

**Town and Country Planning (Land use and Building use Classes)
ORDER 1991**

In exercise of the powers conferred by section 9 (2) (a) of the Town and Country Planning Act 1980, I,

Mphosi Matete

Minister of Interior and Chieftainship Affairs make the following order:-

Citation and commencement

1. This Order may be cited as the Town and Country Planning (land Use and Building Use Classes) Order 1991 and shall come into operation on a date to be appointed by the Minister by notice in the Gazette.

Application

2. This order shall apply to all land which is affected by the Town and Country Planning Act 1980.

Land Use and Building Use Classes Schedule

3. (1) Where a building or land is used for a purpose of any class specified in the Schedule to this order, the use of such a building or land for any other purpose of the same class shall not be deemed for the purposes of the Town and Country Planning Act 1980 to involve development of the land.

(2) Where there is a use which is incidental to a major use of any class specified in the Schedule to this order, it shall be considered as part of the major use and not as a separate use.

(3) The Minister may, by notice in the Gazette, vary, amend, add to or cancel all or any of the classes prescribed in the Schedule to this Order.

**SCHEDULE
(Section 3)**

Land Use and Building Classes

1. Use as a shop.
2. Use as an office
3. Use as a light industrial building
4. Use as a general industrial building
5. Use as a special industrial building
6. Use as a dwelling house
7. Use as a flat
8. Use as an apartment

9. Use as a boarding house, guest house or a hotel.
10. Use as a residential or boarding school, college, or a residential college.
11. Use as a building for public worship, religious instruction body using the building.
12. Use as a home or institution providing for the boarding care and maintenance of children, old people or persons under disability, a convalescent home, a nursing home, a sanatorium or hospital.
13. Use (other than residential) as a health centre, a school treatment centre, a clinic, a creche, a day nursery or a dispensary, or use as a consulting room or surgery unattached to the residence of the consultant or practitioner.
14. Use as an art gallery (other than for business purposes), museum, a public library, a reading room, a public hall an exhibition hall.
15. Use as a theatre, a cinema, a concert hall or a music hall.
16. Use as a dance hall, a skating rink, a swimming bath, a sauna bath or any other form or bath, a gymnasium or a sports hall.

Interpretation

1. In this Schedule unless the context otherwise requires,

“betting office“ means any building in respect of which there is for the time being in force a betting licence pursuant to the betting Control Act 1975;

A. No. 21 of 1975

“light industrial building” means an industrial building (not being a special industrial building) in which the processes carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

“office” includes a bank and premises occupied by an insurance agency, building society or recruiting agency or premises occupied (for office purposes only) for the purpose of car hire or driving instruction but does not include a post office or betting office;

“shop” includes a building used for the purposes of hairdresser, undertaker, travel agency, ticket agency or post office, or for the reception of goods to be washed, cleaned or repaired, but does not include a building used as a fun fair, amusement arcade, pin-table salon, garage, launderette, petrol filling station, restaurant, snack bar or cafe, or premises licenced for the sale of excisable liquor for consumption on the premises;

“special industrial building” means an industrial buildings used for processes such as tanning, brewing, distilling or the manufacture of chemicals which by reason of offensive smell, danger to the public due to fire explosion or noxious fumes, or their effect on the environment, require special consideration to be given to their siting.