

THE DEVELOPMENT AND PLANNING LAW, 1971
LAW 28 OF 1971

MEMORANDUM OF OBJECTS AND REASONS

This is a Law in substitution for the Land Development (Interim Control) Law, 1969, (Law 2 of 1969) and follows upon the recommendations of the Committee appointed in that behalf as the result of a resolution of the Legislative Assembly dated the first day of May, 1970.

THE DEVELOPMENT AND PLANNING BILL, 1971
(LAW 28 OF 1971)

Arrangement of Sections

1. Short title and commencement.
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. Delegation to Board.
12. Application for planning permission.
13. Reference of applications to Authority.
14. Appeal to Authority.
15. Supplementary provisions re grants of planning permission.
16. Revocation and modification of planning permission.
17. Enforcement of planning control.
18. Supplementary provisions as to enforcement.
19. Penalties for failure to comply with certain enforcement notices.
20. Continuing operation of enforcement notices.
21. Preservation of trees and woodlands.
22. Maintenance of waste land etc.
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. Appropriation of land of the Board.
32. Amendment of Section 21 of (Cap. 81) for the purpose
of this Law.

PART VI: SUPPLEMENTAL

33. Powers of entry.
34. Service of notices.
35. Powers to require information.
36. Regulations.
37. Application to land regulated by special enactments.
38. Unfinished buildings.
39. Appeal Tribunal.
40. Appeals.
41. Annual Report.
42. Repeal of Law 2 of 1969 with savings.
43. Saving of existing laws.
44. Financial provision.
45. Application.
46. Transitional.

FIRST SCHEDULE

SECOND SCHEDULE

CAYMAN ISLANDS

Regulation 47/72 - 21/3/72

LAW 28 of 1971

I assent,

L.S.

K.R. CROOK

Governor

17th January, 1972

A Law to make provision for the orderly and progressive development of land and to preserve and improve the amenities thereof, and for powers of control over the use of land; to confer additional powers in respect of the acquisition and development of land for planning; and for purposes connected therewith.

ENACTED by the Legislative Assembly of the Cayman Islands.

1. This Law may be cited as the Development and Planning Law, 1971 and shall come into operation on a day to be appointed by the Governor by Government Notice published in the Cayman Islands.

**Short title
and com-
mencement.**

2. In this Law unless the context otherwise requires —

Interpretation.

“agriculture” includes horticulture, fruit growing, dairy

The Development and Planning Law 1971

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;

"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;

"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 a plan made under subsection (7) of that section and any amendment to a development plan;

"Director" means the Director of Planning appointed under section 4;

“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;

“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;

“relocation of business or industry” means, in relation to an area of bad lay-out or obsolete development, the rendering available elsewhere than in the area, whether in an existing community or a community to be newly established, of accommodation for the carrying on of business or other activities, together with all appropriate public services, facilities for worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that

The Development and Planning Law 1971

area and whose continued location in that area would be inconsistent with the proper planning thereof;

“replacement of open space” means, in relation to an area of bad layout or obsolete development, the rendering of land available for use as an open space or otherwise in an undeveloped state in substitution for land in that area which is so used;

(Cap. 152)

“road” means a road as defined from time to time in the Roads Law; or any Law passed in replacement thereof;

“statutory undertakers” means persons authorised by any Law to carry on any road transport, water transport, dock, harbour or pier undertakings, or any undertaking for the supply of electricity, water, telephonic, telegraphic, sewerage or quarrying services, and “statutory undertaking” has a corresponding meaning;

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

“Tribunal” means the tribunal established under subsection (1) of section 39; and

“tree preservation order” has the meaning assigned to it by section 21.

(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 Plan-
ning Authority.

3. (1) For the purposes of this Law there shall be established a body of persons to be called the Central Planning

Authority, which shall exercise such functions throughout the Cayman Islands as are hereinafter assigned to it.

(2) The Authority shall consist of a chairman and eight other members who shall be appointed by the Governor.

(3) One of the persons appointed to the Authority shall be the Chairman of the Development Control Board established by subsection (4).

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

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

(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. (First Schedule)

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

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. Appointment of staff.

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

5. (1) It shall be 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 Duties of Authority.

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) Not later than one year after the appointed day, or within such extended period as the Legislative Assembly may allow, the Authority shall submit for the approval of the Assembly a development plan consisting of a report together with a plan indicating the manner in which they propose that land in the Islands may be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development may be carried out.

(2) A development plan shall include such maps and such descriptive matter in the form of a planning statement as may be necessary to illustrate the proposals aforesaid 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) any land allocated by the plan for the purposes of any of their functions or the functions of a statutory undertaker or highway authority;

(ii) any land comprised in an area defined by the plan as an area of comprehensive development (including any land therein that is allocated by the plan for any such purpose as is mentioned in sub-paragraph(i)) or any land contiguous or adjacent to any such area;

(iii) any 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.

(3) For the purposes of this section, a development plan may define as an area of comprehensive development any area that in the opinion of the Authority should be developed or redeveloped as a whole, for any one or more of the following purposes, that is to say -

(a) for the purpose of dealing satisfactorily with conditions of bad lay-out or obsolete development; or

(b) for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the development of any other area; or

(c) for any other purpose specified in the plan;

and land may be included in any areas so defined, and designated as subject to acquisition by the Authority in accordance with the provisions of subsection (2), whether or not provision is made by the plan for the development or redevelopment of that particular land.

(4) 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.

(5) Where any land is designated by a development plan as subject to acquisition by the Authority, then if at the

expiration of six years 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, 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 alternative restrictions as to user as shall be specified in the development plan.

(Second
Schedule)

(6) Without prejudice to the provisions of subsections (2) and (3), a development plan may make provision for any of the matters mentioned in the Second Schedule.

(7) At any time before a development plan with respect to the whole of the Islands has been submitted to and approved by the Legislative Assembly under this section the Authority may prepare and submit to the Legislative Assembly for approval a development plan relating to any part of these Islands, and the foregoing provisions of this section shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of the Islands.

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 sub-section (1), the Authority may at any time submit to the Legislative Assembly proposals for such alterations or additions to any development plan as appear to them to be expedient.

(3) Where, under subsection (7) of section 6 a develop-

ment plan is approved with respect to a part of the Islands, the period of five years mentioned in subsection (1) of this section shall be construed to run from the date on which development plans in respect of the whole of the Islands have been approved by the Legislative Assembly subject to subsection (2).

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.

Approval of development plans.

(2) Notice shall be published in a public newspaper circulating in the Islands in two consecutive issues 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.

*sub-paragraph
now a plan
under s. 6 (7)*

(3) (a) If any objection or representation with regard to any such plan or proposals is made in writing to the Authority within one month 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

amended

The Development and Planning Law 1971

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 they shall not be obliged to consult any other authority or person, or to afford any opportunity for further objections or representations or to cause any further public inquiry to be held.

(5) The approval of a development plan, or of proposals for amendment of such a plan by the Legislative Assembly shall be published in a public newspaper circulating in the Islands in two consecutive issues and copies of any such plan or proposals as approved by the Legislative Assembly shall be available for inspection by the public at the offices of the Authority and in each district.

(6) A development plan, or an amendment of a development plan, shall become operative on the date on which its approval by the Legislative Assembly is so published in such newspaper.

(7) (a) Until such time as a development plan in relation to any area has become operative pursuant to the provisions of this Law, for the purpose of giving permission for any development in that area under this Law, the draft development plan prepared by the Authority and dated shall have effect as a

development plan.

(b) For the purpose of paragraph (a), the draft development plan and report therein referred to shall be construed subject to such modifications as may be contained in any report or resolution approved by the Legislative Assembly.

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

Deposit of development Plans.

PART III CONTROL OF DEVELOPMENT OF LAND.

10. (1) Subject to the provisions of this section and the following provisions of this Law, permission shall be required under this Part for any development of land that is carried out after the appointed day; and no such permission shall be given which would result in development at variance with a development plan.

Provision for development.

(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 sub-division 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 single storey 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 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, dairy farming or the breeding or keeping of livestock) or afforestation.

(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.

Delegation to Board.

11. (1) The Authority may by instrument in writing and subject to such conditions, reservations and restrictions as it thinks fit, delegate to the Board its functions under subsections (1) and (2) of section 12 relating to the grant or refusal of permission to build.

(2) Without restricting the generality of sub-section (1), the Authority may make provision in any instrument of delegation for transferring to the Board to whom functions are delegated in accordance with this section, any liability to pay compensation under this Law in respect of anything done by the Board in the exercise of functions delegated to them as aforesaid.

Application for planning permission.

12. (1) Subject to the provisions of this section and section 13, where application is made to the Authority for 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 sub-section (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 buildings 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) Subject to the provisions of section 40, the decision of the Authority on any application made to them under this section shall be final.

13. (1) The Authority may give directions to the Board to whom functions have been delegated under section 11 requiring that any application made to the Board for permission to develop land, or all such applications of any class specified in the directions, shall be referred to the Authority instead of being dealt with by the Board and any such application shall be so referred accordingly.

Reference of applications to Authority.

(2) Where an application for permission to develop land is referred to the Authority under this section the provisions of subsections (1) and (2) of section 12 shall apply, subject to any necessary modifications in relation to the determination of the application by the Authority as they apply in relation to the determination of such an application by the Board.

(3) Subject to the provisions of section 40, the decision of the Authority on any application referred to it under this section shall be final.

Appeal to
Authority.

14. (1) Where application is made under this Part to the Board to whom functions have been delegated under section 11 for permission to develop land, and that permission is refused by the Board, or is granted by them subject to conditions, then if the applicant is aggrieved by their decision he may by notice served within the time, not being less than ten days from the receipt of notification of their decision, as may be specified therein, appeal to the Authority.

(2) Where an appeal is brought under this section from a decision of the Board the Authority may allow or dismiss the appeal or may reverse or vary any part of the decision of the Board, whether or not the appeal relates to that part, and deal with the application as if it had been made to them in the first instance; and section 13 shall apply, subject to any necessary modifications in relation to the determination of an application by the Authority on appeal under this section as it applies in relation to the determination by the Authority of an application referred to them under section 13.

(3) Unless within a period of twenty-eight days or within such extended period as may at any time be agreed in writing between the applicant and the Board, the Board either —

- (a) gives notice to the applicant of its decision on any application for permission to develop land made to it under this Part; or
- (b) gives notice to him that the application has been referred to the Authority in accordance with directions given by it under section 13,

the provisions of subsection (1) shall apply in relation to the application as if the permission to which it relates had been refused by the Board and as if notification of their

decision had been received by the applicant at the expiration of the period of twenty-eight days or the extended period agreed upon as aforesaid, as the case may be.

15. (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.

Supplementary provisions re grants of planning permission.

(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 interested 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.

16. (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 granted 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 or omitted to be 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 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.

17. (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 four years of such development being carried out, or, in the case of non-compliance with a condition, within four years after the date of the alleged failure to comply with it, if it considers 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, notifies 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.

18. (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 17, 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 purpose of complying with an enforcement notice served under section 17, 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 shall be guilty of an offence and liable to 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 17 had not been carried out.

19. (1) Subject to the provisions of this section, where an enforcement notice has been served under section 17 on the person who was, when the notice was served on him, the owner 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 shall be 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) remains unfulfilled.

Penalties for failure to comply with certain enforcement notices.

(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 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 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.

20. (1) Compliance with an enforcement notice, may call for —

Continuing
opera-
tion of
enforcement
notices.

(a) the demolition or alteration of any buildings or works; or

(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 18 shall apply accordingly.

(3) Without affecting the operation of section 19, 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.

21. (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 -

Preservation of trees and woodlands.

- (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.

22. (1) If it appears to the Authority that the amenity of any area is seriously injured, by reason of the ruinous or delapidated 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 shall be 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.

Maintenance of
waste land etc.

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.

Application of
Part III to
development in
Lesser Islands.

PART IV COMPENSATION FOR REFUSAL, OR CONDITIONAL GRANT OF, PLANNING PERMISSION.

24. In this Part "planning decision" means -

(a) in the case of an application for permission to develop made under Part III a refusal by the Authority of that permission; or a grant thereof by the Authority subject to conditions; and

(b) in the case of an application for permission to de-

Definition of
"planning de-
cision".

velop made under Part III to the Board to whom functions have been delegated under section II, a refusal of permission by the Board or a grant thereof subject to conditions, or, on an appeal to the Authority under section 14 from a decision of the Board, a refusal of permission or the grant thereof subject to conditions by the Authority.

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

The Development and Planning Law 1971

Law 2 of 1969.

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 coming into force of this Law.

(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.

No
compensation
of other
development
permitted.

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 gives notice of their findings in 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. General provisions as to claims for compensation.

(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. (Cap 81)

Acquisition
of land
in lieu of
compensa-
tion.

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

Acquisition
of land.

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 its intention so to acquire such land and thereupon the Governor shall proceed to acquire such land pursuant to the provisions of the Land Acquisition Law as land needed for a public purpose.

Cap 81)

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

Appropriation
of land of
the Board.

31. (1) The Board may be authorised, by order made by it and confirmed by the Authority, to appropriate for any purpose specified in a development plan any land for the time being held by it for other purposes.

(2) On an appropriation of land under this section there

shall be made in the accounts of the Board such adjustments as may be necessary.

32. 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 21 the following -

Amendment
of Sec-
tion 21 of
Cap 81
for the
purpose of
this Law.

“(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

33. (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 -

Powers of
entry.

- (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 shall be 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.

34. (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

(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.

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

Regulations.

36. (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;
- (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.

(Second
Schedule)

(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 unless a draft thereof has been laid before the Legislative Assembly and a resolution approving the draft has been passed by the Legislative Assembly.

(4) Any regulation made under this Law may provide for the imposition of a fine not exceeding two hundred dollars or a term of imprisonment not exceeding six months, or both, for any contravention of, or failure to comply with, the provisions of such regulations.

Application
to land
regulated by
special
enactments.

37. 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 at the passing of this Law, for authorising or regulating any development of the land.

Unfinished
buildings.

Law 2 of
1969.

38. (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.

(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.

39. (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 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 a sum equivalent to the agreed rate paid to members of the Legislative Assembly.

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 -

Appeals.

- (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 Judge of the Grand Court 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.

Annual
Report.

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

42. 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.

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

- (Cap 1) (a) The Administrator (Vesting of Lands) Law;
- (Cap 66) (b) The Hotels Aid Law;
- (Cap 81) (c) The Land Acquisition Law;
- (Cap 102) (d) The Minerals (Vesting) Law;
- (Cap 103) (e) The Mining Law;
- (Law 3 of 1966) (f) The Mosquito (Research and Control) Law, 1966;
- (Cap 123) (g) The Petroleum (Production) Law;

(h) The Public Health Law; (Cap 139)

(i) The Roads Law; (Cap 152)

(j) The Wildlife Protection Law. (Cap 185)

(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.

44. 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. Financial provision.

45. This Law shall bind the Crown. Application.

46. 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. Transitional (Law 2 of 1969)

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 purpose 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 (6))

MATTERS FOR WHICH PROVISION MAY BE MADE IN DEVELOPMENT PLANS

PART I

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

Building 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 highway 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 sub-division 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 sub-divide as a condition of the grant of such permission;
 - (d) co-ordinating the sub-division 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 sub-division plans as may be necessary or convenient for the purposes aforesaid.

Passed the Assembly this 20th day of December 1971.

K.R. CROOK
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly

Government Notice No. 10 of 1972
Date of Operation: 17th January, 1972.