

PEOPLE'S LAW NO. 7 OF 1983

PROCLAMATION

BY THE

PEOPLE'S REVOLUTIONARY GOVERNMENT

A LAW to amend the Land Development (Control) Act, 1968.

[*Gazetted 4th February, 1983*]

In the exercise of the powers vested in the People's Revolutionary Government by People's Law No. 2 of 1979 (Establishment of People's Revolutionary Government) and in exercise of the powers vested in the Prime Minister by People's Law No. 10 (Declaration and Effect of Laws) it is hereby ORDERED and PROCLAIMED as follows:---

1. This Law may be cited as the

LAND DEVELOPMENT (CONTROL) (AMENDMENT) LAW 1983.

Short title and construction.

and shall be read and construed as one with the Land Development (Control) Act, 1968, hereinafter referred to as the principal Act.

2.— Section 2 of the principal Act is hereby amended by deleting the definition of "development" and substituting therefor the following:—

Amendment of section 2 of principal Act.

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

use of any building or other land or the sub-division of any land and “develop” and “development purposes” shall be construed accordingly;”

Repeal and replacement of sections 21, 22 and 23 of principal Act. 3.-- Sections 21, 22 and 23 of the principal Act are hereby repealed and the following sections substituted therefor:—

“Enforcement of planning control. 21(1) Where it appears to the Authority that any development of land has been carried out without the grant of permission required in that behalf under this Act, or that any conditions or limitations subject to which the permission was granted in respect of any development have not been complied with, the Authority may within four years of the development being carried out, or in the case of non-compliance with a condition or limitation within four years after the date of the alleged failure to comply with it, if it considers it expedient to do so, issue a notice under this section and serve copies thereof to the owner and occupier of the land.

(2) Any notice issued under this section (hereinafter called an “enforcement notice”) shall specify the development that is alleged to have been carried out without the grant of the permission as mentioned above or, as the case may be, the matters in respect of which it is alleged that any such conditions or limitations have not been complied with, and may require such steps as may be specified in the notice to be taken within such period as may be so specified for restoring

the land to its condition before the development took place or for securing compliance with the conditions or limitations as the case may be; and in particular any such notice may, for the purposes mentioned above, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(3) Except as otherwise provided in this section, an enforcement notice shall take effect at the expiration of such period (not being less than twenty eight days after the service thereof) as may be specified therein.

(4) Where, within the period mentioned in sub-section (3), an application is made to the Minister for permission —

(a) for the retention on the land of any buildings or works to which the enforcement notice relates; or

(b) for the continuance of any use of the land to which the enforcement notice relates,

the operation of the enforcement notice shall be suspended pending the final determination of the application and if the permission applied for is granted, the enforcement notice shall not take effect.

(5) Where an appeal is made to the Court under subsection (6) by a person on whom the enforcement notice was served, the operation of the enforcement notice shall be suspended pending the final determination or the withdrawal of the appeal, as the case may be.

(6) If any person on whom an enforcement notice is served under this section is aggrieved by the enforcement notice, he may, at any time within the period mentioned in subsection (3), appeal against the enforcement notice to a Magistrate's Court for the area within which the land to which the notice relates is situated; and on any such appeal the Court

(a) if satisfied that permission was granted under this Act for the development to which the enforcement notice relates, or that no such permission was required in respect thereof, or, as the case may be, that the conditions or limitations subject to which the permission was granted have been complied with, shall quash the enforcement notice to which the appeal relates;

(b) in any other case shall dismiss the appeal.

Supple-
mentary
provisions as
to enforce-
ment notice.

22(1) If within the period specified in an enforcement notice, or within such extended period as the Minister may allow, any steps required by the enforcement notice to be taken have not been taken, the Authority may, through its servants or agents, enter on the land and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by the Authority in that behalf; and if that person, having been entitled to appeal to the

court under section 21, failed to make such an appeal, he shall not be entitled in proceedings under this subsection to dispute the validity of the action taken by the Authority upon any ground that could have been raised by such an appeal.

(2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served under section 21, in respect of any development, and any sums paid by the owner of any land under subsection (1) in respect of the expenses of the Authority in taking steps required to be taken by such an enforcement notice, shall be held to be incurred or paid for the use and at the request of the person by whom the development was carried out.

(3) Where, by virtue of an enforcement notice any use of land is required to be discontinued, or any conditions or limitations are required to be complied with in respect of any use of land or in respect of the carrying out of any operations thereon, then if any person without the grant of permission in that behalf under this Act, uses the land or causes or permits the land to be used, or carries out or causes or permits to be carried out those operations, in contravention of the enforcement notice, he is liable on summary conviction to a fine not exceeding two thousand dollars and, in case of a continuing offence, to a further fine not exceeding three hundred dollars for every day after the first day during which the use is so continued.

Penalties for failure to comply with certain enforcement notices.

23. Where, an enforcement notice has been served under section 21 on the person who was, when the notice was served on him, the owner of the land to which the enforcement notice relates and within the period specified in the enforcement notice, or within such extended period as the Minister may allow, any steps required by the enforcement notice to be taken have not been taken, that person is liable on summary conviction to a fine not exceeding two thousand dollars and, in case of continuing offence, to a further fine not exceeding three hundred dollars for every day after the first day during which the requirements of the enforcement notice remained unfulfilled.

4.---The following sections 24, 25, 26, 27, 28 and 29 are added to the principal Act immediately following section 23:

Repeated operation of enforcement notice.

24(1) Compliance with an enforcement notice, whether as respects --

- (a) the demolition or alteration of any building or works;
- (b) the discontinuance of any use of land; or
- (c) any other requirements in the enforcement notice,

shall not discharge the enforcement notice.

(2) Without restricting the generality of subsection (1) . where any development is carried out on land by way of reinstating or restoring buildings or

works that have been demolished or altered in compliance with an enforcement notice, the enforcement notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the building or works as reinstated or restored as it applied in relation to the buildings or works before they were demolished or altered and section 22(1) and (2) shall apply accordingly.

(3) Without affecting the operation of sections 22(3) and 23, a person who carries out any development on land by way of reinstating or restoring buildings or works that have been demolished or altered in compliance with an enforcement notice is liable on summary conviction to a fine not exceeding two thousand dollars.

Stop notices.

25(1) Where in respect of any land the Authority—

(a) has served an enforcement notice under section 21; but

(b) considers it expedient to prevent before the expiry of the period allowed for compliance with the notice, the carrying out of any development to which the notice relates, the Authority may, at any time before the notice takes effect serve on the owner and occupier of the land a further notice (in this section referred to as a “stop notice”) referring to, and having annexed to it, a copy of the enforcement notice and prohibiting the carrying out of that development.

(2) A stop notice shall take effect on service thereof and shall cease to have effect when—

- (a) the enforcement notice is withdrawn or quashed, or
- (b) the period allowed for compliance with the enforcement notice expires.

(3) If any person contravenes or causes or permits the contravention of a stop notice he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars and, in case of a continuing offence, to a further fine not exceeding three hundred dollars for every day after the first day during which the offence is so continued.

Power of entry.

26(1) Any person duly authorised in writing by the Authority may, at any reasonable

time, enter upon any land for the purpose of surveying it, estimating its value or inspecting it in connection with—

- (a) any application for permission to develop land under this act;
- (b) any proposal by the Authority to serve or make any notice under this act; or
- (c) for the purpose of ensuring the compliance with any of the provisions of this act.

(2) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before

so entering, and shall not demand admission as of right to any land that is occupied unless twenty-four hours notice of the intended entry has been given to the occupier.

(3) Any person who wilfully obstructs a person acting in exercise of his powers under this section is liable on summary conviction to a fine not exceeding three hundred dollars.

27. The Minister may make regulations for the purpose of giving effect to the provisions of this Act. Regulations.

28. The Minister may by Order amend or replace the Schedules to this Act. Power to amend or replace Schedule.

29. The provisions of section 4 shall be deemed to have come into operation on the fifth day of May, 1968.” Retroactivity.

Dated this 17th day of January, 1983.

MAURICE BISHOP
Prime Minister.

GRENADA.

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