

LAWS OF DOMINICA

**DEVELOPMENT AND PLANNING
CORPORATION ACT**

CHAPTER 84:01

**Act
19 of 1972
Amended by
39 of 1973**

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 84:01

DEVELOPMENT AND PLANNING
CORPORATION ACT

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CHAPTER 84:01

DEVELOPMENT AND PLANNING
CORPORATION ACT

AN ACT to provide for the establishment of a Corporation to be known as the Development and Planning Corporation, for the functions of the Corporation and for matters connected therewith or incidental thereto. 19 of 1972.

[21st September 1972]

Commencement.

PART I

PRELIMINARY

1. This Act may be cited as the –

Short title.

DEVELOPMENT AND PLANNING
CORPORATION ACT.

2. In this Act –

Interpretation.

“Chairman” means the Chairman of the Corporation;

“the Corporation” means the Development and Planning Corporation established under section 3;

“designated area” means any area in respect of which a development plan has been initiated by the Corporation and approved by the Minister;

“development” includes re-development;

“financial year” means such period of twelve months as the Corporation with the approval of the Minister may determine to be its financial year, so, however, that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as may be fixed by the Corporation with the approval of the Minister;

“functions” includes powers and duties;

“local authority” means –

- (a) in relation to the City of Roseau and the town of Portsmouth, the Roseau City Council and the Portsmouth Town Council; and

(b) in relation to any other village or place the Village Council established for that village or place;

“Minister” means the Minister responsible for Planning;

“owner” in relation to land, means a person who is for the time being entitled to dispose of the fee simple of the land whether in possession or in reversion, and includes a person holding or entitled to the rents and profits under a lease or agreement, the unexpired term whereof exceeds three years;

“statutory undertakers” means persons authorised by any law to carry on any transport undertaking by land, air or water, or any undertaking for the supply of electricity, gas, hydraulic power or water, or any telephone service.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE CORPORATION

Establishment of
Development and
Planning
Corporation.
[39 of 1973].

3. (1) There is hereby established for the purposes of this Act a body to be called the Development and Planning Corporation, which, with effect from a date to be notified by the Minister by Order, shall be the body solely responsible for physical planning powers in Dominica.

Schedule.

(2) The Schedule shall have effect with respect to the constitution of the Corporation and otherwise in relation thereto.

Functions of the
Corporation.
[39 of 1973].

4. (1) Subject to the provisions of this Act the Corporation shall have power to carry out or secure the laying out and development of areas designated for the purpose.

(2) Subject to the provisions of this Act and to any directions from the Minister, the Corporation may, for the purpose of performing any of its functions under this Act, do anything and enter into any transaction which, in the opinion of the Corporation, is necessary to ensure the proper performance of its functions.

(3) In particular and without prejudice to the generality of subsections (1) and (2) the Corporation may –

(a) acquire, manage, develop and dispose of land whether within or outside any designated area;

(b) lay out, construct and maintain roads, construct and maintain buildings and carry out such other building

and engineering operations as may appear to it to be necessary or desirable in, on, over or under land within any designated area;

- (c) provide and maintain car parks, piers, public parks, public gardens and other public amenities within any designated area;
- (d) carry on any business or undertaking for the development of any designated area;
- (e) contribute to local authorities and statutory undertakers sums in respect of expenditure incurred by such authorities and undertakers in respect of their functions in connection with the development of any designated area;
- (f) engage in any other activity designed to promote the development of any designated area;
- (g) perform such functions and duties as may be delegated to it by the Minister whether within or outside a designated area.

(4) The Corporation shall, in performing any of its functions under this Act, take such action as may be necessary and practicable to ensure the preservation of sites and objects of architectural or historic interest.

5. (1) Without prejudice to any of its other powers under this Act, the Corporation may –

*Powers of dealing
with land and
buildings.*

- (a) let or lease for any term of years, or upon any conditions, any land vested in it under or by virtue of this Act and accept surrenders of any such leases as it may think fit; but the Corporation shall not exercise the powers conferred by this paragraph without the prior sanction of the Minister if he so directs;
- (b) with the consent of the Minister, sell or exchange such land, whether or not it pays or receives any money for equality of exchange.

(2) The sale or lease of any land vested in the Corporation may be subject to such covenants and conditions as the Corporation, with the approval of the Minister, may impose in regard to the laying out and use of the land or in regard to the use and maintenance of any building

thereon, and upon any such sale the Corporation may, with the approval of the Minister, accept payment of part of the price and secure the remainder by a mortgage of the premises.

Ministerial
directions.

6. (1) The Minister may, after consultation with the Chairman, give to the Corporation directions of a general character as to the policy to be followed in the performance of its functions in relation to matters appearing to him to concern the public interest.

(2) The Corporation shall furnish the Minister with such returns, accounts and other information as he may require with respect to the property and activities of the Corporation, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Appointment of
an accountant
and other
officers, servants
and agents.

7. (1) The Corporation may appoint and employ at such remuneration and on such terms and conditions as it thinks fit an accountant and such other officers, servants and agents as it thinks necessary for the proper performance of its functions.

(2) The Public Service Commission may, subject to such conditions as it may impose, approve of the appointment of any public officer in the service of the State to any office with the Corporation and any public officer so appointed shall, in relation to pension, gratuity or other allowances, and to other rights as a public officer, be treated as continuing in the service of the Government.

PART III

FINANCIAL

Funds and
resources of the
Corporation.

8. The funds and resources of the Corporation shall consist of –
- (a) such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament;
 - (b) moneys borrowed by the Corporation pursuant to section 9 for the purpose of meeting any of its obligations or performing any of its functions;
 - (c) all other moneys and other property which may in any manner become payable to, or vested in, the Corporation in respect of any matter incidental to its functions.

Borrowing
powers.
[39 of 1973].

9. (1) Subject to subsection (2), the Corporation may borrow moneys required by it for meeting any of its obligations or performing any of its functions.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister responsible for Finance as to the amount, as to the source of borrowing and as to the terms on which the borrowing may be effected, and an approval given in any respect for the purpose of this section may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

(3) Moneys borrowed by the Corporation for meeting any of its obligations or performing any of its functions under this Act with the approval of the Minister responsible for Finance, shall be guaranteed by the Minister responsible for Finance and when so guaranteed shall become a charge on the Consolidated Fund.

10. Moneys standing to the credit of the Corporation may from time to time be invested in securities approved either generally or specifically by the Minister responsible for Finance, and the Corporation may from time to time with the like approval sell any or all of the securities. Investments.

11. The Corporation shall establish a reserve fund to be utilised for such purposes as the Minister responsible for Finance may approve. Reserve fund.

12. (1) The Corporation shall keep accounts of its transactions to the satisfaction of the Minister and the accounts shall be audited annually by the Director of Audit or some other suitable person appointed by the Minister for the purpose. Accounts and audit.

(2) The members, officers and servants of the Corporation shall grant to the Director of Audit or any other person appointed under this section to audit its accounts access to all books, documents, cash and securities of the Corporation and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Corporation.

13. (1) The Corporation shall prepare and present to the Minister within four months (or such longer period as the Minister may allow) after the expiration of each financial year of the Corporation a report – Annual report and estimates.

(a) dealing generally with the activities of the Corporation during its last financial year;

(b) containing such information relating to the proceedings and policy of the Corporation as in its opinion can be made public without detriment to the interest of the Corporation; and

(c) including a statement of its accounts audited in accordance with section 12.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the report of the person who audited the accounts on that statement and on the accounts of the Corporation to be laid on the table of the House of Assembly.

(3) Copies of the Corporation's report together with the annual statement of accounts and the report of the person who audited the accounts on that statement and on the accounts of the Corporation shall be published in such manner as the Minister may direct.

(4) The Corporation shall, not less than three months (or such shorter period as the Minister may in any particular case allow) before the expiration of each financial year of the Corporation, submit to the Minister for approval its estimates of revenue and expenditure in respect of its next financial year.

Exemption from
stamp duty and
income tax.

14. (1) Any instrument necessary for the transfer or vesting of any land to or in the Corporation or from or by the Corporation to or in any person, or relating to any lease, mortgage, or other charge or any release, in regard to which the Corporation is a party, upon or in respect of which stamp duties, registration or recording fees are payable, shall be exempt from the payment of such stamp duties, registration or recording fees.

(2) The income of the Corporation shall be exempt from income tax.

PART IV

TRANSFER OF PROPERTY TO CORPORATION

Transfer of
property to
Corporation.

15. Upon a day to be appointed by the Minister by notice published in the *Gazette* by virtue of this section and without further assurance all such property owned by the Government of Dominica as may be specified in the notice as aforesaid shall be transferred to and vested in the Corporation.

PART V

INCENTIVES FOR DEVELOPMENT

Corporation to
grant exemption
from income tax
in designated
area.
Ch. 67:01.

16. Notwithstanding the Income Tax Act, or any law enabling the imposition of income tax on persons in the State, the Corporation shall, with the approval of the Minister responsible for Finance, have power to grant relief from income tax to persons within the areas designated for a period not exceeding seventeen years.

17. Notwithstanding the Customs Import and Export Tariffs Act, or of any tax on goods, materials or equipment, the Corporation shall, with the approval of the Minister responsible for Finance, from time to time and for specified periods, remit the payment of duties or taxes on materials, equipment or goods used in the construction and equipment of buildings within the areas designated.

Corporation to grant remission of duties within designated area. Ch. 69:02.

PART VI GENERAL

18. The Minister 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 –

Regulations.

- (a) for securing the proper laying out and development of designated areas;
- (b) prescribing the form of any notice or other document authorised or required by this Act to be served or issued;
- (c) prescribing any other matter or anything which may be, or is required by this Act to be, prescribed.

SCHEDULE

Section 3.
[39 of 1973].

CONSTITUTION AND PROCEDURE OF THE CORPORATION

1. (1) The Corporation shall consist of an Executive Chairman, a Deputy Chairman, Secretary-Manager and such other members as the Minister may from time to time appoint.

Constitution of the Corporation.

(2) In the case of the absence or inability of the Chairman to act the Deputy Chairman shall exercise the functions of the Chairman.

(3) Subject to sub-paragraph (2), the Minister may appoint any person to act temporarily in the place of any member of the Corporation in the case of the absence or inability of that member to act.

2. The appointment of a member of the Corporation shall, subject to the provisions of this Schedule, be for a period not exceeding three years and such member shall be eligible for re-appointment.

Tenure of office.

Resignations.

3. (1) Any member of the Corporation, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of the instrument the member shall cease to be a member of the Corporation.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and the resignation shall take effect as from the date of the receipt of the instrument by the Minister.

Revocation of appointments.

4. The Minister may at any time revoke the appointment of any member of the Corporation if he thinks it expedient to do so.

Filling of vacancies.

5. If any vacancy occurs in the membership of the Corporation the vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Gazetting of appointments.

6. The names of all members of the Corporation as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Incorporation.

7. (1) The Corporation shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of land and other property of whatever kind.

(2) The seal of the Corporation shall be kept in the custody of the Chairman or the Secretary and shall be affixed to instruments pursuant to a resolution of the Corporation in the presence of the Chairman or any other member of the Corporation and the Secretary.

(3) The seal of the Corporation shall be authenticated by the signatures of the Chairman or a member of the Corporation authorised to act in that behalf and the Secretary and the seal shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the hand of the Chairman or any other member authorised to act in that behalf or the Secretary.

(5) The Corporation may sue or be sued in its corporate name and may for all purposes be described by such name.

Service of documents.

8. Any summons, notice or other document required or authorised to be served upon the Corporation under this Act or any other law may, unless in any case there is express provision to the contrary, be served by delivering the same to the Chairman or Secretary, or by sending it by registered post addressed to the Secretary at the principal office of the Corporation.

9. A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation – Disclosure of interest.

- (a) shall disclose the nature of his interest at a meeting of the Corporation;
- (b) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

10. (1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of business, and the meetings shall be held at such places and times and on such days as the Corporation may determine; but not less than six meetings of the Corporation shall be held in each financial year of the Corporation. Procedure and meetings.

(2) Minutes in proper form of each meeting of the Corporation shall be kept.

(3) The Chairman may at any time call a special meeting of the Corporation and shall call a special meeting to be held within seven days from the receipt of the written request for that purpose addressed to him by any three members of the Corporation.

(4) The Chairman or, in his absence the Deputy Chairman, shall preside at the meetings of the Corporation, and if both the Chairman and the Deputy Chairman are absent from any meeting the members present shall elect one of their number to preside at that meeting.

(5) The quorum of the Corporation shall be such number as the Corporation may fix from time to time, not being less than one half of the total number of members of the Corporation.

(6) The decisions of the Corporation shall be by a majority of votes and, in addition to an original vote, the Chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(7) The validity of the proceedings of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Corporation may regulate its own proceedings.

11. The Corporation may by a vote of a majority of all the members thereof delegate to the Chairman or a committee appointed by the Corporation such of the functions of the Corporation as to enable it effectively to transact such of the day to day business of the Corporation as it may decide; but nothing in this paragraph shall authorise the Corporation to delegate to any person functions to do any act involving extraordinary expenditure, or expenditure beyond a limit approved by the Corporation. Power to delegate.

Protection of
members.

12. (1) No member of the Corporation shall be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of the operations of the Corporation.

(2) Where any member of the Corporation is exempt from liability by reason only of the provisions of this paragraph, the Corporation shall be liable to the extent that it would be if the member was a servant or agent of the Corporation.

Remuneration of
members.

13. There shall be paid from the funds of the Corporation to the Chairman and other members of the Corporation such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Office of
member not
public office.

14. The office of member of the Corporation shall not be a public office for the purpose of Chapter VI of the Constitution of Dominica.
