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GRENADA

**ACT NO. 23 OF 2016**

**I assent,**

*26th July, 2016.*



CÉCILE E. F. LA GRENADE  
*Governor-General.*

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 the land; for the regulation of the construction of buildings and other related matters; to confer additional powers in respect of the acquisition and development of land for planning; to protect the natural and cultural heritage, to repeal and replace the Physical Planning and Development Control Act, Cap. 241A.

*[ By Notice ].*

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, and by the authority of the same as follows—

**PART I**

**PRELIMINARY**

Short title and commencement.

- 1.** This Act may be cited as the

**PHYSICAL PLANNING AND DEVELOPMENT  
CONTROL ACT, 2016**

and shall come into force on such date as the Minister shall by Notice in the *Gazette* appoint.

Interpretation.

- 2.** In this Act, unless the context otherwise requires—

“advertisement” means any word, letter, model, sign, placard, board, notice, awning, blind, balloon, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purpose of advertisement, announcement or direction, or calling attention to any person, matter, object or event (excluding any such thing employed wholly as a memorial), and without prejudice to the foregoing provision, includes any hoarding, billboard, wall, fence, or similar structure used, adapted, designed or intended for use for display of advertisements and reference to the display of advertisements shall be construed accordingly;

“Agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock, (including any creature kept for the production of food, wool, skins or fur or for the purpose of its use in farming the land), the use of land as grazing land, market gardens and nursery grounds, but does not include the use of land for aquaculture;

“Authority” means the body established as the Planning and Development Authority under section 5;

“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 situated but does not include plant or machinery comprised in a building;

“building operations” includes the commencement of buildings, demolition works, rebuilding operations, structural alterations or other additions to a building and any road or drainage works preliminary or incidental to the erection of buildings;

“Chief Executive Officer” means the person responsible for the day to day administration and supervision of the staff of the Physical Planning Unit and the implementation of the policies of the Authority;

“clearing” in relation to land, means the demolition of buildings or parts thereof, the removal of materials from land, grading of the surface of the lands, the removal of vegetation or top soil and the carrying out of such other operations in relation thereto as may be prescribed;

“Committee” means the Natural and Cultural Heritage Advisory Committee established pursuant to section 39;

“completion certificate” means a certificate that building or engineering operations or the subdivision of lands have been carried out and completed in accordance with the terms and conditions of any development permit or building permit granted for development;

“designation order” means an order issued by the Authority under section 44;

“development” in relation to land, means the carrying out of building, engineering, mining or other operations in, on, over or under land, the making of any material change in the use of land or buildings or the subdivision of land;

“enforcement notice” means a notice issued by the Authority under section 31;

“engineering operations” includes the laying out, construction and maintenance of roads, drains, culverts, bridges and retention structures, the preparation of land for carrying out any development, the clearing and grubbing of land, earthworks, dredging, land-filling and land reclamation;

“Environmental Impact Assessment” means the process of collection, analysis, evaluation and review of information on the likely effects of a proposed development on the environment and the means to overcome adverse effect which enables the Authority to determine whether development permission should be granted and with what conditions;



“land” means incorporeal as well as corporeal hereditaments of every tenure or description, and any interest therein and also an undivided share in land, and includes land covered with water and land underlying the sea surrounding the coast within the limits of the territorial waters of Grenada;

“listed” in relation to a building, monument or site means included on a list compiled by the Authority under section 41; and “unlisted” has the correlative meaning;

“local authority” means any local government body which is established by or under the Constitution or laws of Grenada;

“mining operations” means the carrying out in relation to any mineral or substance (including oil and geothermal energy) in order under land of any activity with a view to searching for, removing by underground or surface working, carrying away, treating or converting that mineral, and includes the removal of beach sand, quarrying, drilling and boring operations;

“Minister” means the Minister, for the time being, charged with the responsibility for planning and development;

“occupier” in relation to any building or land, includes any caretaker, contractor or other person authorised to undertake or engaged in undertaking any works in relation to the building or land;

“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 a person holding or entitled to the rents and profits of a building or land under lease or agreement, the unexpired term of which exceeds ten years;

“physical plan” means a plan prepared by the Chief Executive Officer under section 10;

“Physical Planning Unit” means a unit, whether or not called by that name, responsible for the implementation of this Act and located in the Ministry responsible for physical planning.

“public agency” means a ministry or department of the Government, a statutory body or a non-governmental organization which has interests in, and expertise and information relevant to the purposes of this Act;

“referral agencies” means governmental and non-governmental agencies, to which application for permission to develop land are routinely referred for technical advice;

“road” means the entire highway, road, street, footpath, passage or other way, whether public or private and whether a thoroughfare or not, and includes

the carriageways, curbs, sidewalks, verges and other reservations;

“site” in relation to a building, includes the area of any courtyard, outbuilding, yard or garden, whether enclosed or not, occupied or intended to be occupied therewith;

“statutory undertaker” means any authority, company or person empowered by any Act, to execute or construct authorized works or to carry into effect the purposes of that Act;

“stop notice” means a notice issued by the Authority under section 33;

“subdivision”, in relation to land, means the division of any piece, parcel or lot of land into two or more pieces, parcels or lots, by way of vesting order, partition order, conveyance, transfer or any other legal instrument, for the purposes of succession, sale, gift, lease, mortgage or any other purpose, whether or not the division involves building, engineering, mining or other operations on, over or under or a material change in the use of any of the pieces, parcels or lots of land, and whether or not any engineering or other operations are necessary or expedient, for the purpose of laying the land out in the manner in which it is being divided;

“Tribunal” means the Physical Planning Appeals Tribunal established under section 58.

Objects of the Act.

- 3.—(1) The objects and purposes of this Act are to—
- (a) ensure that appropriate and sustainable use is made of all publicly-owned and privately-owned land in Grenada, in the public interest;
  - (b) facilitate a continuous improvement in the quality of life of every person in Grenada;
  - (c) provide for the orderly, efficient development of the resources of Grenada, taking account of all relevant social, economic and environmental factors, so as to ensure that sustainable use is made of land in the interests of all the people of Grenada;
  - (d) maintain and improve the quality of the physical environment within which human settlements are situated in Grenada;
  - (e) provide for the orderly sub-division of land and the provision of services in relation thereto;
  - (f) secure the health, safety, welfare and convenience of persons in or about buildings, and of others who may be affected by buildings or matter connected with buildings;
  - (g) contribute to the protection and conservation of the cultural heritage of Grenada, as it finds expression in the natural and the built environment;
  - (h) foster awareness that all persons and organisations owning, occupying and developing land,

have a duty to use that land with due regard for the wider interests, both present and future, of society.

(2) In implementing, applying and interpreting this Act, all persons shall have regard to, use their best efforts to further and give a broad and purposive interpretation to the matters set out in subsection (1).

## PART II

### ADMINISTRATION

**4.—**(1) The Minister shall secure consistency and continuity in the administration of this Act in accordance with the objects set out in section 3. Powers and duties of the Minister.

(2) The Minister may give to the Authority, directions of a general character, as to the policy to be followed by the Authority in the performance of its functions under this Act, and the Authority shall give effect to those directions.

(3) The Minister shall on the recommendation of the Authority prescribe regulations governing the appointment, discipline and control of the staff of the Authority.

(4) In exercising his functions, the Minister shall be guided by the principle that the provisions of this Act shall be applied uniformly, fairly and equally to all persons.

**5.—**(1) There is hereby established a body corporate, to be known as the Planning and Development Authority, to carry out such functions as are by this Act conferred upon it. Establishment of Authority.

(2) Subject to this Act, section 49 of the Interpretation and General Provisions Act Cap. 153 applies to the Authority.

(3) The constitution, procedures and finances of the Authority shall be in accordance with the First Schedule.

(4) The Authority shall—

- (a) advance the purposes of this Act as set out in section 3;
- (b) regulate development by the means provided by this Act, having regard to the need to secure consistency and conformity with the development plan, if any;
- (c) regulate the design and construction of buildings and the provision of services, fittings, and equipment in or in connection with buildings;
- (d) do all other things necessary for carrying out the purposes and provisions of this Act as may be authorized by this Act.

(5) The Authority shall remain at all times responsible for the proper performance of its functions under this section, but subject to subsection (1) may, for the purpose of such performance, consult with or obtain advice from other authorities, persons or bodies of persons as it thinks fit.

(6) Without restricting the generality of subsection (4), the Authority may delegate any of its duties to the Chief Executive Officer.

(7) The Authority shall be responsible for implementing the policies given to it by the Minister and the Author-

ity, shall act in accordance with directions given to it by the Minister.

**6.—**(1) The Authority may employ at such remuneration and on such terms and conditions as it thinks fit, (including the payment of pensions, gratuities or other like benefits by reference to the service of its officers and employees) a Chief Executive Officer, a Secretary and such other officers and employees as the Authority considers necessary for the purposes of carrying out the functions of the Authority.

Staff of the Authority.

(2) The head of the Physical Planning Unit may be the Chief Executive Officer of the Authority and, subject to any general or special directions of the Authority, is responsible for carrying out the general policy of the Authority.

(3) The Chief Executive Officer shall exercise the powers and perform the duties specified in subsections (3), (4), (5) and (6).

(4) The Chief Executive Officer shall be responsible to the Authority, for administration including taking disciplinary actions under the regulations prescribed under section 4 where necessary, and for operating the system of planning for which the Act provides.

(5) Without restricting the generality of subsection (3), the Chief Executive Officer shall—

- (a) institute, complete, maintain and keep under review, a study of the matters pertinent to planning the use and development of land in Grenada;
- (b) prepare or cause to be prepared, development plans in accordance with Part III of this Act;

- (c) prepare and submit to the Authority and the Minister, reports on matters which the Authority or the Minister may from time to time consider necessary; and
- (d) do all other things necessary for carrying out the purposes and provisions of this Act, as are authorized by this Act.

(6) The Chief Executive Officer and the Executive Secretary shall sign and issue all development permits, refusals of development permission, enforcement notices and other documents authorized by the Authority to be issued under the provisions of this Act.

(7) The Chief Executive Officer has the powers conferred upon him by this Act, and the duties that he or she is required by this Act or by the direction of the Minister or the Authority to perform.

(8) The Authority may retain the services of experts as short-term or long-term consultants.

Power to delegate.

7. Subject to this Act, the Authority may delegate to any member or committee, the Chief Executive Officer or any other person or statutory body, the power and authority to carry out on its behalf, such functions as the Authority determines.

Coordination with referral agencies.

8.—(1) The Authority may, not later than twelve months after this Act comes into force, after consultation with the relevant public agencies, formulate and submit for the approval of the Minister, an administrative scheme for coordination between the Authority and the public agencies, in respect of the expeditious processing of applications.



(2) An administrative scheme entered into under subsection (1), may be revoked or altered by a revised scheme, approved by the Minister.

(3) Any referral agency, statutory corporation, authority, or any public officer who receives a request in writing, from the Physical Planning Unit on an application for a development permit, shall reply to that request within 14 days or such other period as may be agreed between the Physical Planning Unit and that officer, the agency, corporation or Authority.

**9.** The Minister, members of the Authority, the Chief Executive Officer or any public officer employed by the Authority, or any person acting on behalf of the Authority, shall not be personally liable in any court for, or in respect of any act or matter done, or omitted to be done, in good faith, in the exercise or purported exercise of any function conferred by this Act.

Limitation  
of personal  
liability.

### **PART III**

#### **PHYSICAL PLANS**

**10.—(1)** The Chief Executive Officer may prepare, or cause to be prepared, a physical plan for the whole of Grenada within three years after the commencement of this Act.

Duty to prepare  
physical plan.

(2) In preparing a physical plan for Grenada, the Chief Executive Officer may adopt, with or without variations, a physical plan for any area of Grenada proposed by any person who has an interest in that area, or by a community situated in or the local authority for that area.

(3) The Chief Executive Officer may prepare, or cause to be prepared, local or regional plans for parts of Grenada.

(4) Any local or regional plan shall be submitted to the Authority for approval.

(5) Any physical plan prepared under subsections (1) and (2), requires the approval of the Parliament and only takes effect when approved by the Parliament.

Contents of  
physical plan.

**11.**—(1) Any physical plan prepared or adopted under section 10 shall—

- (a) set out prescriptions for the use of land which represent the results of an integrated planning process; and
- (b) include all maps, plans, drawings, graphic representations and descriptive matter necessary to illustrate the proposals made in it with such degree of detail, as is appropriate to Grenada as a whole, or the area of Grenada to which the plan relates.

(2) A physical plan may as appropriate—

- (a) allocate land for conservation or for use or development for agricultural, residential, industrial, commercial, tourism or other purposes of any class specified in the plan;
- (b) provide for the matters set out in the Second Schedule.

(3) A physical plan may—

- (a) define the sites of proposed roads, public and other buildings and works, or the allocation of land for agriculture, residential, industrial or other purposes of any class, and the conditions under which such development should be carried out;
- (b) designate any area as being an area which, for reasons of flooding, erosion, subsidence, instability, aircraft safety, or other hazards, conservation or other environmental considerations, should not be developed;
- (c) make proposals for the preservation of buildings, sites and other features for architectural, cultural, archaeological or historical reasons.

**12.**—(1) In the course of preparation of a physical plan the Chief Executive Officer shall collaborate with any governmental organization which has an interest in the matters for which proposals may be made in the plan, including, but not limited to the management of water and other natural resources, Crown lands, the protection of archaeological sites, the natural and cultural heritage, environmental protection, economic development, agriculture, industry, tourism, commerce, urban development and transportation.

Preparation of  
physical plan.

(2) Before finalizing the contents of a physical plan, the Chief Executive Officer shall take reasonable steps to ensure that—

- (a) adequate publicity is given in the area to which the plan relates, to the matters con-

cerning which proposals will be made in the plan; and

- (b) persons who may wish to make representations with respect to those matters, are invited and given an adequate opportunity to make representations on those matters.

(3) Upon finalizing the physical plan, the Chief Executive Officer shall submit the physical plan to the Authority, who shall then submit the physical plan to the Minister for his or her approval.

(4) In any case where a physical plan is concerned wholly or in part with an area governed by a local authority, the Authority shall, before submitting the draft plan to the Minister for approval, provide a copy of the draft physical plan to the local authority for its consideration; and, if the local authority wishes to make any objections or representations in respect of the draft physical plan, it shall submit them to the Authority in the time and manner specified by the Authority.

(5) The Authority shall publish in the *Gazette* and at least one newspaper in general circulation in Grenada, a notice of the places and times when the draft physical plan may be inspected, and shall give such other publicity to the plan as is appropriate to inform the public in general, and particularly persons whose interests are likely to be affected, directly or indirectly, by the proposals in the draft physical plan, of their right to make representations to the Authority with regard to the proposals in it.

(6) Any person may, within eight weeks after publication in a newspaper of the notice referred to in

subsection (2), make oral or written representations on the draft physical plan to the Authority.

(7) After the expiry of the period prescribed by subsection (6), the Authority shall consider the representations made and forward a report on them, together with its own comments, to the Minister.

**13.**—(1) When the Authority prepares or adopts a physical plan, the Authority shall submit a copy to the Minister and make copies available for public inspection at its offices or any other places the Authority considers appropriate, to bring the plan to the attention of persons who are likely to be affected, directly or indirectly, by the proposals in it. Approval of physical plan.

(2) After considering the draft physical plan and the report submitted by the Authority under section 12, the Minister may accept the plan, with or without modifications, or may reject it.

(3) Where the Minister accepts a draft physical plan, the Minister shall submit or cause it to be submitted for the approval of Parliament.

(4) Where a draft physical plan is approved by Parliament, the Authority shall cause notice of the approval to be published in the *Gazette*.

(5) The Authority shall make copies of an approved plan available for inspection at its offices and for sale to the public at a reasonable price.

**14.**—(1) The Authority may at any time carry out or cause to be carried out a review of an approved plan, and submit to the Minister a report on the review, together with proposals Review and revision of approved plan.

for any alterations or additions to the plan which appears appropriate.

(2) Without limiting subsection (1), the Authority shall at least once in every five years after the date on which a physical plan is approved, review and report on the plan as aforesaid.

(3) The provisions of this Act with respect to the preparation and approval of a physical plan, apply with necessary modifications to any proposal for the alteration or addition to an approved plan.

Status of physical plan.

**15.**—(1) Where a physical plan, or any amendment to a physical plan, is approved by Parliament—

- (a) the Authority shall take into consideration the approved physical plan in determining any application for permission to develop land in the area covered by the plan; and
- (b) the Government shall be guided by the approved plan in the preparation of any public sector development project or programme.

(2) Where two or more approved physical plans apply in whole or in part to the same area and any question arises as to the basis for development of that area—

- (a) the physical plan which shows the greater degree of detail prevails over the physical plan which shows the lesser degree of detail; and
- (b) if the degree of detail of both physical plans is equivalent, the later physical plan

has precedence over the earlier plan, unless it expressly provides otherwise.

(3) An approved physical plan remains in effect until revoked by Parliament.

(4) The Authority shall cause the notice of a revocation under sub-section (3) to be published in the *Gazette*.

## PART IV

### DEVELOPMENT CONTROL

**16.**—(1) Subject to section 18, no person shall commence or carry out the development of any land in Grenada without the prior written permission of the Authority. Permission required to develop land.

(2) Without limiting subsection (1), a person is deemed to have commenced the development of land (unless the contrary is proved, the burden of which lies on any person charged) if that person 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 the construction of any building 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.

(3) The power of the Authority to grant permission to develop land under this Part, includes power to grant permission for the retention on land of any buildings or works constructed or carried out thereon before the date of the application, or for the continuation of any use of land instituted before that date (whether without permission granted under this Part or in accordance with permission

granted for a limited period only); and reference in this Part to permission to develop land and to application for permission are to be construed accordingly.

(4) Any person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of fifty thousand dollars or three years imprisonment or to both.

Particular operations and uses which do not constitute development.

**17.—**(1) The following operations on or uses of land shall not be deemed for the purposes of this Act, to involve the development of land—

- (a) the carrying out of works for the maintenance, improvement or other alteration of any building, if the works affect only the interior of the building or do not materially affect the structure or the external appearance of the building;
- (b) the carrying out by or on behalf of the Government of any works required for the maintenance or improvement of a road, if the works are carried out on land within the boundaries of the road;
- (c) the carrying out by or on behalf of the Government or any statutory body of any works for the purpose of inspecting, repairing or renewing any sewers, water mains, pipes, cables or other apparatus, including the breaking open of any road or other land for that purpose;
- (d) the use of any building or land within the curtilage of a dwelling house, for any purpose incidental to the enjoyment of the dwelling house as such;



- (e) subject to any exceptions or limitations, the Minister may by order prescribe, the use of any land for the purposes of agriculture or forestry, and the use for any of those purposes of any building on land so used; and
  - (f) in the case of land or buildings that are used for the purpose of any class prescribed in an order made by the Minister under this section, the use thereof for any other purpose of the same class.
- (2) For the purposes of this Act—
- (a) the use for display of an advertisement of any land or external part of a building which has not been previously used for that purpose, involves a material change in the use of that land or that part of that building;
  - (b) the use of two or more separate dwelling units of any building previously used as one dwelling unit, involves a material change in the use of that building;
  - (c) the accumulation of derelict vehicles, scrap metal, refuse, spoil, mineral tailings, sludge, effluent or waste or discarded material of any kind on land, involves a material change of use of that land, notwithstanding that any such material had previously been deposited thereon;
  - (d) the use of any land, other than land within the boundaries of a road, for the sitting

of any moveable or temporary building, including but not limited to a chattel building, mobile home, caravan, trailer, shipping container, multiparty tent, vendor's stall, barrow or food van, whether equipped with wheels or not involves a material change in the use of that land.

Permitted  
development.

**18.**—(1) The Authority may, by an order (in this Act referred to as a “general development order”), provide that the development of land of any class specified in the order is permitted and may be undertaken, either unconditionally or subject to any conditions or restrictions specified in the order, without the prior written permission of the Authority.

(2) A general development order may be revoked or varied by a subsequent general development order made by the Authority.

(3) A general development order made by the Authority shall be submitted to the Minister for approval, and upon approval, shall be published in the *Gazette* and come into effect from the date of such publication.

Application for  
permission to  
develop land.

**19.**—(1) A person may apply to the Authority through the Physical Planning Unit in the prescribed form in triplicate for permission to develop land and the application shall be accompanied by—

- (a) a map sufficient to identify the land, to which it relates, and such plans, drawings and other materials as the Chief Executive Officer considers necessary to describe the development which is the subject of the application;

- (b) a notice, in writing, signed by the owner of the land to which the application relates, or an agent of the owner, acknowledging that the owner has knowledge of and does not object to the making of the application;
- (c) any consent which the applicant is required by any law to obtain for or in connection with the development, prior to applying for the permission of the Authority;
- (d) if required by regulations made under this Act or by a practice direction given by the Chief Executive Officer, the certificate of a licensed land surveyor, architect, engineer or qualified physical planner, as the case may be; and
- (e) evidence of payment of the prescribed fee.

**20.**—(1) A person who intends to undertake a proposed development of land, may apply to the Authority in the prescribed form for approval in principle of the proposed development before preparing detailed plans. Approval in principle.

(2) The Authority may grant approval in principle, with or without conditions, or may refuse to grant approval in principle.

(3) Approval in principle granted under sub section (2) is not permission to commence development, and the applicant shall comply with the provisions of section 19 (1) before such permission can be granted for the proposed development of land.

(4) Approval in principle granted under this section may be revoked, without compensation, if in the opinion

of the Authority, a situation subsequently arose which constitutes a danger to public health, safety or welfare.

Requirement  
for further  
information.

**21.**—(1) In addition to the information required when submitting an application, the Authority may, request in writing that an applicant provide further information which may be necessary to determine the application.

(2) Where such further information is requested by the Authority, the application shall be treated for the purposes of section 24, as having been made on the date the Authority received the further information.

(3) Where an applicant fails to furnish the further information requested by the Authority within fourteen days of the request, the Authority may give the applicant notice that the application cannot be determined and has been cancelled; whereupon the Authority shall return the cancelled application to the applicant.

(4) Where an application is cancelled pursuant to subsection (3), the applicant is not entitled to a refund of the application fee.

Environmental  
Impact  
Assessment.

**22.**—(1) The Authority may require an Environmental Impact Assessment to be carried out in respect of any application for permission to develop land, including an application for approval in principle, if the proposed development could significantly affect the environment.

(2) Unless the Authority for good cause otherwise determines, an Environmental Impact Assessment shall be carried out in respect of any application for development of a kind mentioned in the Third Schedule.

(3) The Authority shall not grant permission for the development of land pursuant to an application to which this section applies, unless it has first taken the report on the Environmental Impact Assessment into account.

(4) The Minister may make regulations under this section providing for—

- (a) the criteria and procedures for determining whether a development is likely to significantly affect the environment, so that an Environmental Impact Assessment is required;
- (b) the procedures for settling the scope of an Environmental Impact Assessment to be carried out by the applicant in respect of any development;
- (c) the minimum contents of a report on an Environmental Impact Assessment;
- (d) the qualifications, skills, knowledge or experience which a person who conducts an Environmental Impact Assessments shall possess;
- (e) the procedures for public participation in the Environmental Impact Assessment process, and public scrutiny of any report on an Environmental Impact Assessment submitted to the Authority;
- (f) the consideration by the Authority of an application in respect of which an Envi-

ronmental Impact Assessment is required, including the criteria and procedures for review of the report;

- (g) the establishment of an Environmental Assessment Committee; and
- (h) any other matters that may be necessary to give effect to this section.

(5) If the Authority notifies an applicant that an Environmental Impact Assessment is required, the Physical Planning Unit and any other public agency shall, if requested by the applicant, may consult with the applicant, to determine whether that agency has in its possession any information which may be relevant to the preparation of the Environmental Impact Assessment and, if it does, the agency may make any such information available to the applicant, on payment of a reasonable cost but the agency is not required to disclose confidential information to the applicant.

(6) Where the Authority issues a notice under subsection (1), it shall inform any public agency or department of Government having responsibility for issuing licences, permits, giving approvals, consents or any other document of authorization in connection with any matter affecting the development, such public agency or department of Government shall not grant a licence, permit, or give its approval, consent or issue any document of authorization, unless the Authority notifies the agency or department of Government that the notice was complied with and that the Authority granted permission for the proposed development.

(7) Any person who contravenes subsection (1) or contravenes the provisions of any regulations made under subsection (4) commits an offence, and is liable, on summary conviction, to a fine of twenty thousand dollars or three years imprisonment or to both.

**23.**—(1) Where the Authority receives an application under section 19, the Authority shall have regard to the approved physical plan for the area within which the land is situated, if any, and to any other material considerations, and may grant permission to develop land with or without conditions as it thinks fit, or may refuse permission. Determining applications.

(2) The Authority shall give the applicant notice in the prescribed form of its decision and, in the case of an application for permission to develop land, if the Authority decides to grant permission subject to conditions or to refuse it; the notice shall state the reasons.

(3) If after considering an application and any plans submitted with it, the Authority considers it necessary so to do, the Authority may return the plans to the applicant for amendment and, the applicant shall return the amended plan within the time specified by the Authority and, the running of time for conveying its decision to the applicant is suspended for the purposes of section 24, until the amended plan is resubmitted by the applicant to the Authority.

(4) If the Authority grants permission with conditions to any person to undertake any development, the Authority may, if it considers it necessary, enter into any arrangement or agreement with the person in order to give effect to the conditions.

(5) The Authority may require any developer to provide a bond, or any other instrument of guarantee of performance,

in such sum as the Authority considers necessary to give effect to any permission to undertake development.

(6) Notwithstanding subsections (3) and (4) and anything that may be done under them, the Authority may, at any time, revoke its permission to develop the land in question or any part thereof, without compensation, if any condition attached to the permission to develop the land is not complied with.

(7) The term “material considerations” in subsection (1) includes site assessment reports by the staff of the Physical Planning Unit, reports or studies covering the area of the proposed development, any prescribed planning or building standards, and where applicable, the environmental impact assessment report and any representations made by persons who may be affected by the proposed development.

Time period  
for decision on  
application.

**24.** Subject to section 23, where an application is made under section 19, the Authority shall give its decision within thirty days from the date of receipt of the completed application, or a period of one hundred and twenty days where an Environmental Impact Assessment is required under section 22 or any further period agreed upon in writing, between the applicant and the Authority.

Effect of  
permission.

**25.** Without prejudice to the provisions of this Part as to lapse, modification or revocation of any permission to develop land, such permission, unless the notice of permission provides otherwise, inures for the benefit of the land concerned and of all persons for the time being interested in that land.

Lapse of  
permission.

**26.—**(1) If permission for the development of land is not commenced within a period of 12 months from the date on which it was granted, the permission shall lapse.



(2) A person who intends to carry out a development, for which permission is granted, shall give notice in writing to the Authority of the date on which the development shall commence.

(3) If, after the date specified in a notice of commencement given pursuant to subsection (2), the Authority is not satisfied that the development has been substantially commenced, it shall notify the person from whom the commencement notice was received, that the permission will lapse by a specified date if the development is not commenced to the satisfaction of the Authority before that date.

(4) If a development, (other than a development by way of a material change in the use of any land), is not completed within thirty months after commencement, or such other period as is specified in the notice granting permission, the permission lapses without prejudice to the status of the permitted works that are completed.

(5) When a developer notifies the Authority in writing that the permitted building or engineering operations is completed, the Authority shall issue a completion certificate in the prescribed form to the developer where the works are completed in accordance with the permission granted for that development.

(6) Where permission is granted for the development of land by way of subdivision and the undertaking of engineering operations in relation thereto, no parcel of land within the approved subdivision may be granted, sold, let or otherwise transferred to any person for any purpose whatsoever, unless a completion certificate is issued

under this section in relation to the approved engineering operations.

(7) A developer shall establish at all construction sites, a Billboard in the prescribed form stating the name of the contractor, the name of the applicant, the application number and date construction commenced.

(8) Any person who contravenes the provisions of subsection (2) or subsection (7) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

Development to be in accordance with approved plans.

**27.—**(1) Subject to sub-sections 2, and 3 any development of land shall be carried out in accordance with the permission granted by the Authority, the approved plan and subject to any conditions which the Authority considers necessary to impose.

(2) The Chief Executive Officer may approve minor variations to an approved plan, which do not alter or affect the terms and conditions of the permission granted by the Authority in any material respect.

(3) If, before or during the course of any development of land, the developer finds that it is impracticable or uneconomic to carry out the development in accordance with the approved plan, the developer may apply to the Authority for permission to amend the plan and the Authority may grant or refuse permission for the amendment.

(4) Where the Authority refuses permission to amend a plan under subsection (3), it shall, give the applicant notice in writing, of its decision and shall provide reasons to the

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Applicant for refusing, in which case section 58 applies as in the case of an original application to the Authority.

(5) Any person who contravenes subsection (1) commits an offence, and is liable, on summary conviction, to a fine of forty thousand dollars or three years imprisonment or to both.

**28.**—(1) Subject to this section, if it appears to the Minister that it is expedient, having regard to public safety, national security or the general economic policy of the Government or any other material consideration, that any permission to develop land granted by the Authority should be modified or revoked, the Authority shall, by written notice to the person entitled to the benefit of the permission, revoke or modify the permission to develop land to the extent the Minister directs.

Modification on revocation of permission.

(2) The power conferred by subsection (1) to modify or revoke permission to develop land may be exercised—

- (a) if the permission relates to carrying out building or other operations – at any time before those operations have been completed;
- (b) if the permission relates to a change of use of any land – at any time before the change has taken place,

but the modification or revocation of permission for the carrying out of building or other operations, does not affect any of those permitted operations that have been previously carried out.

(3) A person who incurs expenditure in carrying out work that is rendered abortive by the modification or revocation of permission under this section, including any expenditure incurred in the preparation of plans or upon similar matters for the purposes of or preparatory to such work, or who has otherwise suffered loss or damage directly attributable to such modification or revocation, is entitled to adequate compensation in respect of that expenditure, loss or damage.

(4) No compensation is payable under subsection (3), in respect of loss or damage consisting of the depreciation in value of any interest in land, by virtue of the modification or revocation of permission.

Reservation of  
open space.

**29.**—(1) The Authority may, as a condition subject to which permission is granted to develop land, require the developer to provide, as part of the development programme, land reserved for public recreation or as an open space.

(2) Where the Authority requires land to be reserved under subsection (1), the land shall be converted to and maintained by the developer for the purpose for which it was reserved, in compliance with any conditions subject to which the permission was granted.

(3) Any land that has been reserved by the Authority for public recreation or as an open space, may be acquired by the Crown compulsorily in accordance with the provisions of the Land Acquisition Act Cap. 159, except that the compensation payable in respect of land acquired under this section shall, in the absence of agreement, be assessed, assuming its use to be for public recreation or as an open space and its potential development value to be negligible.

(4) A completion certificate shall not be issued in respect of any development to which this section applies until—

- (a) the developer converts the land reserved for public recreation or as an open space to the purpose for which it was reserved, and the Authority is satisfied that the arrangements made by the developer for the continued maintenance of the land, complies with the conditions subject to which permission is granted; or
- (b) the land is vested in the Crown.

(5) The Crown may place any land acquired pursuant in this section under the management of a statutory undertaker, in order to ensure the preservation and use of the land for the purpose for which it was reserved.

**30.**—(1) Notwithstanding anything contained in this Act, at any time before a draft physical plan for an area is approved by the Houses of Parliament, the Minister may make an Order to be published in the *Gazette*, declaring any area to be a zoned area and reserving it for specific purposes.

Declaration of zoned areas.

(2) Where an area is declared a zoned area pursuant to subsection (1), the Authority shall not approve any application for the development of land in that area which is inconsistent with the purposes for which the area is reserved.

## PART V

### ENFORCEMENT OF DEVELOPMENT CONTROL

**31.**—(1) If it appears to the Authority that—

Enforcement Notice.

- (a) any development of land was carried out, without the permission required under this Act; or
- (b) the developer failed to comply with any condition subject to which permission was granted with respect to any development under this Act,

the Authority may, if he considers it expedient to do so, having regard to the provisions of any physical plan for the area, and to any other material considerations, within seven years of the development being carried out or, in the case of non-compliance with a condition, the date of the alleged failure to comply with it, serve an enforcement notice on the owner or occupier of the land.

(2) An enforcement notice issued under subsection (1)–

- (a) shall specify the development that is alleged to have been carried out without permission, or the matters in respect of which it is alleged that the development does not comply with the conditions subject to which permission was granted, as the case may be;
- (b) may require the steps specified in the notice to be taken, within a period specified, for restoring the land to its condition before development took place, or for securing compliance with the conditions, as the case may be, including, but not limited to–

- (i) the cessation, demolition or variation of any building, engineering, mining or other operations;
- (ii) the discontinuance of any use of land;
- (iii) the carrying out of any building, engineering or other operations.

(3) An enforcement notice shall be served not less than twenty-eight days before it takes effect and, except as otherwise provided in this section, takes effect at the expiration of the period specified in it.

(4) The fact that the Authority fails to serve an enforcement notice on either person mentioned in subsection (1), does not invalidate any proceedings under the enforcement notice against the other of those persons.

(5) If, before the enforcement notice takes effect, an application is made to the Authority for permission for—

- (a) the retention on land of any buildings or works to which the enforcement notice relates; or
- (b) the continuance of any use of the land to which the enforcement notice relates,

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

(6) If, before the enforcement notice takes effect, an appeal is made to the court under section 32 by a person

on whom the enforcement notice was served, the operation of the enforcement notice is suspended pending the final determination or withdrawal of the appeal, provided that in the period pending the final determination or withdrawal of the appeal, no work shall commence or continue.

(7) Compliance with an enforcement notice shall not discharge the enforcement notice.

(8) The Authority may at any time revoke an enforcement notice without affecting its power to serve another enforcement notice in respect of the same alleged breach of the provisions of this Act.

(9) Where the Authority revokes an enforcement notice, under subsection (8), it shall serve notice of the revocation on every person on whom the enforcement notice was served.

(10) For the purposes of subsection (1), “material considerations” include compliance with prescribed planning and building standards, representations by persons affected by the development, environmental considerations as well as the impact on public health, safety and welfare.

Right of  
appeal against  
enforcement  
notice.

**32.—**(1) A person upon whom an enforcement notice is served and is aggrieved by the enforcement notice, may, at any time before the enforcement notice takes effect, appeal against the notice to a magistrate’s court having jurisdiction over the place within which the land to which the notice relates is situated.

(2) On an appeal under subsection (1), the court—

- (a) if satisfied that permission was granted for the development to which the notice relates, or that no such permission was re-



quired in respect of that development, or the conditions subject to which permission was granted have been complied with, as the case may be, shall quash the enforcement notice to which the appeal relates; or

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

(3) If an appeal is dismissed by a magistrate's court pursuant to subsection (2)(b), the court may direct that the enforcement notice shall not take effect until a date, not later than twenty-eight days from the date of determination of the appeal, as the court thinks fit.

(4) A person aggrieved by a decision of a magistrate's court under subsection (2), may appeal against that decision to the Court of Appeal.

**33.**—(1) Where the Authority serves an enforcement notice with respect to any land, but considers it expedient to prevent, before the expiry of the period allowed for complying with that notice, the carrying out of the development to which the notice relates, the Authority may also serve a stop notice in respect of that land, prohibiting any person on whom it is served, from carrying on or continuing any specified operations on the land which—

- (a) are alleged in the enforcement notice to have been carried out without permission, or in breach of the conditions subject to which permission is granted; or
- (b) are so closely associated with those operations as to constitute substantially the same operations.

(2) A stop notice served under subsection (1), shall contain a reference to, and have annexed to it a copy of, the enforcement notice previously served in respect of the development to which the notice relates.

(3) A stop notice may be served by the Authority on any person who appears to have an interest in the land to which it relates, or to be concerned with the carrying out of any operations on the land.

(4) A stop notice takes effect on the date on which it is served and, without prejudice to subsection (6), ceases to have effect when—

- (a) permission is granted for the retention of the development to which the enforcement notice relates;
- (b) the enforcement notice to which the stop notice relates, is revoked by the Authority or quashed by the court; or
- (c) the Authority enters upon the land pursuant to section 34.

(5) A stop notice shall not be invalidated by reason that the enforcement notice to which it relates, was not properly served on the owner and occupier of the land as required by section 34, if it is shown that the Authority took all reasonable steps to effect proper service.

(6) The Authority may, at any time, revoke a stop notice without affecting its power to serve another stop notice in respect of the same alleged breach of the provisions of this Act.

(7) Where the Authority revokes a stop notice under subsection (6), it shall serve notice of the revocation on every person on whom the stop notice was served.

(8) A person who at the time a stop notice was served had an interest in the land to which it relates, is entitled to compensation in respect of any loss or damage, including any sum payable for breach of contract, directly attributable to compliance with the prohibition contained in the notice, if the stop notice ceases to have effect in any of the following circumstances—

- (a) the enforcement notice to which the stop notice refers is quashed on the grounds specified in paragraph (a) of section 32(2);
- (b) the enforcement notice is revoked by the Authority, otherwise than in consequence of the grant by it of permission for the development of land to which it relates, or for its retention or continuation without compliance with the condition or limitation subject to which it was permitted, as the case may be; or
- (c) the stop notice is revoked.

**34.—**(1) If within the period specified in an enforcement notice, or such further period as the Authority allows, any steps required by the enforcement notice to be taken (other than the discontinuation of any use of land) is not taken, the Authority may, by its staff or contractors, enter upon the land and take those steps, and may recover as a debt in any court, any expenses reasonably incurred by the Authority

Power to enter land and execute remedial works.

for those purposes, from the person who is then the owner of the land.

(2) A person who obstructs or interferes with the exercise by the Authority of the power vested in it by subsection (1), commits an offence, and is liable on summary conviction, to a fine of ten thousand dollars.

(3) In any proceedings for the recovery of expenses brought by the Authority pursuant to subsection (1), a defendant who is entitled to appeal to the Court under section 32, and who fails to do so, is entitled to dispute the validity of the action taken by the Authority under subsection (1), on any ground that could have been raised in an appeal.

(4) All expenses incurred by the owner or occupier of any land for the purposes of complying with an enforcement notice served under section 31 in respect of any development, and any sums paid by the owner of the land to the Authority in respect of the expenses incurred by the Authority pursuant to subsection (1) of this section, are held to have been incurred or paid for the use, and at the request of the person by whom the unauthorized development was carried out.

Non-compliance  
with enforcement  
notice or stop  
notice.

**35.—(1) If—**

- (a) an enforcement notice was served on a person who, at the time of service of the enforcement notice, was the owner or occupier of the land to which the notice relates; and
- (b) within the period specified in the notice or such further period as the Authority allows, the required action specified in the enforcement notice is not taken,

that person, whether or not he or she is still the owner or occupier of the land, commits an offence, and is liable, on summary conviction, to a fine of fifty thousand dollars and, in the case of a continuing offence, to a further fine of one thousand dollars for every day after the first day that the requirements of the enforcement notice were not met.

(2) A person who carries out any operations to reinstate or restore buildings or other works that was demolished or altered in accordance with an enforcement notice commits an offence, and is liable, on summary conviction, to a fine of seventy thousand dollars.

(3) If, by virtue of an enforcement notice, any conditions are required to be complied with in respect of the carrying out of any operations on any land, a person who, after the notice takes effect, carries out or causes or permits the operations to be carried out in contravention of the enforcement notice commits an offence, and is liable, on summary conviction, to a fine of seventy thousand dollars and, in the case of a continuing offence, to a further fine of one thousand dollars for every day after the first day that the operations are so continued.

(4) If, by virtue of an enforcement notice, any use of land is to be discontinued, or any conditions are required to be complied with in respect of the use of land, a person who, after the notice takes effect, uses the land or causes or permits the land to be used in contravention of the enforcement notice commits an offence, and is liable, on summary conviction, to a fine of seventy-five thousand dollars or a term of imprisonment for 5 years or to both and, in a case of a continuing offence, to a further fine of one

thousand dollars for every day after the first day that the use is so continued.

(5) A person on whom a stop notice is served who carries out, or causes or permits to be carried out, any operations prohibited by the notice, commits an offence, and is liable, on summary conviction, to a fine of seventy-five thousand dollars or to a term of imprisonment for five years or to both and, in the case of a continuing offence, a further fine of one thousand dollars a day after the first day on which the offence continues.

Injunctions.

**36.** In addition to any other remedy provided by this Act, the Authority may, in any case that it thinks fit, institute a civil action for an injunction to prevent any person from violating the provisions of this Act, or to enforce any enforcement notice or stop notice, whether or not it has exercised or proposes to exercise any of its other powers under this Act.

Special enforcement areas.

**37.—(1)** Notwithstanding anything contained in the provisions of this Act, the Minister may, for the purpose of preventing squatting or other forms of unauthorized development, by Order published in the *Gazette*, declare any area to be a special enforcement area.

(2) Without prejudice to the provisions of section 34, where an area is declared to be a special enforcement area under subsection (1), the Authority may, upon service of a notice on the owner or occupier of the land, not less than fourteen days before the intended action, remove, demolish or alter any development where such development has commenced without the written permission of the Authority.

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**PART VI****PROTECTION OF THE NATURAL AND CULTURAL  
HERITAGE**

**38.** The Authority shall function as the national service for the identification, protection, conservation and rehabilitation of the natural and cultural heritage of Grenada, in accordance with the United Nations Educational, Scientific and Cultural Organisation's Convention for the Protection of the World Cultural and Natural Heritage, to which Grenada is a party.

Authority to protect the natural and cultural heritage.

**39.—**(1) There is hereby established a committee to be called the Natural and Cultural Heritage Advisory Committee, to act in an advisory capacity to the Authority on all matters pertaining to the protection of the natural and cultural heritage of Grenada.

Establishment, composition and functions of Advisory Committee.

(2) Without limiting subsection (1), the functions of the Committee are to advise the Authority with respect to—

- (a) compiling, adopting or amending the lists of buildings, monuments and sites of pre-historic, historic or architectural merit or interest;
- (b) issuing interim preservation orders for the urgent protection of unlisted buildings, monuments and sites of prehistoric, historic or architectural merit or interest;
- (c) determining applications for permission to alter or demolish any listed building or monument or to disturb any listed site;
- (d) compiling or amending the lists of places of natural beauty or natural interest, and

- the declaration of any such area to be an environmental protected area;
- (e) determining applications for the development of land within environmental protected areas;
  - (f) incorporating the protection, conservation and rehabilitation of the natural and cultural heritage, into the planning policy at the level of local, regional and national development plans;
  - (g) preparing plans for protecting, conserving and rehabilitating buildings and groups of buildings of historic or architectural merit or interest, including the designation of peripheral protection belts or buffer zones, and the conditions for the use and development of land in such areas;
  - (h) designating Heritage Conservation Areas to protect groups of buildings of historic or architectural value;
  - (i) determining applications for constructing new buildings on land situated in Heritage Conservation Areas, or in the vicinity of listed buildings or monuments, or on listed sites;
  - (j) issuing of abatement notices for the preservation of amenities; and
  - (k) regulating outdoor advertising.



(3) The Committee consists of the Chief Executive Officer as Chairperson, and not more than 9 other persons appointed by the Minister of whom—

- (a) one shall be a senior officer of the Ministry responsible for culture;
- (b) one shall be a senior officer of the Ministry responsible for tourism;
- (c) one shall be a senior officer of the Ministry responsible for fisheries and forestry;
- (d) one shall be the chief executive officer of the National Parks Authority;
- (e) one shall be a representative of the Grenada National Trust and Historical Society;
- (f) one shall be a representative of the Willie Redhead Foundation;
- (g) one shall be a representative of the Grenada Architects Association;
- (h) one shall be a representative of the Grenada Institute of Professional Engineers; and
- (i) one shall be a person appointed after consultation with the principal non-governmental organizations involved in community service activities.

(4) Every member of the Committee, unless that member's appointment is sooner terminated by the Minister,

or that member sooner dies or resigns by notice in writing to the Minister, holds office for three years from the date of his or her appointment, but is eligible for reappointment.

(5) The Authority may pay to each member of the Committee such remuneration and allowances, if any, as the Minister determines.

(6) The Committee may act, notwithstanding any vacancy in the number of members constituting the Committee.

(7) The Committee may regulate its own procedure.

Listing of buildings, monuments and sites.

**40.—(1) The Authority—**

- (a) may compile lists of buildings, monuments and sites of prehistoric, historic or architectural merit or interest;
- (b) may adopt, with or without modifications, any such lists compiled by the Grenada National Trust under the National Trust Act Cap. 207; and
- (c) may amend any such lists from time to time.

(2) Before compiling, adopting or amending any list under this section, the Authority shall take reasonable steps to ensure that—

- (a) adequate publicity is given to the proposed listing of any building, monument or site;

- (b) the owner and occupier of the building or land, and any other person who wishes to make any objection or representation with respect to the proposed listing of any building, monument or site, is given an adequate opportunity to do so; and
- (c) any objections or representations made with respect to the proposal, are taken into account in deciding whether the building, monument or site should be listed.

(3) As soon as practicable after a list has been compiled or adopted under subsection (1), or any amendments to a list have been made, the Authority—

- (a) shall serve, on every owner and occupier of every building, monument or site included on the list, a notice stating that the building, monument or site has been included in or removed from the list, as the case may be; and
- (b) shall publish any such list or amendment in the *Gazette*.

(4) Before making or taking any action under subsection (1), the Authority shall consider the advice, if any, from the Committee established under section 39.

**41.—**(1) No person may execute, or cause or permit to be executed, any works for the demolition or alteration of a building or monument, or disturbance of a site included in a list compiled or, adopted under section 40, which would seriously affect its character, whether or not such works

Effect of listing.

would ordinarily constitute permitted development under this Act, unless—

- (a) notice in writing of the proposed works is given to the Authority at least two months before the works are commenced; and
- (b) the Authority gives its consent in writing, unconditionally or subject to, such conditions as it sees fit, for the execution of the proposed works.

(2) When the Authority receives notice of any proposed works under subsection (1), it shall, as soon as practicable, send a copy of the notice to the Committee for its consideration and comments.

(3) Subject to subsection (4), a person who executes or causes to be executed, any works for the demolition or alteration of a listed building or monument, or the disturbance of a listed site for which the Authority did not give its consent under this section, or in breach of any condition subject to which the Authority gave such consent, commits an offence, and is liable, on summary conviction, to a fine of eighty thousand dollars or to a term of imprisonment for five years or to both.

(4) Nothing in this section renders unlawful the execution of any works which are urgently required in the interests of health or safety or for the preservation of the building, monument or site or of neighbouring property, provided that notice thereof is given to the Authority as soon as practicable, after the necessity for the works arises.

**42.**—(1) If it appears to the Authority to be expedient to make urgent provision for the preservation of any unlisted building, monument or site, the Authority may, for that purpose, by an order (in this Act referred to as an “interim preservation order”) published in the *Gazette*, restrict the demolition, alteration or extension of that building or monument or the disturbance of that land.

Interim  
Preservation  
Orders.

(2) An interim preservation order shall—

- (a) specify the building, group of buildings, monument or site to which it applies;
- (b) state the effect of the order and the date on which it comes into force; and
- (c) invite the owners and occupiers of the property to which it applies, to make any objections or representations with respect to the order within 28 days after it comes into force.

(3) The Authority shall—

- (a) affix a copy of the interim presentation order in a prominent place on the land, building or site to which it applies; and
- (b) serve a copy of the interim preservation order on every owner and occupier of the property to which it applies.

(4) An interim preservation order remains in force for a period of ninety days and ceases to have effect at the end of that period, unless the building, monument or site to

which it applies, is listed by the Authority under section 40 before the end of that period.

(5) Where an interim preservation order is in force with respect to any building, monument or site, the provisions of this Act have effect in relation to it, as if that building or site were a listed building or other monument or site.

(6) If, after an interim preservation order has been issued, the Authority decides not to list the building, monument or site to which the order relates, the Authority shall not serve a new interim preservation order with respect to the same building, monument or site for at least twelve months after the date when the previous notice ceased to have effect.

(7) If any works is carried out in contravention of an interim preservation order, the Authority shall require the restoration of the affected building, monument or site to its former state at the expense of the owner or occupier of the building, monument or site.

Conservation and preservation of listed buildings, monuments and sites.

**43.**—(1) Every owner and occupier of a listed building, monument or site is responsible for the conservation and rehabilitation of it.

(2) The Authority shall, as far as practicable, assist an owner or occupier of a listed building, monument or site, in procuring financial and technical assistance for the purposes of the conservation and rehabilitation of them.

(3) The Authority may serve on the owner or occupier of any listed building, monument or site a notice requiring specified steps to be taken to conserve or rehabilitate the building or land within a specified time.

(4) If the owner or occupier of a listed building, monument or site neglects or refuses to comply, within the specified time, with the requirements of a notice served pursuant to subsection (3), the Authority may—

- (a) by its staff or contractors, enter upon the premises and take the steps required to conserve or rehabilitate the building or land, and recover as a simple contract debt in any court, any expenses reasonably incurred for these purposes from the owner of the land; or
- (b) compulsorily acquire the building or land in accordance with the provisions of the Land Acquisition Act (Cap. 159).

**44.**—(1) The Authority, on the advice of the Committee may, by order published in the *Gazette*, designate any area containing a group of separate or connected buildings which, because of their history or architecture, their homogeneity or their place in the landscape, are of outstanding universal value, including such other land in the vicinity of that group of buildings as is necessary, to provide a peripheral protection belt or buffer zone, as a Heritage Conservation Area.

Heritage  
Conservation  
Areas.

(2) Before making an order under subsection (1), the Authority shall take reasonable steps to ensure that—

- (a) adequate publicity is given to the proposed designation of the area;
- (b) the owners and occupiers of buildings and land in the area, and any other person who

wishes to make any objection or representation with respect to the proposed designation of the area, are given an adequate opportunity to do so; and

- (c) any objections or representations made with respect to the proposal are taken into account in deciding whether the area should be designated.

(3) The Authority shall, from time to time, formulate and publish proposals for Heritage Conservation Areas, including conditions for the use of buildings and land other than listed buildings, monuments and sites within the area, and such proposals shall be incorporated into the physical plan for the part of Grenada in which the Heritage Conservation Area is located, if any.

Protection of natural areas.

**45.**—(1) The Authority may compile and amend from time to time, lists of places of natural beauty or natural interest, including submarine and subterranean areas, and their flora and fauna, not being areas—

- (a) set aside as forest reserves or sanctuaries for wildlife under any enactment;
- (b) designated or declared as national parks or protected areas under any enactment; or
- (c) regulated as marine protected areas under any enactment.

(2) If the Authority is of the view that it is desirable to afford special protection to any area on a list compiled under subsection (1), the Authority may, by Order published in the



*Gazette*, declare that area to be an environmental protection area.

(3) Before making an Order pursuant to subsection (2), the Authority shall take reasonable steps to ensure that—

- (a) adequate publicity is given to the proposed declaration within the area which it proposes to protect;
- (b) persons who may wish to make representations with respect to the proposed declaration, are invited and given an adequate opportunity to make representations on the proposal;
- (c) any representations made on the proposal are taken into account in deciding whether the Order should be made.

(4) An Order made under subsection (2) may—

- (a) authorise carrying out within the environmental protection area, any works that are expedient for the protection or rehabilitation of the environment in the area;
- (b) require that an environmental impact assessment be carried out in respect of every application for development within the area;
- (c) restrict or prohibit development, or development of any specified class, within the area;

- (d) provide for control of the use of land within the area for the purposes of agriculture, forestry or fisheries;
- (e) restrict or prohibit the entry of persons into the area, or the movement of persons, or the carrying out of activities by persons within the area.

(5) If any land within an area declared to be an environmental protection area by Order under subsection (2), depreciates in value as a result of any restriction placed on its use or development by the Order, adequate compensation shall be paid to the owners of the land in accordance with this Act.

(6) Before making an Order under subsection (2), the Authority shall consider the comments, if any, of the Committee.

Preservation of amenities.

**46.**—(1) The Authority may, as a condition subject to which permission is granted for the development of land, make provision for the preservation of the amenities of any area, including the protection of existing trees or the planting of new trees.

(2) If it appears to the Authority that the amenities in any area is seriously injured by reason of—

- (a) the ruinous, unsafe or dilapidated condition of any building;
- (b) the condition of any garden, vacant site or other open land;

- (c) the deposit of refuse, spoil or derelict vehicles or any other apparatus on any land; or
- (d) the occupation of any land or any public road for any unauthorized purpose, including the repair of vehicles,

the Authority may serve on the owner or occupier of the building or land, or the person responsible for the injury, a notice requiring steps to be taken for abating the injury specified in the notice.

(3) If the owner or occupier of the building or land cannot be ascertained, the Authority shall publish in at least one newspaper in general circulation in Grenada, the notice referred to in subsection (2).

(4) An owner or occupier on whom a notice is served under subsection (2) or in respect of whom notice is published under subsection (3), may within 4 weeks of the service or publication of the notice, (whichever is earlier) make oral or written representations on the requirement to the Authority.

(5) After the expiry of the period prescribed by subsection (4) and after considering any representations by the owner or occupier, the Authority may confirm, vary or revoke the notice issued under subsection (2).

(6) If the notice is confirmed or varied, and if the notice (as varied, if that be the case) is not complied with, the Authority may execute the work required to abate the injury, and recover from the owner or the occupier or the person responsible for the injury, the expenses reasonably incurred by the Authority as a result.

Ministerial  
orders to protect  
environment.

**47.—**(1) Where the Authority reports to the Minister—

- (a) the existence of any local condition in any part of the island tending to endanger the environment, and there are no powers under any law other than this section, whereby such condition may be removed or guarded against; or
- (b) that a natural resource in any part of the island appears to be threatened with destruction or degradation, and that measures apart from, or in addition to those specifically provided for in this Act, should be taken promptly,

the Minister may, by Order published in the *Gazette*, direct the enforcement of any measures recommended by the Authority, or any measures that he thinks expedient for removing or otherwise guarding against any such condition and the probable consequences thereof, or for preventing or mitigating as far as possible, such destruction or degradation.

(2) An order made under subsection (1), may be made to extend to the whole island or to any part thereof, and may contain such ancillary and supplementary matters as the Minister thinks fit.

(3) The Authority shall cause a copy of every order made under this section to be published once in a newspaper circulating in Grenada.

(4) Any person who obstructs a person who is taking any measures authorized by an Order under subsection (1), commits an offence, and is liable, on summary conviction,

to a fine of ten thousand dollars or to a term of imprisonment for one year.

(5) Any person who contravenes the provisions of an Order made under subsection (1), commits an offence, and is liable, on summary conviction, to a fine of fifty thousand dollars or to a term of imprisonment for two years or to both, and—

- (a) where a person defaults in paying the fine imposed under this subsection, he or she is liable to imprisonment for a term of one year; and
- (b) where the offence is a continuing offence, he or she is liable to a further fine, of three thousand dollars, for each day on which the offence continues after conviction.

**48.**—(1) Without prejudice to the exercise of the power conferred on the Minister under section 47, the Minister may, on the recommendation of the Authority, and if he is satisfied that it is in the public interest to do so, by Order published in the *Gazette*, declare any area to be an environmental protected area and direct the Authority to prepare and to submit to him, for approval, an environmental protection plan for that area; and the Authority shall act accordingly.

Environmental  
protection area.

(2) The undertaking of any activity in an environmental protected area shall be subject to such conditions as may be prescribed.

**49.**—(1) No person may display an advertisement on any building or land except with the written permission of the Authority.

Advertisement  
Control.

(2) The Minister may make regulations under this Act for restricting or controlling the display of advertisements so far as is expedient in the interests of amenity or public safety and, without limiting the foregoing, any such regulations may—

- (a) regulate the dimensions, appearance and position of advertisements, the sites on which advertisements may be displayed and the manner in which they are to be affixed to buildings or land;
- (b) prescribe different provisions with respect to different areas or places, and make special provisions with respect to areas or places defined in the regulations as areas of special control, the amenities of which appear to the Minister to require special protection;
- (c) prohibit the display in areas of special control, of advertisements of the classes or descriptions specified in the regulations;
- (d) provide for the removal of any advertisement that is displayed in contravention of the regulations, or the discontinuation of the use for the exhibition or display of advertisements of any site that is being used for that purpose in contravention of the regulations.

(3) Regulations made under this section may be made, so as to apply to advertisements which are being exhibited or displayed on the date on which the regulations

come into force, or to the use for the exhibition or display of advertisements of any site which is being used for that purpose on that date.

(4) Any person who contravenes the measures of subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(5) If the display of advertisements in accordance with regulations made under this section involves the development of land within the meaning of this Act, permission for that development is deemed to have been granted by virtue of this section, and no application is needed for such permission.

**50.**—(1) The owner or occupier of any building or land which is— Appeals under this Part.

- (a) included in a list of buildings, monuments and sites of prehistoric, historic or architectural merit or interest compiled or adopted by the Authority pursuant to section 40; or
- (b) located within an area designated by the Authority as a Heritage Conservation Area in a designation order made under section 44,

may appeal, in writing, against that decision to the Tribunal, setting out the grounds of the appeal.

(2) The provisions of section 59 apply with necessary modifications to the hearing of appeals made under this section.

(3) If on an appeal under this section the Tribunal decides that a listed building, monument or site should be removed from a list, or that any building or other land

should be excluded from a Heritage Conservation Area, the Authority shall amend the list or designation order accordingly.

## PART VII

### BUILDING CODE

Building Code. **51.**—(1) The Minister may by Order adopt a building code with respect to the design and construction of buildings and the provision of services, fittings and equipment in or in connection with buildings.

(2) The Building Code may include provisions for—

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

Enforcement of Building Code. **52.** It shall be a function of the Authority to enforce the Building Code, and the Authority shall appoint such persons as it shall deem appropriate, as building inspectors, to assist the Chief Executive Officer in the performance of such function.

Issue of development permits. **53.**—(1) No development permit shall be issued in respect of any building operations where—



- (a) the plans are not in accordance with the Building Code;
- (b) the building contravenes any provision of the Building Code; or
- (c) there is a failure to comply with the provisions of this Part, in which case the Chief Executive Officer shall refer those plans to the Authority together with a recommendation thereon.

(2) If the Chief Executive Officer, on referring plans in accordance with subsection (1) considers the operation of any requirement contained in the Building Code would be unreasonable in relation to that particular case, the Authority may adjust or dispense with that requirement.

(3) On receipt of any plans on a referral by the Chief Executive Officer under subsection (1), the Authority may—

- (a) reject those plans; or
- (b) issue a development permit subject to either or both of the following conditions namely—
  - (i) that such modifications shall be made to the deposited plans as the Authority may specify; and
  - (ii) that such further plans shall be deposited within such time as the Authority may specify,

in order to bring the building into conformity with the Building Code and regulations.

(4) Where the Authority refuses to grant a development permit because plans are rejected, the notice of refusal 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.

(5) Where a development permit has been issued by the Authority in exercise of any power to adjust or dispense with any requirement of the Building Code, or this Part, it shall state the requirements of the Building Code, adjusted or dispensed with.

Removal of buildings.

**54.**—(1) If a person carries out any work in contravention of the Building Code, or the regulations, the Authority may, without prejudice to any prosecution under this Part, by notice, require the owner or occupier to pull down or remove the work or, if the owner so elects, to effect such alteration therein as may be necessary to make it compliant with the Building Code or regulations.

(2) If a person on whom a notice is served under this section, fails to comply with the notice before the expiration of the period specified in the notice, or such longer period as the Authority may allow, the Authority, or any department or officer of the Government, or any contractor or officer of the Government or any contractor engaged by any of them, may pull down the work, or effect such alterations therein, and the Authority may recover from that person the expenses reasonably incurred in so doing as a civil debt.

(3) Nothing in this section affects the right of the Authority or of the Attorney-General or any other person, to apply for an injunction for the removal or alteration of any

work, on the grounds that it contravenes the Building Code or any provision of this Part.

**55.**—(1) A person aggrieved by a decision of the Authority under this part may appeal to the Tribunal established under section 58. Appeals under this Part.

(2) On appeal under this section, the Tribunal may affirm, quash, substitute for all or part of the Authority's decision or add to the decision of the Authority.

(3) An appeal under this section shall be heard within sixty days of a person giving notice under section 59(4), and the notice shall be of no effect pending the final determination or withdrawal of the appeal.

**56.**—(1) When a development permit is issued, no building or engineering operations shall be carried out until the developer gives notice, in the prescribed form, to the Authority, of his or her intention to commence construction. Inspection of construction.

(2) Where the Authority is notified in the prescribed form, by the developer, that the permitted building or engineering operations is completed, the Authority shall certify in the prescribed form that the works was carried out in accordance with the development permit and the Building Code.

**57.** Where a development permit has been granted for the development of land by way of subdivision and the undertaking of engineering operations in relation thereto, no parcel of land within the approved subdivision shall be transferred under the Conveying and Law of Property Act Cap. 64, unless a completion certificate in the prescribed Registration of land in approved subdivision.

form is issued under this Act and the Regulations made hereunder, in respect of the approved engineering operations.

## **PART VIII APPEALS**

Appeals  
Tribunal.

**58.**—(1) There is hereby established an Appeals Tribunal for the purpose of hearing and determining appeals referred to it under this Act.

(2) The Tribunal shall consist of not less than three nor more than five members appointed by the Minister, of whom the Chairperson shall be a legal practitioner of not less than ten years standing, and the other members shall have training or experience in environmental services, physical planning, engineering, architecture, land surveying or land development.

(3) Where the Chairperson or any member of the Tribunal is absent or unable to perform the functions of their office, the Minister may appoint another person to act temporarily in place of the Chairperson or that member.

(4) Any member of the Tribunal may, at any time, resign from office by instrument in writing addressed to the Minister and transmitted through the Chairperson, and such resignation shall take effect as from the date of receipt of that instrument by the Minister.

(5) The Minister may, at any time, revoke the appointment of any member of the Tribunal, including the Chairperson.

(6) Members of the Tribunal are appointed for three years but are eligible for re-appointment.

(7) The Minister shall designate a public officer as secretary to the Tribunal.

(8) The secretary shall keep a written record of all proceedings of the Tribunal which shall be confirmed by the chairperson.

(9) The Tribunal shall convene at such time, at such places and on such days as may be necessary or expedient for the discharge of its functions.

(10) The quorum for proceedings of the Tribunal shall comprise a majority of the members, but where a member is disqualified from taking part in the proceedings of the Tribunal in respect of any matter, that member shall be disregarded for the purpose of constituting a quorum for hearing, deliberating on and deciding that matter.

(11) The decisions of the Tribunal shall be by a majority of votes of members present and voting, and in addition to an original vote, the Chairperson shall have a second or casting vote in any case in which the voting is equal.

(12) A member of the Tribunal who is in any way directly or indirectly interested in a matter coming before the Tribunal, shall declare the nature of his or her interest in the matter as soon as it is practicable to do so, and shall take no part directly or indirectly in any deliberation, discussion, consideration or similar activity by the Tribunal on that matter.

(13) The appointment of the members of the Tribunal and the termination of office of any member, whether by death, resignation, removal, lapse of time or otherwise, shall be notified in the *Gazette*.

(14) Each member of the Tribunal shall be paid such remuneration and allowances, if any, as the Minister determines.

(15) Before determining an appeal referred to it under this or any other section, the Tribunal shall, if either the applicant or the Authority so desires, give each of them the opportunity of appearing before and being heard by it.

(16) If an appeal is duly made to the Tribunal, the Tribunal shall give its decision within 60 days from the date of receipt of the appeal or any further period approved by the Minister.

(17) The Tribunal shall within seven days of making its decision convey same in writing to the Minister, the Authority and the applicant.

(18) Subject to the provisions of section 58, the Tribunal shall have the power to regulate its own proceedings.

(19) The validity of any proceedings of the Tribunal shall not be affected by any vacancy in its membership or by any defect in the appointment of any of its members.

Appeal  
Procedure.

**59.**—(1) Any applicant, or person other than an applicant, whose interest in land may be affected by a decision of the Authority, may appeal to the Tribunal against the decision of the Authority.

(2) An appeal shall lie to the Tribunal against any decision made by the Authority under this Act—

- (a) refusing to grant a development permit;
- (b) any condition subject to which a development permit is granted;

- (c) refusing to give consent to display an advertisement;
- (d) any condition subject to which consent to display an advertisement is granted;
- (e) modifying or revoking a development permit;
- (f) requiring the completion of a development within a time limit;
- (g) refusing a building permit;
- (h) refusing to adjust or dispense with the requirements of the Building Code or regulations;
- (i) imposing a building preservation order; and
- (j) issuing a stop notice.

(3) The Minister may by Order amend, revoke or vary the decisions listed under sub-section (2).

(4) Any person wishing to lodge an appeal, shall send a notice in the prescribed form to the secretary of the Tribunal within—

- (a) fourteen days of the date on which a decision is received under paragraphs (a) to (h) of subsection (2); or
- (b) fourteen days of the date on which the Order which is to be appealed against, under

paragraphs (i) to (j) of subsection (2) was served; or

- (c) the period specified in the notice as the period at the end of which the notice is to take effect, in the case of a notice which is to be appealed against under subsection (2).

(5) Upon receipt of a notice of appeal, the secretary of the Tribunal shall forthwith send a copy thereof to the Authority and the Minister.

(6) A notice given under subsection (3) shall set out—

- (a) concisely, the decision being appealed against;
- (b) a description of the land affected thereby;
- (c) the name of the appellant;
- (d) the interest of the appellant in the land affected by the decision; and
- (e) concisely, the grounds on which the appellant wishes to appeal against the decision.

(7) Where notice is given under subsection (3), the appellant shall within twenty-one days of the date on which the Order which is appealed against, forward to the Tribunal—

- (a) a copy of all papers and documents submitted by the appellant, or any person acting on his or her behalf, to the Authority;
- (b) a copy of the decision appealed against;



- (c) a plan sufficiently identifying the location and boundaries of the land affected by the decision.

(8) Where the Tribunal receives a notice of appeal that does not comply with sub-section (5), the Tribunal shall give notice of this defect to the applicant, but may give the appellant an opportunity to rectify the notice within such period as may be specified in the notice.

(9) The Tribunal shall, in its discretion, direct whether the appeal shall be dealt with by public inquiry or, by written representations and shall, within twenty-eight days of receipt of the notice of appeal, notify the appellant and the Authority accordingly.

(10) Unless the Tribunal directs that a public inquiry shall be held in relation to an appeal, the appeal shall be dealt with by written representations.

(11) The Tribunal shall take the following matters into consideration, before deciding whether the appeal may be dealt with by written representations or by public inquiry—

- (a) whether the public interest requires that all persons, (including the appellant) who may have a view to express in relation, to the matter to which the appeal relates should have an opportunity of having their views taken into account of submitting evidence and of examining witnesses called by others;
- (b) without prejudice to the generality of paragraph (a), whether it would be reasonably

practicable to deal with the appeal by way of written representations;

- (c) the nature, scale and location of the development to which the appeal relates.

(12) Where the Tribunal decides that a public inquiry shall be held, it shall notify the appellant and the Authority in the prescribed form, and a notice thereto shall be published in the *Gazette* and in a newspaper published in Grenada.

(13) An appeal to the Tribunal shall not operate as a stay to the proceedings of the Authority.

(14) A person who wishes to request a stay to the proceedings of the Authority shall first apply to the Authority giving reasons therefor.

(15) Where the Authority refuses to grant a stay of proceedings, the appellant may appeal the decision of the Authority to the Tribunal provided that the request for the stay of proceedings is filed simultaneously with an appeal under this section.

(16) The decision of the Tribunal shall be final.

Written  
submissions.

**60.**—(1) Where the Tribunal directs that an appeal shall be dealt with by written submissions, the Secretary to the Tribunal shall inform the appellant and the Authority, and the appellant and the Authority shall within six weeks send to the Tribunal and to the other party the written submissions that they wish to make in relation to the appeal.

(2) Within fourteen days of the receipt of the written submissions of the other party, or within the six weeks

period specified in subsection (1), whichever is the later, the appellant and the Authority shall send to the Tribunal and to the other party in writing, such further submissions as they may wish to make as a result of the submissions of the other party.

(3) The Tribunal in deciding an appeal by written submissions, shall not—

- (a) receive any oral evidence or submissions;  
or
- (b) consider any submissions in writing other than those provided for by subsections (1) and (2), unless it has given the appellant or the Authority, (as the circumstances require) a full and sufficient opportunity of answering them in writing.

(4) The record to be kept of the proceedings under this section shall contain—

- (a) a list of the names and addresses of the parties;
- (b) a summary of the written submissions submitted;
- (c) a list of all models, maps, plans, drawings, sketches, diagrams, photographs, petitions, and written statements submitted with the written submissions;
- (d) the Tribunal's findings of fact in relation to any relevant matter;

- (e) a full and clear account of the reasoning of the Tribunal on which its decision is based; and
- (f) the decision of the Tribunal on the appeal.

(5) The Tribunal acting in its discretion shall, following the expiration of the period specified in subsection (2), decide the appeal, and in deciding, shall have like powers to those under subsection (1) of section 59, and shall determine its own procedure in relation to appeals by written submissions, and the provisions of section 59 shall apply, with necessary modifications, to appeals under this section.

## PART IX

### COMPENSATION AND ACQUISITION

Claims for  
compensation.

**61.**—(1) Compensation for which provision is made in this Act is only payable, if a claim for it is made in accordance with this section.

(2) A claim for compensation alleged to be payable under this Act, shall be made in writing to the Minister, within six months of the date upon which the act or circumstance which gave rise to the claim arose, unless the Minister, in any particular case, extends the period within which the claim may be made.

(3) The Minister may require a claimant to provide any further information in support of a claim for compensation necessary for its determination, and a decision on a claim may be deferred until after such further information is received by the Minister.

(4) If a claim for compensation arises from a decision of the Authority, and it appears to the Minister that the decision which gave rise to the claim for compensation might properly be withdrawn or modified, the Minister may refer the matter to the Tribunal for its determination as if the claim for compensation had included an appeal against that decision.

(5) Compensation payable under this Act shall, in default of determination by agreement, be determined under the Arbitration Act, (Cap. 19) by a panel of arbitrators comprising—

- (a) one person nominated by the Minister;
- (b) one person nominated by the claimant;  
and
- (c) one other person chosen by agreement between the arbitrators and appointed by the parties, to be Chairperson of the panel.

**62.** Compensation is not payable under this Act in respect of a decision by the Authority whereby permission is refused, modified or revoked for the development of land if, notwithstanding that refusal, modification or revocation, there is available with respect to that land, permission for a development of the land consisting of the construction of industrial, commercial or residential buildings or any combination of such buildings. Exclusion or limitation.

**63.—**(1) The Government may purchase by agreement any land which is required for the purposes of implementing a physical plan and may, if it is unable to acquire such land Acquisition.

by agreement, acquire it in accordance with the provisions of the Land Acquisition Act Cap. 159.

(2) If a claim for compensation has been determined under this Part, the Minister may, within one month of the date of such determination and before the compensation is paid, cause an offer in writing to purchase the land to which the compensation relates, to be made to the person entitled to compensation and, if the person entitled to compensation is unwilling to sell the land, the Government may acquire it in accordance with the provision of the Land Acquisition Act Cap. 159.

(3) The Government may, by way of sale or lease, dispose of land acquired compulsorily under this Part to any local authority, statutory body or other person or body, for development in accordance with permission granted under Part IV.

## PART X

### DILAPIDATED BUILDINGS

Dangerous or dilapidated buildings or structures.

**64.**—(1) If it appears to the Minister on the recommendation of the Authority that any building or structure or part of a building or structure—

- (a) is in such a condition or is used to carry such loads as to be dangerous; or
- (b) is by reason of its ruinous or dilapidated condition, seriously detrimental to the amenities of the neighbourhood, he may—
  - (i) where the danger arises from the condition of the building or structure, serve a notice

in the prescribed form requiring the owner or occupier thereof to obviate the danger or to demolish the building or structure, or any dangerous part thereof, and to remove any rubbish resulting from the demolition within the time specified in the notice;

- (ii) where the danger arises from overloading of the building or structure, serve a notice on the owner or occupier in the prescribed form restricting the use thereof until all necessary work to obviate the danger is executed to his satisfaction;
- (iii) where the building or structure is in a ruinous or dilapidated condition, order the owner or occupier to execute such works of repair or restoration, or take such steps by demolishing the building or structure or any part thereof and removing any rubbish resulting from the demolition, as may be necessary for remedying the cause of complaint within a reasonable time to be specified in the notice.

(2) A notice made under the provisions of sub-section (1) of this section shall be served upon the owner, in the case where the owner is unknown or the owner cannot be found, the notice shall be served on an occupier, or any person claiming to be the representative of the owner or occupier, or the representative of the owner's estate as the case may be, failing which, the notice shall be affixed on the building or structure affected thereby.

(3) Where a notice is served under sub-section (1), on the owner or occupier or any person claiming to be the representative of the owner or occupier or the representative of the owner's estate as the case may be for the execution of works, or the demolition of a building or structure or any part of a building or structure, and the removal of any rubbish resulting from the demolition, and that person fails to comply with the notice within the time specified therein, the Minister may carry out the requisite work in such manner and within such time as he thinks fits and may recover the expenses reasonably incurred by him in so doing from the owner or occupier or any person claiming to be the representative of the owner or occupier or the representative of the owner's estate as the case may be.

(4) A person who fails to comply with a notice issued under this section commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

(5) If the Minister is satisfied that any building or structure or part of a building or structure, is in such a condition, or is used to carry such loads, as to be dangerous to any person in the building or any adjoining building, and that immediate action should be taken to protect those persons, the Minister may reinforce or fence off the building or structure, and may recover from the owner or occupier or any person claiming to be the representative of the owner or occupier or the representative of the owner's estate as the case may be thereof, the expenses of any action reasonably taken by him under this sub-section.

Special  
emergency  
powers.

**65.**—(1) Subject to sub-section (2) if, at any time, it appears to the Minister that any building or structure, or part of a building or structure, is, due to the occurrence of flood,



fire, hurricane or any other disaster (whether an act of God or man), in such a condition as to be dangerous to persons or property in its vicinity, and is beyond repair, and that such danger cannot be effectively obviated by the exercise by him or any of the powers conferred upon the Minister by section 64, he may cause the building or structure or part of the building structure to be demolished.

(2) Before demolishing any building under this section, all articles or things within the building or its curtilage which, in the opinion of the person charged by the Minister with such demolition, appear to be of value and to be capable of being removed without endangering the safety of any person, shall be removed and appropriately stored until claimed by the owner, or for a period of six months, whichever may be less.

(3) Any measure taken in furtherance of the execution of the powers conferred upon the Minister by this section shall be such as to cause as little damage to the building or structure as is reasonably practicable in the circumstances.

(4) Any expenses incurred by the Minister in the exercise of his powers under this section shall be defrayed out of moneys provided by Parliament.

(5) Where any articles or things removed from any building or its curtilage in accordance with the powers of the Minister under sub-section (1) remains unclaimed by the owner or occupier for a period of six months, the articles or things may be sold, and the proceeds of sale applied to the discharge of any expense incurred under sub-section (2).

(6) Any proceeds that remain after discharging the expenses associated with a demolition under sub-section (2) shall be deposited in the Consolidated Fund.

Power to enter premises.

**66.**—(1) Subject to the provisions of this section, the Chief Executive Officer or a person duly authorized by him or her may, at all reasonable hours enter any premises—

- (a) for the purpose of ascertaining whether there is, or has been on, or in connection with the premises any contravention of the provisions of this Act or the Building Code;
- (b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Minister to take any action, or execute any work, under this Act;
- (c) for the purpose of taking any action, or executing any work, authorised or required by this Act to be taken or executed by the Minister;
- (d) generally for the performance by the Minister, the Authority and the Physical Planning Unit of their functions under this Act.

(2) If it is shown to the satisfaction of a Magistrate on sworn information—

- (a) that admission to any premises was refused, or that the premises is unoccupied or the occupier is temporarily absent, or that the case is one of urgency; and
- (b) that there are reasonable grounds for entry into the premises for any such purpose as aforesaid,

the Magistrate may by warrant under his hand, authorise the Chief Executive Officer of the Physical Planning Unit by himself or a person authorized by him to enter the premises.

(3) The Chief Executive Officer of the Physical Planning Unit or a person authorized by him entering any premises by virtue of this section or of a warrant issued thereunder, may take with him such other persons as may be necessary.

(4) Every warrant granted under this section continues in force until the purpose for which the entry is necessary is satisfied.

**67.**—(1) Where the Minister incurs expenses under this part and the owner of the premises is liable for the repayment of those expenses, the Minister shall recover from the owner the expenses, together with interest at the rate of six per centum per annum from the date of service of a demand notice for repayment of the expenses together with interest. Recovery of expenses.

(2) If the owner of the property is unknown or he or she cannot be found, the expenses together with interest shall be recovered from—

- (a) any person claiming to represent the owner;
- (b) any person claiming to represent the owner's estate at the date when the works are completed,

and as from the completion of the works, the expenses and interest accrued thereon shall, until recovered, be a first charge on the premises and all estates and interest therein.

(3) The Minister shall for the purpose of enforcing a charge under this section have all the same powers and remedies under the Conveyancing and Law of Property Act

Cap. 64 and otherwise as if he were a mortgagee by deed having powers of sale and lease, and of appointing a receiver.

(4) No charge upon premises arising under sub-section (1) shall prevail against any purchaser of the premises in good faith for value without notice of such charge unless the charge is recorded in the Deeds and Land Registry.

(5) The Minister may allow any expenses together with interest recoverable by him under this section to be payable by instalments within a period not exceeding three years until the whole amount is paid.

Conveyance  
by Minister  
of premises to  
recover costs  
where charge  
exists upon such  
premises.

**68.**—(1) In any case where there exists a charge upon any premises arising under section 66 and that charge is recorded in accordance with section 66 (3), and the owner of the premises is not known, or is absent from Grenada or cannot be found, or the title deeds to the premises cannot be attained, the Minister shall have power, in addition to any other power under this Act or any other law, in order to recover any expenses and costs incurred under this Act, which are recoverable from such owner, to do the following things—

- (a) six months after such expenses and costs were incurred, cause the premises to be sold by public auction after three consecutive publications of the auction notice in the *Gazette* specifying the time, date and place of the intended sale; and
- (b) execute a deed transferring the premises to the purchaser thereof, which deed shall be under the official seal of the Registrar vesting the premises in the purchaser.

(2) The residue of the proceeds of any sale under sub-section (1), after deduction of the costs of the sale and of any deed under paragraph (b) of that sub-section and of the expenses and costs in respect of which the sale was made, shall be paid into the Consolidated Fund.

## PART XI

### MISCELLANEOUS

**69.**—(1) The Authority shall maintain a register containing particulars of— Register to be kept.

- (a) any application under section 19 for permission to develop land, including the name and address of the applicant, the date of the application and the development which is the subject of the application;
- (b) the date and effect of any decision made in respect of any application;
- (c) any appeal under section 59 in respect of such a decision and the decision made on the appeal;
- (d) any commencement notice received under section 26(2) and any completion certificate issued under section 26(5);
- (e) any modification or revocation under section 28 of any permission granted in respect of any application;
- (f) any enforcement notice or stop notice issued in respect of any development of land;

- (g) any permission granted under regulations made under section 49(1) for the display of an advertisement;
- (h) any other matter required by this Act or the regulations to be included in the register.

(2) The register kept by the Authority pursuant to subsection (1) shall include an index, in the form of a map, and both the register and the index may be kept in an electronic data storage and retrieval system.

(3) Every entry in the register shall be made within 7 days of the date on which the decision, notice or event to which it relates was made, filed, issued or done.

(4) The register shall be kept at the office of the Physical Planning Unit and any person is entitled to access to the information recorded in it free of charge and to take copies of the information on payment of the prescribed fee.

Powers of entry. **70.**—(1) The Authority may, in writing, authorise any person to enter at any reasonable time any land and premises thereon—

- (a) in respect of which an application for permission to develop is made to the Authority; or
- (b) in respect of which the Authority determines that an infringement of the Act has occurred or is about to occur,

for the purposes of inspection and survey.

(2) A person authorized under this section to enter upon any land or premises shall, if so required, produce

evidence of his or her authority before entering, and cannot claim admission as of right to any land or premises which are occupied, unless twenty-four hours notice of intended entry is given to the owner or occupier.

(3) A person who obstructs a person acting in the exercise of his or her authority under this section commits an offence, and is liable, on summary conviction, to a fine of five thousand dollars.

**71.** Any notice or other document required or authorized to be served or given under this Act, or under any regulation, order, notice, direction, agreement or other instrument in writing, made under this Act, may be served or given either—

Services of notices.

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given;
- (b) by leaving it at the usual or last known place of abode of the person, or if an address for service has been provided by the person, at that address;
- (c) by sending it by prepaid registered letter addressed to the person at the person's usual or last known place of abode, or, if an address for service has been provided by the person, to that address; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at the registered or principal office, or sending it by prepaid registered letter, addressed to the secretary or clerk of the company or body at that office.

**72.** Where the development of any land is commenced or carried out without the written permission of the Authority, or is carried out in a manner contrary to the plans approved

Liability of landowners.

by the Authority, every owner of such land, within the meaning of section 2, commits an offence.

General penalty. **73.** Unless a penalty is specifically prescribed, a person who commits an offence under this Act is liable, on summary conviction, to a fine of twenty thousand dollars or to a term of imprisonment for two years or to both and in the case of a continuing offence, to a further fine of five hundred dollars for each day during which the offence continues.

Expenses of Authority. **74.**—(1) All expenses incurred by the Authority or the Committee or the Tribunal in the discharge of their respective functions under this Act are, unless otherwise provided for, a charge on the Consolidated Fund.

(2) Any amount due to or by the Authority for any work done or expenses incurred under the provisions of this Act, may be recovered summarily as a civil debt.

Recovery of monies due to or by Authority. **75.**—(1) For the purpose of enabling development to be carried out in accordance with a permission granted under this Act, any conditions or regulations contained in any other law which conflicts with the conditions attached to a planning permission, shall not apply.

(2) The restrictions which may be imposed and the powers which may be exercised under this Act in relation to land, may be imposed or exercised under it in relation to any land, notwithstanding that provision is made by any other written law in force at the commencement of this Act for authorising or regulating the development of the land.

Qualification of existing law. **76.**—(1) For the purpose of enabling development to be carried out in accordance with a permission granted under this Act, any conditions or regulations contained in any



other law which conflicts with the conditions attached to a planning permission, shall not apply.

(2) The restrictions which may be imposed and the powers which may be exercised under this Act in relation to land, may be imposed or exercised under it in relation to any land, notwithstanding that provision is made by any other written law in force at the commencement of this Act for authorising or regulating the development of the land.

**77.**—(1) The Minister may make regulations for carrying Regulations. into effect the provisions of this Act.

(2) Without derogation from the generality of the power conferred by subsection (1), such regulations may provide for—

- (a) the form and scope of development plans;
- (b) the procedures for representations during the preparation of a plan;
- (c) the procedures to be followed and the forms to be used in connection with—
  - (i) applications for development permits;
  - (ii) enforcement notices;
- (d) the management and protection of environmental protection areas and the preservation of any form of marine or other wildlife therein;
- (e) the procedures for environmental impact assessment and the form for environmental impact statements;

- (f) fees payable for the purposes of the Act;
- (g) the control of advertisements;
- (h) the preservation of buildings and plants;
- (i) the promulgation of a building code and guidelines;
- (j) planning and building standards;
- (k) regulating change of use;
- (l) prescribing the fees payable in respect of any application under this Act;
- (m) prescribing anything required by this Act to be prescribed.

(3) The Minister may by Order amend any of the Schedules.

(4) Notwithstanding section 25 of the Interpretation Act, regulations made under this Act may impose a maximum fine not exceeding twenty thousand dollars or to a term of imprisonment for three years or to both.

Compounding  
offences.

**78.**—(1) Subject to subsections (3) and (4) the Chief Executive Officer may, where he is satisfied that a person has committed an offence against this Act or regulations made under this Act, compound such offence, by accepting on behalf of the Government from such person, a sum of money not exceeding the maximum fine specified for that offence.

(2) All moneys received by the Chief Executive Officer under this section shall be paid into the Treasury by

him as soon as possible, and in any event, within five days after the receipt thereof.

(3) No offence shall be compounded under this section unless the person who has committed the offence has expressed his willingness in writing, that the offence be so dealt with.

(4) The compounding of an offence under this section, shall be notified in writing, under the signature of both parties to the appropriate Magistrate's court.

(5) In proceedings brought against a person for an offence against this Act or any regulation made under this Act, it shall be a defence if the person proves that the offence with which he is charged was compounded under this section.

**79.** This Act binds the Government.

Act binds the Government.

**80.—**(1) The Physical Planning and Development Control Act, Cap. 241A is hereby repealed.

Repeal and Saving.

(2) The Land Development Regulations and the Land Development (Fees) Regulations Cap. 241A continues in force upon the coming into force of this Act, until revoked or amended.

(3) Any order made by the Planning and Development Authority and any other decision of the Authority under the Physical Planning and Development Control Act Cap. 241A, continues to have effect as if made by the Authority under this Act.

(4) Where any document refers expressly or by implication to an enactment repealed by this Act, the

reference is (except where the context otherwise requires) to be construed, as a reference to the corresponding provision of this Act.

Transitional. **81.**—(1) Every application made under an enactment repealed by this Act and wholly or partly heard by the Physical Planning Control Authority when this Act comes into force, is to be continued and dealt with in all respects as if this Act had not come into force.

(2) Every application made under a repealed enactment that has not been wholly or partly heard by the Physical Planning Control Authority, when this Act comes into force, is taken as an application made under this Act and this Act applies accordingly.

(3) Where a period of time specified in an enactment repealed by this Act is current when this Act comes into force, and there is a corresponding provision in this Act, this Act has effect as if the corresponding provision had been in force when that period began to run.

(4) Every appeal made under an enactment repealed by this Act that commenced but was not finally determined before this Act comes into force, shall continue and be dealt with as if this Act was not in force.

(5) If, immediately before this Act comes into force, a claim for compensation under an enactment repealed by this Act has been or could have been made, that claim may be made or continued or enforced in all respects as if this Act was not in force.

(6) All proceedings in respect of breaches of or offences committed against an enactment repealed by this

Act, commenced before this Act came into force, may be continued as if this Act had not come into force.

—————  
SCHEDULE I

**CONSTITUTION PROCEDURES AND FINANCES OF THE PLANNING  
AND DEVELOPMENT CONTROL AUTHORITY**

**1. In this Schedule—**

“**Chairperson**” includes a person elected to act temporarily in place of the Chairperson; and

“**Secretary**” means the person employed by the Authority to perform the functions of Secretary to the Authority.

**2. Members of the Authority.** (1) The Authority shall consist of members namely—

- (a) a Chairperson (who may be a public officer) appointed by the Minister;
- (b) a Secretary (who may be a public officer) appointed by the Minister;
- (c) four other members appointed by the Minister from the private sector, with reference to the need for representation from the areas of business, finance, law, physical planning, natural science, land surveying and architecture or engineering;
- (d) the following public officers or his or her nominees—
  - (i) the Chief Executive Officer of the Environmental Units of the Ministry responsible for environment including Coastal Environment;
  - (ii) the Chief Environmental Health Officer, Ministry responsible for health;
  - (iii) the Chief Technical Officer of the Ministry responsible for works;
- (e) one person (who may be a senior public officer) nominated by the Minister responsible for Agriculture;

- (f) the Manager of the Housing Authority of Grenada or his or her nominee;
- (g) the manager of the National Water and Sewerage Authority or his or her nominee as an *ex officio* member.

(2) The Chairperson and Secretary and the four members appointed under subsection (1)(c) are appointed for three years in the first instance, but may be re-appointed.

(3) The Chief Executive Officer of the Physical Planning Unit and the Secretary appointed under paragraph 2(1)(b) shall attend the meetings of the Authority but shall have no voting rights.

(4) The Authority may co-opt any person to help it in dealing with any matter, if it is satisfied that the person's qualifications or experience are likely to help the Authority, and where the Authority is dealing with matters relative to the zone, it shall co-opt a representative of the Grenada Ports Authority, and any person so co-opted is entitled to take part in the Authority's proceedings regarding that matter, but may not vote and shall take no part in any other proceedings of the Authority.

(5) Without limiting subsection (3), when the Authority is considering a matter affecting the development of land in Carriacou or Petite Martinique, the Authority shall co-opt one or more representatives of Carriacou and Petite Martinique to take part in its proceedings regarding that matter.

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

(7) The Minister may at any time revoke the appointment of the Chairperson, the Secretary, or a member of the Authority appointed under subsection (1)(c), if he thinks it expedient to do so on reasonable grounds.

(8) Members of the Authority appointed under subsection (1)(c) and persons appointed as Chairperson or Secretary who are not public officers, may be paid such remuneration and allowances, if any, as the Minister determines.

(9) The Minister may at any time revoke the appointment of any member appointed under paragraph (i) or subsection (1).

(10) The names of all members of the Authority as first constituted and every change of membership thereof shall be published in the *Gazette*.

**3. Meetings of the Authority.** (1) The Authority shall meet at least once per month at times, at places and on days necessary or expedient for the transaction of its business, and meetings shall be held at times and places and on days the Authority determines.

(2) A quorum for a meeting of the Authority is any voting members, but if a member is disqualified from taking part in the deliberation or decision of the Authority in respect of any matter, that member shall be disregarded for the purpose of constituting a quorum for deliberating on or deciding that matter.

(3) The Chairperson presides at meetings of the Authority at which he is present, but in the absence of the Chairperson, a meeting shall be chaired by a member elected by the majority of the voting members present.

(4) In case of an equality of votes on a question at a meeting, the person presiding at that meeting has a second or casting vote in respect of that question.

(5) A voting member of the Authority shall, at the commencement of a meeting, inform the Chairperson of any matter on the agenda for the meeting in which he or she has either directly or indirectly, personally or by his or her spouse, partner, business associate or company, any pecuniary or business interest, and that member shall vacate the meeting room upon the relevant matter coming up for discussion, and the vacation of the meeting room by the member shall be noted in the minutes of the meeting.

(6) A member of the Authority shall not, either directly or indirectly, except in the performance of a function or duty under or in connection with this or any other written law or as required by any other legal duty, make a record of or divulge or communicate to any person, information concerning the affairs of another person which the member acquires by reason of his or her office as a member.

(7) The Chairperson shall call a special meeting to be held within seven days of receipt of a written request, for the purpose addressed to the Chairperson by any three voting members of the Authority or by the Minister.

(8) Minutes in proper form of every meeting of the Authority, shall be prepared, and kept by the Secretary and confirmed at the next meeting of the Authority. The Chairperson and the Secretary should sign the minutes once confirmed.

(9) The validity of any proceedings of the Authority is not affected by any vacancy in its membership or by any defect in the appointment of any of its members.

(10) Subject to subsection (11), a decision of the Authority is valid, even though a meeting of the Authority was not convened, if—

- (a) proper notice of the proposed decision was given to all the voting members; and
- (b) it is signed or assented to by letter, telegram, telex, facsimile or electronic mail transmission by a majority of voting members.

(11) If any voting member has assented to a decision by telegram, telex, facsimile or electronic mail transmission, the member's assent shall be subsequently authenticated by his or her signature.

(12) Subject to the foregoing, the Authority may regulate its own procedure.

**4. Declaring an interest.** (1) A member of the Authority who is in any way, whether directly or indirectly, interested in any matter whatsoever with which the Authority is concerned, shall declare that interest at the first meeting of the Authority at which that member is present, after the relevant facts have come to his or her knowledge.

(2) A member shall not take part in any deliberation or decision of the Authority with respect to any matter with which the Authority is concerned, in which he or she has, whether directly or indirectly, any interest.

(3) A disclosure made under subparagraph (1) shall be recorded in the minutes of the Authority.

(4) Where, owing to the number of members who have declared an interest in an item of business at a meeting, the Authority, lacks a quorum, to transact that item of business, that fact shall be recorded in the minutes and reported to the Minister.

(5) The Minister, acting in his discretion, may grant a dispensation subject to such terms and conditions as he or she shall think fit, to impose, to all or any of the members who have declared an interest in an item of business to which subparagraph (4), applies so as to allow that item to be disposed of at the meeting of the Authority next following the meeting referred to in subparagraph (4).

**5. Validity of acts.** The validity of anything done under this Act shall not be affected solely by reason of—

- (a) the existence of any vacancy in the membership, or any defect in the constitution of the Authority;
- (b) an omission or irregularity in respect of meeting any proceedings of the Authority under paragraph 4;
- (c) the contravention by a member of the provisions of paragraph 4.



**6. Funds of the Authority.** (1) The funds and resources of the Authority shall consist of—

- (a) any sums appropriated by Parliament for the purposes of the Authority;
- (b) any money paid to the Authority by way of administrative fees, service charges, penalties or fines, and all other revenues which may become payable to the Authority, pursuant to the provisions of the Act or regulations or any other written law;
- (c) any sums allocated to the Authority from loan funds;
- (d) all other sums payable, or property which may in any manner become payable to or vested in the Authority, in respect of any matter incidental to its functions.

(2) Where there is a deficiency in the funds of the Authority, that deficiency shall be met out of moneys provided by Parliament.

(3) For the purposes of this paragraph, the expression “loan funds” means any sums made available from time to time to the Government of Grenada by way of a loan.

**7. Financial year.** (1) The Authority shall prepare annual estimates of its projected revenues and expenditure to be submitted to the Minister who, if he approves the estimates, shall submit them to the Minister of Finance not later than a date specified by the Minister of Finance.

(2) The Authority shall maintain a general fund into which shall be paid all such moneys as may, from time to time, be placed at the disposal of the Authority for the purposes of this Act by Parliament, and any other moneys lawfully be paid to the Authority; and out of this fund, shall be paid all the expenses incurred by the Authority in carrying out its functions under this Act and all other liabilities properly incurred by the Authority.

(3) For the purpose of regulating and controlling its financial operations, the Authority may, with the approval of the Minister, make rules in respect of—

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank into which moneys of the Authority are to be paid and then designation of any account with the bank;

- (c) the sum to be retained by the accounting officer to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;
- (d) the method to be adopted in making payments out of the funds of the Authority;
- (e) the level of authority required to write off bad debts in excess of specified sums; and
- (f) generally as to matters necessary for the proper keeping and control of the finances of the Authority.

(4) The Authority shall keep proper accounts of its funds and the accounts shall be audited annually by the Director of Audit, or by an auditor appointed in each year by the Minister with the written consent of the Director of Audit.

(5) The Executive Secretary shall have custody of the seal of the Authority.

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## SCHEDULE II

### **MATTERS FOR WHICH PROVISION MAY BE MADE IN DEVELOPMENT PLANS**

#### **PART I**

#### **ROADS**

1. Reservation of land for roads and establishment of public rights of way including public rights of way to beaches.
2. Closing or diversion of existing roads and public and private rights of way.
3. Construction of new roads and alteration of existing roads.
4. The line, width, level, construction, access to and egress from and the general dimensions and character of roads, whether new or existing.
5. Providing for and generally regulating the construction or execution of works incidental to the making or improvement of any road, including the erection of

bridges, culverts, gullies, fencing, banners, shelters, the provision of artificial lighting, and seats, and the planting or protecting of grass, trees and shrubs on or adjoining such road.

## **PART II**

### **BUILDINGS AND OTHER STRUCTURES**

1. Regulating and controlling, either generally or in particular areas, all or any of the following matters—
  - (a) the size and height of buildings and fences;
  - (b) building lines, coverage and the space about buildings;
  - (c) the objects which may be affixed to buildings;
  - (d) the purposes for and the manner in which buildings may be used or occupied, including in the case of dwelling houses, the letting thereof in separate tenements;
  - (e) the prohibition of building or other operations on any land, or regulating such operations.
2. Regulating and controlling the design, colour and materials of buildings and fences.
3. Allocating any particular land, or all land in any particular area, for buildings of a specified class or classes, or prohibiting or restricting either permanently or temporarily, the making of any building or any particular class or classes of buildings on any specified land.
4. Limiting the number of buildings or the number of buildings of a specified class which may be constructed, erected or made, on, in or under any area.

## **PART III**

### **COMMUNITY PLANNING**

1. Providing for the control of land by zoning or designating specific uses.
2. Regulating the layout of housing areas including density, spacing, grouping and orientation of houses in relation to roads, open spaces and other buildings.

3. Determining the provision and sitting of community facilities including shops, schools, churches, meeting halls, play centres and recreation grounds, in relation to the number and sitting of houses.

#### **PART IV**

#### **AMENITIES**

1. Allocation of lands as open spaces whether public or private.
2. Allocation of land for burial grounds and crematoria.
3. Allocation of lands for—
  - (a) communal parks;
  - (b) wildlife sanctuaries;
  - (c) the protection of marine life;
  - (d) national parks and environmental protection areas.
4. Preservation of buildings, caves, sites and objects of artistic, architectural, archaeological, historical, or cultural interest.
5. Preservation or protection of forests, woods, trees, shrubs, plants and flowers.
6. Protection of the coastal zone, designation of marine parks, special resource and special use areas.
7. Prohibiting, restricting or controlling, either generally or in particular places, the exhibition, whether on the ground, or any building or any temporary erection, whether on land or in water, or in the air, of all or any particular forms of advertisement or other public notices.
8. Preventing, remedying or removing injury to amenities, arising from the ruinous or neglected condition of any building or fence, or by the objectionable or neglected condition of any land attached to a building or fence or abutting on a road or situate in a residential area.
9. Prohibiting, regulating and controlling the deposit or disposal of waste materials and refuse, the disposal of sewage and the pollution of ponds, salt ponds, gullies, beaches, the foreshore or territorial waters.

**PART V**

**PUBLIC SERVICES**

Facilitating the establishment, extension or improvement of works by statutory or other undertakers in relation to power, lighting, water supply, sewerage, drainage, sewage disposal, refuse disposal or other public services.

**PART VI**

**TRANSPORT AND COMMUNICATIONS**

1. Facilitating the establishment, extension or improvement of modes of transport whether by land, water or air.
2. Allocating sites for use in relation to transport and the reservation of land for that purpose.
3. Providing for the establishment, extension or improvement of telegraphic, telephonic, wireless or radar communication, the allocating of sites for use in relation to such communication, and the reservation of land for that purpose.

**PART VII**

**MISCELLANEOUS**

1. Providing for and regulating the making of agreements for the purpose of a physical plan by the Minister with owners and other persons, and by such persons with one another.
2. Sub-division of land and in particular, but without restricting the generality of the foregoing—
  - (a) regulating the type of development to be carried out and the size and form of plots;
  - (b) requiring the allocation of land for any of the public services referred to in Part V, or for any other purposes referred to in this Schedule for which land may be allocated;
  - (c) prescribing the character and type of public services or other works which shall be undertaken and completed by any applicant, for permission to sub-divide as a condition of the grant of such permission;

- (d) co-coordinating the sub-division of contiguous properties, in order to give effect to any scheme of development appertaining to such properties.
3. Making any provisions necessary for—
- (a) adjusting and altering the boundaries and areas of any towns;
  - (b) effecting such exchanges of land or cancellation of existing sub-division plans, as may be necessary or convenient for the purposes aforesaid.

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SCHEDULE III

**MATTERS FOR WHICH AN ENVIRONMENTAL IMPACT ASSESSMENT IS  
NORMALLY REQUIRED**

1. Hotels or resort complex of more than 50 rooms
2. Sub-divisions of more than 10 lots
3. Residential development of more than 25 units
4. Any industrial plant, which in the opinion of the Authority is likely to cause significant adverse environmental impact
5. Drilling, quarrying, sand mining and other mining activities
6. Marinas
7. Land reclamation, dredging and filling of ponds and swamps
8. Airports, ports and harbours
9. Dams and reservoirs
10. Hydro-electric projects
11. Desalination plants
12. Water purification plants
13. Sanitary landfill operations, solid waste disposal sites, toxic waste disposal sites and other similar sites
14. A power plant

15. An incinerator, sanitary landfill operation, solid waste disposal site, sludge disposal site or other similar site
16. Gas pipeline installations
17. Wind turbines
18. Communication towers
19. Any development projects generating or potentially generating emissions, aqueous effluent, solid waste, noise, vibration or radioactive discharges
20. Any development involving the storage and use of hazardous materials
21. Any coastal zone development
22. Any development in wetlands, marine parks, national parks, conservation areas, environmental protection areas or other sensitive environmental areas; and
23. Any other projects identified by the Authority.

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Passed by the House of Representatives this 11th day of May, 2016.

WILLAN A. THOMPSON  
*Clerk to the House of Representatives.*

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Passed by the Senate this 25th day of May, 2016.

WILLAN A. THOMPSON  
*Clerk to the Senate.*

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