

CAYMAN ISLANDS



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**THE DEVELOPMENT AND PLANNING (AMENDMENT)
(DEVELOPMENTS ADVISORY BOARD) LAW, 1997**

(Law 25 of 1997)

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
(DEVELOPMENTS ADVISORY BOARD) LAW, 1997**

ARRANGEMENT OF SECTIONS

Sections

1. Short title.
2. Interpretation.
3. Amendment of the principal law - insertion of sections respecting the Developments Advisory Board.
4. Amendment of section 10 - Savings for applications made before 5 December, 1997
5. Amendment of section 12 of the principal law - application for planning permission.
6. Insertion of Third Schedule - constitution etc. of the Developments Advisory Board.

CAYMAN ISLANDS

Law 25 of 1997.

I Assent

JOHN OWEN

Governor.

18 February, 1998.

A LAW TO AMEND THE DEVELOPMENT AND PLANNING LAW (1995 REVISION); TO PROVIDE FOR THE ESTABLISHMENT OF THE DEVELOPMENTS ADVISORY BOARD; TO MAKE SAVINGS FOR EXISTING PLANNING APPLICATIONS ON THE INTRODUCTION OF AMENDMENTS TO THE DEVELOPMENT PLAN; AND FOR INCIDENTAL AND CONNECTED PURPOSES.

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Development and Planning (Amendment) (Developments Advisory Board) Law, 1997. Short title

2. In this Law unless the context otherwise requires- Interpretation

“Advisory Board” means the Developments Advisory Board established under section 5B of the principal Law;

“Authority” means the Central Planning Authority established under section 3(1) of the principal Law;

“Board” means the Development Control Board established under section 3(3) of the principal Law;

“principal Law” means the Development and Planning Law (1995 Revision); and

“special purpose development” means a development of land for a purpose which is unfamiliar or uncommon in the Islands including such a purpose as primary manufacturing.

Amendment of the principal law-insertion of sections respecting the Developments Advisory Board

3. The principal Law is amended by inserting after section 5 the following new sections-

“Reference of applications to the Developments Advisory Board

5A. (1) Where the Authority or the Board receives an application for permission to carry out the developments specified in subsection (2), the Authority or the Board as the case may be, shall refer the application and all relevant documents and information to the Advisory Board for its recommendation as to whether to approve or refuse the application.

(2) The developments referred to in subsection (1) are-

- (a) apartments with 21 or more units;
- (b) hotels with 21 or more units;
- (c) commercial developments which exceed 20,000 square feet;
- (d) subdivision of land into 21 or more lots;
- (e) industrial developments which exceed 10,000 square feet; and
- (f) special purpose developments.

Establishment of Developments Advisory Board

5B. There is established a Developments Advisory Board whose constitution and procedures on references to it under section 5A are set out in the Third Schedule.

Functions of the Advisory Board

5C. (1) Where the Authority or the Board refers an application to the Advisory Board under section 5A, the Advisory Board shall -

- (a) consider the likely impact of the proposed development on the infrastructure of the Islands as well as on the educational, social, medical and other aspects of life in the Islands;
- (b) consider whether there are other issues of national importance which are relevant to the determination of the application for

development and require evaluation;

- (c) consider whether there are technical or scientific aspects of the proposed development which are so unfamiliar a character as to jeopardise a proper determination of the question unless there is a special inquiry for the purpose;
- (d) identify and investigate the considerations relevant to, or the technical or scientific aspects of, the proposed development which in its opinion are relevant to the question whether the application should be approved; and
- (e) assess the importance to be attached to those considerations or aspects.

(2) The Advisory Board may give an applicant for planning permission an opportunity to appear before the Advisory Board and to be heard by 4 or more members of the Advisory Board.

(3) Where an application is referred to the Advisory Board, the question of whether the development proposed in the application should instead be carried out at an alternative site shall be also considered by the Advisory Board.

(4) The Advisory Board shall prepare a report on the application which shall contain its recommendation whether to-

- (a) grant permission;
- (b) grant permission subject to any terms and conditions contained in the report; or
- (c) refuse permission.

(5) A copy of the Advisory Board’s report shall be sent to the Authority or to the Board within 21 days of the date the application was referred to it; except that where the application relates to a very technical or otherwise complex matter the Board may submit its report within such longer period of time as is approved by the Governor in that particular case.

(6) The Advisory Board may arrange for the carrying out of research of any kind appearing to it to be relevant to an application referred to it.

(7) The Advisory Board may hold an inquiry if it thinks it necessary for the proper discharge of its functions.

Duty of
Advisory Board

5D. In the exercise of its functions under this Law, the Advisory Board shall have the same duty as the Authority under section 5(1) and shall not make a recommendation which is at variance with the development plan.

Co-operation
with government
departments

5E. The Advisory Board shall, to the greatest possible extent consistent with the performance of its duties under this Law, consult with departments and agencies of the Government having duties or having aims or objects related to those of the Board.

Recommen-
dations of the
Advisory Board
to be taken into
account

5F. (1) In exercising any of its functions under section 12 the Authority or the Board shall take into account the recommendations of the Advisory Board.

(2) The Authority or the Board, as the case may be, shall notify the Trade and Business Licensing Board and the Immigration Board of its decision in respect of an application which had been referred to the Advisory Board within 5 days of the date such decision is made.”

Amendment of section
10 - Savings for
applications made before
5 December, 1997

4. Section 10 of the principal Law is amended by inserting after subsection (1) the following subsection-

“(1A) Any application for planning permission that has been received by the Authority, the Board, or the Advisory Board before the 5th December, 1997, shall be dealt with in all respects as if the amendment to the development plan approved by the Legislative Assembly on the 5th day of November, 1997, had not been so approved.”

Amendment of section
12 of the principal law-
applications for planning
permission

5. Section 12 (1) of the principal Law is amended by inserting after “5(1)” the words “and 5A (1)”.

6. The principal Law is amended by inserting after the Second Schedule the following new Schedule-

Insertion of Third
Schedule-constitution
etc. of the Developments
Advisory Board

“THIRD SCHEDULE

DEVELOPMENTS ADVISORY BOARD

Part I

CONSTITUTION AND PROCEDURE ON REFERENCES

1. (1) The Advisory Board shall consist of -

- (a) the Chairman of the Authority who shall be chairman;
- (b) the Director of Planning;
- (c) the Chairman of the Immigration Board;
- (d) the Chairman of the Trade and Business Licensing Board; and
- (e) 3 other members appointed by the Governor.

(2) The Assistant Director of Planning or his assignee shall be the executive secretary of the Board.

(3) The Governor may appoint any person to act temporarily in the place of the chairman or a member of the Board in the case of the absence or inability to act of the chairman or of such other member as the case may be.

(4) The Governor may at any time revoke the appointment of any member including the chairman.

(5) Every member of the Board (not being a Government employee) is entitled to receive out of the Treasury the appropriate sum for attendance at any meeting of the Board which sum shall be payable quarterly upon the certificate of the Chairman as to the number of attendances of each member.

(6) The Advisory Board shall meet at such times as may be necessary 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.

(7) If the chairman is absent from a meeting the other members present at the meeting shall elect one of their number to preside at the meeting as chairman.

(8) If a member has a pecuniary interest, direct or indirect, in the proposed development, and is present at a meeting of the Board at which the application is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the

The Development and Planning (Amendment) (Developments Advisory Board) Law, 1997

consideration or discussion of the application or vote on any question with respect to it and shall be excluded from the meeting for the duration of the consideration, discussion and voting procedure.

(9) The quorum of the Advisory Board shall be 4 members.

(10) The decisions of the Advisory 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.

(11) Minutes in proper form of each meeting shall be kept by the executive secretary and shall be confirmed as soon as practicable at a subsequent meeting.

(12) Subject to this Schedule and to any directions given to it by the Governor, the Advisory Board shall have power to regulate its own proceedings.

2. All acts of the Advisory Board shall be signified under the hand of the chairman or such other member as he may authorise.

3. The validity of any proceedings of the Advisory Board shall not be affected by any vacancy among the members of the Advisory Board.

4. The Advisory Board may co-opt the services of any other public officers 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 of the Advisory Board for so long as he is co-opted save that such person shall have no vote and shall not be counted for the purpose of constituting a quorum.

Passed by the Legislative Assembly the 15th day of December, 1997.

MABRY S. KIRKCONNELL

Speaker.

GEORGETTE MYRIE

Clerk of the Legislative Assembly.