



TRINIDAD AND TOBAGO

No. 29—1960

[L.S.]

I ASSENT,

W. J. BOOS

Governor's Deputy

24th August, 1960.

AN ORDINANCE 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.

[1st September, 1960]

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Commence-
ment.
Enactment.

PRELIMINARY

Short title

1. This Ordinance may be cited as the Town and Country Planning Ordinance, 1960.

Interpretation

2. (1) In this Ordinance:—

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

“appointed day” means the day upon which this Ordinance comes into operation;

“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 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;

“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;

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

“development order” has the meaning assigned thereto by section 9;

- “development plan” has the meaning assigned to it by section 5 and includes a plan made under subsection (8) of that section;
- “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;
- “functions” includes powers and duties;
- “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 the City of Port-of-Spain, the council of the Borough of San Fernando, the council of the Borough of Arima, and the councils respectively of the Counties of St. George, St. David-St. Andrew, Nariva-Mayaro, Caroni, Victoria, St. Patrick and Tobago;
- “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;
- “Minister” means the member of the Cabinet charged with responsibility for town and country planning;
- “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 who 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 Ordinance 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;

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

“Territory” means Trinidad and Tobago;

“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.

(2) A reference in this Ordinance to a part, section or schedule shall, unless the contrary intention appears, be read as a reference to a part, section or schedule of this Ordinance; and a reference in this Ordinance to a sub-section, paragraph or sub-paragraph shall, unless the contrary intention appears, be read as a reference to a subsection, paragraph or sub-paragraph of the section, subsection, or paragraph, as the case may be, in which the reference occurs.

PART I

CENTRAL ADMINISTRATION

3. It shall be the duty of the Minister to secure consistency and continuity in the framing and execution of a comprehensive policy with respect to the use and development of all land in the Territory in accordance with a development plan for the Territory prepared in accordance with the provisions of Part II.

Duties of
Minister.

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

Advisory
Town Planning
Panel.

(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 Ordinance, advise the Minister on any matter within their knowledge or on which the Minister may seek their advice.

PART II

DEVELOPMENT PLANS

5. (1) As soon as may be practicable after the appointed day, the Minister shall carry out a survey of the whole of the Territory.

Preparation of
Development
Plans.

(2) Not later than four years after the appointed day, or within such extended period as the Legislative Council may allow the Minister shall submit for the approval of the Legislative Council a development plan consisting of a report of the survey together with a plan indicating the manner in which he proposes that land in the Territory may be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development may be carried out.

(3) A development plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate to different parts of the Territory; 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 sub-paragraph (i) of paragraph (c)), 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, or
- (b) for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the development 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 said 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.

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

6. (1) At least once in every five years after the date on which a development plan for any area is approved by the Legislative Council, the Minister shall carry out a fresh survey of that area, and submit to the Legislative Council 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.

Amendment of
Development
Plans.

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

(3) Where, under subsection (8) of section (5) a development plan is approved with respect to a part of the Territory, 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 the Territory have been approved by the Legislative Council subject to subsection (2) of this section.

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

Approval of
Development
Plans.

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 the Legislative Council, give to the council of any such local authority as aforesaid and to any such persons or bodies as aforesaid an opportunity to make objections or representations with respect thereto.

(2) Notice shall be published in the *Royal 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 such 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 the Legislative Council, take into consideration the objection or representation together with the report thereon 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 the Legislative Council shall be published in the *Royal Gazette* and in at least one daily newspaper and copies of any such plan or proposals as approved by the Legislative Council 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 the Legislative Council is published in the *Royal Gazette* or on such later date as the Legislative Council may determine.

PART III

CONTROL OF DEVELOPMENT OF LAND

8. (1) Subject to the provisions of this section and to the following provisions of this Ordinance permission shall be required under this Part for any development of land that is carried out after the appointed day. Provision for Development.

(2) In this Ordinance, 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 Ordinance 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 the provisions of any regulations made under the provisions of this Ordinance 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 provisions of 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 enactment passed before the passing of this Ordinance, or any regulations, orders or bye-laws made (whether before or after the passing of this Ordinance) under any such enactment, 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 laid before the Legislative Council immediately after it is made, and if, within the period of forty days after the order is so laid before it, the Legislative Council resolves that the order be annulled, the order shall thereupon cease to have effect, but without affecting the validity of anything previously done thereunder or to the making of a new order.

(6) In reckoning for the purpose of subsection (5) any such period of forty days, no account shall be taken of any time during which the Legislative Council is not in session.

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 subsections (1) and (2) of section 11 relating to the grant or refusal of permission to develop land.

Delegation
to Local
Authorities.

(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 Ordinance in respect of anything done by that council in the exercise of functions delegated to them as aforesaid.

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.

Application for
Planning
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 Ordinance 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 to, 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
Applications 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 subsections (1) and (2) of section 11 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.

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. Appeal to 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 such permission, shall be construed accordingly.

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

(3) Where permission is granted under this Part for 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.

15. (1) Subject to the provisions of 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.

Revocation
and Modifi-
cation of
Planning
Permission.

(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 aforesaid no compensation shall be paid under this section in respect of any work carried out before the grant of the permission that is revoked or modified, or 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 subsection (1) of section 26 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 may be, 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.

16. (1) If 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 such permission was granted in respect of any development have not been complied with, then the Minister may within four years of such 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 so to do having regard to the provisions of the development plan and to any other material considerations, serve on the owner and occupier of the land a notice under this section.

Enforcement of
Planning
Control.

(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 such permission as aforesaid or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require 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 aforesaid 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.

(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 such 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 paragraph (a) of subsection (6), the court may, if they think fit, direct that the enforcement notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as the court think fit.

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

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 deemed to be incurred or paid for the use and at the request of the person by whom the development was carried out.

(3) Where, by virtue of an enforcement notice, any use of land is required to be discontinued, or any conditions are required to be complied with in respect of any use of land or in respect of the carrying out of 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 shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars and, in case of a continuing offence, to a further fine not exceeding one hundred dollars for every day after the first day during which the use is so continued.

(4) Nothing in this Part shall be construed as requiring permission to be obtained thereunder for the use of any land for the purpose for which it could lawfully have been used under this Part if the development in respect of which an enforcement notice is served under section 16 had not been carried out.

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 shall be liable on summary conviction to a fine not exceeding five hundred dollars and, in case of a continuing offence, to a

Penalties for failure to comply with certain enforcement notices.

further fine not exceeding one hundred dollars for every day after the first day during which the requirements of the enforcement notice (other than the discontinuance of any use of land) remain unfulfilled.

(2) If a person against whom proceedings are brought under this section has at some time before the end of the period specified in the enforcement notice for compliance with the notice (or of such extended period as the 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, or
 - (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 subsections (1) and (2) of section 17 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 shall be liable on summary conviction to a fine not exceeding five hundred dollars.

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 Ordinance referred to as a "tree preservation order") with respect to any such tree, trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order—

Preservation
of trees and
Woodlands.

- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, 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 Ordinance 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.

(3) 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 Ordinance or so far as may be necessary for the prevention or abatement of a nuisance.

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

Control of
Advertisements.

21. (1) Subject to the provisions of this section, provision shall be made by regulations under this Ordinance 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 such 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 subsection (2) of section 22, 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 aforesaid; and
- (b) the continued use for the display of advertisements of any such site as aforesaid,

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 Ordinance, regulations or bye-laws, affecting the display of advertisements in force on the day when the said regulations made under this section come into operation, shall not apply to the display of advertisements in any area to which the said 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 Ordinance, 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.

Ch. 16. No. 2.
Ch. 30. No. 1.

(2) Where for the purpose of complying with any such regulations as aforesaid 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 or the Advertisements Regulation Ordinance 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 Ordinance, to recover from the Minister compensation in respect of any expenses reasonably incurred by him in that behalf.

(3) Without affecting any provisions included in regulations made under section 21 by virtue of paragraph (d) of subsection (1) of that section, if any person displays an advertisement in contravention of the provisions of the regulations, he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed by the regulations, not exceeding two hundred and fifty dollars and, in case of a continuing offence, to a further fine not exceeding one 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 subsections (3) to (7), inclusive, of section 16, and of sections 17, 18 and 19 shall, subject to such exceptions and modifications as may be prescribed by regulations under this Ordinance, apply as those provisions apply in relation to and enforcement notice served under section 16.

24. For the avoidance of doubt it is hereby declared that the provisions of this Part shall apply 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.

Application of Part to Development by Local Authorities.

PART IV

COMPENSATION FOR REFUSAL, OR CONDITIONAL GRANT OF, PLANNING PERMISSION

25. In this Part "planning decision" means—

Definition of "Planning decision".

- (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.

26. (1) If on a claim made to the Minister in the manner prescribed by regulations made under this Ordinance, 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

Compensation for Planning Decisions.

Ch. 27. No. 10. that person compensation (to be assessed in accordance with the provisions of the Land Acquisition Ordinance), of an amount equal to the difference.

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

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.

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.

No Compensation if other development permitted.

(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 paragraph (d) of subsection (1) of section 27.

(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 duly made in accordance with the provisions of this section.

(2) A claim for compensation under this Part shall not have effect unless it is made before the end of the period of six months beginning with the date of the planning decision to which it relates, but the 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 Ordinance.

Ch. 27. No. 10.

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 the provisions of section 29, the Minister may within one month after the date of the determination of such compensation and in lieu of paying the same, make an offer in writing to purchase the interest in land to which the claim for compensation relates and if the person entitled to that interest is unwilling to sell the same the Minister may forthwith acquire the interest compulsorily under and in accordance with the provisions of the Land Acquisition Ordinance, as an interest in land needed for public purposes within the meaning of that Ordinance.

Ch. 27. No. 10.

PART V

ACQUISITION AND DISPOSAL OF LAND FOR
PLANNING PURPOSES

31. (1) Where any land is designated under subsection (2) Acquisition of land. of section 5 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 Ordinance, as being land needed for public purposes within the meaning of that Ordinance. Ch. 27. No. 10.

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

32. (1) Any local authority may be authorised, by order Appropriation of land of Local Authorities. 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 charged with the administration of the subject of Local Government may direct.

33. The Minister may, by way of sale or lease, dispose of land Disposal 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

34. The first paragraph of rule (1) of the rules for the determination of compensation for the compulsory acquisition of land as set out in section 11 of the Land Acquisition Ordinance, is hereby repealed and the following paragraph is substituted therefor: Amendment of Land Acquisition Ordinance. Ch. 27. No. 10.

“(1) The value of the land shall, subject as hereinafter provided, be taken to be the amount which the land might have been expected to realise if, in the condition in which it was at the date of publication in

the *Royal Gazette* of the notice of appropriation under section 5, it had been sold in the open market by a willing seller at a date twelve months prior to the date of that publication;”

Powers of
Entry.

35. (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 as aforesaid;
- (d) any claim for compensation payable by the Minister under this Ordinance.

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

(3) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding one 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 shall, 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, be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding 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 so to do has been included in the notice required by subsection (2) of this section.

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

Service of notices.

(a) by delivering it to the person on whom it is to be served or to whom it is to be given; or

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

(c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in 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 paragraph (a), (b) or (c) of subsection (1); 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 pre-paid 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.

37. 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 Ordinance 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, shall be liable (on summary conviction) to a fine not exceeding fifty dollars.

Regulations
and orders.

38. (1) The Minister may make regulations—

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

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

(2) Any regulations made under this Ordinance shall be laid before the Legislative Council immediately after they are made, and if, within the period of forty days after the regulations are so laid before it, the Legislative Council resolves that the regulations be annulled, the regulations shall thereupon cease to have effect, but without affecting the validity of anything previously done thereunder or to the making of new regulations.

(3) In reckoning for the purpose of subsection (2) any such period of forty days, no account shall be taken of any time during which the Legislative Council is not in session.

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

(5) Any regulation made under this Ordinance may provide for the imposition of a fine not exceeding two hundred and fifty dollars for any contravention of, or failure to comply with, the provisions of such regulations.

39. For the avoidance of doubt it is hereby declared that the provisions of this Ordinance, 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 Ordinance, bye-law, order, rule or regulation in force at the passing of this Ordinance, for authorising or regulating any development of the land.

Application to
land regulated
by special
enactments.

40. (1) Subject to this section, where any works for the erection or alteration of a building have been begun but not completed before the appointed day, then if any permission required under the Restriction of Ribbon Development Ordinance 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 Ordinance in respect of the completion of these works.

Unfinished
buildings.

Ch. 16. No. 2.

(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 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.

Ch. 16. No. 2. Repeal
Ch. 37. No. 4.
Ch. 16. No. 2. **41.** The Town and Regional Planning Ordinance and the Restriction of Ribbon Development Ordinance are hereby repealed.

Commence-
ment. **42.** This Ordinance shall come into force on a day to be appointed by the Governor by proclamation published in the *Royal Gazette*.

FIRST SCHEDULE

(Section 4)

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 re-appointment.

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 such instrument such 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 such resignation shall take effect as from the date of the receipt of such 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 *Royal 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 the Legislative Council.

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)

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, that is to say—
 - (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. Sub-division 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 of this Schedule or for any other purposes referred to in this Schedule for which land may be allocated;

- (c) prescribing the character and type of public services or other works which shall be undertaken and completed by any applicant for permission to sub-divide as a condition of the grant of such permission.
 - (d) co-ordinating the sub-division of contiguous properties in order to give effect to any scheme of development appertaining to such properties.
3. Making any provisions necessary for—
- (a) adjusting and altering the boundaries and areas of any towns;
 - (b) enabling the establishment of satellite towns and new towns;
 - (c) effecting such exchanges of land or cancellation of existing sub-division plans as may be necessary or convenient for the purposes aforesaid.

Passed in Council this twenty-ninth day of July, in the year of Our Lord one thousand nine hundred and sixty.

G. R. LATOUR

Clerk of the Council.