

I ASSENT

[L.S.]

FREDERICK CLARKE,  
*Governor.*

9th March, 1971

SAINT LUCIA

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No. 8 of 1971.

AN Act to make provision for the orderly and progressive development of land and to preserve and improve the amenities thereof; for the grant of permission to develop land and for other powers of control over the use of land.

13th March, 1971.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Lucia, and by the authority of the same, as follows:—

1. This Act may be cited as the Land Development (Short Title, Interim Control) Act 1971.

2. In this Act -

“ Authority ” means the Development Control Authority established under section 3 of this Act ;

“ Building ” includes any structure of whatever material and in whatever manner constructed or any part of a building, and where the context so permits, includes the land on, in or under which the building is situate ;

“ Building operations ” includes any road works preliminary or incidental to the erection of buildings ;

“ development ” in relation to any land includes any building or re-building operations and any use of the land or any buildings thereon for a purpose which is different from the purpose for which the land or building was last being used, or the sub-division of any land, and “ develop ” shall be construed accordingly ;

“ land ” includes land covered with water and also includes incorporeal as well as corporeal hereditaments of every tenure or description, and any interest therein, and also an undivided share in land ;

*Minister* means the Minister for the time being charged with the responsibility for Planning and Development ;

“ owner ” in relation to any building or land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the right of ownership of the building or land, whether in possession or reversion, and includes also a person holding or entitled to the rents and profits of the building or land under lease or agreement the unexpired term whereof exceeds ten years ;

“ statutory undertakers ” means any authority, company or person empowered by any act to execute or construct authorised works or to carry into effect the purposes of that Act.

3.—(1) There shall be established a Development Control Authority consisting of a Chairman and not more than six other members all of whom shall be appointed by the Cabinet for a period of three years and shall be eligible for re-appointment.

(2) The membership of the Authority shall include the chief technical officers for the time being in charge of Housing, Public Works and Health Services.

(3) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and meetings shall be held at such places and times and such days as the Authority may determine.

(4) The Chairman may at any time call a special meeting to be held within seven days of a written requisition for that purpose addressed to him by any two members of the Authority or by the Minister.

(5) Any four members of the Authority including the Chairman shall form a quorum.

Provided that where any member of the Authority is disqualified from taking part in any deliberation or decision of the Authority with respect to any matter, he shall be disregarded for the purpose of constituting the quorum for deliberating on or deciding that matter.

(6) The members of the Authority may appoint one of their number to act as Chairman during the temporary absence of the Chairman of the Authority owing to illness, inability to attend, absence from the State, or other reasonable cause.

(7) The Cabinet may at any time revoke the appointment of any member of the Authority if it thinks it expedient to do so.

(8) The appointment of any member of the Authority and the termination of office of any person as such member whether by death, resignation, removal, effluxion of time or otherwise shall be notified in the *Gazette*.

(9) In the case of an equality of votes on a question at a meeting the Chairman of the meeting shall have a second or casting vote in respect of that question.

(10) A member of the Authority shall not vote upon, or take part in the discussion of, any matter before the Authority in which he has directly or indirectly by himself or his partner any pecuniary interest.

(11) Subject to the foregoing provisions of this section, the Authority shall have the power to regulate its own proceedings.

(12) The validity of any proceeding of the Authority shall not be affected by any vacancy in its membership or by any defect in the appointment of any of its members.

4. The Chief Technical Officer in charge of the Town and Country Planning Development shall be the Executive Secretary of the Authority.

5. The Executive Secretary shall be the officer of the Authority responsible to the Authority for carrying out its general policy and for general supervision of the activities of the Authority.

6. The Staff of the Town and Country Planning Development of the Government, shall be deemed to be the Staff of the Authority for the purposes of this Act.

7.—(1) Notwithstanding the provisions of any other law to the contrary, no person shall commence or carry out the development of any land in Saint Lucia without the prior written permission of the Authority.

Permission for development required from Authority.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, a person shall be deemed to have commenced the development of land until the contrary is proved, the burden of which shall lie on any person charged, if he has commenced the laying out of roads, the laying of water pipes, the clearing or levelling of land, the filling of ravines or swamps, or any preparatory work which might indicate an intention thereby to improve the land or increase its value or make it in any way ready for any type of development except those set out in the First Schedule to this Act.

8.—(1) An application to the Authority for permission to develop land shall be in triplicate in the form set out in the Second Schedule to this Act, and shall be accompanied by such maps and plans as may be necessary or as may be required by the Authority.

Application for permission to develop land.

Provided that the Minister may give directions to the Authority requiring that a particular application or applications of any particular class or in respect of any particular area shall be referred to the Cabinet for determination; or may give directions restricting the grant of permission to carry out any development in the interest of national security or the general economic policy of the State. Such directions may be given before or after the time allowed for an appeal, and if given after an appeal is made, the appeal shall be abated.

9. Notwithstanding the provisions of section 8 of this Act, the classes of development specified in the First Schedule are permitted and may be undertaken without the permission of the Authority, but such development

Permitted development.

shall be subject to any conditions or restriction imposed under any Regulation made under section 26.

10. Any person undertaking a development of land programme may make application to the Authority for approval of the programme in principle before preparing detailed plans.

11.—(1) The Authority may, after consideration of the application, grant permission with or without conditions or may refuse permission to develop the land in question or any part thereof.

(2) If after consideration of the application and examination of the plans, if any, the Authority considers it desirable so to do, it may refer the plans back to the applicant for amendment thereof.

12. If the Authority, after due consideration of the application and of the plans, if any, refuses permission to the applicant to develop any land, it shall at the same time give the applicant in writing its reasons for so refusing.

13.—(1) Upon refusal of the Authority to grant permission for the development of any land, the applicant may, within thirty days after such refusal has been received by him, appeal against such refusal to the Minister, setting out the grounds upon which the appeal is made.

(2) Every appeal to the Minister under subsection (1) of this section shall be referred by the Minister to an appeals tribunal consisting of three persons to be appointed from a panel approved by the Minister. The tribunal shall be under the chairmanship of a legally qualified person.

(3) The decision of the tribunal on any appeal referred to it shall be conveyed to the Minister in writing, and the Minister shall inform the applicant accordingly. The tribunal's decision on any appeal shall be final.

14. The Authority shall give its decision on the application within a period of ninety days from the date of receipt of the application, and in default of such decision the application will be deemed to have been refused and the applicant may avail himself of the right of appeal under section 13 of this Act.

15. For the purpose of enabling development to be carried out in accordance with a permission granted under this Act, or a direction given by the Cabinet, any conditions or regulations contained in any other law which would conflict with the conditions attached to a planning permission shall not apply.

16.—(1) Whenever any plans have been submitted to the Authority on an application for permission to develop any land, and such permission has been granted, the development in question shall be carried out in accordance with the said plans, and any conditions imposed by the Authority.

(2) If before or during the course of any development of land the developer finds that it is impracticable or uneconomic to carry out the said development in conformity with the plans as approved by the Authority, he may apply to the Authority for permission to amend the plans accordingly and the Authority may grant or refuse permission for such amendment, or may return the plans to the developer for further amendment.

(3) If the Authority refuses permission to develop land in accordance with the amended plans as provided, in subsection (2) of this section it shall at the time of such

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refusal give to the applicant in writing its reasons for so refusing in which case the provisions of section 13 of this Act shall apply as in the case of an original application to the Authority.

17. In the event of development not having, in the opinion of the Authority, been substantially commenced within a period of twelve months from the date of granting permission or within such extended period as the Authority may allow the permission shall lapse and the applicant shall be notified accordingly in writing.

18. The Executive Secretary of the Authority shall keep a register of all development applications and information relevant thereto which shall be available for inspection at the office of the Authority during normal working hours, upon the payment of the prescribed fee.

19. If it appears to the Authority that the amenity of any area is seriously injured by reason of the ruinous, unsafe or dilapidated condition of any building, or by the condition of any land due to the deposit of refuse, spoil or derelict vehicles or the occupation of land or a public road for the purposes of the repair of vehicles, it may serve on the owner or occupier of the land or the person responsible for the offence a notice requiring such steps to be taken for abating the injury as may be specified by the Authority.

20. No advertisements whether attached to a building or a boarding shall be displayed except with the written permission of the Authority.

21.—(1) The Authority may authorise in writing any person to enter at any reasonable time any land and premises therein—

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- (a) in respect of which an application for permission to develop has been made to the Authority; or
- (b) where the Authority has reason to believe that an infringement of the provisions of the Act has occurred or is about to occur—

for the purposes of inspection and survey.

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

(3) Any person who obstructs a person acting in the exercise of his power under this section shall be liable on summary conviction to a fine of one hundred dollars or to imprisonment for a term not exceeding two months.

22.—(1) Any person who commences or carries out any land development in Saint Lucia without the written permission of the Authority so to do, or carries out such development otherwise than in accordance with any plans submitted or re-submitted to and approved by the Authority shall be guilty of an offence against this Act.

(2) Any person who fails to comply with the conditions given in writing in the permission granted by the Authority shall be guilty of an offence against this Act.

(3) Any person guilty of an offence against this Act shall be liable on summary conviction therefor to a fine not exceeding one thousand dollars, and, in the case of a continuing offence, to a further penalty of fifty dollars for each day during which the offence continues.

(4) If any person is charged with the offence of carrying out any development otherwise than in accordance

with any plans submitted to or approved by the Authority, such person shall not be convicted therefor if he proves to the satisfaction of the Court that such development has been or is being carried out in a manner which is at least ninety per centum in conformity with such plans as aforesaid, but may be required to make the development conform to the plans as originally approved by the Authority.

23. If the development of any land is commenced or carried out without the written permission of the Authority, or carried out in a manner not in accordance with plans submitted or resubmitted to and approved by the Authority, every owner of such land within the meaning of section 2 of this Act shall be liable therefor and subject to the penalties prescribed by section 22 of this Act.

24.—(1) Notwithstanding anything contained in the provisions of this Act, the Cabinet may make an Order to be published in the *Gazette* declaring any area to be a zoned area and reserving it for specific purposes, and the Authority shall not consider any application in respect of such area.

(2) Where an area zoned in accordance with the provisions of section (1) of this section depreciates in value as a result of such zoning then adequate compensation shall be paid to the owners of land within the said area.

25. In the event that an owner who is entitled to compensation under the provisions of subsection (2) of section 24 of this Act considers that the compensation offered him is unreasonable, he shall within twenty-one days of the communication of the offer so notify the Minister in writing and each party shall appoint an arbitrator and a third person shall be appointed by the parties' arbitrators and the provisions of the Arbitration Ordinance shall apply.

26.—(1) The Cabinet may make Regulations generally for giving effect to the provisions of this Act and without prejudice to such general powers may make regulations with respect to the following matters:—

- (a) the form of any notice, order, certificate or other document required to be served under this Act;
- (b) the payment of fees on the submission, examination and all matters pertaining to any application under this Act;
- (c) amendments to the Schedules to this Act;
- (d) the prescribing of all things required by this Act to be prescribed.

(2) All Regulations made under this Act shall be published in two successive issues of the *Gazette* and shall not come into force before their approval by Resolution of the House of Assembly.

27. Notwithstanding the provisions of any other law, upon the commencement of this Act the Authority shall be responsible for the administration of the Town and Country Planning Ordinance.

28. This Act binds the Crown.

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#### FIRST SCHEDULE

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(Sections 7 (2) and 9)

- (a) Garden huts, other than garages, and not used for human habitation.
- (b) Gates, fences and walls not exceeding 4 feet in height.
- (c) Building and other works solely for agricultural purposes.
- (d) Repairs to roads, bridges and harbour installations.
- (e) Repairs to services.

- (f) Internal alterations to buildings.
- (g) Enlargement or improvement of an existing dwelling house provided the ground floor area does not exceed one third of the area of the plot.

SECOND SCHEDULE

(Section 8)

**Application for permission to develop land**

Name of Applicant.....  
Address of Applicant (if a Company, address of registered offices) .....  
Description of land sought to be developed, including area and situation of land.....  
Whether land is owned or leased by applicant.....  
If leased, what is the unexpired term of the lease?.....  
For what purpose is land to be developed?.....  
(1) .....  
(2) .....  
(3) .....  
(4) .....  
(5) .....  
(6) .....  
Are any plans attached to application? (if so, please describe plans) .....  
Estimated cost of development of land.....

*Signature of Applicant.*

*Date of Application.*

Passed in the House of Assembly this 19th day of February, 1971.

**W. ST. CLAIR DANIEL,**  
*Speaker.*