

ARRANGEMENT OF CLAUSES

1. Short title
2. Interpretation
3. Amendment of section 2 of principal Act
4. Insertion of new Part in principal Act



GRENADA

ACT NO. 24 OF 2008



I assent,

3rd June, 2008.

DANIEL CHARLES WILLIAMS
Governor-General.

AN ACT to amend the Physical Planning and
Development Control Act No. 25 of 2002.

[6th June, 2008].

BE IT ENACTED by the Queen's Most Excellent Majesty
by and with the advice and consent of the Senate and the
House of Representatives of Grenada, and by the authority of
the same as follows:

1. This Act may be cited as the

Short title.

**PHYSICAL PLANNING AND DEVELOPMENT
CONTROL (AMENDMENT) ACT, 2008.**

2. In this Act—

Interpretation.

“principal Act” means the Physical Planning and
Development Control Act No. 25 of 2002.

Amendment of
section 2 of
principal Act

3. Section 2 of the principal Act is amended by inserting the following definitions in alphabetical order—

““business plan”, for a financial year, means—

- (a) the business plan approved under section 12A;
and
- (b) all amendments to the business plan approved under that section,

for the financial year;

“financial year” means the financial year referred to in section 12B;”.

Insertion of new
Part in principal
Act.

4. The following new Part is inserted immediately after section 12 in the principal Act—

“PART IIA – FINANCIAL PROVISIONS

“Financial year. 12 A. The financial year of the Authority is the twelve months period beginning on the 1st day of January and ending on the 31st day of December.

“Annual business plan. 12B. (1) The Authority shall, not later than 4 months before the commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that must contain—

- (a) a statement of the Authority’s objectives and priorities in carrying out its responsibilities for the financial year and the following two financial years;

- (b) a comprehensive business plan that—
 - (i) shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Authority for the financial year, and
 - (ii) includes pro forma financial statements as required by the Minister;
 - (c) a comparison of the pro forma financial statements with the actual financial statements for the previous financial year;
 - (d) a statement as to how the Authority proposes to measure its performance in carrying out its responsibilities in the financial year; and
 - (e) any other information required by the Minister by written notice to the Authority.
- (2) The Minister may, on the request of the Authority, extend the time for submitting a proposal for a business plan.
- (3) The Minister shall, as soon as practicable, consider the proposal for a business plan and may,
- (a) approve the proposal as submitted;

- (b) with the approval of the Authority, amend the proposal and approve it as amended; or
- (c) refer the proposal back to the Authority with directions that the Authority take any further action with respect to it that the Minister considers appropriate.

(4) Where the Minister refers the proposal for a business plan back to the Board under subsection (3) (c), he or she shall provide the Authority with his reasons for not approving it.

(5) A proposal for a business plan that is referred back to the Authority under subsection (3) (c) shall be resubmitted to the Minister as directed by the Minister and, when it is resubmitted, subsections (3) and (4) apply.

(6) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

(7) The Authority—

- (a) may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and
- (b) shall, on request of the Minister and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(8) Subsections (3), (4), (5) and (6) apply to proposal submitted to the Minister under subsection (7).

Authority
obligated to
implement
business
plan.

12C. The Authority shall—

- (a) in each financial year implement the business plan for the financial year; and
- (b) establish a mechanism for monitoring the implementation of the business plan..

Accounts. 12D. (1) The Authority shall—

- (a) keep proper books of account of its income and other receipts and expenditures; and
- (b) ensure that—
 - (i) all money received are promptly brought to account;
 - (ii) all payments out of its money are correctly made and properly authorized; and
 - (iii) adequate control is maintained over its property and over the incurring of liabilities by the Authority.

(2) The books of account kept under subsection (1) shall—

- (a) be sufficient to record and explain the Authority's transactions;
- (b) enable the Authority's financial position to be determined with reasonable accuracy at any time; and
- (c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within 3 months after the end of each financial year, the Authority shall cause to be prepared—

- (a) the following financial statements together with proper and adequate explanatory notes—
 - (i) a statement of the assets and liabilities of the Authority at the end of the financial year;
 - (ii) a statement of the revenue and expenditure of the Authority during the financial year;
 - (iii) such other financial statements for the financial year as may be specified in writing by the Minister; and
- (b) an annual report of the Authority on the implementation of the business plan and

such other matters as the Authority considers advisable or the Minister directs.

(4) Without delay after the completion of the financial statements and the annual report, the Authority shall furnish a copy of each to the Director of Audit.

Audit by
Director of
Audit and
report to the
House of
Representa-
tives

12E. (1) Not later than 3 months after receipt of the financial statements and annual report from the Authority, the Director of Audit shall audit the financial statements in accordance with the Audit Act 2007.

(2) Without delay, after the completion of his or her audit of the Authority, the Director of Audit shall submit a copy of his or her report together with the financial statements and annual report to the Minister.

(3) The Minister shall, not later than seven days after the House of Representatives first meets after he or she has received the report together with the financial statements and the annual report of the Authority, lay it before the House of Representatives.

(4) If the Minister fails to lay the report together with the financial statements and the annual report of the Authority before the House of Representatives in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who

shall, as soon as practicable, present them to the House of Representatives.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Authority have been laid before the House of Representatives, the Authority shall cause the report, the financial statements and the annual report of the Corporation to be published in the *Gazette*.”.

Passed by the House of Representatives the 20th day of May, 2008.

ADRIAN C. A. HAYES
Clerk to the House of Representatives.

Passed by the Senate the 29th day of May, 2008.

ADRIAN C. A. HAYES
Clerk to the Senate.

GRENADA
