

TOWN AND COUNTRY PLANNING ACT

Act 6 of 1954 – 30 April 1954

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TOWN AND COUNTRY PLANNING ACT

EDITORIAL NOTE: The Town and Country Planning Act 1990 (Act 2 of 1990) repealed the Town and Country Planning Act 1954 (Act 6 of 1954). Section 75 (14) and (15) of the Environment Protection Act 1991 (Act 34 of 1991) amended Acts 6 of 1954 and 2 of 1990. The Town and Country Planning Act 1995 (Act 26 of 1995) has repealed Acts 6 of 1954 and 2 of 1990. Acts 2 of 1990 and 26 of 1995 have not been brought into operation. Sections 75 (14) and 75 (15) of Act 34 of 1991 are also not in operation. The Planning and Development Act (Act 32 of 2004), which purports to repeal Act 6 of 1954, Act 2 of 1990 and Act 26 of 1995, is only partly in operation. Accordingly, as at 30 September 2007, the Statute Law governing the subject of town and country planning is as set out here – i.e. the original Act 6 of 1954 and Act 32 of 2004.

1. Short title

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

2. Interpretation

(1) In this Act—

“Board” means the Town and Country Planning Board established under section 3;

“building” has the same meaning as in the Local Government Act;

“building operations” includes any building or erectional operations, and the making of access roads, railways, water works, electrical installations, and any roadworks preliminary or incidental to the erection of buildings;

“committee” means a planning committee appointed under section 10;

“detailed scheme” means a scheme prepared under section 16;

“development works” has the same meaning as in the Local Government Act;

“division”, in relation to any land, means the division of the land into 2 or more parts, whether the division is by partition or otherwise;

“EIA licence” has the meaning assigned to it in the Environment Protection Act;

“existing building” means a building erected or constructed before the date of an Order declaring a planning area under section 6;

“fence” includes a hoarding or paling used as such, and a bank or wall;

“hedge” includes any tree, stump or shrub forming part of a hedge;

“land” includes land covered with water, rights to or over land, any interest in land, and any undivided share of land;

“local authority” means a Municipal City Council, a Municipal Town Council, a district council, and a body which the President may, by Order, declare to be a local authority for the purposes of this Act within the rural area specified in the Order, and where an area lies partly within the jurisdiction of one local authority and partly in that of another, includes the local authorities concerned acting jointly;

“outline scheme” means a scheme prepared under section 11;

“owner” includes joint owner, lessee, tenant for life, and any other person in actual possession of any land or building, or entitled to receive the rents of premises of any tenure or description and the agent or attorney of those persons or any of them, and any other person who has an interest in, or draws, the rents;

“preliminary environment report” has the meaning assigned to it in the Environment Protection Act;

“road”—

(a) means a road whether public or private; and

- (b) includes a street, square, Court, alley, lane, bridge, footway, trace, track, path, passage or highway, whether a thoroughfare or not;

“rural area” means an area not within the jurisdiction of a municipal council;

“scheme” means a scheme made under this Act;

“site”, in relation to a building, includes offices, outbuildings, yards, Courts or gardens occupied or intended to be occupied with the building;

“Tribunal” has the same meaning as in the Environment and Land Use Appeal Tribunal Act;

“undertaking” has the meaning assigned to it in the Environment Protection Act.

(2) For the purposes of this Act, the placing or keeping on any land of any shed, tent, caravan, or other object, whether fixed or movable or collapsable, which is not a building shall be a use of that land.

(3) Reference in this Act or any other enactment to a development permit shall be construed as reference to a Building and Land Use Permit under the Local Government Act 2011.

[S. 2 amended by Act 48 of 1991 w.e.f. 12 March 1992; s. 99 (12) (a) of Act 19 of 2002 w.e.f. 1 December 2003; s. 12 (a) of Act 21 of 2006 w.e.f. 1 October 2006; ss. 165 (23) (a) and (b) of Act 36 of 2011 w.e.f. 15 December 2011; s. 8 (5) (a) of Act 5 of 2012 w.e.f. 1 October 2012; s. 7 (4) (a) of Act 10 of 2018 w.e.f. 10 October 2018.]

3. Establishment of Board

(1) There is established a Town and Country Planning Board which shall consist of—

- (a) a Chairperson, who shall be a person not below the rank of Deputy Permanent Secretary, appointed by the Minister to whom responsibility for the subject of lands is assigned;
- (b) one member to be nominated by and to represent the Ministry responsible for the subject of lands;
- (c) one member to be nominated by and to represent the Prime Minister;
- (d) one member to be nominated by and to represent the Ministry responsible for the subject of finance;
- (e) one member to be nominated by and to represent the Ministry responsible for the subject of health;
- (f) one member to be nominated by and to represent the Ministry responsible for the subject of public infrastructure;
- (g) one member to be nominated by and to represent the Ministry responsible for the subject of local government;

- (h) one member to be nominated by and to represent the Ministry responsible for the subject of agriculture;
- (i) 3 other members to be appointed by the Minister, two of whom shall represent the interests of the local authorities and the other those of the general public;
- (j) one member to be nominated by and to represent the Association of Urban Authorities; and
- (k) 2 other members to be appointed by the Minister, one of whom shall represent the interests of the district councils and the other those of the general public.

(2) The Board shall be a body corporate.

(3) The Board shall continue in existence notwithstanding a vacancy and shall not be disqualified for the transaction of its business by reason only of the vacancy.

[S. 3 amended by Act 8 of 1999 w.e.f. 15 May 1999.]

4. Quorum

(1) (a) Four members of the Board shall constitute a quorum.

(b) In the absence of the Chairperson, the Board shall elect one of its members to act as Chairperson for that sitting.

(2) Questions arising at any meeting of the Board shall be decided by a majority of the votes of those present and, in the event of an equality of votes, the Chairperson shall have a second or casting vote.

[S. 4 amended by Act 8 of 1999 w.e.f. 15 May 1999.]

5. Officers

(1) The Board may, subject to the approval of the Minister, employ such officers as may be reasonably necessary for the purposes of this Act and on such terms and conditions of service as it may determine.

(2) All officers of the Board shall be deemed to be public officers within the meaning of the Criminal Code and the Public Officers' Protection Act.

5A. Finances of Board

(1) The Board shall establish a General Fund—

- (a) into which all monies received by the Board shall be paid; and
- (b) out of which all payments made by the Board shall be paid.

(2) The Board may charge to its General Fund—

- (a) the expenses, fees and allowances of its members;
- (b) the salaries, fees or other remuneration of the officers, agents and technical or other advisers of the Board;

- (c) advances made to officers of the Board for the purchase of motor vehicles on such terms and conditions as the Board may determine;
- (d) all costs, charges and expenses of, and incidental to, the exercise of its powers under this Act; and
- (e) any other expenditure authorised by the Board and properly chargeable to the General Fund.

(3) (a) All monies paid to the Board shall be paid by its Secretary into a bank approved by the Board.

(b) All orders or cheques against an account with a bank shall be signed by the Chairperson and countersigned by such other officer as the Board may appoint for that purpose.

[S. 5A amended by Act 8 of 1999 w.e.f. 15 May 1999.]

6. Declaration of planning areas

(1) (a) Where, in respect of any area, the Board is of the opinion that an outline scheme should be made in respect of that area, and makes representations to that effect to the President, the President may, after consultation with the local authority concerned, by Order declare that the area specified in the representations shall be a planning area.

(b) Any representations under paragraph (a) shall be accompanied by a plan of the area concerned.

(2) Any order made under this section shall come into operation on the day of its publication in the Gazette and shall cease to have effect if within 3 years from that date no outline scheme in respect of the planning area has been approved under section 14.

(3) A copy of every Order made under this section shall be posted at such conspicuous places within the planning area as the Board shall direct.

(4) Where an area has been declared a planning area under subsection (1), the value of any building or land in the area shall, for the purposes of determining the amount of compensation payable under this Act, be deemed to be the value of the building or land on the day 12 months immediately before the declaration, together with the value of any improvement and alteration carried out during those 12 months and subsequently approved by the Board.

[S. 6 amended by Act 48 of 1991 w.e.f. 12 March 1992.]

6A. Outline Planning Permission

(1) Subject to subsection (2), any person may, in respect of a project, apply to the local authority for an Outline Planning Permission in such form and manner as the local authority may determine.

(2) The application under subsection (1) shall—

- (a) be made in accordance with the guidelines issued by the local authority; and

- (b) be subject to the condition that the applicant shall, in his application for a Building and Land Use Permit, include precise particulars of the reserved matters.
- (3) The reserved matters referred to in subsection (2) (b) shall include—
 - (a) aspects of a building or place which affect the way it looks, including the exterior of the development works;
 - (b) accessibility to all routes leading to and within the site, as well as the way they link up to other roads and pathways outside the site;
 - (c) the improvement or protection of the amenities of the site and the area and the surrounding area, including, if any, planting trees or hedges as a screen;
 - (d) buildings, routes and open spaces within the development works and the way they are laid out in relation to buildings and spaces outside the development works;
 - (e) information on the size of the development works, including the height, width and length of each proposed building.
- (4) An Outline Planning Permission issued by a local authority shall—
 - (a) be valid for a period of 12 months; and
 - (b) not authorise the holder to start work on the land to which the application relates.
- (5) In this section—

“Outline Planning Permission” means a permission for development works sought from a local authority at an early stage and irrespective of whether a Building and Land Use Permit is to be granted or not and before any substantial costs are incurred in relation to the development works.

[S. 6A inserted by s. 24 of Act 1 of 2009 w.e.f. 1 January 2009; amended by s. 7 (4) (b) of Act 10 of 2018 w.e.f. 10 October 2018.]

7. Building and Land Use Permit

(1) Notwithstanding any other enactment, this section shall have effect in relation to any area which is the subject of an Order under section 6.

(2) A local authority shall, in dealing with an application for a Building and Land Use Permit under section 117 of the Local Government Act, have regard to the question whether the proposed development works are in any way likely to contravene an outline or detailed scheme being prepared in respect of the area concerned.

(3) (a) The Board may, *proprio motu*, where a Building and Land Use Permit under section 117 of the Local Government Act has been issued by a local authority, inquire into the facts of the case and, if it is satisfied that the issuing of the permit is contrary to any scheme that is being prepared, may, subject to the Minister’s approval, direct the local authority to cancel the permit.

(b) Any interested party may be represented at an inquiry under paragraph (a).

(4) Any person aggrieved by a decision of the Board under subsection (3) may appeal to the Tribunal in accordance with the Environment and Land Use Appeal Tribunal Act.

(5) The Board shall, for the purposes of this Act, issue guidelines relating to development works and planning.

(6) The guidelines referred to in subsection (5) shall be—

- (a) available for consultation at the office of the Board; and
- (b) posted on the website of the Ministry responsible for the subject of lands.

[S. 7 amended by s. 99 (12) (b) of Act 19 of 2002 w.e.f. 1 December 2003; s.12 (b) of Act 21 of 2006 w.e.f. 1 October 2006; s. 165 (23) (c) of Act 36 of 2011 w.e.f. 15 December 2011; s. 8 (5) (b) of Act 5 of 2012 w.e.f. 1 October 2012; repealed and replaced by s. 7 (4) (c) of Act 10 of 2018 w.e.f. 10 October 2018.]

8. —

[S. 8 amended by s. 12 (c) of Act 21 of 2006 w.e.f. 1 October 2006; s. 165 (23) (d) of Act 36 of 2011 w.e.f. 15 December 2011; repealed by s. 7 (4) (d) of Act 10 of 2018 w.e.f. 10 October 2018.]

9. Power of Board to delegate

The Board may, subject to the Minister's approval, delegate to the committee appointed under section 10 or to any other person all or any of the powers and duties conferred on it by this Act, and in so doing may impose on the committee or other person such conditions, exceptions and qualifications in the exercise of any powers delegated as the Board may determine.

10. Appointment of planning committees

(1) (a) Where an Order declaring a planning area has been published under section 6, the President may, on the recommendation of the Board and after consultation with the local authority concerned, appoint a planning committee for that planning area.

(b) The President may, under paragraph (a), appoint the local authority concerned as the committee.

(2) The committee shall furnish the Board with such particulars and information as the Board may require with regard to the present and future planning needs, and the probable direction and nature of the development, of its area.

[S. 10 amended by Act 48 of 1991 w.e.f. 12 March 1992.]

11. Preparation of an outline scheme

(1) The Board shall, in respect of an area declared a planning area under section 6, prepare, in consultation with the committee and subject to the Minister's approval, an outline scheme in respect of the area.

(2) A scheme prepared under subsection (1) shall make provision for the matters set out in the First Schedule, and may make provision for any of the matters set out in the Second Schedule.

(3) Every outline scheme shall specify and define clearly the area to which it relates, and shall include a plan in which shall be shown the extent of the scheme and such other matters as can conveniently be included.

12. Deposit of an outline scheme

(1) Where an outline scheme has been prepared, a copy of it shall be deposited in such place as the Board shall decide.

(2) Notice of deposit under subsection (1) shall be published by the Board in the Gazette and in 2 daily newspapers which shall be approved by the President.

(3) Any person may, within one month of the date of the notice of the deposit, inspect and make representations to the Board respecting the scheme.

[S. 12 amended by Act 48 of 1991 w.e.f. 23 December 1991; s. 68 of Act 11 of 2018 w.e.f. 9 August 2018.]

13. Submission of an outline scheme

(1) As soon as is convenient after the period referred to in section 12 (3), the Board shall consider any representations made under section 12 (3) and any other matters that may have come to its notice and shall, if it considers appropriate, amend the scheme.

(2) The Board, after considering the scheme under subsection (1), shall submit the scheme or, where the scheme has been amended, the amended scheme to the President for his approval.

(3) Any submission of a scheme under subsection (2) shall be accompanied by—

- (a) a copy of the original scheme, where it has been amended;
- (b) copies of any representations made under section 12 (3); and
- (c) any comments by the Board or any members of the Board in respect of the scheme or any representations made in respect of it.

[S. 13 amended by Act 48 of 1991 w.e.f. 23 December 1991.]

14. Approval of an outline scheme

(1) The President may, with or without modifications, approve an outline scheme submitted to him under section 13 (2).

(2) Where the President approves an outline scheme, the Board shall deposit the scheme with any modification made by the President in such places as it considers desirable, and shall by notice in the Gazette declare the scheme to be in force, and inform the public where it is available for inspection.

(3) As soon as a notice has been published under subsection (2), the scheme shall have full effect, and no authority shall pass or approve any plan for development works that contravene the scheme.

[S. 14 amended by Act 48 of 1991 w.e.f. 23 December 1991; s. 7 (4) (e) of Act 10 of 2018 w.e.f. 10 October 2018.]

15. Execution of an outline scheme

(1) Where an outline scheme has been brought into effect, the committee, subject to any directions given to it by the Minister on the advice of the Board, shall be the authority responsible for executing and enforcing the scheme.

(2) Where the committee is not the local authority, the local authority shall be responsible for passing all plans for development works to the same extent as it was responsible prior to the scheme coming into effect, but it shall act in respect of the enforcing of the execution of the scheme in accordance with any direction given to it by the committee.

[S. 15 amended by s. 7 (4) (f) of Act 10 of 2018 w.e.f. 10 October 2018.]

16. Detailed schemes

(1) (a) As soon as an outline scheme has been brought into effect, the committee may prepare, in respect of any part of the planning area, a detailed scheme, or may adopt with or without modification any detailed scheme proposed by the owner of any land within the area.

(b) A detailed scheme under paragraph (a) may make provision for any of the matters set out in the Second Schedule or, on the directions of the Board, any matter set out in the First Schedule.

(2) Where a detailed scheme has been prepared or adopted under subsection (1), the scheme shall be published, considered, approved and therein dealt with as if it were an outline scheme save that the functions and duties of the Board shall be carried out by the committee, and the functions and duties of the President shall be carried out by the Minister on the advice of the Board.

[S. 16 amended by Act 48 of 1991 w.e.f. 12 March 1992.]

17. —

18. Grant of compensation

Subject to this Act, any person—

- (a) whose property is injuriously affected by the coming into operation of an outline or detailed scheme or by the execution of any work under the scheme;
- (b) who, for the purpose of complying with any provision contained in such scheme or in making a claim under this Act relating to compensation, has incurred expenditure which is rendered abortive by a subsequent revocation or modification of the scheme; or

- (c) whose Building and Land Use Permit is cancelled under section 7 (3),

shall, where he makes a claim within the time limited for the purpose by this Act, be entitled to recover as compensation from the Board the amount by which his property is decreased in value, or, so far as it was reasonably incurred, the amount of the abortive expenditure, as the case may be.

[S. 18 amended by s. 7 (4) (g) of Act 10 of 2018 w.e.f. 10 October 2018.]

19. No compensation in certain cases

(1) No compensation shall be payable in respect of the refusal of a local authority to issue a Building and Land Use Permit.

(2) No compensation shall be payable in respect of a building the erection of which was begun after the date of the publication of the Order declaring a planning area under section 6, unless the erection was begun under, and erected in accordance with, the permission of the Board, or a committee in the exercise of powers delegated to it by the Board, or a local authority.

(3) No compensation shall be payable in respect of a condition imposed in respect of a Building and Land Use Permit.

(4) No compensation shall be payable in respect of any provision in the scheme which—

- (a) prescribes the locations of buildings, the extent of the yards, gardens and curtilage of buildings;
- (b) imposes any sanitary conditions in connection with buildings;
- (c) limits the number of buildings or the number of buildings of a specified class which may be constructed, erected on or made in or under any area;
- (d) restricts, within due limits, the erection of buildings along main roads in any area;
- (e) prohibits or regulates the subdivision of land;
- (f) regulates or empowers any person to regulate the size, height, spacing, design, colour and materials of buildings;
- (g) controls, restricts or prohibits the objects which may be affixed to buildings;
- (h) prohibits or restricts building operations permanently on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health or excessive expenditure or public money in the provision of roads, sewers, water supply or other public services;
- (i) prohibits, otherwise than by way of prohibition of building operations, the use of land for a purpose likely to involve danger or injury to health, or detriment to the neighbourhood, or restricts, otherwise than by way of restriction of building operations, the use of land so far as may be necessary for preventing such danger, injury or detriment;

- (j) restricts the purposes for, and the manner in which, land or buildings may be used or occupied, or reserves or allocates any particular land or all land in any particular area for buildings of a specified class or classes or to be used for a specified purpose;
- (k) in the interests of safety, regulates or empowers any person to regulate the height and position of proposed walls, fences or hedges near the corners or bends of roads;
- (l) limits the number, or prescribes the sites, of new roads entering a road or the site of a proposed road;
- (m) fixes, in relation to a road or intended road, a line beyond which no building in that road or intended road may project unless, within the 2 years immediately preceding the publication of an Order under section 6 declaring the planning area within which the scheme lies, the land was or formed part of the site of a building;
- (n) in the case of the erection of a building intended to be used for purposes of business or industry, requires the provision of accommodation for parking, loading, unloading or fuelling vehicles, with a view to preventing obstruction of traffic on a road;
- (o) prohibits, restricts or controls, either generally or in particular places, the exhibition, whether on the ground, on a building or a temporary erection of all or any particular forms of advertisements or other public notices; or
- (p) prevents, remedies or removes injury to amenities arising from the ruinous or neglected condition of a building or by the objectionable or neglected condition of any land attached to a building or abutting on a road or situate in a residential area.

(5) (a) Where any provision of a scheme is revoked or modified by a later scheme, no compensation shall be payable in respect of any property on the ground that it has been injuriously affected by any provision contained in the later scheme if, and in so far as, that later provision is the same, or substantially the same, as the revoked or modified provision.

(b) Where at the date the revocation or modification of that earlier provision becomes operative—

- (i) there is still outstanding a claim for compensation duly made under it; or
- (ii) the time originally limited for making such a claim has not expired,

any such outstanding claim and any such claim made within the time so limited shall be entertained and determined, and may be enforced, in the same manner in all respects as if all the provisions of the earlier scheme had continued in operation, unless the claim is in respect of a restriction removed by the later scheme.

(6) Nothing in subsection (4) shall preclude an owner from claiming compensation for loss or injury arising from—

- (a) being prevented by the operation of a scheme from maintaining an existing building or from continuing to use the building for the purpose for which it was used on such date; or
- (b) where a permanent building, which was in existence at any time within 2 years immediately before the date of the publication of an Order declaring a planning area under section 6, has been demolished or been destroyed by fire or otherwise, being prevented by the operation of a scheme from erecting on the site of the demolished or destroyed building a new building which substantially replaces the demolished or destroyed building or from using the new building for the purpose for which the demolished or destroyed building was last used.

[S. 19 amended by s. 7 (4) (h) of Act 10 of 2018 w.e.f. 10 October 2018.]

20. Claims for compensation

(1) A claim for compensation shall be made by serving upon the Board a notice in writing stating the grounds of the claim and the amount claimed.

(2) Subject to subsection (3), no claim for compensation shall be entertained unless written notice has been served on the Board—

- (a) within 6 months after the date on which the provision giving rise to the claim came into operation or within such longer period as may be specified in the scheme; or
- (b) in respect of expenditure rendered abortive by the revocation or modification of a scheme, within 6 months after the date on which the revocation or modification of the scheme became operative.

(3) Where it is alleged that property has been injuriously affected by the execution of any work, the period within which a claim in respect of that injury may be made shall be 3 years after completion of the work.

21. Determination of claims

(1) A dispute arising under this Act as to—

- (a) the right of a claimant to recover compensation; or
- (b) the amount and manner of payment of any compensation recoverable,

shall, upon the application of any party concerned, be heard and determined by the Supreme Court.

(2) A dispute referred to the Supreme Court under subsection (1) shall be by way of a suit by or against the Board.

(3) (a) The procedure governing the lodging and hearing of claims under this section shall be prescribed by Rules of Court.

(b) The Supreme Court may make any order as to costs as it considers appropriate.

22. Areas not declared planning areas

(1) Notwithstanding this Act, where in respect of any area, the Board, either *proprio motu* or on representations made to it by a local authority, considers that its development should be planned but that the area is not suitable for declaration as a planning area under section 6, the Board may recommend to the President that a special committee be appointed for submitting to the Board for its approval a planning scheme in respect of the area.

(2) The Board may approve, disapprove or vary any scheme submitted to it under subsection (1).

(3) (a) The Board and the local authority, in respect of any scheme approved or varied under subsection (2), shall, in the exercise of their powers under any law relating to land, development works, building, road construction, public health or similar matters, give it effect under the law under which they purport to act.

(b) This Act shall not apply to a scheme under this section.

(4) The Board, after consultation with the local authority, may modify a planning scheme approved or varied by the Board under subsection (2) and the modified scheme shall be given effect under subsection (3).

[S. 22 amended by Act 48 of 1991 w.e.f. 12 March 1992; s. 7 (4) (i) of Act 10 of 2018 w.e.f. 10 October 2018.]

23. —

24. Revocation or modification of a scheme

(1) The Board may apply to the President for the revocation or modification of a scheme which has been approved under section 14.

(2) A committee may apply to the Board for the revocation or modification of a detailed scheme which has been approved under section 16.

(3) An outline or detailed scheme may be modified on satisfactory grounds or on account of—

- (a) the amount of the compensation which has been awarded or is likely to be awarded in respect of provisions contained in the scheme;
- (b) practical difficulties in the execution or enforcement of the scheme;
- (c) events which have occurred since the making of the scheme; or
- (d) errors or omissions contained in the scheme.

(4) Where an application has been made under subsection (1) or (2), the President or the Board, as the case may be, may revoke or modify the scheme or refuse the application.

(5) (a) Where a scheme is revoked or modified under this section, the Board or the committee shall, within one month of the date of the modification or revocation, give notice to the owner of any property affected, and

any compensation already awarded under section 21 shall, upon payment by the Board of any costs awarded under the same section to the owner, be discharged.

(b) A discharge under paragraph (a) shall be subject to section 19 (4) but without prejudice to the right of the owner to make a further claim for compensation in respect of a later scheme.

[S. 24 amended by Act 48 of 1991 w.e.f. 12 March 1992.]

25. Appeals

(1) A person aggrieved by a decision of a committee that a building or work contravenes an outline or detailed scheme may, within 21 days of receipt of the decision, apply to the Board for the decision of the committee to be set aside or modified.

(2) On receipt of an application under subsection (1), the Board, subject to the Minister's approval, may, after hearing a representative of the committee and the person aggrieved, confirm, reverse or modify the decision of the committee.

(3) A person aggrieved by a decision of the Board made under subsection (2) may, appeal against the decision to the Tribunal.

(4) —

[S. 25 amended by Act 29 of 1992 w.e.f. 21 September 1992; s. 8 (5) (c) of Act 5 of 2012 w.e.f. 1 October 2012.]

26. Obligation to give information to Board

(1) The Board or the committee may, for any purpose arising in relation to the making, enforcement or carrying out of a scheme, by notice in writing require the owner of any land or building in the area to which the scheme relates or is intended to relate, to state in writing and deliver or forward by registered post to the Board within 3 months of the date of the notice, particulars of his interest in or right over or in respect of the land or building, and the name and address, and the interest or right (so far as they are known to him) of every person who to his knowledge has any interest in or right over or in respect of the land or building.

(2) Any person required to make and deliver or forward a statement under this section who wilfully makes and delivers or forwards any false statement, or fails or refuses to make and deliver or forward a statement shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees or to imprisonment for a term not exceeding 12 months.

27. Power of entry

(1) A person authorised in writing by the Board or a committee may, on production of the written authority, at any reasonable time enter any land for the purpose of examining or surveying it, for the purpose of deciding whether or not a scheme either outline or detailed should be made, and for the purpose of investigating whether or not the provisions of any such scheme are being carried out.

(2) Any person who wilfully obstructs or interferes with any person in the exercise by that person of any power vested in him by this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees or to imprisonment for a term not exceeding 6 months.

(3) Where a person authorised under subsection (1) causes damage to property in the course of his duties, the Board may appoint a person to value the damage, and compensation shall be payable to the person whose property has been damaged by the Board accordingly.

28. Penalty for contravention

Any person who wilfully contravenes a scheme shall, on conviction, be liable to a fine of not less than 50,000 rupees nor more than 100,000 rupees and to imprisonment for a term not exceeding 12 months, and in the case of a continuing offence, to a further fine of not less than 100 rupees nor more than 1,000 rupees for every day during which the offence continues.

[S. 28 amended by s. 165 (23) (e) of Act 36 of 2011 w.e.f. 15 December 2011; s. 7 (4) (j) of Act 10 of 2018 w.e.f. 10 October 2018.]

29. Service of notices

(1) Any notice, summons, writ or other process required to be served on the Board for the purposes of this Act may be served by sending it by registered post to the Chairperson of the Board.

(2) Subject to subsection (1), a document required or authorised to be served under this Act may be served by an usher of a District Court—

- (a) by delivering it to the person on whom it is to be served;
- (b) by leaving it at the usual or last known place of abode of that person;
- (c) in the case of a body corporate, by delivering it to the Secretary of the body corporate at its registered or principal office; or
- (d) where it is addressed in accordance with subsection (3) to the person on whom it is to be served by the description of “owner” or “lessee” or “occupier” of named premises to which it relates, by delivering it to some person on the premises or, where there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(3) A notice required by this Act to be served on the occupier, owner or lessee of any premises may, where it is not practicable after reasonable inquiry to ascertain the name and address of the person on whom it is to be served, be addressed by the description of the “occupier”, “owner” or “lessee” of the premises, which shall be named, without further name or description.

[S. 29 amended by Act 8 of 1999 w.e.f. 12 March 1992.]

30. Protection from personal liability

Nothing done by any officer of the Board or a committee shall, if done *bona fide* for the purpose of this Act, subject the officer or any person acting by his directions, personally to any action, liability, claim or demand.

31. Regulations

(1) The Minister may, on the advice of the Board, make regulations to provide for—

- (a) the determination and adjustments of the limits of plots or estates within areas;
- (b) the procedure generally in connection with the Board and schemes, and in particular for—
 - (i) the submission of claims for compensation; and
 - (ii) permission to develop an area and to carry out building operations between the date of the publication of an Order declaring a planning area under section 6 and the coming into operation of the scheme for that area;
- (c) the preparation, deposit, publication and submission of schemes;
- (d) the fees to be charged for the examination and approval of schemes;
- (e) the grant and exercise of all necessary powers in connection with schemes and the preparation of schemes;
- (f) the procedure in respect of appeals to the Board;
- (g) the further, better or more convenient carrying out of the provisions and purposes of schemes or of any particular scheme;
- (h) the modification and revocation of schemes; and
- (i) obtaining without charge information which may be required for the purposes of or in connection with, the preparation or making or carrying into effect of schemes by inspection of or obtaining copies from assessment rolls, valuation rolls, rate books and other similar documents.

(2) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees or to imprisonment for a term not exceeding one month, and in the case of a continuing offence, to a further penalty not exceeding 10 rupees for each day after written notice of the offence has been served on the offender.

FIRST SCHEDULE

[Sections 11 and 16]

OUTLINE SCHEME

PART I – ROADS

1. Providing for the reservation of land for roads, the construction of new roads, improvement of existing roads, establishment of public rights of way.
2. Providing for the closing or diversion of existing roads and public and private rights of way and traces.
3. Restricting and controlling the construction of new roads and the alteration of existing roads, whether by the Board or owners.
4. Providing for and generally regulating the construction or execution whether by the Board, or by owners, of works incidental to the making or improvement of any road, including the erection of shelters, provision of seats, 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—
 - (a) the size, height, spacing and building line of buildings;
 - (b) the objects which may be affixed to buildings;
 - (c) the location of buildings, the extent of yards, gardens and curtilage of 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 of them in separate tenements; and
 - (e) the prohibition of building operations on any land, or regulating such operations.
2. Regulating and controlling or enabling the Board to regulate and control the design, external appearance, and materials of buildings and fences.
3. Reserving or 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 buildings or any particular class or classes of buildings on any specified land.
4. Reserving or allocating any particular land or all land in any particular area for the purpose of any industrial or trade purpose or for any specified undertaking.
5. 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.
6. Providing for the removal, demolition or alteration of buildings or works which are inconsistent with or obstruct the operation of a scheme.
7. Providing for the reservation of sites for places of religious worship, educational, medical and public buildings and for places required for public services.
8. Providing for the reservation of sites for housing schemes.
9. Providing for slum clearance in specified areas.

PART III – AMENITIES

1. Providing for the reservation of lands as open spaces, whether public or private, and for crematoria and burial grounds.
2. 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.

PART IV – PUBLIC UTILITY SERVICES

Facilitating the construction of works in relation to lighting, water supply, sewerage, drainage, sewage disposal and refuse disposal or other public utility services.

PART V – TRANSPORT AND COMMUNICATION

1. Facilitating the establishment, extension or improvement of systems of transport whether by land, sea or air.
2. Allocating sites for use in relation to transport and providing for the reservation of land for that purpose.
3. Providing for the establishment, extension and improvement of telegraphic, telephonic or wireless communication, allocating sites for use in relation to such communication and providing for the reservation of land for that purpose.

PART VI – MISCELLANEOUS

1. Declaring the person by whom, and the manner in which, the cost of the execution of works (whether of construction, demolition, removal or alteration) in pursuance of the scheme are to be borne in the event of the owner of land within the area of a scheme being unwilling or unable to bear the cost of the execution of such works.
2. Subject to this Act, declaring the notices to be served for the purposes of the scheme by the Board and the person on whom, the manner in which, and the times at or within which, such notices are to be served.
3. Subject to this Act, declaring the manner in which, and the times at or within which, notice for the purposes of the scheme may be served on the Board by other persons.
4. Providing for and regulating the making of agreements for the purpose of a scheme by the Board with owners and other persons and by such persons with one another.
5. Dealing with the use or disposal of land acquired under this Act.
6. Prohibiting the subdivision of land until a plan showing the subdivision and proposed access to the land has been approved.
7. Providing for and regulating the construction, alteration, removal and use of railways, pipe lines, telegraph and telephone lines, electric current transmission lines, drainage or irrigation channels, aerial cable ways and their ancillary structures.
8. Preventing the pollution of streams, water courses, rivers, wells, lagoons, lakes and harbours.

9. Works ancillary to or consequent on a scheme.

10. Any other matter, not mentioned elsewhere in this Schedule, incidental to a scheme or its administration.

The mention of particular matters in this Schedule shall not prejudice or affect the generality of any other matter.

SECOND SCHEDULE

[Sections 11 and 16]

DETAILED SCHEMES

PART I – ROADS

1. Providing for the reservation of land for roads, the construction of new roads, improvement of existing roads, establishment of public rights of way.
2. Providing for the closing or diversion of existing roads and public and private rights of way and traces.
3. Restricting and controlling the construction of new roads and the alteration of existing roads whether by the Board or owners.
4. Regulating the line, width, level, construction and general dimensions and character of roads whether new or existing.
5. Enabling the Board to require an owner of land as a condition of his developing such land in any manner—
 - (a) to reserve land for such roads as it thinks necessary; or
 - (b) to contribute to the cost of the construction of new roads or the improvement of existing roads by the Board.
6. Providing for and generally regulating the construction or execution whether by the Board or by owners of work incidental to the making or improvement of any road, including the erection of shelters, provision of seats, planting or protecting of grass, trees, and shrubs on or adjoining such road.

PART II – BUILDINGS AND OTHER STRUCTURES

1. Limiting the number of buildings or the number of buildings of specified class which may be constructed, erected or made on, in or under any area.
2. Restricting, within due limits, the erection of buildings along main roads throughout the area.
3. Providing for the reservation of sites for places of religious worship, educational, medical and public buildings and for places required for public services.
4. Providing for the reservation of sites for housing schemes.

PART III – AMENITIES

1. Providing for the reservation of lands as open spaces, whether public or private, and for crematoria and burial grounds.
2. Providing for the preservation of views and prospects and of the amenities of places and features of natural beauty or interest.

3. Providing for the preservation of buildings and objects of artistic, architectural, archaeological or historical interest.
4. Providing for the preservation or protection of soil, forests, woods, trees, shrubs, plants and flowers.
5. Prohibiting, restricting or controlling either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection of all or any particular forms of advertisement or other public notices.
6. The prohibition, regulation and control of the deposit or disposal of liquids, materials and refuse.

PART IV – MISCELLANEOUS

1. Prohibiting the subdivision of land until a plan showing the subdivision and proposed access to the land has been approved.
2. Making any provision necessary for—
 - (a) adjusting and altering the boundaries and areas of any lands, roads, rights of way or traces;
 - (b) effecting such exchanges of land or cancellation of existing subdivisions as may be necessary or convenient for the purposes of subparagraph (a).
3. Providing for and regulating the construction, alteration, removal and use of railways, pipe lines, telegraph and telephone lines, electric current transmission lines, drainage, or irrigation channels, aerial cable ways and their ancillary structures.
4. Works ancillary to or consequent on a scheme.
5. Any other matter, not mentioned elsewhere in this Schedule, necessary or incidental to a scheme or its administration.

The mention of particular matters in this Schedule shall not prejudice or affect the generality of any other matter.
