

Clifford



SAINT VINCENT AND THE GRENADINES

ACT NO. 19 OF 1993

[L.S.]

I ASSENT

DAVID E. JACK
Governor-General
6th July, 1993

AN ACT to amend the Town and Country Planning Act, 1992.

[6th July, 1993]

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

1. This Act may be cited as the Town and Country Planning (Amendment) (No. 2) Act, 1993, and shall be read and construed as one with the Town and Country Planning Act, 1992 hereinafter referred to as the principal Act.

Short title and
construction

2. Section 14 of the principal Act is amended by adding next after subsection (3) the following as subsections (4) and (5) —

Amendment of
section 14 of
principal Act

“(4) Any person found trading or engaging in any commercial activity in contravention of an order made under subsection (1) prohibiting such activity commits an offence and is liable

(a) to have his goods immediately seized and detained for such time as may be necessary by any officer duly authorized in writing by the Board;

(b) on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months”.

“(5) Where a person is convicted of an offence under this section, the Court may —

(a) order the forfeiture of the goods in relation to which the offence was committed and may order that the goods be disposed of as the Court may direct;

- (b) order the person to desist from engaging in any trading or commercial activity in relation to which the offence was committed until such time as the Court may direct."

Passed in the House of Assembly this 25th day of May, 1993.

J. THERESA ADAMS
Clerk of the House of Assembly

Printed by the Government Printer at the Government Printing Office,
Kingstown, St. Vincent and the Grenadines.

1993

[Price 80 cents]

- (b) in subsection (3) by deleting the fullstop at the end of the subsection and substituting a colon and adding at the end of the subsection the following proviso –

“Provided that Cabinet may at any time by instrument in writing remove any such member and may appoint in his place any other person to serve for the remaining term of office of the person removed as may be specified in the instrument of his appointment which period shall not exceed two years in any instance.”

Passed in the House of Assembly this 25th day of May, 1993.

J. THERESA ADAMS
Clerk of the House of Assembly

Printed by the Government Printer at the Government Printing Office,
Kingstown, St. Vincent and the Grenadines.

1993

[Price 80 cents]



SAINT VINCENT AND THE GRENADINES

ACT NO. 18 OF 1993

[L.S.]

I ASSENT

DAVIDE JACK
Governor-General
6th July, 1993

AN ACT to amend the Town and Country Planning Act, 1992.

[6th July, 1993]

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

1. This Act may be cited as the Town and Country Planning (Amendment) Act, 1993, and shall be read and construed as one with the Town and Country Planning Act, 1992 (No. 45 of 1992) hereinafter referred to as the principal Act.

Short title and
construction

2. Section 3 of the principal Act is amended —

Amendment of
section 3 of
principal Act

(a) in subsection (i) —

- (i) by deleting the word "twelve members" and substituting the words "fourteen members";
- (ii) in paragraph (a) by deleting the words "the following ten members of Planning shall be" and substituting the words "the following eleven members shall be";
- (iii) in paragraph (b) by deleting the words "not in the Public Service."
- (iv) by inserting next after sub-paragraph (x) the following as sub-paragraph (xi) —
 - "(xi) the Warden of the Kingstown Town Board or his nominee."



SAINT VINCENT AND THE GRENADINES

ACT NO. 2 OF 2005

I ASSENT

[L.S.]

DR. FREDERICK BALLANTYNE
Governor-General
1st March, 2005

AN ACT to amend the Town and Country Planning Act, No. 45 of 1992.

[1st March, 2005]

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

1. This Act which amends the Town and Country Planning Act, hereinafter referred to as the principal Act, may be cited as the Town and Country Planning (Amendment) Act, 2005, and shall come into operation on such date as the Governor-General by Proclamation in the Gazette appoints.

Short title and
commencement

Amendment of
section 2 of
principal Act

2. Section 2 of the principal Act is amended by-

(a) repealing the definition of "building" and substituting the following definition:

"building" includes any erection, structure or any part of a building erected on or made on or in or under any lands whether temporary or permanent, and where the contexts so permits, includes the land on, in or under which the building is situated but does not include plant or machinery contained in a building;

(b) repealing the definition of "development" and substituting the following definition:

"development" means the carrying out of building, demolition, rebuilding, engineering, mining or other operations in, on, over or under land, the making of any

material change in the use of any building or other land, the subdivision of land and the display of any advertisement; the construction of garden huts (other than garages), gates, fences and walls not exceeding three feet in height does not constitute development;";

- (c) inserting in their appropriate alphabetical positions, the following definitions:

"building regulations" means regulations made under section 36A;

"construction" means to do anything with respect to the erection, installation, extension, material alteration or repair of a building;

"demolition" means the pulling down or removal of a building or any material part thereof;

"occupancy certificate" means a certificate issued pursuant to section 16B;

"permit" means a permit issued pursuant to section 16A authorising development, construction or demolition and shall be used, interchangeably with the term "building permit";

Amendment of
section 3 of
principal Act

3. Section 3 of the principal Act is amended in paragraph (a) subsection (1) by deleting subparagraph (vii) and inserting the following-

(vii) the Manager of National Properties Limited or his nominee;"
Shd be if DEUCS not #TDC

Insertion of new
sections 16A,
16B

4. The principal Act is amended by inserting immediately after section 16 the following sections-

"Building permits
required

16A.(1) No person shall proceed with construction or demolition of a building, unless a permit has been issued therefor by or under the authority of the Board.

(2) The Board shall issue a permit for construction or demolition of a building except-

- (a) where the construction or demolition would not be in accordance with the terms and conditions of any permission for the development of land or the

building regulations, or would contravene any other applicable law;

(b) where the application for the permit is incomplete; or

(c) where any fees due are unpaid.

(3) No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without first filing details of such change and obtaining authorisation therefor from the Board.

(4) The Board may revoke a permit-

(a) where the permit was issued on the basis of incorrect or false information;

(b) where one year after the issue of the permit, the construction or demolition in respect of which the permit was issued has not, in the opinion of the Board been substantially commenced; or

(c) where the construction or demolition is, in the opinion of the Board, substantially suspended or discontinued for a period of more than two years.

(5) Nothing in subsection (4) prevents the issue of a new permit following the revocation of a permit under subsection (4), provided that all of the conditions of subsection (2) are met.

(6) No person shall develop land, construct, cause to be constructed or demolish a building except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any changes thereto were authorised.

(7) Where the Board issues a building permit, there shall be returned to the applicant one set of the plans, specifications, surveys and other documents filed with the application for the permit, clearly marked with the particulars of the permit issued, and the applicant shall keep at all times all such documents and other prescribed records at the construction site.

Occupancy
certificate
required

16B(1) Upon the completion of any building or land development in substantial compliance with the terms of a permit, and upon ^a ~~payment of any prescribed fee~~, the Board shall ^b forthwith issue an occupancy certificate.

(2) Subject to the provisions of subsection (5), no person shall occupy or permit any new building to be occupied unless and until an occupancy certificate has been issued.

(3) Where part of a building undergoing construction can be occupied without endangering public safety, the Board may issue a temporary certificate of occupancy for such part before all work covered by the building permit has been completed.

(4) A temporary certificate of occupancy may contain such terms and conditions and shall be subject to such limitations as the Board considers appropriate and, where no period is specified, shall be valid for ninety days from its date of issue and may be renewed if necessary.

(5) Notwithstanding the provisions of subsection (2), it shall be lawful-

- (a) to occupy a part of a building in respect of which a temporary certificate of occupancy has been issued so long as such occupancy complies with the terms of the temporary certificate of occupancy therefor; and

for that purpose

- (b) to occupy a new building by not more than two caretakers."

5. Section 18 of the principal Act is amended-

- (a) in subsection (1) (a);
(b) in subsection (3);

Amendment of
section 18 of
principal Act

by inserting after "Act" the following:

"or of regulations made thereunder".

6. Section 31 of the principal Act is amended:

- (a) in subsection (2) by deleting the words "subsection (2)" and substituting the following:

Amendment of
section 31 of
principal Act

"subsection (6)";

- (b) in subsection (6) by inserting after "Act" the following:

"or of regulations made thereunder".

7. The principal Act is further amended by inserting immediately after section 36 the following sections-

Insertion of new
sections, 36A,
36B, 36C, 36D

" B u i l d i n g 36A.(1) The Minister may make regulations to be made regulations as to the following matters-

- (a) as to new buildings-

- (i) the preparation and foundations of the site;
(ii) the method of construction, structural strength and stability;
(iii) the materials, including materials of short life and their preservation from decay and infestation;
(iv) the space of buildings;
(v) the insulation, lighting and ventilation of rooms;

- (vi) the dimensions of rooms and spaces;
 - (vii) planning standards;
 - (viii) fire precautions and safety;
 - (ix) plumbing and water supply;
 - (x) sanitation;
 - (xi) electrical installations and wiring, gas installations and piping, and telecommunications services;
 - (xii) lifts and other mechanical means of conveyance for access;
 - (xiii) refuse disposal and emission of noxious or offensive substances;
 - (xiv) hurricane and earthquake precautions and protection;
 - (xv) means of access to and egress from buildings;
 - (xvi) low cost housing;
 - (xvii) the use of buildings or parts of buildings;
 - (xviii) matters connected with, or ancillary to any of the foregoing matters;
- (b) as to existing buildings-
- (i) structural alterations or extensions to buildings, and buildings so far as affected by alterations or extensions;

- (ii) buildings or parts of buildings in cases where there is any material change within the meaning of this section, the purposes for which a building, or as the case may be, a part of a building is used,

and, so far as they relate to the matters mentioned in this paragraph, regulations made under paragraph (a), may be made to apply to buildings erected before the date on which the building regulations came into force.

(2) There shall be a material change in the purposes for which a building or part of a building is used if-

- (a) a building, or a part of a building being a building or part which was not originally constructed for occupation as a house, or which though so constructed has been appropriated to other purposes, becomes used as a house;
- (b) a building or part of a building being a building or part which was originally constructed for occupation as a house by one family only, becomes occupied as separate establishments by two or more families; or
- (c) building regulations contain special provisions with respect to buildings used for any particular purpose and a building not previously

used for that purpose,
becomes so used.

(3) Building regulations may-

- (a) exempt any building, part of a building or class of building from any of the requirements of the regulations;
- (b) provide for different regulations to apply to different buildings, parts of buildings or classes of buildings; or
- (c) provide for the imposition of or impose conditions on any permit to construct a building.

(4) Regulations made under this section may include provisions as to -

- (a) the depositing of plans, sections, specifications and written particulars;
- (b) the giving of notices and certificates;
- (c) the inspection of development (including the power to require the uncovering of development which has been covered prior to inspection);
- (d) the testing of drains and sewers and the taking by the Board or a building inspector of samples of materials to be used in the construction of buildings or in the execution of other developments; or

- (e) the prescribing and payment of fees.

Appointment of building inspectors 36B. The Public Service Commission shall appoint building inspectors to assist the Physical Planner to enforce the building regulations.

Approval and rejection of plans 36C. (1) Where plans of any proposed development are, in accordance with building regulations, deposited with the Physical Planner, the Physical Planner shall approve the plans, unless -

- (a) they are defective;
- (b) they contravene any provision of the building regulations; or
- (c) there is a failure to comply with this Act,

when he shall refer those plans to the Board together with his written advice thereon.

(2) In referring plans to the Board under subsection (1) the Physical Planner may recommend that the Board relax or dispense with any requirement contained in the building regulations where the Physical Planner considers that the operation of any such requirement would be unreasonable in relation to that particular case.

(3) Building regulations may provide, as regards any requirement contained in the regulations, that subsection (2) shall not apply.

(4) On receipt of any plans on a referral by the Physical Planner under subsection (1), the Board may reject those plans or pass them subject to either or both of the conditions set out in subsection (6).

(5) If the Board accepts the recommendations made by the Physical Planner under subsection (2), the Board may relax or

dispense with the requirements of the building regulations mentioned in that recommendation and approve those plans.

(6) The conditions mentioned in subsection (4) are:

- (a) that such modifications as the Board may specify shall be made in the deposited plans; and
- (b) that such further plans as the Board may specify shall be deposited,

to bring the plans into conformity with building regulations.

(7) The Physical Planner shall notify the person on whose behalf the plans have been deposited, within sixty days or such extended time as agreed by that person, whether those plans have been passed or rejected.

(8) A notice of rejection of plans shall state the defects on account of which or the building regulation or section of this Act for non-conformity with which or under the authority of which, the plans have been rejected.

(9) A notice that plans have been approved shall -

- (a) if the plans have been approved by the Board in exercise of any power to relax or dispense with any requirement of building regulations or this Act, state the requirements of the building regulations or this Act, relaxed or dispensed with;

- (b) in any case state that the notice of approval operates as an approval thereof only for the purposes of the requirements of building regulations and does not constitute development permission.

(10) (a) A person on whose behalf plans are deposited may apply to the Minister, before that person substantially commences any proposed development, to have any question arising between the Board or the Physical Planner and that person as to whether-

- (i) the plans are defective;
- (ii) the development would contravene the building regulations or this Act; or
- (iii) a relaxation of or dispensing with the requirements of the building regulations ought to have been granted under subsection (5),

determined.

(b) If the question arising under this subsection is a failure on the part of the Physical Planner or the Board to decide whether the deposited plans are defective, the Minister may order the Board to approve or reject the plans within a time to be specified by the Minister.

Deposit of plans
to be ineffective
after two years

36D. Where plans of any proposed development have been deposited in accordance with building regulations and either the plans have been approved or notice of rejection of them has not been given in accordance with section 36C and the

development to which the plans relate has not been completed within two years of the deposit of those plans, the deposit of the plans shall be of no effect."

Passed in the House of Assembly this 12th day of October, 2004.

NICOLE HERBERT
Clerk of the House of Assembly.

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Campden Park, St. Vincent and the Grenadines.

2005

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