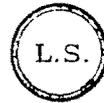


GRENADA

ACT NO. 40 OF 1968

I assent,



HILDA BYNOE,
Governor.

24th September, 1968.

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

[*28th September, 1968*].

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same, as follows:—

1. This Act may be cited as the

Short title

LAND DEVELOPMENT (CONTROL) ACT, 1968.

2. In this Act—

Interpretation.

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

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

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

“Comptroller” means the Comptroller of Inland Revenue;

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

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

“Minister” means the Minister for the time being responsible for Planning and Development;

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

Development
Control
Authority.

3.—(1) There shall be established a Development Control Authority, hereinafter referred to as “the Authority”, consisting of a chairman and not more

than eight other members and an executive secretary all of whom shall be appointed by the Governor. The membership of the Authority shall include the chief technical officers for the time being in charge of Physical Planning, Public Works, Health Services, Agriculture and Housing.

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

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

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

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

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

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

4.—(1) There shall be paid to the Accountant General by the vendor of land, which the Comptroller is satisfied is suitable for development or is being purchased or conveyed, intended or designated for development purposes, a development levy in accordance with the provisions of the Stamp Ordinance; and the solicitor or other person preparing the conveyance shall be entitled to deduct from the purchase price of the land the levy so payable.

Development
subject to
levy.

Cap. 283.

(2) The vendor of any land, his solicitor or authorised agent, shall make and forward to the Comptroller a Statutory Declaration verifying the

amount of the consideration and the intended use of the land. If the Comptroller, after having consulted the Authority, is satisfied that the land in question is not suitable for development, nor is the same being purchased or conveyed, intended or designated for development purposes, then he shall so certify and the vendor shall thereupon be exempted from the payment of the development levy.

Permission
for
development
required from
Authority.

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

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

Application
for
permission
to develop
land.

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

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

7. Notwithstanding the provisions of section 6 the classes of development listed in the First Schedule are permitted and may be undertaken without the permission of the Authority, but such development shall be subject to any condition or restrictions imposed under any Order or Regulation made under section 21.

Permitted development.

8. An application may be made for approval in principle before a developer embarks on detailed plans.

Application for approval in principle.

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

Authority may approve or refuse permission to develop land.

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

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

Authority to give reasons for refusal of permission to develop.

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

Applicant may appeal to Minister.

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

(3) The recommendations of the tribunal on any appeal referred to it shall be conveyed to the Minister in writing, and the Minister shall determine the appeal in accordance with the recommendations of the tribunal and shall convey his decision to the applicant. The Minister's decision on any appeal shall be final.

Failure to give decision in three months deemed refusal of application.

12. Unless the Authority gives its decision on an application within a period of three months from the date of receipt of the application or such extended period as may be agreed upon in writing between an applicant and the Authority, the application will be deemed to have been refused, and the right of appeal under section 11 will arise.

Qualification and adaptation of existing law.

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

Cap. 153.

(2) For the purpose of enabling development to be carried out in accordance with a planning permission or a development plan in course of preparation, the provision of the Land Acquisition Ordinance shall apply as though the acquisition of land was required for a public purpose. The value of the land to be acquired shall be the amount that the land might have been expected to realise on the open market by a willing seller twelve months prior to the date of publication in the *Gazette* of the intention to purchase the land.

Development to be in accordance with plans.

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

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

(3) If the Authority refuses permission to develop land in accordance with the amended plans as in sub-section (2) of this section provided, it shall at the time of such refusal give to the applicant in writing its reasons for so refusing in which case the provisions of section 11 of this Act, shall apply as in the case of an original application to the Authority.

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

Permission to lapse.

16. The Executive Secretary of the Authority shall keep a register of all development applications and all information relevant thereto which shall be open for inspection at the office of the Authority during normal working hours.

Register of applications.

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

Preservation of amenities.

18. No advertisement whether attached to a building or a hoarding shall be displayed except with the written permission of the Authority.

Control of advertisements.

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

Offences and penalties.

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

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

(4) If any person is charged with the offence of carrying out any development otherwise than in accordance with any plans submitted to and approved by the Authority such person shall not be convicted thereof if he proves to the satisfaction of the Court that such development has been or is being carried out in a manner which is at least ninety per centum in conformity with such plans as aforesaid, but may be required to make the development conform to the plans as originally approved by the Authority.

Owners of land liable for wrongful development.

20. If the development of any land is commenced or carried out without the written permission of the Authority or carried out in a manner not in accordance with plans submitted or re-submitted to, and approved by the Authority, every owner of such land within the meaning of section 2 of this Act shall be liable therefor and be subject to the penalties prescribed by section 20 of this Act.

Regulations and Orders.

21. The Governor may make Regulations and Orders for the purpose of giving effect to the provisions of this Act.

Power to amend or replace schedules.

22. The Governor may, by Order, amend or replace the Schedules to this Act.

Commencement.

23. The provisions of section 4 of this Act shall be deemed to have come into operation on the first day of May, 1968.

FIRST SCHEDULE

(Sections 5(2) and 7)

- (a) Garden huts, other than garages, not used for human habitation.
- (b) Gates, fences and walls not exceeding 3 feet in height.
- (c) Buildings and other works solely for agricultural purposes.
- (d) Repairs to roads, bridges, or harbour installations.
- (e) Repairs to services.
- (f) Internal alterations to buildings.
- (g) Enlargement or improvement of an existing dwelling house provided the ground floor area does not exceed one-third of the area of the plot.
- (h) Works by statutory undertakers.
- (i) Dwelling houses of less than 800 sq. ft. floor area to be erected on any land other than if situated within the parish of Saint George or within 200 yards of the seafront or 200 yards of any road shown on the 1:50,000 scale map of Grenada, D.O.S. 442 (Series E 703) as a main road or within any other areas prescribed by order.

SECOND SCHEDULE

(Section 6)

APPLICATION FOR PERMISSION TO DEVELOP LAND

Name of Applicant

Address of Applicant (if a Company, address of registered offices)

Description of land sought to be developed, including area and situation of

land

Whether land is owned or leased by applicant.....

If leased, what is the unexpired term of the lease?.....

.....

For what purpose is land to be developed?

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)

Are any plans attached to application? (If so, please describe plans).

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.....

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.....

Estimated cost of development of land.....

.....
Signature of Applicant

.....
Date of Application

Passed in the House of Representatives this 4th day
of September, 1968.

CURTIS V. STRACHAN,
Clerk of the House of Representatives

Passed in the Senate this 6th day of September, 1968.

CURTIS V. STRACHAN,
Clerk of the Senate

GRENADA