TOWN AND COUNTRY PLANNING ACT

CHAPTER 35:01

Act
29 of 1960
Amended by
13 of 1974
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**See* Note on Validation at page 2

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1. GNs 75/1976, 128/1978, 24/1979, 225/1979 and LNs 205/1980 and 80/1984 containing resolutions of Parliament under section 5(2) of the Act extending the time for the submission of the Development Plan of Trinidad and Tobago have been omitted. The last-mentioned resolution extended the time to 31st May, 1984.

2. Resolution (LN 122/1984) approving the development plan called the National Physical Development Plan—Trinidad and Tobago: Volumes I and II have been omitted.

Note on Validation

The Act of this Chapter was re-enacted with retrospective effect and all acts done under it validated by Act No. 31 of 1980.

CHAPTER 35:01

TOWN AND COUNTRY PLANNING ACT

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CHAPTER 35:01

TOWN AND COUNTRY PLANNING ACT

An Act to make provision for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof; for the grant of permission to develop land and for other 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 with the matters aforesaid. 29 of 1960.

[1ST AUGUST 1969]* Commencement. 114/1969. 31 of 1980.

PRELIMINARY

1. This Act may be cited as the Town and Country Planning Act. Short title.

2. In this Act— Interpretation. [21 of 1990].

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming

See Act No. 31 of 1980.

of land for other agricultural purposes, and "agricultural" has a corresponding meaning;

"building" includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

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

"building or work" includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;

"development" has the meaning assigned to it by section 8, and "develop" has a corresponding meaning;

"development order" has the meaning assigned to it by section 9;

"development plan" has the meaning assigned to it by section 5 and includes a plan made under subsection 5(8);

"engineering operations" includes the formation or laying out of means of access to highways;

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

"highway authority" means an authority responsible for the maintenance of a road;

"land" means any corporeal hereditament, including a building as defined by this section, and in relation to the acquisition of land under Part V includes any interest in or over land;

"local authority" means the Council of a Municipal Corporation within the meaning of the Municipal Corporations Act or the Tobago House of Assembly Act;

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"minerals" includes all minerals and substances (including oil) in or under land of a kind or ordinarily worked for removal by underground or by surface working;

"Panel" means the Advisory Town Planning Panel established by section 4;

"permission granted for a limited period only" has the meaning assigned to it by section 11;

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

"road" means any road whether public or private and includes any street, square, court, alley, lane, bridge, footway, trace, bridle path, passage, or highway, whether thoroughfare or not;

"statutory undertakers" means persons authorised by any Act to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier, or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, 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 into two or more parts 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;

"tree preservation order" has the meaning assigned to it by section 20;

"use" in relation to land, does not include the use of land by the carrying out of any building or other operations thereon.

PART I

CENTRAL ADMINISTRATION

Duties of Minister.

3. The Minister shall secure consistency and continuity in the framing and execution of a comprehensive policy with respect to the use and development of all land in Trinidad and Tobago in accordance with a development plan prepared in accordance with the provisions of Part II.

Advisory Town Planning Panel.

4. (1) There is hereby established an Advisory Town Planning Panel.

First Schedule.

(2) The constitution and procedure of the Panel shall be in accordance with the First Schedule.

(3) The Panel shall, with a view to the proper carrying out of the provisions and objects of this Act, advise the Minister on any matter within their knowledge or on which the Minister may seek their advice.

PART II

DEVELOPMENT PLANS

Preparation of development plans. [*13 of 1974].

5. (1) As soon as may be practicable after the commencement of this Act, the Minister shall carry out a survey of the whole of Trinidad and Tobago.

(2) Not later than seven years after the commencement of this Act, or within such extended period as Parliament may by resolution allow, the Minister shall submit for the approval of Parliament a development plan consisting of a report of the survey together with a plan indicating the manner in which he proposes

*Amendment to have effect from 1st August 1969.

that land in Trinidad and Tobago may be used (whether by the carrying out of development or otherwise) and the stages by which any such development may be carried out.

(3) A development plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals mentioned above with such degree of particularity as may be appropriate to different parts of Trinidad and Tobago; 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 class specified in the plan;

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

(i) any land allocated by the plan for the purposes of any of his functions or the functions of a local authority or of statutory undertakers;

(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 subparagraph (i)], or any land contiguous or adjacent to any such area;

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

(4) 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 Minister 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;

(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 or redevelopment 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 compulsory purchase in accordance with the provisions of subsection (3), whether or not provision is made by the plan for the development or redevelopment of that particular land.

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

(6) Where any land is designated by a development plan as subject to compulsory acquisition, then if at the expiration of twelve 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 Minister, any owner of an interest in the land may serve on the Minister 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 the interest of the owner in the land has not been so acquired, the development plan shall have effect, after the expiration of the six months, as if the land in which the said interest subsists was not designated as subject to compulsory acquisition.

(7) Without prejudice to the provisions of subsections (3) and (4), a development plan may make provision for any of the matters mentioned in the Second Schedule.

Second Schedule.

(8) At any time before a development plan with respect to the whole of Trinidad and Tobago has been submitted to and approved by Parliament under this section, the Minister may prepare and submit to Parliament for approval a development plan relating to any part of Trinidad and Tobago, 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 Trinidad and Tobago.

Amendment of development plans.

6. (1) At least once in every five years after the date on which a development plan for any area is approved by Parliament, the Minister shall carry out a fresh survey of that area, and submit to Parliament a report of the survey, together with proposals for any alterations or additions to the plan that appear to him to be required having regard thereto.

(2) Notwithstanding subsection (1), the Minister may at any time submit to Parliament proposals for such alterations or additions to any development plan as appear to him to be expedient.

(3) Where, under section 5(8) a development plan is approved with respect to a part of Trinidad and Tobago, the periods 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 Trinidad and Tobago have been approved by Parliament subject to subsection (2) of this section.

Approval of development plans.

7. (1) The Minister 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 council of the local authority in whose district any of the land is situated, and may consult with such other persons or bodies as he thinks fit, and the Minister shall, before submitting any such plan or proposals for approval by Parliament, give to the council of any such local authority and to any such persons or bodies an opportunity to make objections or representations with respect thereto.

(2) Notice shall be published in the *Gazette* and in at least one daily newspaper that the Minister has prepared in draft any

such plan or proposals for the amendment of any such plan, and of the place or places where copies of the plan or proposals may be inspected by the public.

(3) If any objection or representation with respect to any such plan or proposals is made in writing to the Minister within one month of the publication of the notice referred to in subsection (2), the Minister shall appoint a person to hold on his behalf a public inquiry into the objection or representation and the Minister shall, before submitting any such plan or proposals for the approval of Parliament, take into consideration the objection or representation together with the report of the person holding the public inquiry.

(4) If as the 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 Minister is of opinion that a local authority or any other authority or person ought to be consulted before he decides to make the plan either with or without modifications, or to amend the plan, as the case may be, the Minister shall consult that authority or person, but he 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 Parliament shall be published in the *Gazette* and in at least one daily newspaper and copies of any such plan or proposals as approved by Parliament shall be available for inspection by the public.

(6) A development plan, or an amendment of a development plan, shall become operative on the date on which its approval by Parliament is published in the *Gazette* or on such later date as Parliament may determine.

PART III

CONTROL OF DEVELOPMENT OF LAND

Provision for development.

8. (1) Subject to the provisions of this section and to the following provisions of this Act permission shall be required

under this Part for any development of land that is carried out after the commencement of this Act.

(2) In this Act, except where the context otherwise requires, the expression "development" means the carrying out of building, engineering, mining or other operations in, on, over or under any land, the making of any material change in the use of any buildings or other land, or the subdivision of any land, except that the following operations or uses of land shall not be deemed for the purposes of this Act 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 the building 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 of a road if the works are carried out on land within the boundaries of the road;

(c) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, 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 purposes of agriculture or forestry (including afforestation);

(f) in the case of buildings or other land that are used for a purpose of any class specified in an Order made by the Minister under this section, the use thereof for any other purpose of the same class.

(3) Without prejudice to any Regulations made under this Act relating to the control of advertisements, 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.

Development Orders.

9. (1) The Minister shall by Order provide for the grant of permission for the development of land under this Part, and such permission may be granted—

(a) in the case of any development specified in any such Order, or in the case of development of any class so specified, by that Order itself;

(b) in any other case, by the Minister on an application in that behalf made to him in accordance with the Order.

(2) The permission granted by any development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in such order.

(3) Without restricting the generality of subsection (2), a development order that grants permission for any development may—

(a) where permission is thereby granted for the erection, extension or alteration of any buildings, require the approval of the Minister to be obtained with respect to the design or external appearance thereof;

(b) where permission is thereby granted for development of any specified class, enable the Minister to direct that that permission shall not apply either in relation to development in any particular area or in relation to any particular development.

(4) For the purpose of enabling development to be carried out in accordance with permission granted under this Part, or

otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any written law passed before the passing of this Act, or any Regulations, Orders or Bye-laws made (whether before or after the passing of this Act) under any such written law, shall not apply to any development specified in the order, or shall apply thereto subject to such modifications as may be so specified.

(5) Every development order shall be subject to negative resolution of Parliament.

Delegation to local authorities.

10. (1) The Minister may by instrument in writing and subject to such conditions, directions, reservations and restrictions as he thinks fit, delegate to the council of any local authority his functions under section 11(1) and (2) relating to the grant or refusal of permission to develop land.

(2) Without restricting the generality of subsection (1), the Minister may make provision in any instrument of delegation for transferring to any council to whom functions are delegated in accordance with this section, any liability to pay compensation under this Act in respect of anything done by that council in the exercise of functions delegated to them as mentioned above.

Application for planning permission.

11. (1) Subject to this section and section 12, where application is made to the Minister for permission to develop land, the Minister may grant permission either unconditionally or subject to such conditions as he 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 (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the Minister 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 specified period, and the carrying out of any works required for the reinstatement of land at the expiration of that period,

and any permission granted subject to any such condition as is mentioned in paragraph *(b)* is in this Act referred to as permission granted for a limited period only.

(3) The decision of the Minister on any application made to him under this section shall be final.

(4) Provision may be made by a development order for regulating the manner in which applications for permission to develop land are to be made, and dealt with by the Minister or a local authority to whom functions have been delegated under section 10 and in particular—

(a) for enabling the Minister to give directions restricting the grant of permission by the local authority, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;

(b) for requiring the local authority, before granting or refusing permission for any development, to consult with such authorities or persons as may be prescribed by the order or by directions given by the Minister thereunder;

(c) for requiring the local authority to give to any applicant for permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;

(*d*) for requiring the local authority to furnish to the Minister, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for permission made to them, including information as to the manner in which any such application has been dealt with.

(5) The Minister and any local authority to whom functions have been delegated under section 10 shall keep, in such manner as may be prescribed by the development order, a register containing such information as may be so prescribed with respect to applications for permission made to the Minister or, as the case may be, to that authority, including information as to the manner in which such applications have been dealt with; and every such register shall be available for inspection by the public at all reasonable hours.

Referrals of application to Minister.

12. (1) The Minister may give directions to any local authority to whom functions have been delegated under section 10 requiring that any application made to that authority for permission to develop land, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the local authority, and any such application shall be so referred accordingly.

(2) Where an application for permission to develop land is referred to the Minister under this section, the provisions of section 11(1) and (2) shall apply, subject to any necessary modifications, in relation to the determination of the application by the Minister as they apply in relation to the determination of such an application by the local authority.

(3) The decision of the Minister on any application referred to him under this section shall be final.

Appeal to Minister.

13. (1) Where application is made under this Part to a local authority to whom functions have been delegated under section 10 for permission to develop land, or for any approval of that authority required under a development order, and that

permission or approval is refused by that authority, 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 twenty-eight days from the receipt of notification of their decision, and in the manner prescribed by the development order, appeal to the Minister.

(2) Notwithstanding subsection (1), the Minister shall not be required to entertain an appeal under subsection (1) in respect of the determination of an application for permission to develop land if it appears to him that permission for that development could not have been granted by the local authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section 11 and of the development order, and to any directions given under that order.

(3) Where an appeal is brought under this section from a decision of the local authority the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the local authority, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance; and section 12 shall apply, subject to any necessary modifications, in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under section 12.

(4) Unless within such period as may be prescribed by the development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local authority, the local authority either—

(a) give notice to the applicant of their decision on any application for permission to develop land, or for any approval required under a development order, made to them under this Part, or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given by him under section 12,

the provisions of subsection (1) of this section shall apply in relation to the application as if the permission or approval to which it relates has been refused by the local authority and as if notification of their decision had been received by the applicant at the expiration of the period prescribed by the development order or the extended period agreed upon as aforesaid, as the case may be.

Supplementary provisions *re* grants of planning permission.

14. (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 to carry out any development of land, and to applications for the 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 the 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.

15. (1) Subject to this section, if it appears to the Minister 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, he may by Order revoke or modify the permission to such extent as appears to him 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,

except 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 Minister 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 Minister 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 similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as mentioned above 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 in respect of any other loss or damage (not being loss or damage consisting of the 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 permission for the development of land granted by a development order has been withdrawn, whether by the revocation or amendment of the order or by the issue of directions under powers in that behalf conferred by the order, then, if, on an application made in that behalf under this Part, permission for that development is refused or is granted subject to conditions other than those previously imposed by the development order, the foregoing provisions of this section shall apply as if the permission granted by the development order had been granted by the Minister under this Part and had been revoked or modified by an order under this section.

(7) 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 26, 29 and 30 shall apply as if for references in section 26 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 section 26(1) 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".

(8) 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 Minister purchases any interest in that land, or a claim for compensation is made in respect of any such interest under section 26, any compensation payable in respect of the acquisition of that interest or, as the case maybe, any compensation payable in respect of the interest under section 26, 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. [21 of 1985].

***16.** (1) Where it appears to the Minister 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 the permission was granted in respect of any development have not been complied with, then the Minister may within four years of the development being carried out, or, in case of non-compliance with a condition, within four years after the date of the alleged failure to comply with it, if he considers it expedient to do so having regard to the provisions of the development plan, if any, and to any other material considerations, serve on the owner or occupier of the land a notice under this section.

(2) Any notice served under this section (hereinafter called an "enforcement notice") shall specify the development that is alleged to have been carried out without the grant of the permission as mentioned above or, as the case may be, the matters in respect of which it is alleged that any such conditions have not been complied with, and may require such steps as may be specified in the notice to be taken within such period as may be so 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 mentioned above require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

* *See* LN 114/1969 and Act No. 30 of 1981.

(3) Except as otherwise provided in this section, an enforcement notice shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein.

(4) When, within the period mentioned in subsection (3), an application is made to the Minister 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.

(5) When, within the period mentioned in subsection (3), 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.

(6) 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 (3), appeal against the enforcement notice to a Magistrate's Court for the place within which the land to which the notice relates is situated; and on any such appeal the 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 the permission was granted have been complied with, shall quash the enforcement notice to which the appeal relates;

(b) in any other case shall dismiss the appeal.

(7) Where the enforcement notice is varied or the appeal is dismissed, then, subject to subsection (6)*(a)*, the Court may 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 it thinks fit.

(8) Any person aggrieved by a decision of a Magistrate's Court under subsection (6) may appeal against that decision to the Court of Appeal.

Supplementary provisions as to enforcement.

17. (1) If within the period specified in an enforcement notice, or within such extended period as the Minister 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 Minister 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 Minister in that behalf; and if that person, having been entitled to appeal to the Court under section 16, 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 Minister 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 16, in respect of any development, and any sums paid by the owner of any land under subsection (1) of this section in respect of the expenses of the Minister in taking steps required to be taken by such an enforcement notice, shall be held 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 any operations thereon, then if any person, without the grant of permission in that behalf under this Part, uses the land or causes or permits the land to be used, or carries out or

causes or permits to be carried out those operations, in contravention of the enforcement notice, he is liable on summary conviction to a fine of seven hundred and fifty dollars and, in case of a continuing offence, to a further fine of three 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 is served under section 16 had not been carried out.

Penalties for failure to comply with certain enforcement notices.

18. (1) Subject to this section, where an enforcement notice has been served under section 16 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 Minister 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 liable on summary conviction to a fine of one thousand five hundred dollars and, in case of a continuing offence, to a further fine of three 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 Minister 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 clear days' notice of his intention, be entitled to have the person who then became the owner of the land brought before the Court in the proceedings.

(3) If, after it has been proven 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 said other person, that other 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.

Repealed operation of enforcement notices.

19. (1) Compliance with an enforcement notice, whether as respects—

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

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

(c) any other requirements in the enforcement notice,

shall not discharge 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 section 17(1) and (2) shall apply accordingly.

(3) Without affecting the operation of section 18, 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 is liable on summary conviction to a fine of one thousand five hundred dollars.

Preservation of trees and woodlands.

20. (1) If it appears to the Minister that it is expedient in the interests of amenity to make provision for the preservation of any tree, trees or woodlands in any area, he may for that purpose make an order (in this Act 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, topping, lopping or wilful destruction of trees except with the consent of the Minister which may be given subject to conditions;

(b) for securing the replanting, in such 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 Minister, 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 of the grant of any such consent subject to conditions.

(2) Provision may be made by Regulations under this Act 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 Minister; 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 subsection (2) where it appears to the Minister that any tree preservation order should take effect immediately, he 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 that are dying or dead or have become dangerous or the cutting down, topping or lopping of any trees in compliance with any obligation imposed by or under any Act 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 is liable on summary conviction to a fine of one thousand five hundred dollars and, in case of a continuing offence, to a further fine of three hundred dollars for every day after the first day during which the contravention is so continued.

Control of advertisements.

21. (1) Subject to this section, provision shall be made by Regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Minister to be expedient in the interests of amenity or public safety, and without restricting the generality of the foregoing, any such Regulations may provide—

(a) for regulating the dimensions, appearance and position of advertisements that may be displayed, the sites on which the advertisements may be displayed, and the manner in which they are to be affixed to land;

(b) for requiring the consent of the Minister to be obtained for the display of advertisements, or of advertisements of any class specified in the Regulations;

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

(d) for enabling the Minister to require the removal of any advertisement that is being displayed in contravention of the Regulations, or the discontinuance of the use for the display of advertisements of any site that is being used for that purpose in contravention of the Regulations, and for that purpose for applying any of the provisions of this Part with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the Regulations;

(e) for the constitution, for the purposes of the Regulations, of such advisory panels as may be prescribed by the Regulations, and for determining the manner in which the expenses of any such panels are to be defrayed.

(2) Subject to section 22(2), Regulations made under this section may be made so as to apply to advertisements that are being displayed on the date on which the Regulations come into force, or to the use for the display of advertisements of any site that was being used for that purpose on that date.

(3) Regulations made under this section shall provide for exempting therefrom—

(a) the continued display of any such advertisement as mentioned above; and

(b) the continued use for the display of advertisements of any such site as mentioned above,

during such period as may be prescribed in that behalf by the Regulations, and different periods may be so prescribed for the purposes of different provisions of the Regulations.

(4) Regulations made under this section may direct that any Act, Regulations or Bye-laws, affecting the display of advertisements in force on the day when the Regulations made under this section come into operation, shall not apply to the display of advertisements in any area to which the Regulations made under this section apply.

Supplementary provisions as to advertisements.

22. (1) Where the display of advertisements in accordance with Regulations made under section 21 involves the development of land within the meaning of this Act, planning permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under the foregoing provisions of this Part.

(2) Where for the purpose of complying with any such Regulations as mentioned above works are carried out by any person for the removal of advertisements being displayed in accordance with permission granted under the Restriction of Ribbon Development Ordinance (repealed by this Act) or the Advertisements Regulation Act on the date on which the Regulations come into force or the discontinuance of the use for the display of advertisements of any site used for that purpose on that date, that person shall be entitled, on a claim made to the Minister within the time and in the manner prescribed by Regulations under this Act, to recover from the Minister compensation in respect of any expenses reasonably incurred by him in that behalf.

Ch. 16 No. 2. (1950 Ed.).

Ch. 35:53.

(3) Without affecting any provisions included in Regulations made under section 21 by virtue of subsection (1)*(d)* of that section, if any person displays an advertisement in contravention of the provisions of the Regulations, he is liable on summary conviction to a fine of such amount as may be prescribed by the Regulations, not exceeding seven hundred and fifty dollars and, in case of a continuing offence, to a further fine not exceeding three hundred dollars for every day after the first day during which the display is so continued.

(4) For the purposes of subsection (3) and without restricting the generality thereof, a person shall be deemed to display an advertisement if—

(a) the advertisement is displayed on the land of which he is the owner or occupier; or

(b) the advertisement gives publicity to his goods, trade, business or other concerns.

(5) A person shall not be guilty of an offence under subsection (3) by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

Maintenance of waste land.

23. (1) If it appears to the Minister that the amenity of any area is seriously injured by the condition of any garden, vacant site or other open land in the area, the Minister may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be so specified.

(2) In relation to any notice served under this section, the provisions of section 16(3) to (7) and of sections 17, 18 and 19 shall, subject to such exceptions and modifications as may be prescribed by Regulations under this Act, apply as those provisions apply in relation to and enforcement notice served under section 16.

Application of Part to development by Local Authorities.

24. For the avoidance of doubt it is hereby declared that this Part applies to the development of land of a local authority irrespective of whether any of the functions of the Minister under this Part have been delegated to the authority.

PART IV

COMPENSATION FOR REFUSAL, OR CONDITIONAL GRANT OF, PLANNING PERMISSION

Definition of "planning decision".

25. In this Part "planning decision" means—

(a) in the case of an application for permission made under Part III to the Minister, a refusal by

the Minister of that permission or a grant thereof by the Minister subject to conditions; and

(b) in the case of an application for permission made under Part III to a local authority to whom functions have been delegated under section 10, a refusal of that permission by the Minister, or a grant thereof by the Minister subject to conditions, on an appeal made to him, in either case, under section 13 from the decision of the local authority on the application made to that authority.

Compensation for planning decisions.

26. (1) If on a claim made to the Minister in the manner prescribed by Regulations made under this Act, 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 Minister shall, subject to the provisions of this Part, pay to that person compensation (to be assessed in accordance with the provisions of the Land Acquisition Act), of an amount equal to the difference.

Ch.58:01.

(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 unconditionally or subject to conditions, 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 Minister 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.

No compensation payable in certain cases.

27. (1) 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 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 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 to 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 the 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 any condition subject to which permission is granted for the winning and working of minerals;

(f) in respect of any planning decision on an application in pursuance of Regulations under section 21 for consent to the display of advertisements.

(2) For the purposes 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.

No compensation if other development permitted.

28. (1) 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 Minister gives notice of his findings in respect of that claim, there is in force with respect to that land or part a grant of, or an undertaking by the Minister to grant, planning permission for some such development, subject to no conditions other than such as are mentioned in section 27(1)*(d)*.

(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.

General provisions as to claims for compensation.

29. (1) Compensation under this Part shall not be payable unless a claim for it is 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 Minister may in any particular case (either before, on or after the 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 Minister 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 Minister 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 of the Land Acquisition Act. Ch.58:01.

Acquisition of land in lieu of compensation.

30. Where a claim for compensation under this Part in respect of any interest in land has been determined in accordance with section 29, the Minister may within one month after the date of the determination of the 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 unwilling to sell the same the Minister may forthwith acquire the interest compulsorily under and in accordance with the provisions of the Land Acquisition Act, as an interest in land needed for public purposes within the meaning of that Act. Ch. 58:01.

PART V

ACQUISITION AND DISPOSAL OF LAND FOR PLANNING PURPOSES

Acquisition of land.

31. (1) Where any land is designated under section 5(2) in a development plan made under Part II as subject to compulsory acquisition by the Minister, the land may be acquired by the Minister compulsorily in accordance with the provisions of the Land Acquisition Act, as being land needed for public purposes within the meaning of that Act.

Ch. 58:01.

(2) Nothing in this section shall prevent the acquisition by agreement of any land designated as mentioned in subsection (1).

Appropriation of land of Local Authorities.

32. (1) Any local authority may be authorised, by Order made by that authority and confirmed by the Minister, to appropriate for any purpose specified in a development plan any land for the time being held by them for other purposes.

(2) On an appropriation of land under this section there shall be made in the accounts of the local authority such adjustments as the Minister responsible for Local Government may direct.

Disposal of land.

33. The Minister may, by way of sale or lease, dispose of land acquired by him (whether compulsorily or by agreement) under this Part to any local authority, statutory undertakers or other body or person for development in accordance with permission granted under Part III.

PART VI

SUPPLEMENTAL

Powers of entry.

34. (1) Any person duly authorised in writing by the Minister 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 Minister to serve or make any notice or Order under Part III or under any such Order or Regulations;

(d) any claim for compensation payable by the Minister under this Act.

(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 liable on summary conviction to a fine of three hundred dollars.

(4) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or workplace, discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he is, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorised to enter the premises, liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for a term of three months.

(5) Where any 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 Minister by any person interested in the land.

(6) 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 or the presence of minerals therein.

(7) A person shall not carry out any works authorised by subsection (6) unless notice of his intention to do so has been included in the notice required by subsection (2).

Service of notices.

35. (1) Subject to this section, any notice or other document required or authorised to be served or given under this Act, or under any regulation, Order, direction, or instrument in writing made under this Act, 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;

(b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished by that person, at that address;

(c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been furnished by that person, at that address; or

(d) in the case of an incorporated company or body, by delivering it to the Secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter addressed to the Secretary or clerk of the company or body 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 subsection (1)*(a)*, *(b)* or *(c)*; or

(b) being addressed as aforesaid and marked in such 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.

36. The Minister may, for the purpose of enabling him to make any order or serve any notice or other document that he is by this Act 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 any information, fails to give that information, or knowingly makes any misstatement in respect thereof, is liable on summary conviction to a fine of one hundred and fifty dollars.

Regulations and orders.

37. (1) The Minister may make Regulations—

(a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued;

(b) for any purpose for which Regulations are authorised or required to be made under this Act and in particular for prescribing anything that by this Act is required or authorised to be prescribed by Regulations.

(2) Any Regulations made under this Act shall be subject to negative resolution of Parliament.

(3) Any power to make an order conferred by this Act shall include power to amend or revoke that order by a subsequent order.

(4) Any Regulations made under this Act may provide for the imposition of a fine of seven hundred and fifty dollars for any contravention of the provisions of the Regulations.

Application to land regulated by special written laws.

38. For the avoidance of doubt it is hereby declared that this Act, 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 Act, Bye-laws, Orders, Rules or Regulations in force at the passing of this Act, for authorising or regulating any development of the land.

Unfinished buildings.

39. (1) Subject to this section, where any works for the erection or alteration of a building have been begun but not completed before the commencement of this Act then if any permission required under the Restriction of Ribbon Development Ordinance (repealed by this Act) for the carrying out of these works was granted, planning permission shall, by virtue of this section, be deemed to be granted under Part III of this Act in respect of the completion of these works.

Ch. 16 No. 2. (1950 Ed.).

(2) The permission deemed to be granted by virtue of this section shall be deemed to be so granted subject to any conditions imposed by the permission granted under the repealed Restriction of Ribbon Development Ordinance 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.

Validation of Regulations and Orders and acts done thereunder. [49 of 1977].

40. (1) Notwithstanding any rule of law to the contrary, including in particular sections 9(5) and 37(2), the Regulations and Orders made under this Act are hereby declared to be and from the date of the making thereof, always to have been of full force and effect even though the Regulations and Orders were not laid before Parliament in accordance with those sections of this Act.

(2) All acts and things done or omitted to be done by any person or authority under this Act in exercise of the powers or in the performance of any functions or duties conferred or imposed by the Regulations or the Orders which would have been lawful had the Town and Country Planning (Validation of Regulations and Orders) Act 1977 then been in force shall be deemed to have been lawfully and validly done or omitted to be done. 49 of 1977.

Interpretation.

(3) In this section—

"Regulations" means the Town and Country Planning (Control of Advertisements) Regulations 1969; 123/1969.

"Orders" means the Town and Country Planning (General Development) Order 1969, and the Town and Country Planning (Chaguaramas Development) Order 1974. 125/1969. 114/1975.

Section 4(2).

FIRST SCHEDULE

CONSTITUTION AND PROCEDURE OF THE ADVISORY TOWN PLANNING PANEL

1. The Panel shall consist of not less than three nor more than five members who shall be appointed by the Minister.

2. The Minister shall appoint a member of the Panel to be Chairman of the Panel.

3. A member of the Panel shall, subject to the provisions of this Schedule hold office for a period not exceeding two years but such member shall be eligible for reappointment.

4. The Minister may appoint any person to act temporarily in the place of the Chairman or a member of the Panel in the case of the absence or inability to act of the Chairman or of such member as the case may be.

5. (1) Any member of the Panel, other than the Chairman, may at any time resign his office by instrument in writing, addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of the instrument the member shall cease to be a member of the Panel.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and the resignation shall take effect as from the date of the receipt of the instrument by the Minister.

6. The Minister may at any time revoke the appointment of any member, including the Chairman.

7. The names of all members of the Panel as first constituted and every change in the membership thereof shall be published in the *Gazette*.

8. (1) The Panel 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 Panel may determine.

(2) The Chairman shall preside at meetings of the Panel and if the Chairman is absent from a meeting the other members present at the meeting shall elect one of their number to preside thereat.

(3) The quorum of the Panel shall consist of a majority of the members.

(4) The decisions of the Panel 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.

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

(6) The acts of the Panel shall be authenticated by the signature of the Chairman or the secretary of the Panel.

(7) Subject to the provisions of this paragraph the Panel shall have power to regulate their own proceedings.

9. The validity of any proceedings of the Panel shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

10. The expenses of the Panel shall be defrayed out of sums provided for the purpose in the annual estimates of revenue and expenditure for Trinidad and Tobago as approved by Parliament.

11. In this Schedule "Chairman" includes a person appointed or elected as the case may be to act temporarily in place of the Chairman.

SECOND SCHEDULE

Section 5(7).

MATTERS FOR WHICH PROVISION MAY BE MADE IN DEVELOPMENT PLANS

PART I

ROADS

1. Reservation of land for roads and establishment of public rights of way.

2. Closing or diversion of existing roads and public and private 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:

(a) the size and height of buildings;

(b) building lines, coverage and the space about buildings;

(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, colour and materials of buildings and fences.

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, on, in or under any area.

PART III

COMMUNITY PLANNING

1. Providing for the control of land by zoning or designating for specific uses.

2. Regulating the layout of housing areas including density, 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 game and bird sanctuaries;
   (c) for the protection of marine life.

4. Preservation of buildings, caves, sites and objects of artistic architectural, archaeological or historical interest.

5. Preservation or protection of forests, woods, trees, shrubs, plants and flowers.

6. Prohibiting, restricting or controlling, either generally or in particular places, the exhibition, whether on the ground, on 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, 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 rivers, lakes, ponds, gullies and the seashore.

PART V

PUBLIC SERVICES

Facilitating the establishment, extension or improvement of works by statutory or other undertakers in relation to power, lighting, water supply, sewerage, drainage, sewage disposal, refuse disposal or 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 Minister with a local authority or with owners and other persons, and by a local authority with such persons and by such persons with one another.

2. Subdivision of land and in particular, but without restricting the generality of the foregoing—

(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 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 of any towns;

(b) enabling the establishment of satellite towns and new towns;

(c) effecting such exchanges of land or cancellation of existing subdivision plans as may be necessary or convenient for the purposes aforesaid.

SUBSIDIARY LEGISLATION

DEVELOPMENT PLANS APPROVAL RESOLUTIONS

114/1972.
99/1974.
122/1984.

made under section 5 (8)

It has been resolved that the Plans entitled—

(a) The Port-of-Spain Central Business District Development Plan;

(b) The Chaguaramas Development Plan; and

(c) National Physical Development Plan - Trinidad and Tobago: Volumes I and II,

be approved.

TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER

124/1969.

made under section 8(2) (f)

1. This Order may be cited as the Town and Country Planning (Use Classes) Order. Citation.

2. In this Order— Interpretation.

"garage" means a place where motor vehicles are bought and sold, stored, repaired and maintained and is a place used for light industrial purposes;

"service station" means a shop for the sale of petrol and petroleum products where motor vehicles are washed, lubricated or otherwise maintained;

"shop" means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and includes a building used for

the purposes of a hairdresser, travel agency or for the reception of goods to be washed, cleaned or repaired but does not include a building used for the purposes of a funeral undertaker, garage, petrol filling station, service station, office, bank, grocery, betting office, restaurant or other place for the sale of prepared food, hotel or premises for the sale of intoxicating liquors for consumption on the premises, a lumber yard or premises for the sale of builders' materials or motor vehicle parts or accesories.

Use of land for any purpose in same class deemed not to involve development. Schedule.

3. (1) Where a building or other land is used for a purpose of any class specified in the Schedule, the use of such building or other land for any purpose of the same class shall not be deemed for the purposes of the Act to involve development of the land.

(2) A use ordinarily incidental to and included in any use specified in the Schedule shall not be excluded from that use merely by reason of its being specified in the Schedule as a separate use.

SCHEDULE

Clause 3.

CLASS I	—	Use as a shop.
CLASS II	—	Use as an office or bank.
CLASS III	—	Use as a warehouse, except for the storage of noxious or dangerous goods.
CLASS IV	—	Use as a place of public worship or religious instruction or for the social and recreational activities of a religious group.
CLASS V	—	Use as a creche, day nursery or use as a consulting room or surgery not within the curtilage of the residence of the consultant or medical practitioner.
CLASS VI	—	Use as an art gallery, museum, public library, public reading-room or exhibition hall.
CLASS VII	—	Use as a meeting hall or concert hall.
CLASS VIII	—	Use as a theatre or cinema.
CLASS IX	—	Use as a gymnasium, centre for indoor games or community centre.

TOWN AND COUNTRY PLANNING (CHAGUARAMAS) DEVELOPMENT ORDER

ARRANGEMENT OF CLAUSES

CLAUSE

1. Citation.
2. Interpretation.
3. Directions restricting permitted development.
4. Permitted development.
5. Development requiring special permission.
6. Special provisions respecting development affecting existing or proposed arterial roads.
7. Minister's permission required for demolition, etc.
8. Notices and documents.
9. Saving.
10. Reports on development.
11. Enactments not to apply to development.

SCHEDULE.

TOWN AND COUNTRY PLANNING (CHAGUARAMAS) DEVELOPMENT ORDER

114/1975. [39/1995].

made under section 9 (1)

Citation.

1. This Order may be cited as the Town and Country Planning (Chaguaramas) Development Order* and shall apply to the North-western Peninsula of Trinidad, being the area described in the Schedule.

Schedule.

Interpretation.

2. In this Order—

"Authority" means the Chaguaramas Development Authority established under section 3 of the Chaguaramas Development Authority Act;

Ch. 35:02.

"Development Plan" means the Chaguaramas Development Plan as approved by Parliament;

"land" means any corporeal hereditament, including a building;

"layout plan" means a detailed plan showing the manner in which land vested in the Authority is to be subdivided and utilised;

"offensive trade" has the meaning assigned to it by section 2 of the Public Health Ordinance.

Ch. 12 No. 4. (1950 Ed.).

Directions restricting permitted development.

3. (1) Where the Minister is satisfied—

(a) that development as indicated on the Development Plan should not be undertaken in any case; or

(b) that development should not be undertaken except express permission is granted by him in that behalf,

he may direct that permission granted by clause 4(1) shall not apply to all or any development in any particular area specified in the direction.

(2) Notice of any directions given under subclause (1) shall be published in the *Gazette* and in at least one daily newspaper

*Validated—*See* section 40 of the Act.

circulating in Trinidad and Tobago. The notice shall contain a concise statement of the effect of the direction and the place where a copy thereof and of a map defining the area to which it relates may be inspected by the public.

(3) The Authority shall act in such a manner as to give effect to the terms of the directions made under subclause (1).

(4) No directions given under subclause (1) shall have effect in relation to the carrying out in case of emergency of any development specified hereunder—

(a) maintenance of bridges and buildings;

(b) maintenance of docks, harbours, quays and wharves;

(c) provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, wharf or basin;

(d) any development required in connection with improvement, maintenance or repair of watercourses or drainage works.

Permitted development.

4. (1) Notwithstanding the provisions of clauses 3 and 5, where a layout plan prepared by the Authority is approved by the Minister, development in accordance with the plan shall be permitted on the lands vested in the Authority and may be undertaken without any further permission from the Minister.

(2) It shall be the responsibility of the Authority to ensure that where lands vested in it are being developed, the development is in conformity with the plan approved by the Minister, the relevant sections of the Act, the provisions of this Order and any directives which may be issued by the Minister from time to time.

Sub. leg. *infra.*

(3) The provisions of the Town and Country Planning (General Development) Order shall not apply to lands vested in the Authority.

Development requiring special permission.

5. Notwithstanding clause 4(1) the following types of development shall require the prior approval of the Minister:

(a) the construction of buildings for use as public conveniences;

(b) the construction of buildings or use of land for the disposal of refuse or waste materials or as a scrap yard or for the winning or working of minerals;

(c) the construction of buildings in areas allocated as National Parks and Nature Reserves;

(d) the construction of buildings to a height exceeding forty feet;

(e) the construction of buildings or use of land for sewerage treatment;

(f) the construction of buildings for any of the following purposes, namely, recreation, resort, hotel, night club, cinema, dance hall, stadium, a Turkish or other vapour or foam bath;

(g) any development for the purpose of carrying on an offensive trade.

Special provisions respecting development affecting existing or proposed arterial roads.

6. (1) This clause applies to the arterial roads indicated on the Development Plan.

(2) With respect to any development which consists of or includes—

(a) the formation, laying out or alteration of any means of access to an arterial road to which this clause applies; or

(b) any other development of land within 100 feet (or such other distance as may be specified in a direction given by the Minister) from the middle of the existing or proposed road to which this clause applies,

the Authority shall notify the Minister and shall not undertake the development until it has received his approval.

Minister's permission required for demolition, etc.

7. The Minister may by notice direct that such buildings as may be specified in the notice may not be demolished, altered or extended without his permission. The notice shall be published in a newspaper in circulation in Trinidad and Tobago.

Notices and documents.

8. Any notice or other document to be served or given under this Order may be served or given in the manner prescribed by section 35 of the Act.

Saving.

9. Nothing in this Order shall apply to any permission which is deemed to be granted under section 22 of the Act.

Reports on development.

10. The Authority shall submit to the Minister every six (6) months a Report on all development executed on lands vested in it.

Enactments not to apply to development. Ch. 12 No. 4. (1950 Ed.).

11. In the exercise of the powers conferred by section 9(4) of the Act it is hereby directed that the following Parts of the Public Health Ordinance and the subsidiary legislation made under such Parts shall not apply to any development specified in this Order, namely—Parts II, III, IV, V, VIII and sections 92 and 93 of Part XIII.

SCHEDULE

Clause 1.

THE NORTH-WEST PENINSULA

1. (1) All that land situated in the north-western part of Trinidad in the Ward of Diego Martin in the County of St. George and bounded as follows:

NORTH — by the Caribbean Sea, from the point whose co-ordinates are North 1188 097 m. and East 653 395 m. approximately two miles East of Macqueripe Bay, to Entrada Point, at the entrance of the Boca de Monos (commonly known as the First Boca);

WEST — by the Boca de Monos, from Entrada Point, to Delgada Point sometimes known as Canning's Point;

SOUTH — by the Gulf of Paria, from Delgada Point, to the point whose co-ordinates are North 1181 332 m. and East 653 405 m., approximately 15 feet West of the pier of the Bauxite Transfer Station at Carenage;

EAST — by a line starting at the above-mentioned point North 1181 332 m. and East 653 405 m. and continuing for a distance of approximately 6.1 miles in more or less a northerly direction along the ridge that separates the Diego Martin Valley from the Tucker Valley and through the peaks known as Morne Distree, Morne Jean and Morne Pierre back to the point whose co-ordinates are North 1188 097 m. East 653 395 m.,

save and except those areas therein occupied by the Trinidad Omega Station and the Associated Monitor Site and the area extending northward and westward from Piers 1 and 2 in Carenage Bay, more particularly shown as N1, N2 and N3 respectively in the plan referred to hereunder.

(2) This area is more particularly shown as delineated on a plan filed in the vault of the Surveys Department, Red House, as PG 97.

2. The off-shore Islands of Gaspar Grande, Gasparillo, Monos, Huevos and Chacachacare.

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) ORDER

ARRANGEMENT OF CLAUSES

CLAUSE

1. Citation.
2. Interpretation.
3. Application.
4. Permitted development.
5. Directions restricting permitted development.
6. Application for planning permission.
7. Register of applications.
8. Notices and documents.
9. Saving.

SCHEDULE.

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) ORDER

125/1969.

made under section 9 (1)

Citation.

1. This Order may be cited as the Town and Country Planning (General Development) Order*.

Interpretation.

2. In this Order—

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing or departure of aircraft;

"development plan" means a development plan as approved or made by the Minister or as for the time being amended, under Part II of the Act;

"industrial process" means any process for or incidental to any of the following purposes, namely—

(a) the making of any article or of part of any article;

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition, of any article; or

(c) without prejudice to sub-subclause *(b)*, the getting, dressing or treatment of minerals, being a process carried on in the course of trade or business, and for the purposes of this definition the expression "article" means an article of any description, including a ship or vessel;

"industrial undertakers" means undertakers by whom an industrial process is carried on and "industrial undertaking" shall be construed accordingly;

"mineral undertakers" means undertakers engaged in mining operations and includes undertakers licensed to search

*Validated—*See* section 40 of the Act.

and bore for and get petroleum, and for the purposes of this Order any land in respect of which licence is in force authorising any undertakers to search and bore for and get petroleum shall be deemed to be comprised in their undertaking;

"mining operations" means the winning and working of minerals in, on or under land, whether by surface or underground working;

"painting" includes any application or colour.

Application.

3. (1) Subject to subclause (2), this Order shall apply to all land in Trinidad and Tobago.

(2) Where a special development order is made in respect of any land, this order shall apply to such land subject to such modifications as may be specified in the special development order.

Permitted development. Schedule.

4. (1) Subject to this Order, development of any class specified in the Schedule shall be permitted and may be undertaken without the permission of the Minister upon land to which this Order applies; but the permission granted by this Order in respect of any such class of development shall be subject to any condition or limitation imposed in the Schedule in relation to that class.

(2) Nothing in this clause or in the Schedule shall operate so as to permit any development contrary to a condition imposed in any permission granted or deemed to be granted under Part III of the Act otherwise than by this Order.

Directions restricting permitted development. Schedule.

5. (1) If the Minister is satisfied that it is expedient that development of any of the classes specified in the Schedule should not be carried out in any particular area, or that any particular development of any of those classes should not be carried out,

unless permission is granted on an application in that behalf, the Minister may direct that the permission granted by clause 4 shall not apply to—

(a) all or any development of all or any of those classes in any particular area specified in the direction; or

(b) any particular development, specified in the direction, falling within any of those classes.

(2) Notice of any direction given under subclause (1)*(a)* shall be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago. The notice shall contain a concise statement of the effect of the direction and name any place where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours; and any such direction shall come into force on the date on which the notice is first published.

(3) No direction given under this clause shall have effect in relation to the carrying out in case of emergency of any development specified in the Schedule, or unless the direction specially so provides, to the carrying out by statutory undertakers of any of the following operations: Schedule.

(a) maintenance of bridges or buildings;

(b) maintenance of docks, harbours, quays and wharves;

(c) provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, wharf or basin;

(d) any development required in connection with improvement, maintenance or repair of watercourses or drainage works.

Application for planning permission.

6. (1) An application for planning permission shall be made on a form issued by the Minister and shall be accompanied by a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application. In addition to the information required by the application form, the Minister may by a direction in writing addressed to the applicant request such further information to be given to him in respect of any application for permission as may be necessary to enable him to determine that application.

(2) Where an applicant so desires, an application, expressed to be an outline application, may be made for permission to erect any buildings subject to the subsequent approval of the Minister with respect to any matter relating to the siting, design or external appearance of such buildings, or the means of access thereto, in which case particulars and plans in regard to those matters shall not be required and permission may be granted subject as aforesaid (with or without other conditions) or refused. Where, however,

(a) such permission is granted, it shall be expressed to be granted on an outline application and the approval of the Minister shall be required with respect to the matters reserved in the permission before any development is commenced;

(b) the Minister is of opinion that the application for permission ought not to be considered separately from the siting, design or external appearance of the buildings, or the means of access thereto, shall, within one month from receipt of the outline application, notify the applicant that he is unable to entertain the application, and he shall specify the matters as to which further information is required. Where such further information is furnished the application shall be treated as having been made on the date when the information was received.

(3) An application for an approval required by subclause (2) shall be in writing and shall include such particulars and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the permission together with such additional number of copies of the application and plans and drawings as were required in relation to the application for permission.

(4) Any application made under this clause shall be lodged with the Minister and on receipt of any such application, the Minister shall send to the applicant an acknowledgment thereof.

(5) The Minister may by a direction in writing addressed to the applicant require to be produced such evidence as may be reasonably called for to verify any particulars of information given in any application for permission.

(6) The period within which the Minister shall give notice to an applicant of the determination of an application shall be the following period from the date of receipt of the application, namely—

(a) in the case of an application referred to in paragraph 1 of Class XII of the Schedule, thirty months; and Schedule.

(b) in any other case, two months, or such extended periods as may at any time be agreed upon in writing between the applicant and the Minister.

(7) Every such notice shall be in writing and in the case of an application for planning permission or approval where the Minister decides to grant such permission or approval subject to conditions or to refuse it, he shall state the reasons therefor in writing.

7. (1) The Minister shall cause a register to be kept containing the following information in respect of all land to which this Order relates: Register of applications.

(a) particulars of any application for permission for development made in respect of any such

land, including the name and address of the applicant, the date of the application and brief particulars of the development forming the subject of the application;

(b) the date and effect of any decision of the Minister in respect of the application;

(c) the date of any subsequent approval given in relation to the application.

(2) The register shall include an index, which shall be in the form of a map unless the Minister approves some other form.

(3) The register shall be kept at the office of the Town and Country Planning Division of the Ministry of Planning and Development.

(4) Every entry in the register consisting of particulars of an application shall be made within twenty-eight days of the receipt of the application.

Notices and documents.

8. Any notice or other document to be served or given under this Order may be served or given in the manner prescribed by section 35 of the Act.

Saving.

9. Nothing in this Order shall apply to any permission which is deemed to be granted under section 22 of the Act.

SCHEDULE

Clauses 4, 5, 6.

PART I

PERMITTED DEVELOPMENT

The development described in column (1) is permitted under clause 4 of this Order subject to the conditions set out in column (2) opposite the description of such development. The references to standard conditions set out in column (2) are to the conditions numbered and described in Part II of this Schedule.

COLUMN (1) *Description of Development*	COLUMN (2) *Conditions*
CLASS 1. DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLING HOUSE	
1. The improvement or other alteration of a dwelling house so long as the cubic content of the original dwelling house (as ascertained by external measurement) is not increased: and so long as the area defined by the external walls of the original building remains the same in both content and location, except in the case of the addition of a W.C., a bathroom or a kitchen.	1. No part of such building shall project beyond the forwardmost part of the front of the original dwelling house. 2. Standard conditions 1 and 2.
2. The erection, construction, or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwelling house, of any building or enclosure (other than a dwelling, garage or stable) required for a purpose incidental to the enjoyment of the dwelling house as such, including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling house.	1. The height shall not exceed, in the case of a building with a ridged roof, 12 feet, or in any other case, 10 feet. 2. Standard conditions 1 and 2.
CLASS II. SUNDRY MINOR OPERATIONS	
1. The erection or construction of gates, fences, walls or other means of enclosure not exceeding 4 feet in height where abutting on a road or 7 feet in any other case, and the maintenance, improvement, or other alteration of any gates, fences, walls, or other means of enclosure.	1. No improvement or alteration shall increase the height above the height appropriate for a new means of enclosure. 2. Standard conditions 1 and 2.
2. The painting of the exterior of any building or work otherwise than for the purpose of advertisement, announcement or direction.	

COLUMN (1) *Description of Development*	COLUMN (2) *Conditions*
CLASS III. TEMPORARY BUILDING AND USES	
1. The erection or construction on land, in, on, over or under which operations other than mining operations, being or about to be carried out in pursuance of planning permission granted or deemed to be granted under Part II of the Act, or on adjoining land, of buildings, works, plant or machinery needed temporarily in connection with those operations, for the period of such operations.	1. Such buildings, works, plant or machinery shall be removed at the expiration of that period and where they were sited on any such adjoining land, that land shall be forthwith reinstated 2. Standard conditions 1 and 2.
2. The use of land (other than a building or the curtilage of a building) for any purpose for a total of not more than twenty-eight days in any calendar year, and the erection or placing of moveable structures on the land for the purpose of that use.	Standard conditions 1 and 2.
CLASS IV. USED BY MEMBERS OF RECREATIONAL ORGANISATIONS	
The use of land, other than building and not within the curtilage of a dwelling house, for the purposes of recreation or instruction by members of a recreational organisation and the erection or placing of tents or caravans on the land for the purposes of that use.	Standard conditions 1 and 2.
CLASS V. AGRICULTURAL BUILDINGS, WORKS AND USES	
1. The carrying out on agricultural land having an area of more than one acre of building or engineering operations requisite for the use of that land for the purpose of agriculture, other than the placing on land of structures not designed for those purposes or the provisions and alteration of dwellings.	1. The height of any buildings or works within two miles of the perimeter of an aerodrome shall not exceed ten feet. 2. No part of any buildings (other than moveable structures) or works shall be within fifty feet of the reserve of any road. 3. Standard conditions 1 and 2.

COLUMN (1) *Description of Development*	COLUMN (2) *Conditions*
2. The erection or construction and the maintenance, improvement or other alteration of road side stands for milk churns.	1. No alteration shall be made within fifty feet of the reserve of any road.
3. The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for the purposes aforesaid.	2. Standard condition 1.
CLASS VI. FORESTRY BUILDINGS AND WORKS	
The carrying out on land used for the purposes of forestry (including afforestation) of building and other operations (other than the provision or alteration of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways of such land.	1. The height of any buildings or works within two miles of the perimeter of an aerodrome shall not exceed ten feet. 2. No part of any buildings (other than moveable structures) or works shall be within fifty feet of the reserve of a road. 3. Standard conditions 1 and 2.
CLASS VII. DEVELOPMENT FOR INDUSTRIAL PURPOSES	
1. Development of the following descriptions, carried out by an industrial undertaker on land used (otherwise than without planning permission granted or deemed to be granted under Part III of the Act) for the carrying out of any industrial process, and for the purposes of such process, or on land used (otherwise than as aforesaid) as a dock, harbour or quay for the purpose of an industrial undertaking— (i) the provision, rearrangement or replacement of private ways or	1. No operations carried out under subparagraph (iii) or (iv) shall materially affect the external appearance of the premises of the undertaking. 2. No part of any building or works shall be within fifty feet of the reserve of any road. 3. Standard conditions 1 and 2.

COLUMN (1) *Description of Development*	COLUMN (2) *Conditions*
private railways, siding or conveyors; (ii) the provision or rearrangement of sewers, mains, pipes, cables or other apparatus; (iii) the installation or erection by way of addition or replacement of plant or machinery, or structures or erections of the nature of plant or machinery, not exceeding fifty feet in height or the height of the plant, machinery, structure or erection so replaced whichever is the greater; (iv) the extension or alteration of buildings so long as the height of the original building is not exceeded and the cubic content of the original building as ascertained by external measurement is not exceeded by more than one-tenth nor the aggregate floor space thereof by more than five thousand square feet; However, the erection on land within the curtilage of any such building of an additional building to be used in connection with the original shall be treated as an extension of the original building, and where any two or more original buildings comprised in the same undertaking, the reference in this permission to the cubic content shall be construed as a reference to the aggregate cubic content of those buildings, and the reference to the aggregate floor space as a reference to the total floor space of those buildings.	
2. The deposit by an industrial undertaker of waste material or refuse resulting from an industrial process on any land comprised in a site which was used for such deposit, on the appointed day, whether or not the superficial area or the height of the deposit is thereby extended.	Standard conditions 1 and 2.

COLUMN (1) *Description of Development*	COLUMN (2) Conditions
CLASS VIII. REPAIRS TO PRIVATE WAYS	
The carrying out of works required for the maintenance or improvement of private ways, being works carried out on land within the boundaries of the way.	
CLASS IX. REPAIRS TO SERVICES	
The carrying out of any works for the purpose of inspecting, repairing, or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of any land for that purpose.	
CLASS X. DEVELOPMENT BY LOCAL AUTHORITIES WHETHER OR NOT FUNCTIONS HAVE BEEN DELEGATED TO THEM UNDER PART III OF THE ACT	
1. The erection or construction and the maintenance, improvement or other alteration by a local authority of—	Standard condition 1.
(i) such small ancillary buildings, works and equipment as are required on land belonging to, or maintained by them for the purposes of any functions exercised by them on that land otherwise than as statutory undertakers;	
(ii) information kiosks, passenger shelters, public shelters and seats, public drinking fountains, horse-troughs, refuse bins or baskets, barriers for the control of persons waiting to enter public vehicles, and such similar structures or works as may be required in connection with the operation of any public service administered by them.	Standard condition 1.
2. The deposit by a local authority of waste material or refuse on any land comprised in a site which was used for that purpose on the appointed day.	

COLUMN (1) *Description of Development*	COLUMN (2) *Conditions*
3. The carrying on by a local authority of any works required for the maintenance or improvement of existing roads being works carried out on land outside but abutting on the boundary of the road.	
CLASS XI. DEVELOPMENT BY STATUTORY UNDERTAKERS	
A. *Transport Undertaking*	
Development required in connection with the movement of traffic by road and carried out by undertakers in, on, over or under the operational land of the undertaking except the construction of bridges and the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance of any bridge, or of any residential building, office, or building to be used for manufacturing or repairing work, which is not situate wholly within the interior of the operational land of the undertaking.	Standard conditions 1 and 2.
B. *Dock, Pier, Harbour or Water Transport Undertaking.*	
1. Development required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at the dock, pier, or harbour, or the movement of traffic by any railway forming part of the undertaking, and carried out by the undertakers, in, on, over or under the operational land of the undertaking *except* the construction or erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of bridges or other buildings (not being structures or erections required in connection with the handling of traffic).	Standard conditions 1 and 2.
2. The use of any land for the spreading of dredgings.	Standard conditions 1 and 2.

COLUMN (1) *Description of Development*	COLUMN (2) *Conditions*
C. *Gas Undertaking*	
Development required for the purpose of the undertaking of any of the following descriptions, that is to say: (i) the installation in a gas distribution system of gas valve governor houses not exceeding (except when constructed underground elsewhere than under a road) six hundred cubic feet in capacity; (ii) any other development carried out in, on, over or under operational land of the undertaking except— *(a)* the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings; *(b)* the installation of any plant or machinery, or structure or erections of the nature of plant or machinery, exceeding fifty feet in height, or capable, without addition, of being extended to a height exceeding fifty feet; *(c)* the replacement of any plant or machinery, or structures or erections of the nature of plant or machinery to a height exceeding fifty feet or the height of the plant, machinery, structure or erection so replaced whichever is the greater.	Standard conditions 1 and 2.
D. *Electricity Undertakings*	
Development required for the purposes of the undertaking of any of the following descriptions, that is to say: (i) the installation of service lines to individual consumers from an electric line and the erection, maintenance, improvement or other	Standard conditions 1 and 2.

COLUMN (1) *Description of Development*	COLUMN (2) *Conditions*
alteration of lamp standards; (ii) any other development carried out on, in, or under the operational land of the undertaking except— *(a)* the erection, or the reconstruction so as materially to affect the design or external appearance thereof, of buildings; or *(b)* the installation or erection, by way of addition or replacement, of any plant or machinery, or structures or erections of the nature of the plant or machinery, exceeding fifty feet in height or the height of the plant, machinery, structure or erection so replaced, which ever is the greater.	
E. *Water and Sewerage Undertakings* Development required for the purposes of the undertaking of any of the following descriptions, that is to say: (i) the construction of water pipelines of eight inches diameter or less, booster stations and associated appurtenances; (ii) the installation of service lines from water mains to consumers; (iii) the construction of house sewer connections i.e. connections from the street sewer to the boundary of the property; (iv) the construction of domestic sewer connections i.e. connections of the sewer from the boundary of the property to the domestic plumbing; (v) the construction of laterals either on streets or in rights-of-way to collect sewer from buildings which	Standard conditions 1 and 2.

COLUMN (1) *Description of Development*	COLUMN (2) *Conditions*
cannot be connected to existing street sewers; (vi) the construction of laterals of eight inches to twelve inches as well as manholes and associated structures to serve existing streets; (vii) the construction of small sewer lift stations or ejector stations constructed with (vi).	
CLASS XII. DEVELOPMENT OF MINERAL UNDERTAKERS	
1. Where mining operations have been carried out in any land at any time before the appointed day, the continuance of such mining operations in adjoining land (where they form a continuous operation in relation to the land first mentioned) for a period of four months from the appointed day* (or for such longer period not exceeding six months from the appointed day* as may be allowed in writing in any particular case by the Minister); and if during that period an application under Part III of the Act for permission to carry out those operations is made, the continuation of such operations until the application has been dealt with.	Standard conditions 1 and 2.
2. The erection, alteration or extension by mineral undertakers on land in or adjacent to and belonging to a quarry or mine comprised in their undertakings of any building, plant or machinery, or structure or erection in the nature of plant or machinery other than a stonecrusher which is required in connection with the winning or working of minerals, in pursuance of permission granted or deemed to be granted under Part III of the Act, or which is required in connection with the treatment or disposal of such minerals. However, permission shall be required for the erection, alteration or extension of a building but the Minister shall not refuse permission and shall not impose conditions upon the grant thereof, unless he is satisfied that it is expedient so to do on the ground that— *(a)* the erection, alteration or	

*The day this Act came into operation that is, 1st August 1969.

COLUMN (1) *Description of Development*	COLUMN (2) *Conditions*
extension of such building would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions can reasonably be imposed in order to avoid or reduce the injury; or *(b)* the proposed building or extension ought to be, and can reasonably be, sited elsewhere.	
3. The deposit of refuse or waste materials by, or by licence of, a mineral undertaker in excavations made by such undertaker and already lawfully used for that purpose provided that the height of such deposit does not exceed the level of the land adjoining any such excavation.	
CLASS XIII. USES OF AERODROME BUILDINGS	
The use of buildings on an aerodrome for purposes in connection with the air transport service or other flying activities of such aerodrome.	Standard conditions 1 and 2.

PART II

STANDARD CONDITIONS

1. This permission shall not authorise any development which involves the formation, laying out or material widening of a means of access to a road.

2. No development shall be carried out which creates an obstruction to the view of persons using any road used by vehicular traffic at or near any bend, corner, junction or intersection so as to be likely to cause danger to such persons.

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
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5. Consent shall be for a period not longer than five years.
6. Minister to appoint advisory panel.
7. Advertisements not to be exhibited on any tree, telephone pole, etc.
8. Display of existing advertisements and use of existing sites.
9. Other advertisements, etc., being displayed.
10. Standard conditions of display and removal.
11. Power to require application to be made for express consent.
12 Advertisements the display of which may be undertaken without express consent.
13. Power to exclude application of regulation 12.
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15. Minister may require removal of advertisement, etc.
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17. Register of applications.

FIRST SCHEDULE.
SECOND SCHEDULE.

[Subsidiary]

123/1969.

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS

made under section 21

Citation.

1. These Regulations may be cited as the Town and Country Planning (Control of Advertisements) Regulations*.

Interpretation.

2. In these Regulations—

"existing advertisement" means an advertisement being displayed in accordance with permission granted under the Advertisements Regulation Act or the repealed Restriction of Ribbon Development Ordinance†;

Ch. 35:53.

Ch. 16 No. 2. (1950 Ed.).

"existing site" means a site used for the display of an existing advertisement.

Extent and application.

3. These Regulations shall apply to the display on any land of all advertisements including, subject to regulation 8, existing advertisements, but shall not apply to any advertisement—

(a) displayed within a building;

(b) incorporated in and forming part of the fabric of a building, other than a building used principally for the display of such advertisements or a hoarding or similar structure;

(c) displayed in or on any vehicle; or

(d) carried by any person.

Minister's consent required for the display of advertisements.

4. (1) Subject to regulations 12 and 14, no advertisement shall be displayed without the express consent of the Minister who may attach conditions to the consent.

Form 1. First Schedule.

(2) Applications for the consent shall be made in triplicate on the form specified as Form 1 in the First Schedule.

(3) Consent shall be deemed to be granted for any advertisement displayed in accordance with a provision of these

*Validated—*See* section 40 of the Act.

†Repealed by the Act.

Regulations whereby advertisements of that description may be displayed without express consent; and where the display of the advertisements is allowed subject to the power of the Minister under regulation 11 to require application for express consent to be made, the consent so deemed to be granted shall be limited until such application is determined, or, if no application is made within the period allowed for that purpose, until the expiry of that period.

(4) Consent and refusal of the Minister shall be in the forms set out as Form 2 and Form 3 respectively in the First Schedule.

Form 2.
Form 3.
First Schedule.

5. (1) Every grant of express consent shall be for a period not longer than five years.

Consent shall be for a period not longer than five years.

(2) At any time within six months prior to the expiration of the consent, application may be made for the renewal thereof.

(3) Applications for renewal shall be subject to the same conditions as applications for express consent.

6. (1) The Minister may appoint an advisory panel consisting of not more than five members to assist him with respect to the granting of consent for the display of advertisements.

Minister to appoint advisory panel.

(2) Members of the advisory panel shall be paid such remuneration as may be fixed by the Minister.

7. No advertisement other than those specified in regulation 14, shall be displayed on any tree, telephone pole, telegraph pole, lamp post or fence, so as to be visible from any road, footpath or other public place.

Advertisements not to be exhibited on any tree, telephone pole, etc.

8. (1) Subject to subregulation (2), the display of existing advertisements or the use of existing sites shall continue until the expiration of the period for which permission to display the advertisements or to use the sites was granted, unless removal or discontinuance is required under any provision of the Act or of these Regulations.

Display of existing advertisements and use of existing sites.

(2) Any existing advertisement being displayed or any existing site being used on the appointed day* shall be exempt from the provisions of these Regulations for a period of one year therefrom.

Other advertisements, etc., being displayed.

9. Any advertisement, not being an existing advertisement, being displayed on the appointed day* and the use of any site for the display of such advertisement shall be discontinued within six months therefrom unless the Minister gives his express consent under regulation 4 for retention of the advertisement on the site.

Standard conditions of display and removal.

Second Schedule.

10. Without prejudice to the power of the Minister to impose conditions upon the grant of express consent, the display or removal of any advertisement shall be subject to the standard conditions as set out in the Second Schedule.

Power to require application to be made for express consent.

11. (1) Subject to these Regulations where it appears expedient to the Minister to do so, he may serve on any person displaying an advertisement with consent deemed to be granted, other than an advertisement of a description specified in regulation 14, a notice requiring application for express consent for the continuance of such display to be made within the time (not being less than twenty-eight days) specified in the notice.

(2) A notice under this regulation may be served in respect of the use of land for the display of advertisements as mentioned above and in that event it shall not be necessary to specify any advertisement displayed thereon.

(3) The provisions of these Regulations relating to applications for express consent shall apply to the submission and determination of applications made in pursuance of a notice served under this regulation.

(4) A notice served under this regulation shall contain a full statement of the reasons why the Minister thinks it expedient in the interests of amenity or public safety to serve that notice.

*The day this Act came into operation that is, 1st August 1969.

Advertisements the display of which may be undertaken without express consent.

12. (1) Advertisements of the following classes may be displayed without express consent, subject to the provisions of this regulation and to the power of the Minister under regulation 11 or 13.

CLASS I

FUNCTIONAL ADVERTISEMENTS OF LOCAL AUTHORITIES, STATUTORY UNDERTAKERS AND PUBLIC TRANSPORT UNDERTAKERS

Advertisements displayed wholly for the purposes of announcement or direction in relation to any of the functions of a local authority or to the operation of a statutory undertaking or of a public transport undertaking engaging in the carriage of passengers in a manner similar to that of a statutory transport undertaking; being advertisements which are reasonably required to be displayed in the manner in which they are displayed in order to secure the safe or efficient performance of those functions, or operation of that undertaking, and which cannot be displayed as such, or in such a manner, under the provisions of this regulation relating to advertisements of any other of the specified classes.

CLASS II

MISCELLANEOUS ADVERTISEMENTS RELATING TO PREMISES ON WHICH THEY ARE DISPLAYED

(a) Advertisements for the purpose of identification, direction or warning with respect to the land or buildings on which they are displayed, and not exceeding four square feet in area in the case of any such advertisement.

(b) Advertisements relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement is displayed, limited to one advertisement, not exceeding three square feet in area, in respect of each such person,

partnership or company, or, in the case of premises with entrances on different road frontages, one such advertisement at each of two such entrances.

(c) Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, or to any hotel, inn or public house, club, boarding house or hostel situate on the land on which any such advertisement is displayed: limited to one advertisement, not exceeding twelve square feet in area, in respect of each such premises or, in the case of premises with entrances on different road frontages, two such advertisements displayed on different road frontages, of the premises.

CLASS III

CERTAIN ADVERTISEMENTS OF A TEMPORARY NATURE

(a) Advertisements relating to the sale or letting of the land on which they are displayed; limited, in respect of each such sale or letting, to one advertisement consisting of a board (whether or not attached to a building) not exceeding twenty square feet in area, or of two conjoined boards, together not exceeding twenty-four square feet in area; no such advertisement, when displayed on a building, to project further than three feet from the face of the building.

(b) Advertisements announcing a sale of goods or livestock, and displayed on the land where the goods or livestock are situated or where the sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding the sales; limited to one advertisement not exceeding twenty-four square feet in area at each place where the advertisements may be displayed.

(c) Advertisements relating to the carrying out of building or similar work on the land on which they are displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such work; limited to one advertisement not exceeding twenty square feet in area on each road frontage of the premises in respect of each contractor or sub-contractor, or firm of contractors or sub-contractors, carrying out the work.

(d) Advertisements announcing any local event of a religious, educational, cultural, political, social or recreational character and advertisements relating to any temporary matter in connection with an event or local activity of such a character, not in either case being an event or local activity promoted or carried on for commercial purposes limited to a display of advertisements occupying an area not exceeding a total of twenty square feet on any premises.

(e) Advertisements relating to any demonstration of agricultural methods or processes on the land on which they are displayed; limited, in respect of each such demonstration to a display of advertisements occupying an area not exceeding a total of twenty square feet, no one of which exceeds four square feet in area, the maximum period of display for any such advertisement to be two years.

CLASS IV

ADVERTISEMENTS ON BUSINESS PREMISES

Advertisements displayed on business premises wholly with reference to all or any of the following matters: the business or other activity carried on, the goods sold or services provided, and the name and qualifications of the person carrying on such business

or activity or supplying such goods or services, on those premises.

However, the space which may be occupied by such advertisements on any external face of a building shall not exceed one-twelfth of the overall area of that face up to a height of twelve feet from ground level; and the area occupied by any such advertisement, however affixed to a building shall be computed as if the said advertisement as a whole were displayed flat against the face of the building.

CLASS V

FLAG ADVERTISEMENTS

Any advertisement in the form of a flag which is attached to a single flagstaff fixed in an upright position on the roof of a building or within the curtilage of a building and which bears no inscription or emblem other than the name or device of a person or persons occupying the building.

(2) Consent deemed to be granted by virtue of these Regulations for the display of advertisements of the foregoing descriptions shall be subject to the following conditions in addition to the standard conditions:

(a) no such advertisements, other than an advertisement of Class I, shall contain letters, figures, symbols, emblems or devices of a height exceeding one foot;

(b) no such advertisement, other than an advertisement of Class I or Class V, shall be displayed so that the highest part of the advertisement is above fifteen feet from ground level;

(c) no such advertisement shall be illuminated except as follows:

(i) advertisements of Class I, illuminated in a manner reasonably required to achieve the purpose of the advertisement;

(ii) advertisements of Class II or Class IV for

the purpose of indicating that medical or similar services or supplies are available at the premises on which they are displayed, and illuminated in a manner reasonably required for that purpose;

(d) save as mentioned below, no advertisement of Class III relating to a sale or other matter which is due to start or take place on a specified date shall be displayed earlier than twenty-eight days before that date, and every advertisement of that Class shall be removed within fourteen days after the conclusion of the event or other matter to which it relates; but an advertisement of Class III relating to the carrying out on land of building or similar works may be displayed only while such works are in progress.

(3) In this regulation—

"business premises" means, save as mentioned below, any building normally used for the carrying on of any professional, commercial or industrial undertaking, or any building (other than an institution in respect of which advertisements of Class II*(c)* may be displayed) normally used for the provision therein of services to members of the public or of any association, and includes public restaurants, licensed premises and places of public entertainment, but in the case of any building used principally for residential purposes includes only that part of the building normally used as business premises;

"ground level" means, in relation to the display of advertisements on any building, the ground floor of that building;

"recreational" in relation to an institution shall not apply to an institution on the carrying on of sports, games of physical training primarily as a commercial undertaking.

(4) On the determination of an application for express consent made in respect of an advertisement of a specified class, whether in pursuance of a notice served under regulation 11 or

otherwise, the provisions of this regulation whereby advertisements may be displayed without express consent shall cease to apply with respect to that advertisement; and, in the event of refusal of consent, or of the grant of consent subject to conditions in the nature of restrictions as to the site on which, or the manner in which, the display may be undertaken, or both, the provisions of this regulation whereby the display of advertisements may be undertaken without express consent shall not apply to the subsequent display on the same land of any advertisement in contravention of that refusal or of these conditions, by, or on behalf of, the person whose application was so refused or granted subject to conditions.

(5) The conditions and limitations in this regulation apply only to the display without express consent of advertisements of the descriptions therein mentioned, and shall not restrict the powers of the Minister in regard to the determination of any application for express consent.

Power to exclude application of regulation 12.

13. (1) If the Minister is satisfied, whether upon representations made to him or otherwise, that the display of advertisements of a class or description specified in regulation 12 should not be undertaken in any particular area or in any particular case without express consent, he may direct that the provisions of that regulation shall not apply to the display of the advertisements in that area or in that case.

(2) Notice of any direction given by the Minister under this regulation with respect to an area shall be published in at least one daily newspaper and unless the Minister otherwise directs, on the same or a subsequent date in the *Gazette* and the notice shall contain a concise statement of the effect of the direction and name a place or places where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours.

(3) A direction given under this regulation with respect to an area shall come into force on the date specified in the notice relating thereto, being a date not less than fourteen, and not more than twenty-eight days after the first publication of the notice.

Election notices, statutory advertisements and traffic signs.

14. (1) The display of advertisements of the following descriptions may be undertaken without express consent:

(a) any advertisement relating specifically to a pending parliamentary or local government election, not being an advertisement to which sub-subregulation *(b)* applies;

(b) advertisements required to be displayed by any written law for the time being in force, or by Standing Orders of either House of Parliament, including (but without prejudice to the generality hereto) advertisements the display of which is so required as a condition of the valid exercise of any power, or proper performance of any function, given or imposed by a written law;

(c) advertisements in the nature of traffic signs employed wholly for the control, guidance or safety of traffic, and displayed in accordance with an authorisation given by the Ministry of Works or by the appropriate police authority.

(2) The display of advertisements of the descriptions set out in subregulation (1) shall be subject to the following conditions in addition to the standard conditions:

(a) an advertisement of the description specified in subregulation (1)*(a)* shall be removed within fourteen days after the close of the poll in the election to which the advertisement relates; and any other advertisement displayed for a temporary purpose in accordance with this regulation shall be removed as soon as may be after the expiry of the period during which the advertisement is required or authorised to be displayed, or, if no such period is specified, shall be removed within a reasonable time after the purpose for which the advertisement was required or authorised to be displayed is satisfied;

(b) where advertisements of the description specified in subregulation (1)*(b)* could, apart from this

regulation, be displayed as advertisements of a specified class, they shall conform with any provision of regulation 12 as respects size, number or height in relation to the display of advertisements of that class, and otherwise shall not exceed in those respects what may reasonably be considered necessary to achieve the purpose for which the display is required; without prejudice, however, to the express requirements in regard to size, number or height as aforesaid of any written law or Standing Orders under which the advertisements are displayed.

(3) With respect to the display of advertisements of the description specified in subregulation (1)*(a)* standard condition 1 shall not apply.

Minister may require removal of advertisement, etc.

15. Without prejudice to any penalty elsewhere prescribed, the Minister may require—

(a) the removal of any advertisement being displayed; or

(b) the discontinuance of the user of any site being used for the display of advertisements,

where the display or user is in contravention of any provision of these Regulations.

Penalty.

16. The penalty for the display of any advertisement in contravention of these Regulations shall be a fine of seven hundred and fifty dollars and in the case of a continuing offence a further fine of three hundred dollars a day after the first day during which the display is continued.

Register of applications.

17. (1) The Minister shall cause a register to be kept at the Town and Country Planning Division containing the following information in respect of all applications:

(a) the name and address of the applicant;

(b) a description of the site, in respect of which the application is made;

(c) brief particulars of the advertisement;

(d) the date and effect of any decision of the Minister in respect of the application;

(e) the date of any subsequent approval given in relation to the application.

(2) Within twenty-eight days of receipt of any application the information as specified in subregulation (1) relating thereto shall be entered in the register.

(3) The register shall include an index which may be in the form of a map.

Regulation 4(2).

FIRST SCHEDULE

FORM 1

TOWN AND COUNTRY PLANNING ACT

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS

Application for permission to display advertisements

To: THE MINISTER OF PLANNING AND DEVELOPMENT

I/We hereby apply for permission to display the advertisements described in this application.

Name .....
(State whether Mr. Mrs. or Miss) *(block letters)*

Address of Applicant .....
(block letters)

Postal Address .....

.....

Telephone No. .....

If submitted by agent on behalf of the applicant:

Name .....
(block letters)

Address of Agent .....
(block letters)

.....

Telephone No. .....
Locality in which advertisement is intended to be displayed .....
Description of advertisement .....
Dimensions of advertisement .....

SKETCH OF PROPOSED LOCATION OF ADVERTISEMENT

Date ....
Signature of Applicant/Agent

Regulation 4(4).

FORM 2

TOWN AND COUNTRY PLANNING ACT

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS

Application No. .....

MINISTRY OF PLANNING AND DEVELOPMENT

Notice of permission to display advertisement

TO:

Permission is hereby granted to you to display for a period of .... from ..... the advertisement described in
(date)
your application dated ..... and shown on the sketch submitted therewith.

2. Such display is subject to the conditions set out hereunder.

CONDITIONS

3. At the expiration of the period of display you shall be required to discontinue and remove the said advertisement.

4. In addition to the conditions set out above you are required to observe the standard conditions of display and remove.

STANDARD CONDITIONS

For the display of any advertisement.

Regard shall at all times be had to the interests of public safety, that is to say to the safety of persons who may use any road, railway, waterway (including any coastal waters) dock, harbour or airfield affected or likely to be affected by any display of advertisements and in particular consideration shall be given whether any such display is likely to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or navigational aid.

For the removal of any advertisement.

Removal shall be effected in a manner satisfactory to the Minister.

N.B.—Two copies of your application have been forwarded to the .... Council.

Date ....
Minister of Planning and Development

Regulation 4(4).

FORM 3

TOWN AND COUNTRY PLANNING ACT

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS

Application No. .....

MINISTRY OF PLANNING AND DEVELOPMENT

Notice of refusal of permission to display advertisement

TO:

You are hereby refused permission to display the advertisement set out in your application dated ..... and shown on the sketch submitted therewith for the reasons given below—

REASONS

N.B.—Two copies of your application have been forwarded to the .....
..... Council.

Date ....
Minister of Planning and Development

Regulation 10.

SECOND SCHEDULE

STANDARD CONDITIONS

For the display of any advertisement.

Regard shall at all times be had to the interests of public safety, that is to say to the safety of persons who may use any road, railway, waterway (including any coastal waters) dock, harbour or airfield affected or likely to be affected by any display of advertisements and in particular consideration shall be given whether any such display is likely to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or navigational aid.

For the removal of any advertisement.

Removal shall be effected in a manner satisfactory to the Minister.
