote, the Chairman shall have a second or casting vote in any case in which the voting is equal.
9. Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the Chairman as soon as practicable at a subsequent meeting.
10. Subject to the provisions of this Schedule the Authority and Board shall have power to regulate its own proceedings.
11. The validity of any proceedings of the Authority or Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.
12. The Authority and Board shall have the power to co-opt any person whom it considers able to assist it in its deliberations and, in that event, any person so co-opted shall be deemed to be a member for so long as he is co-opted save that such person shall have no vote and shall not be counted for the purposes of constituting a quorum.
13. In this Schedule "Chairman" includes a person appointed or elected as the case may be to act temporarily in place of the Chairman appointed by the Governor.

**SECOND SCHEDULE**

(Section 6 (4) )

**MATTERS FOR WHICH PROVISION MAY BE MADE IN DEVELOPMENT PLANS**

**PART 1. ROADS.**

1. Reservation of land for roads and establishment of rights of way.
2. Closing or diversion of existing roads and rights of way.
3. Construction of new roads and alteration of existing roads.
4. The line, width, level, construction, access to and egress from, and the general dimensions and character of roads, whether new or existing.
5. Providing for and generally regulating the construction or execution of works incidental to the making or improvement of any road, including the erection of bridges, culverts, gullies, fencing, barriers, shelters, the provision of artificial lighting, and seats and the planting or protecting of grass, trees and shrubs on or adjoining such road.

**PART II. BUILDINGS AND OTHER STRUCTURES**

1. Regulating and controlling, either generally or in particular areas, all or any of the following matters, that is to say —
  - (a) the size and height and bulk of buildings;
  - (b) building lines, site coverage and the space about buildings and on site parking;
  - (c) the objects which may be affixed to buildings;
  - (d) the purposes for and the manner in which buildings may be used or occupied including in the case of dwelling-houses, the letting thereof in separate tenements;
  - (e) the prohibition of building or other operations on any land, or regulating such operations.
2. Regulating and controlling the design and materials of buildings and fences, boundary walls and sea walls.
3. Allocating any particular land, or all land in any particular area, for buildings of a specified class or classes, or prohibiting or restricting either permanently or temporarily, the making of any building or any particular class or classes of buildings on any specified land.
4. Limiting the number of buildings or the number of buildings of a specified class which may be constructed, erected or made over, on, in or under any



area.

### PART III. COMMUNITY PLANNING

1. Providing for the control of land by zoning or designating it for specific uses.
2. Regulating the lay-out of housing areas including density, site coverage, sub-divisions, spacing, grouping and orientation of houses in relation to roads, open spaces and other buildings.
3. Determining the provision and siting of community facilities including shops, schools, churches, meeting halls, play centres and recreation grounds in relation to the number and siting of houses.

### PART IV. AMENITIES

1. Allocation of lands as open spaces whether public or private.
2. Allocation of land for burial grounds and crematoria.
3. Allocation of lands —
  - (a) for communal parks;
  - (b) for bird sanctuaries;
  - (c) for the protection of marine life.
4. Preservation of buildings, reefs, sites and objects of artistic, architectural, archaeological or historical interest.
5. Preservation or protection of woods, trees, shrubs, plants and flowers.
6. Prohibiting, restricting and controlling, either generally or in particular places, the exhibition, whether on the ground, or any building or any temporary erection whether on land or in water, or in the air, of all or any particular forms of advertisement or other public notices.
7. Preventing, remedying or removing injury to amenities arising from the ruinous or neglected condition of any building or fence, boundary wall, sea wall, or by the objectionable or neglected condition of any land attached to a building or fence or abutting on a road or situate in a residential area.
8. Prohibiting, regulating and controlling the deposit or disposal of waste materials and refuse, the disposal of sewage and the pollution of ponds, gullies and the sea shore.

### PART V. PUBLIC SERVICES

Facilitating the establishment, extension or improvement of works by high-way authorities, statutory or other undertakers in relation to power lighting, roads, water supply, sewerage, drainage, sewage disposal, refuse disposal and other public services.

### PART VI. TRANSPORT AND COMMUNICATIONS

1. Facilitating the establishment, extension or improvement of systems of

transport whether by land, water or air.

2. Allocating sites for use in relation to transport, and the reservation of land for that purpose.
3. Providing for the establishment, extension or improvement of telegraphic, telephonic, wireless or radar communication, the allocating of sites for use in relation to such communication, and the reservation of land for that purpose.

### PART VII. MISCELLANEOUS

1. Providing for and regulating the making of agreements for the purpose of a development plan by the Authority with the Board or with owners and other persons, and by the Board with such persons and by such persons with one another.
2. Providing for subdivision of land and, in particular —
  - (a) regulating the type of development to be carried out and the size and form of plots;
  - (b) requiring the allocation of land for any of the public services referred to in Part V of this Schedule or for any other purposes referred to in this Schedule for which land may be allocated;
  - (c) prescribing the character and type of public services or other works which shall be undertaken and completed by any applicant for permission to subdivide as a condition of the grant of such permission;
  - (d) co-ordinating the subdivision of contiguous properties in order to give effect to any scheme of development appertaining to such properties.
3. Making any provisions necessary for —
  - (a) adjusting and altering the boundaries and areas controlled by the Board;
  - (b) effecting such exchanges of land or cancellation of existing subdivision plans as may be necessary or convenient for the purposes aforesaid.

Publication in revised form authorized this 7th day of February, 1978.

JENNY MANDERSON  
Clerk of the Executive Council



