

1990

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CHAPTER 251

TOWN AND COUNTRY PLANNING ACT

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AN ACT to enable the orderly and progressive development of land and the proper planning of town and country areas, to make provision for the control of development, and for matters incidental thereto and connected therewith.

Commencement: 12th October 1976
S. R. O. 47 of 1976

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

Interpretation. 2. (1) In this Act, unless the context otherwise requires —
“Board” means the Physical Planning and Development Board established under section 3;
“building” means any, or any part of, a structure built or erected on, over or under land, and includes the land on, over or under which the structure is built or erected;
“chairman” includes the deputy chairman
“development” includes all building, demolition and mining work, and, subject to subsection (2), the sub-division of land, the display of an advertisement, and any change of use;
“Minister” means the Minister for the time being responsible for matters relating to town and country planning.
(2) In the definition of “development” in subsection (1) —
“advertisement” means any sign, placard, board, notice, hoarding, word, letter, model or device, displayed on or outside any building or on land and used, or adapted or intended for use, for the purpose of advertising to the public and situated in or within sight of any public place;
“change of use” means any use of a building or land for a purpose different from the purpose for which that building or land was previously used;
“sub-division” means the division of any building or piece of land into two or more parts for the purpose of sale, transfer, lease, the creation of a trust or any other transaction whether or not similar to the foregoing.

Physical Planning and Development Board

3. (1) There is hereby established the Physical Planning and Development Board which shall consist of the following members —
(a) the Director of Planning;
(b) the Manager, Development Corporation;
(c) the Chief Engineer;
(d) the Chief Agricultural Officer;
(e) the Chief Surveyor;
(f) the Public Health Superintendent;

(g) the General Manager of the Housing and Land Development Corporation;
(h) the Manager of the Central Water and Sewerage Authority; and
(i) three persons, not in the public service, appointed by the Governor-General.

(2) The Governor-General shall, by instrument in writing, appoint a chairman and a deputy chairman of the Board from amongst the members, and the deputy chairman shall, in the absence for any reason of the chairman, perform the functions of the chairman.

(3) A person appointed under subsection (1) (i) shall serve on the Board for such period, not exceeding two years, as may be specified in the instrument of his appointment, but shall be eligible for reappointment upon the expiry of his period of office by effluxion of time.

(4) Every appointment made under subsections (1) and (2) shall be notified in the Gazette.

(5) The Director of Planning shall be the secretary and he shall be the highest executive officer thereof.

(6) In the event of the temporary incapacity of a member, whether by reason of illness or other sufficient cause, and the temporary absence from Saint Vincent and the Grenadines of any member, the Governor-General may appoint some other person to act as a temporary member for so long as the incapacity or absence continues.

(7) For the removal of doubt it is hereby declared that the Board may sue and be sued in its own name, and no suit, prosecution or other proceeding by the Board shall be liable to be questioned on the ground of competence of the Board to act in its name.

4. (1) The Board shall meet at such times as may be necessary for the transaction of business.

(2) The chairman shall convene a special meeting of the Board within seven days of receipt of a requisition for that purpose addressed to him in writing signed by any two members of the Board, and on any other occasion when he is directed in writing by the Governor-General so to do.

(3) The chairman shall preside at meetings of the Board.

(4) The chairman and two other members shall form a quorum:

Provided that, where any member is disqualified by virtue of section 5 from taking part in any deliberation or decision at any meeting of the Board, that fact shall be disregarded for the

Meetings of the Board and procedure.

purpose of constituting a quorum for such deliberation or decision.

(5) The decision of the Board with regard to any question shall be determined by vote of the majority of the members present and voting at a meeting of the Board, and in the event of equality of votes the chairman shall, in addition to his own vote, have a casting vote.

(6) Minutes of the proceedings at every meeting of the Board shall be kept in such manner as the Board shall determine, and shall be confirmed by the signature of the chairman at the next subsequent meeting after they have been recorded.

(7) Subject to the foregoing provisions of this section the Board may regulate its own proceedings.

Disclosure of interest, etc.

5. Every member of the Board who is, or becomes, aware that, in any respect, whether directly or indirectly, he has an interest in any matter before the Board shall declare his interest therein at the first practicable opportunity before or, as the case may be, during the meeting of the Board at which such matter is discussed, and in any event after becoming so aware of his interest he shall be disqualified from taking part in any discussion concerning, and from voting in respect of, such matter.

Protection of Board and members.

6. (1) The validity of anything done under this Act shall not be affected solely by reason of —

- (a) the existence of any vacancy in the membership, or any defect in the constitution, of the Board;
- (b) an omission or irregularity in respect of a meeting or any proceedings of the Board under section 4; or
- (c) the contravention by a member of the provisions of section 5.

(2) No civil proceedings shall lie or be instituted against any member of the Board, and in the event of such proceedings against the Board no member thereof shall be held to be personally liable in respect of any act or omission occurring in good faith in pursuance, or purported pursuance, of any of the provisions of this Act.

Functions of the Board.

7. (1) The functions of the Board shall be —

- (a) to institute and maintain a study of town and country development;
- (b) to prepare, in accordance with sections 8 and 9, a national, regional and local plan for submission to Cabinet for approval and to keep the plans under review;

- (c) to prepare, in accordance with section 12, for submission to Cabinet such reports, as the Board or Cabinet may, from time to time, consider necessary or desirable to assist the proper planning of the use or development of land;
- (d) to ensure the orderly and progressive development of land and the proper planning of town and country areas;
- (e) to control development by such means as are provided by this Act;
- (f) to do all other things necessary for carrying out the purposes and provisions of this Act as may be authorised.

(2) The Board shall remain at all times responsible for the due and proper performance of its functions under this section, but subject to the foregoing the Board may, for the purposes of such performance as it thinks fit —

- (a) consult with or obtain advice from any other person;
- (b) engage the assistance of other persons for any general or particular purpose; and
- (c) delegate any of its duties under section 8 to another person.

8. (1) For the purposes of the study mentioned in section 7 (1) (a), the Board, both in relation to Saint Vincent and the Grenadines, and in relation to any area thereof which, in the opinion of the Board or of Cabinet, requires particular attention, shall examine and keep under constant review —

- (a) the numerical size, the composition and the distribution of the population;
- (b) the principal physical, environmental and economic characteristics;
- (c) the availability of public utilities and communications;
- (d) such other matters as the Board considers it desirable to be, or as Cabinet may direct should be, so examined and reviewed,

and shall have regard to current trends and policies relating to the foregoing which are, or may be, relevant to development.

(2) For the purposes of the preparation of the national plan mentioned in section 7 (1) (b) the Board shall consider the following matters —

- (a) the distribution, and any foreseeable variation of the distribution, of the population;

Matters to be considered by the Board.

- (b) the progress of, and current trends and policies relating to, economic and social development, of the population;
- (c) prevailing physical and environmental conditions;
- (d) current trends and policies relating to the systems of communication within, and connecting with, Saint Vincent and the Grenadines;
- (e) the foreseeable need and availability of land for natural, agricultural and forestry reserves, public open spaces, and other areas which it appears to the Board to be in the national interest to retain or provide;
- (f) the availability of resources likely to be required for the purpose of carrying into effect the proposals of the national plan.

(3) For the purposes of the preparation of regional plans, the Board shall consider, in relation to a particular region, the following matters —

- (a) the most advantageous development and use of land within the region;
- (b) the numerical size and distribution of the population;
- (c) prevailing economic, physical and environmental conditions;
- (d) the availability of public utilities and communications;
- (e) the availability of resources likely to be required for the purpose of carrying into effect the proposals of the regional plan concerned;
- (f) the relationship between those proposals and the current national plan and all other regional plans hitherto prepared.

(4) For the purposes of the preparation of local plans, the Board shall consider, in relation to a particular locality, the following matters —

- (a) the principal function of the locality concerned and any systems of communication therein;
- (b) the precise location of all proposed roads, buildings and open spaces and of any land to be set aside as a residential, industrial or agricultural area, and the relationship between each of the foregoing and the others;
- (c) the foreseeable effect of the establishment of locations under paragraph (b) on adjacent areas outside the locality concerned and in relation to any already existing plans of such areas;
- (d) any other measures which, in the opinion of the Board, are or may be required to ensure the

- provision of a satisfactory environment in the locality concerned;
- (e) the stages by which the development of the locality concerned should be undertaken; and
- (f) the availability of resources likely to be required for the purpose of carrying into effect the proposals of the plan concerned.

(5) In the preparation of the plans referred to in the foregoing subsections, the Board shall also have regard to the following matters, namely —

- (a) the allocation of lands for agricultural, residential, industrial, commercial or other purposes as may be indicated in the plan;
- (b) the designation and demarcation of any land that may be compulsorily acquired;
- (c) the designation and demarcation of any land that may be allocated for the purposes of the Board or for any other public purpose;
- (d) the designation and demarcation of any land required for comprehensive development of an area and this may include areas adjacent to the area required for the purpose of paragraph (a); and
- (e) the designation and demarcation of any other land that, in the opinion of the Board, should be reserved for compulsory acquisition for public purpose.

9. The national plan and every regional and local plan prepared under section 8 shall comprise —

- (a) a written statement containing the policies and proposals of the Board in relation to the planning of the use and development of the area with which the plan is concerned; and
- (b) such maps, diagrams and other illustrative or descriptive matter as to the Board may seem appropriate for the purpose of explaining those policies and proposals,

and shall be published in the manner prescribed by regulations made hereunder.

10. Where the Board is of the opinion that any area should be designated for comprehensive development for the purpose of —

- (a) dealing satisfactorily with conditions of bad layout or obsolete development;
- (b) providing for the relocation of population or industry or for the replacement of open space of any other area;

Form of plans prepared by the Board.

Comprehensive development.

(c) for any other purpose which may be specified, the Board may define, designate and include the area in the national, regional or local plans as land subject to compulsory acquisition and comprehensive development.

Register.

11. The Board shall maintain a register of all applications, appeals, decisions and other allied matters, and the register shall be open for inspection at the office of the Board during its normal working hours, and all maps and plans accompanying any application shall be made available at the office of the Board for inspection.

Subject reports.

12. For the purposes of the subject reports mentioned in section 7 (1) (c), the Board shall prepare and submit to Cabinet written statements containing the policies and proposals of the Board in relation to the subject with which the report deals, and may explain those policies and proposals by means of any map, diagram, or other illustrative or descriptive matter as to the Board may seem appropriate.

Minister to consider plans.

13. (1) All national, regional and local plans submitted to the Cabinet for approval, shall, unless Cabinet otherwise requires, be considered by the Minister who may accord approval to the plan, make modifications thereto or return the plan to the Board for reconsideration.

(2) Approval of any plan which designates any land as subject to compulsory acquisition shall be accorded by the Minister only if he is satisfied that the acquisition is likely to take place within five years of the approval of the plan.

(3) Where in relation to any plan a modification is sought designating any land therein as subject to compulsory acquisition even though it was not so designated in the plan submitted for approval, the Minister shall grant the request only if he receives written consent of all persons interested in the land and is satisfied that it is necessary to so designate it.

(4) Before according approval of any plan, or making modifications to any plan submitted for approval, the Minister may cause to be published in three issues of the Gazette a notice —

- (a) indicating that a plan has been prepared by the Board;
- (b) stating the place where the plan may be inspected; and
- (c) fixing a period, not less than twentyeight days, within which objections or representations may be made to the Minister with respect to the plan or the proposals contained therein.

(5) Any objections or representations in relation to a plan made in response to a notice under subsection (4) shall be in writing, and, on receipt thereof, the Minister shall designate any officer or other person to make a report to him after due enquiry.

(6) The Minister shall consider the objections or representations, if any, made to a plan and the report thereof obtained in pursuance of subsection (5), before making final orders regarding the plan under this section.

(7) Where the Minister has approved a plan or made any modifications thereto he shall cause notice of the approval, or, as the case may be, notice of modifications, to be published in three issues of the Gazette and stating the place where the public can make an inspection of the relevant papers.

14. The Minister may, by notified order, declare any specified area to be a zoned area reserved for a public purpose to be specified, and where any such has been issued, the Board shall not be competent to consider any application for permission in respect of any land or building included in the zoned area.

15. (1) Where in accordance with the provisions of this Act, any land or building has been designated in the national, regional or local plans as subject to compulsory acquisition, such lands may be acquired under the law for the time being in force relating to land acquisition and for the purpose it shall, notwithstanding anything contained in any other law, be presumed that such land or building is required for a public purpose.

(2) Nothing contained in subsection (1) shall be deemed to restrict the Government from acquiring the land or building by agreement.

16. (1) Subject to subsection (3), no person shall carry out, or cause to be carried out, any development except under and in accordance with the conditions of a grant of permission for development issued by the Board.

(2) Every person applying for a grant of permission for development shall submit an application to the Board in the form prescribed.

(3) Permission for development is not required in respect of —

- (a) development which affects only the interior of a building or which does not materially affect the external appearance of a building;
- (b) any work carried out by or on behalf of a statutory undertaking in pursuance of its statutory powers or duties;

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- (c) development authorised under and executed in accordance with, the Housing and Land Development Corporation Act;
- (d) a change of use, confined within the curtilage of a dwellinghouse, which is incidental to the enjoyment of the dwellinghouse as such;
- (e) a change of use of any land, or of any building occupied together with agricultural land, for the purposes of agriculture;
- (f) the erection, alteration, extension or reconstruction of a gate, fence or wall which in height —
 - (i) does not exceed three feet six inches where such gate, fence or wall abuts upon any road capable of carrying motor traffic;
 - (ii) does not exceed six feet in any other case, if, after the completion of the work necessary for such erection, alteration, extension or reconstruction, the gate, fence or wall does not exceed the height specified in relation thereto in this paragraph when measured from the ground;
- (g) any development or class of development which the Minister may, by order in the Gazette, (hereinafter referred to as “the development order”) specify as being exempted from the requirements of permission under this section.

(4) A person may apply for a grant of permission in principle for the proposed development and obtain an outline approval in respect thereof.

(5) Any person who carried out a development and is desirous of ascertaining the requirement of permission in relation to such development may make an application for the purpose to the Board which shall determine the question, as if it were an application for the grant of permission.

Determina-
tion of appli-
cation for
grant of
permission.

17. (1) In dealing with an application for the grant of permission for development, the Board shall have regard to all the circumstances relevant to the application including the provisions of national, regional and local plans and the subject report plans, if any, prepared in accordance with the provisions of this Act, and the Board may either grant or refuse permission or, in its discretion, postpone its decision on the application for the purposes set out in subsection (4).

(2) A decision of the Board under subsection (1) may relate to the whole or to any distinct part of the development in respect of which the application is made, and may be given subject to any

reasonable conditions or limitations which the Board sees fit to impose for the purpose of ensuring that the development is carried out in accordance with the provisions of this Act.

(3) Without prejudice to the generality of its powers under subsection (2), the Board may, while granting permission, impose conditions —

- (a) regulating the development or the 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 for requiring the carrying out of work on any such land, so far as it appears to the Board to be expedient for the purposes of, or in connection with, the development or use authorised by the permission;
- (b) requiring the removal of any building or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period and the carrying out of any works for the reinstatement of any land at the expiration of that period;
- (c) requiring the commencement or completion of any development before a specified date, or before the completion of any development being carried out, or to be carried out, by the same applicant;
- (d) requiring the provision of proper services including water, electricity and roads before the sale, lease or other disposition of any land for which permission has been granted for subdivision for housing or commercial or industrial purposes.

Where a permission for development has been granted subject to the condition that it shall be valid for a limited period, the same shall be known as “permission for development granted for a limited period”.

(4) Every decision of the Board under subsection (1) shall be given in writing, in the prescribed form and, unless it is served on the applicant within a period of twelve weeks from the date of receipt of the application by the Board, the applicant shall be at liberty to treat the application or, as the case may be, that part of it in respect of which a decision has not been given, as having been refused and may appeal, as provided in section 23, at the expense of the Board.

(5) Every decision of the Board under subsection (1) shall, except in the case of a grant of permission, state the reasons therefor, and if the Board postpones its decision it shall be to enable the applicant, within such period not exceeding eight weeks as shall be specified by the Board, to furnish the Board

with maps or plans to the satisfaction of the Board showing the nature, extent or manner of the development desired, or with any other information in writing which, in the opinion of the Board, is relevant to the application.

(6) Every grant of permission for development shall be specified to be subject to the condition that the development to which it relates is to be completed in accordance with the grant within the period of two years immediately following the date of the grant, unless a different period is specified by the Board in the grant:

Provided that the Board may, at any time before the expiry of any such period, grant an extension of the period, to a date to be specified, if satisfied by the applicant that the extension is reasonably necessary to enable the development to be completed.

(7) A grant of permission in respect of any development which has not been completed or substantially completed in accordance with the grant within the period specified under subsection (6) shall, upon the expiry of that period, be deemed to have been revoked.

Enforcement orders.

18. (1) In lieu of or in addition to proceedings for an offence punishable under section 28, and whether or not such proceedings have been instituted, where any development appears to the Board to have been carried out in contravention of any of the provisions of this Act the Board may serve an enforcement notice in the form prescribed upon the owner or the occupier of any land or building in relation to which such development appears to have been carried out and upon any other person who, in the opinion of the Board, may be affected by the order.

(2) Where the enforcement notice relates to a development which has been carried out, notice shall be served within a period of four years from the date on which it was carried out, and where the notice relates to the violations of any condition, limitation or restriction, notice shall be served within four years of the date of the violation.

(3) Every enforcement order shall specify the matter which it is alleged constitute a contravention of the provisions of this Act and the steps which the Board requires to be taken to ensure compliance therewith, and shall further specify a date by or before which all such steps are required to be taken.

(4) Any person upon whom an enforcement order has been served who, without reasonable excuse, fails or neglects to comply with any requirement thereof is guilty of an offence and liable to a fine of fifteen hundred dollars and to a further fine of

one hundred and fifty dollars in respect of each day, or part of a day, during which the offence is proved to have continued.

(5) Where after notice of enforcement has been served in accordance with subsection (1) and within the time specified in the notice, or within such extended period as the Board may on application allow, there is default in taking of the steps required to be taken in order to comply with the notice, the Board may authorise a person in writing to take such steps as may be necessary to enforce compliance, and any expenditure incurred by the Board in this behalf, shall be recoverable as a civil debt from the owner or occupier of the land on whom the enforcement notice was served.

(6) Any action taken by the Board in pursuance of subsection (5) shall be without prejudice to the application of subsection (4).

(7) In any proceeding under subsection (5) it shall not be open to any person to dispute the validity of the enforcement notice or order.

(8) Any person, who is aggrieved by an enforcement order made under subsections (1) and (3) may appeal against the order only on one or more of the following grounds, namely —

- (a) that planning permission has been granted for the development to which the enforcement notice relates;
- (b) that no planning permission was required in respect of the development;
- (c) that the conditions or limitations subject to which planning permission was granted have been complied with;
- (d) that the enforcement notice wrongly assumes what is not a development to be a work constituting or involving development;
- (e) that the enforcement notice was not served on the owner or occupier of the land or that such notice was served only after the expiration of the time limit of four years;
- (f) that the direction contained in the enforcement notice is not necessary or is in excess of what is required for restoring the land to the pre-development condition or, as the case may be, for securing the compliance with the conditions or limitations to which the enforcement notice relates; or
- (g) that more time is required than what is allowed by the notice for the carrying out of the direction contained therein.

(9) For the removal of doubts it is hereby declared that where an enforcement order relates to a development in the process of being carried out (whether by way of change of use or by way of non-compliance of the conditions subject to which planning permission was granted or in any other way) all activities which constitute a violation of the enforcement order shall cease forthwith pending the decision of the matter in appeal and continuance of any such activity, save with the specific permission of the Appeal Tribunal accorded after giving the Director of Planning an opportunity to be heard, shall be deemed to be an offence punishable under subsection (4).

Waste orders.

19. (1) If the Board is satisfied that any area of land or any building is so derelict, neglected or wasted as to constitute a substantial detraction from, or from the enjoyment of, any amenity, the Board may serve a waste order in the form prescribed upon the owner or the occupier of the land or building and upon any other person who, in the opinion of the Board, may be affected by the order.

(2) Every waste order shall specify the matters which it is alleged constitute a substantial detraction from, or from the enjoyment of, any amenity and the steps which the Board requires to be taken to restore the land or building to a fit condition, and shall further specify a date by or before which all such steps are required to be taken.

(3) Any person upon whom a waste order has been served who, without reasonable excuse, fails or neglects to comply with any requirement thereof, or does an act in contravention of subsection (7), is guilty of an offence and liable to a fine of fifteen hundred dollars and to a further fine of one hundred and fifty dollars in respect of each day, or part of a day, during which the offence is proved to have continued.

(4) Where a waste order made by the Board has not been complied with within the period specified, or as the case may be, extended period allowed for the purpose, the Board may, without prejudice to any action that may be taken under subsection (3), authorise a person in writing to enter upon the land or take such steps as may be necessary to enforce compliance, and any expenditure incurred by the Board in this behalf may be recovered from the owner or occupier of the land against whom a waste order was made, as if it were a civil debt.

(5) In any proceeding under subsection (4) it shall not be open to any person to dispute the validity of the waste order.

(6) Any person against whom a waste order has been served may appeal against the same only on one or more of the following grounds namely —

- (a) the condition of the building or other land to which the order relates does not seriously injure the amenity, or that it is not likely to do so;
- (b) the condition of the building or other land is such that in the normal course of events the same cannot to be put to use without contravening the provisions of the Act;
- (c) that the directions of the order exceeds what is necessary for preserving any public amenity; or
- (d) the period specified in the order for carrying out its directions falls short of the time reasonably required for the purpose.

(7) For the removal of doubts it is hereby declared that where a waste order has been made, every act or omission which could constitute a violation of the order or contribute to such violation shall cease forthwith pending the decision of the matter in appeal and any failure to do so, save with the specific permission of an appeals tribunal, accorded after giving an opportunity to the Director of Planning to be heard, shall be deemed to be an offence punishable under subsection (3).

20. (1) Where it is satisfied, regard being had to the national, regional or local plans and to any other material or information in the possession of the Board that, in the public interest, —

- (a) any use of land should be discontinued, or that any conditions should be imposed on the continued use of land; or
- (b) any building or works should be altered or removed,

the Board may, with the previous approval of the Minister, require, by notified order, the discontinuance of use or the compliance with such conditions as may be specified therein.

(2) Any order made under subsection (1) may include permission for development of any land specified in the order and every such permission shall have effect as if the same was granted on application, and the provisions of the Act shall apply accordingly.

(3) Every order under subsection (1) shall be submitted for consideration of the Minister and shall have effect only on its confirmation by the Minister.

(4) Where an order made under subsection (1) has been placed for the consideration of the Minister in accordance with

Special orders.

subsection (3), the Board shall serve notice thereof on the owner, occupier or any other person who, in its opinion, is interested in the matter to submit their objections, if any, to the Minister within a specified period.

(5) Where an objection has been filed under subsection (4), the Minister may appoint any person or authority to consider the same and report after giving a reasonable opportunity to the objector to present his case.

(6) Every order of confirmation made by the Minister shall be forwarded to the Board and a copy thereof shall be served on the owner, occupier or any other person to whom notice was served in the earlier stage of the proceedings.

(7) Where the compliance of an order made under subsection (1) will involve displacement of any person residing in the premises, the Board shall try to secure to such person reasonable alternate accommodation.

Tree preservation orders.

21. (1) If it is satisfied that it is necessary in order to provide any amenity to the public, or for the purpose of soil conservation, tree preservation, water conservation or for any other public purpose, to prohibit the destruction of any trees, forest, woodland or any part thereof, the Board may serve a preservation order upon the owner or occupier of any land and on any other person who, in the opinion of the Board, may be affected by the order.

(2) An order under this section shall not apply in relation to —

- (a) the destruction of any trees which are dead, dying or diseased, or which by reason thereof have fallen or are in danger of falling;
- (b) any measures which it is necessary to take for the purpose of abating a public or private nuisance;
- (c) anything done in pursuance of any obligation or authorisation imposed or conferred by any written law for the time being in force; or
- (d) the destruction of any trees, forest or woodland to such extent as the Board may in the order specifically authorise,

but, subject to the foregoing, such order may impose any prohibition, restriction or requirement for any of the purposes specified in subsection (1).

(3) Any person upon whom a tree preservation order has been served who, without reasonable excuse, fails or neglects to comply with any prohibition, restriction or requirement thereof is guilty of an offence and liable to a fine of fifteen hundred

dollars and to a further fine of one hundred and fifty dollars in respect of each day, or part of a day, during which the offence is proved to have continued.

(4) For the removal of doubts it is hereby declared that, where a tree preservation order has been made, every act or omission which could constitute a violation of the order or contribute to such violation, shall cease forthwith pending the decision of the matter in appeal and any failure to do so, save with the specific permission of the Appeal Tribunal accorded after giving the Director of Planning an opportunity to be heard, shall be deemed to be an offence punishable under subsection (3).

22. (1) If it appears to the Board to be necessary to revoke, vary or modify any grant of permission for development or any order made under section 18, 19 or 21 the Board, by notice in writing served upon the person to whom such permission was granted or, as the case may be, upon the owner or occupier and any other person upon whom such order was served, revoke, vary or modify the grant or, as the case may be, the order, with effect from a date not earlier than fourteen days after the date of service of the notice:

Power of Board to revoke, vary or modify grants and orders.

Provided that the person to whom permission was granted, or the owner, occupier or other person upon whom the order was served, may request that such notice should take earlier effect with regard to any variation or modification and the Board may, in its discretion, grant or refuse such request, and shall act accordingly, but such grant or refusal is not a decision for the purposes of section 23 (1).

(2) Any person who, without reasonable excuse, fails to comply with the variation or modification of any order under subsection (1) is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to a further fine of seventy five dollars in respect of each day, or part of a day, during which the offence is proved to have continued.

23. (1) Any person, who is aggrieved by a decision of the Board made under this Act, or whose application for permission for development has not been decided upon by the Board within two months of the expiration of the twelve weeks period of aforesaid, as the case may be, may appeal to the Minister against the decision.

Appeals.

(2) Every appeal under subsection (1) shall be made to the Minister, within fourteen days of the date of service of the decision of the Board appealed against, setting out the ground for appeal and be accompanied by the copy of the decision appealed against.

(3) The Minister shall call for the records relating to the matter from the Board and pass on the same to an appeals tribunal for adjudication.

(4) The Minister shall appoint an appeals tribunal consisting of one or more persons, but not more than three, as he may deem fit, and all appeals filed before the Minister shall be referred to the tribunal:

Provided that the Minister may appoint one or more appeals tribunal generally or in relation to any case or any class or category of cases.

(5) The qualifications and terms and conditions of service of any member of the tribunal appointed under subsection (4) shall be such as Cabinet may, by order determine.

(6) Subject to the orders of Cabinet an appeals tribunal shall have power to regulate its own proceedings.

(7) An appeals tribunal may, after making such inquiry as it may deem fit and after giving the appellant a reasonable opportunity to represent his case, pass such orders thereon as it may deem fit and every such order shall be final.

(8) Every decision of an appeals tribunal shall contain the reasons for the decision and a copy thereof shall be sent to the appellant and the Board.

Power to enter building and land.

24. (1) Any person duly authorised in writing by the secretary to the Board may, at all reasonable times, enter any building or upon any land —

- (a) to ascertain whether the provisions of this Act are being or have been complied with;
- (b) to inspect any such building or land;
- (c) to obtain any information which he has reasonable grounds to believe may assist the Board to determine whether or not an offence under this Act is being or has been committed, and to identify the person responsible for the commission of any such offence;
- (d) to require any person whom the Board has reasonable ground for suspecting to have committed, or to be committing, an offence under this Act to answer any question or to produce any document which may be relevant to establish the commission of any such offence.

(2) Anyone who wilfully obstructs or hinders a person duly authorised under subsection (1), or who, when required under that subsection to give any information, answer any question or produce any document, refuses to give such information, answer

or document to such person or knowingly gives any information, answer or document which is false or misleading, is guilty of an offence and liable to a fine of seven hundred and fifty dollars.

(3) A person authorised for the purposes of subsection (1) shall be furnished with a written authority signed by the secretary to the Board, and such person shall produce his authority for the inspection of any other person reasonably requiring its production.

(4) If the Board is satisfied that, for any reason, anyone upon whom an order under section 18, 19 or 21 has been served has failed to carry out, or to cause to be carried out, any requirement of such order, the secretary to the Board may, in writing, authorise any person to enter the land or building in question and to do or cause to be done all things necessary to ensure compliance with such requirement, and the expenses incurred thereby shall be recoverable summarily as a civil debt from the person upon whom the order was served.

25. (1) Service upon the Board of all documents under this Act required to be served shall be executed and effective upon delivery to the office of the secretary to the Board.

Service of documents.

(2) Every document required by this Act to be served on the Board shall, on delivery at the office of secretary to the Board, be marked or stamped so as to show clearly the date upon which it was delivered.

(3) Service upon any person other than the Board of all documents under this Act required to be served shall be executed and effective if —

- (a) delivered personally;
- (b) addressed to the person and left at his usual or last known place of abode or at any address for service notified by him or on his behalf;
- (c) sent by registered post, addressed to the person, to his usual or last known place of abode or to any address for service notified by him or on his behalf;
- (d) in the case of a company, delivered personally or sent by registered post addressed to the secretary of the company at the registered office of the company or its principal place of business; or
- (e) affixed conspicuously to some object on land owned or occupied by the person and addressed to him by name or as "the owner" or "the occupier" as the case may be:

Provided that service in the manner specified in paragraph (e) shall not be effective unless service by other means under this subsection has failed or is known to be likely to fail.

Furnishing of information.

26. (1) The Board may require any person who is reasonably believed to be carrying out a development without having obtained permission to develop, to submit to the Board any information relative to that development.

(2) Any person who neglects, fails or refuses to comply with a request made under subsection (1) is guilty of an offence and liable to a fine of fifteen hundred dollars and to a further fine of seventyfive dollars for every day that the offence is continued.

Evidence.

27. Minutes of any meeting of the Board which purport to have been kept and confirmed in accordance with section 4 (6) shall be receivable as *prima facie* evidence in all legal proceedings without further proof of the keeping or contents thereof.

Offences and penalties.

28. (1) Any person who, without having first obtained permission as required by this Act, carries out, or causes to be carried out, any development other than as specified in section 16 (3), is guilty of an offence and liable to a fine of fifteen hundred dollars.

(2) Any person who, having been granted permission for development, without reasonable excuse, fails to comply with, or neglects to ensure compliance with, any condition or limitation imposed by virtue of section 17 (2), or who carries out, or causes to be carried out, any development after such permission is deemed under section 17 (7) to have been revoked, is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to a further fine of seventyfive dollars in respect of each day, or part of a day, during which the offence is proved to have continued.

(3) Any party to an appeal under section 23 who fails to comply with, or who neglects to ensure compliance with, the decision, or with any condition or limitation contained in the decision, of the Minister on such appeal, being a decision with which he has a duty to comply, is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to a further fine of seventyfive dollars in respect of each day, or part of a day, during which the offence is proved to have continued.

(4) Where any body corporate is guilty of an offence under this Act, and the offence is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he as well shall be liable to be prosecuted and punished accordingly for such offence.

(5) The Board may initiate prosecution for any offence under this Act.

29. The Governor-General may make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular but without prejudice to the generality of the foregoing may make regulations for — Regulations.

- (a) providing for the manner of preparation by the Board of subject reports;
- (b) specifying conditions under which development, or any class of development, may be exempted from the requirement of permission under section 16 (3) (g);
- (c) prescribing the form of any application, decision, notice or other document authorised or required by this Act to be prescribed;
- (d) prescribing the form of enforcement, waste and tree preservation orders;
- (e) prescribing the fees to be paid in respect of applications for grant of permission for development and in respect of appeals;
- (f) providing for the manner of publication of the national plan and of regional and local plans for the information of the general public;
- (g) providing for the proper control of the height, density and set back of buildings, lands for the various uses, parking, roads, road junctions, road reserves, water supply, electricity, sewerage, garbage disposal and any other matter that may have a relationship to development; and
- (h) providing for the proper control of the construction of buildings and structures.

30. (1) The Board is charged with responsibility for the due completion of any matters, outstanding on the 12th October, 1976, under the Land Development Control Act, 1968.

(2) On the 12th October, 1976,

- (a) all property and other assets belonging to the Development Control Authority; and
- (b) all rights, duties, privileges, powers and advantages of the Development Control Authority and all liabilities and obligations to which it was subject existing on the 12th October, 1976,

are transferred to the Board

(3) References in any deed, contract, security or other document of a private nature to the Development Control Authority shall, on and after the 12th October, 1976, be construed as references to the Board as the occasion requires.

Saving and transitional.

Act 37 of 1968.

(4) Any legal proceedings by or against the Development Control Authority pending immediately before the 12th October, 1976, may be continued on and after that date by or against the Board as the case may be.

(5) Any limitation of time in respect of proceedings by or against the Development Control Authority, whether pending or anticipated, arising out of any cause of action accrued before the 12th October, 1976, shall not be affected by the provisions of this section.

(6) In this section the "Development Control Authority" means the Development Control Authority established under section 3 of the Land Development Control Act, 1968.

LAWS OF SAINT VINCENT AND THE GRENADINES

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CHAPTER 251

TOWN AND COUNTRY PLANNING
(FORMS) REGULATIONS

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