

No. 27 of 1975

*The Town and Country Planning
Ordinance, 1975.*

MONTSERRAT

I ASSENT,

N. D. MATTHEWS,
Governor.

22nd October, 1975.

M O N T S E R R A T

N O . 2 7 O F 1 9 7 5

AN ORDINANCE TO MAKE PROVISION FOR THE ORDERLY AND PROGRESSIVE DEVELOPMENT OF ALL LAND IN MONTSERRAT, TO PRESERVE AND IMPROVE THE AMENITIES THEREOF, FOR THE GRANTING OF PERMISSION TO DEVELOP LAND AND TO SUB-DIVIDE LAND AND FOR OTHER MATTERS CONNECTED THEREWITH.

[By Proclamation]

Commencement.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council of Montserrat and by the authority of the same as follows:—

1. This Ordinance may be cited as the Town and Country Planning Ordinance, 1975, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.

Short Title,
and commence-
ment.

2.(1) In this Ordinance, unless the context otherwise requires:—

Interpretation.

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, advertisement, announcement or direction and (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“application” means an application to the Authority for permission to carry out development or for any approval required by this Ordinance or any subsidiary legislation made hereunder;

“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 the farming of land), the use of land as grazingland, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;

"agricultural land" does not include the garden of a house or building or land within the curtilage of a house or building (other than a market garden);

"Authority" means the Authority established under the provisions of section 3;

"building" includes any erection, structure or any part of an erection or building erected on or made on, in, over, or under lands and where the context so permits, includes the land on, in, over, or under which the building is situated but does not include plant or machinery comprised in an erection or building;

"building operations" includes rebuilding operations, structural alterations of or additions to buildings, and any other operations normally undertaken by a person carrying on business as a builder;

"development", subject to the provisions of section 6(2), means the carrying out of building, engineering, mining, or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land, or the segregation, division, or subdivision of any building or land whether or not any building, engineering or other operations have been carried out or are intended to be carried out for the formation of plots, and "develop" shall be construed accordingly;

"engineering operations" includes the formation or laying out of means of access to roads;

"erection" in relation to buildings as defined in this subsection, includes extension, alteration and re-erection;

"Governor" means the Governor-in-Council;

"Land" includes land covered with water and also includes incorporeal as well as corporeal hereditaments of every tenure or description, and any interest or right over land, and also an undivided share in land;

"means of access" includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a road;

"minerals" includes all minerals or substances in or under land of a kind ordinarily worked for removal by underground or surface working;

"owner" in relation to any building or land means a person, other than a mortgagee not in possession, who, whether in his own rights or as trustee or agent for any other person, is entitled to receive the rack rent or profits of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let;

"the Planning Officer" means the architect, civil engineer, chartered land surveyor or other person who satisfies the Governor as to his qualifications or experience in town and country planning, and is appointed by the Governor to carry out the function of Town and Country Planner for Montserrat;

"planning permission" means permission granted by the Authority pursuant to section 8;

"road" means any public or private road in Montserrat including any street, alley, lane, bridge, wharf and embarkment;

"sub-divide" means to divide or sub-divide a lot or parcel of land or building into two or more parts for sale, transfer, lease, letting, use, trust or for any other transaction as well as for the development of a new building;

(2) Without prejudice to any law relating to the control of advertisements and subject to any permission to display an advertisement granted by a General Development Order, the use for the display of advertisements -

- (a) of any external part of a building, which, in the six months previous to the present use, has not been used for the display of advertisements; or
- (b) any part of any land which, in the six months previous to the present use, has not been used for the display of advertisements, shall be treated for the purpose of this Ordinance as involving a material change in the use of that part of the building or of the land.

Development
Control
Authority

3.(1) There is hereby established a Development Control Authority (hereinafter referred to as the "the Authority") which shall consist of the following members -

- (a) A Chairman to be appointed by the Governor;
- (b) The Director of Public Works;
- (c) The Chief Public Health Inspector;
- (d) The Director of Agriculture;
- (e) The Planning Officer;
- (f) The Comptroller of Inland Revenue;
- (g) One member being a person not in the Public Service and appointed by the Governor; and
- (h) Such other person as the Governor may appoint.

(2) The Planning Officer shall be the Executive Secretary of the Authority.

(3) The members appointed by the Governor under subsection (1) shall be appointed for such period not exceeding two years as the Governor shall in the appointment determine and upon expiration of an appointment such appointed members shall be eligible for re-appointment.

(4) The Governor may at any time revoke the appointment of any person he has appointed as a member of the Authority if he thinks it expedient to do so.

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

(6) Subject to subsection (7) the Authority shall

meet at such times as may be expedient for the transaction of business, and meetings shall be held at such places and times and such days as the Authority may determine.

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

(8) Four members of the Authority shall form a quorum:

Provided that where any member of the Authority is disqualified under subsection (11) hereof from taking part in any deliberation or decision of the Authority with respect to any matter he shall be disregarded for the purpose of constituting the quorum for deliberation on or deciding that matter.

(9) The members of the Authority may appoint one of their number to act as Chairman during the temporary absence of the Chairman of the Authority owing to illness, inability to attend, absence from the Colony or any other reasonable cause.

(10) In the case of an equality of votes on any question at a meeting the Chairman of the meeting shall have a casting as well as a deliberative vote in respect of that question.

(11) A member of the Authority shall not vote upon, or take part in the discussion of any matter before the Authority in which he has, directly or indirectly, by himself or by his wife or in partnership or as a member of or as a director of a company or like body, any pecuniary interest.

(12) Subject to the foregoing subsections, the Authority shall have power to regulate its own proceedings.

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

(14) A copy of the minutes of every meeting of the Authority shall be submitted to the Governor as soon as possible after every such meeting.

4. No personal liability shall attach to any member of the Authority in respect of anything done or suffered in Indemnity of
members and

the Secretary
of the Au-
thority.

good faith under the provisions of this Ordinance and any sums of money, damages or costs which may be recovered against them or any of them for anything done or suffered as aforesaid shall be paid out of the revenues of the Colony.

Development
Plans.

5.(1) It shall be the duty of the Authority to institute a survey of the Colony, examining the matters which may be expected to affect the development of Montserrat or the planning of its development and in any event to keep all such matters under review.

(2) Notwithstanding that the Authority has carried out its duty under subsection (1) above, the Authority may, if it thinks fit, and shall, if directed so by the Governor, institute a fresh survey of the Colony examining the matters mentioned in that subsection.

(3) The Authority shall be responsible for the preparation so soon as practicable after the setting up of the Authority of a report on their survey under subsection (1) and a Preliminary Territorial Plan for the Colony as specified in subsection (4).

(4)(a) The Preliminary Territorial Plan shall comprise a written statement, accompanied as necessary by diagrams, illustrations and descriptive matter, setting out the proposed development of the Colony and also formulating the Authority's proposals in respect of the development and other use of land in the Colony (including measures for the improvement of physical environment and the management of traffic).

(b) Such proposals shall have regard to the current policies with respect to the economic planning and development of the Colony, the resources likely to be available for the carrying out of the proposals, and to such other matters as the Governor may direct them to take into account.

(5) The Preliminary Territorial Plan shall be submitted to the Governor for approval and on such submission notification thereof shall be effected in the Gazette next published and in a newspaper circulating in the Colony for two successive issues following such submission.

(6) The Preliminary Territorial Plan when submitted together with all documents relating to it shall

be available for inspection by the public during normal office hours at the offices of the Authority.

(7) Notwithstanding the provisions of subsection (5), the Governor may direct that the Authority make alterations or additions to the Preliminary Territorial Plan or direct that the Preliminary Territorial Plan as a whole be re-drafted for re-submission to the Governor.

(8) After a reasonable time has elapsed following the publication of the notices in subsection (5) hereof the Governor shall consider the Preliminary Territorial Plan and any observations made thereon by members of the public and if he thinks fit he shall approve the Preliminary Territorial Plan with or without modifications.

(9) When the Governor shall have approved the Preliminary Territorial Plan it shall be called "the Approved Preliminary Territorial Plan" and shall be used by the Authority as a policy guide in its deliberations.

(10) The Approved Preliminary Territorial Plan together with all documents relating to it shall be available for inspection by the public during normal office hours at the office of the Authority.

(11) So soon as is practicable after the approval of the Approved Preliminary Territorial Plan the Authority shall be responsible for the preparation of one or more detailed Development Plans, (hereinafter called "Development Plan or Plans") covering any part or parts of the Colony which they think appropriate.

(12) The Development Plans shall contain the information specified in subsection (4) but in more detail than was covered in the Approved Preliminary Territorial Plan.

(13) Such Development Plan or Plans shall be submitted for approval in accordance with subsection (5) as if they were Preliminary Territorial Plans whereupon the provisions of subsections (6) to (10) inclusive shall apply as if references to the Approved Preliminary Territorial Plan included references to the Development Plan or Plans.

(14) From time to time, when the Authority considers it appropriate or when the Governor so directs, the Authority shall review the Approved Preliminary Territorial Plan, and the Development Plan or Plans and shall

prepare amendments thereto or fresh plans in accordance with subsections (4) and (9) and submit the same for approval in accordance with subsection (5) whereupon the provisions of subsections (6) to (10) inclusive shall apply as if the amendments or fresh plans were the original plans.

6.(1) Subject to subsection (2) and notwithstanding the provisions of any other law to the contrary, no person shall —

- (a) develop any land or building except under and in accordance with the terms of a planning permission; or
 - (b) without the permission or approval of the Authority display any advertisement on any external part of a building or on a hoarding on any land.
- (2) Subsection (1) shall not apply to:
- (a) land being used or developed solely for agricultural purposes or for forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;
 - (b) the carrying out of work for the maintenance, improvement, or other alteration of any building being works which affect only the interior of the building or which does not materially affect the external appearance of the building;
 - (c) the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such;
 - (d) any works mentioned in the Schedule hereto; and
 - (e) where planning permission is granted by a General Development Order made by the Authority under section 14(1)(i), in respect of development or the display of advertisements subject to any conditions mentioned in the Order which Order may relate to the whole or any part of the Colony.
- (3) An application to the Authority for permis-

sion to develop land or to display an advertisement shall be in such form as may be prescribed by regulations and shall be accompanied by such maps and plans as may be necessary or as may be required by the Authority.

(4) In making their decision the Authority shall be guided by the Approved Preliminary Territorial Plan, and where the Governor has approved a Development Plan or Plans in relation to an area, the Development Plan or Plans.

7.(1) An application may be made for approval in principle.

Application for approval in principle and in respect of unauthorised buildings.

(2) If any person who proposes to carry out any development (or who has without planning permission carried out development) wishes to have it determined whether what he proposes would constitute (or that which he has unlawfully carried out did constitute) development of the land or a building and if so, whether an application for permission to development in respect thereof is (or was) required under this Ordinance, he may, either as part of application for permission to develop, or without any such application, apply to the Authority to determine the question.

(3) The provisions of section 9 shall apply in relation to an application under this section, and to the determination thereof as they apply in relation to applications for the grant of permission for development and to the determination of such an application.

8.(1) The Authority may, after consideration of the application, and in accordance with any specific directions as may have been given to the Authority by the Governor, grant permission as to the whole or any part of the application (in this Ordinance called "planning permission"), with or without conditions or time limitations, or may refuse permission.

Authority may approve or refuse permission to develop land.

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

(3) If the Authority after due consideration of the application and of the plans, if any, refuses permission to the applicant or grants the planning permission

subject to conditions or limitations it shall at the same time give the applicant in writing its reason for so refusing, or for imposing conditions or limitations.

Applicant or
other interest-
ed person may
appeal to the
Governor.

9.(1) Upon the refusal of the Authority to grant permission, or upon the Authority granting planning permission, whether subject or not to conditions or limitations, the applicant, or any other person affected by the decision of the Authority, may, within two months after such decision has been made known, appeal to the Governor against such refusal, grant, conditions or limitations as the case might be, setting out the grounds upon which the appeal is made.

(2) Every appeal to the Governor under subsection (1) may be dealt with by the Governor or may be referred by the Governor to an Appeals Tribunal for the purpose of determining the appeal in question forthwith, which Tribunal shall consist of three members, being a Chairman and two others all to be appointed by the Governor. None of the Members of the Tribunal need necessarily reside in or work in the Colony, but one of the members should have experience in building and planning matters and the Chairman should preferably be a practising lawyer.

(3) The members appointed in accordance with subsection (2) shall be appointed for the determination of a particular appeal or for such period not exceeding two years as the Governor shall in the appointment determine and upon the expiration of an appointment such member shall be eligible for re-appointment.

(4) The Governor may (and shall where one of the members has any interest in any appeal coming before the Appeals Tribunal) revoke either permanently or for the hearing of any specific appeal the appointment of any member of the Appeals Tribunal if he thinks it expedient so to do.

(5) Subject to the foregoing subsection the Appeals Tribunal shall have power to regulate its own proceedings.

(6) The Governor or the Appeals Tribunal as the case may be may hear an Appellant and if he so wishes, his lawyer and witnesses (or if the Appellant chooses to make his submissions in writing may read the Appellant's

submissions) and may allow the appeal in whole or in part and subject to such conditions or limitations as he or it thinks fit, or may dismiss the appeal.

(7) The Governor or the Appeals Tribunal as the case may be shall give his or its reasons for his or its decision and forthwith communicate in writing such reason and decision to the Appellant and the Authority.

(8) With respect to references in this Ordinance to planning permissions in relation to a permission altered on appeal by the reversal or variation of the whole or part thereof, such references shall be construed as references to the planning permission as so altered.

10.(1) If any person develops any land or building or displays any advertisement in contravention of the provisions of this Ordinance, the owner of the land and every person who in any way engages himself in such development or display shall be guilty of an offence and on summary conviction shall be liable to a fine of one thousand dollars.

Contravention
of the Ordinance.

(2) Where any body corporate is guilty of an offence under this Ordinance, and that offence is proved to have been committed with consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate shall be liable to be proceeded against and punished accordingly.

(3) In addition to, or in substitution for the provisions of subsections (1) and (2) hereof, (whether or not a determination has been made under section 7), where it appears to the Authority that development has been carried out or an advertisement displayed without the grant of permission pursuant to section 8 or if any conditions or limitations subject to which planning permission has been granted have not been complied with, the Authority may serve a notice under this subsection (in this Ordinance referred to as an "enforcement notice") requiring the breach to be remedied.

(4) The enforcement notice shall specify -

(a) the matters alleged to constitute a breach of planning control;

(b) the steps required by the Authority to be taken in order to remedy the breach; and

(c) the period for compliance with the notice.

(5) The steps which may be required by an enforcement notice to be taken may include the demolition or alteration of any building or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(6) The enforcement notice shall be served on the owner and on the occupier of the land to which it relates and on any other person whom the Authority believes to have a material interest in the land but the fact that the Authority cannot serve on one or other of the persons herein-mentioned shall not invalidate proceedings against any other of such persons.

(7) Any of the persons mentioned in subsection (6) may appeal to the Governor under the procedure specified in section 9 and the Appeals Tribunal may allow in whole or in part the appeal or dismiss the appeal.

(8) If any person mentioned in subsection (6) fails to comply with an enforcement notice properly served on him (except to the extent that an appeal under subsection (7) is successful) he shall be guilty of an offence and on summary conviction he shall be liable to a penalty of thirty dollars for each day during which such offence continues after the period specified in the enforcement notice pursuant to subsection (4)(c) or such substituted period as may be allowed on appeal.

(9) If all the steps specified in the enforcement notice have not been completed within the time specified in the enforcement notice (save as varied on appeal), the Authority may enter the land and take the steps and recover from the person who is the then owner of the land, any expenses reasonably incurred by them in so doing.

(10) In the event of a planning permission having been implemented by the conditions therein or any of them not having been carried out as a result of which an enforcement notice is served hereunder then, (unless or to the extent to which an appeal against the enforcement notice is allowed by the Appeals Tribunal) such planning permission shall be deemed to have been void and of no effect.

11.(1) In the event of a development not having been, in the opinion of the Authority, substantially commenced or in the event of the advertisement not having been displayed within the period of one year from the date of granting of planning permission or within such extended period as the Authority may allow, the planning permission shall lapse and no such development may take place until a further planning permission has been granted under section 8.

Lapse and
revocation
of permission.

(2) In the event of the Authority being satisfied that it has been materially misled by an applicant for planning permission as a result of which planning permission has been given, it may, upon being so satisfied, serve notice under this section to the applicant and the owner of the land that it revokes the permission whereupon the permission will forthwith come to an end without compensation unless within two months of such notice the applicant or the owner appeals to the Governor (whereupon the provisions of section 9 hereof shall be deemed to apply as if this appeal was an appeal against a refusal or grant of planning permission) and succeeds in whole or to the extent to which the appeal is allowed.

12.(1) If it appears to the Authority that the amenity of any area within the Colony is seriously injured by reason of the condition of any land or building, garden or vacant site or the condition of dereliction, waste, or neglect in the occupation of land or a road, then it may serve on the owner or occupier of the land a notice requiring such steps for abating the injury as may be so specified.

Waste Land.

(2) The service of a notice under subsection (1) shall be deemed to be the service of an enforcement notice and the provisions of section 10(3) to (9) inclusive shall be applicable hereto.

13.(1) If it appears to the Authority that it is expedient in the interest of amenity to make provisions for the preservation of trees or woodlands, they may for that purpose make an order, (in this Ordinance referred to as a "tree preservation order") with respect to such trees, groups of trees or woodlands as may be specified in the order; and in particular, provision may be made by any such order -

Tree Preservation
Orders.

(a) for prohibiting (subject to any exemptions for

which provision may be made by the Order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the Authority, and for enabling the Authority to give their consent subject to conditions;

- (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the Order;
- (c) for applying, in relation to any consent, any of the provisions of this Ordinance falling within the next following subsection, subject to such adaptations and modifications as may be specified in the order.

(2) There shall be applicable to tree preservation orders:

- (a) the provisions of this Ordinance relating to planning permission and to applications for planning permission; and
- (b) the provisions of section 10 as if breach of a tree preservation order were specifically mentioned therein.

(3) Provision be made by regulations under this Ordinance with respect to the form of tree preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders; and subject to the next following subsection, such regulations shall, in particular, make provision for securing –

- (a) that notice of the submission of any such order to the Governor shall be given to the owners and occupiers of land affected by the order;
- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Governor (who may in his discretion refer the same to the Appeals Tribunal as if the same were an appeal under section 9); and
- (c) that copies of the order, when confirmed by the

Governor shall be served on the owners and occupiers of the land to which it relates.

(4) If it appears to the Governor that any such order should take effect immediately, he may confirm the order ~~provisionally~~ without complying with the requirements of any such regulations with respect to the consideration of objections and representation; but any order so confirmed shall cease to have effect at the end of two months from the date on which it is so confirmed, unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(5) Without prejudice to any other exemptions for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligations imposed by or under any law in force in Montserrat or so far as may be necessary for the prevention or abatement of nuisance.

14.(1) The Authority may make regulations as to the following matters: Regulations.

- (a) for the proper control of the height, density and setback of buildings, the control of lands for various uses, parking, roads, road junctions and road reserves, water supply, sewerage and garbage disposal and any other matter relating to development;
- (b) for the proper control of the construction, material, siting, size, height and any other matter relating to the construction of any building or structure;
- (c) prescribing the form of application to be submitted for the grant of planning permission;
- (d) prescribing the form of planning permission;
- (e) prescribing fees for the copying of documents and other similar services to be paid under this Ordinance;
- (f) prescribing the form of any notice, order, certificate or other document required to be served under this Ordinance;

- (g) making amendments to the Schedule to this Ordinance;
- (h) generally for the purpose of carrying out the provisions of this Ordinance; and
- (i) for the granting of planning permission or for the display of advertisements by a General Development Order pursuant to section 6(2)(e).

(2) The form of application which may be prescribed under subsection (1)(c) may require the applicant to give information with regard to the construction of any proposed building and the use to which it will be put and the nature of any other development which he intends to undertake.

(3) Regulations made under this section shall have no force or effect until approved by the Governor and published in the Gazette.

Register.

15. The Authority shall keep a register of all development applications, decisions, planning permissions, appeals, appeals decisions and other relevant information thereto which shall be open for inspection at the office of the Authority during normal working hours, and the maps and plans accompanying an application shall likewise be open for inspection at the office of the Authority.

Powers of entry, examination and survey.

16.(1) The Planning Officer or the Chairman of the Authority may at any time cause the whole or any part of any land in the Colony to be entered upon, examined and surveyed for the purpose of deciding questions arising out of —

- (a) the survey for the preparation, approval, making or amendment of the Preliminary Territorial Plans and Development Plan or Plans;
- (b) any application under section 6 or 7;
- (c) any appeal under section 9, 10 or 11(2); or
- (d) the provisions of sections 12, 13 and 14;
- (e) whether the terms of any planning permission are being observed, or whether any land is being used or is or has been developed without planning permission.

(2) Any person authorized in that behalf in writing by the Planning Officer or the Chairman of the Authority for the purpose of an entry, examination or survey which is authorized by this section to be made, may, on production of such written authority, enter any land referred to in such authority and there do anything which may be necessary for the said purpose:

Provided that no person shall enter upon any land or into any building, (unless with the consent of the occupier thereof), without previously giving such occupier at least twenty-four hours written notice of his intention to do so, and if the person entering needs to search and bore for the purpose of ascertaining the nature of the sub-soil, he shall so state in the said notice.

(3) Every person who wilfully obstructs or interferes with any other person in the exercise by such other person of any power vested in him by virtue of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred dollars or to imprisonment for one month.

17.(1) Subject to the provisions of this section, any notice or other document required or authorized to be served or given under this Ordinance, or under any regulation, order, direction, or instrument in writing under this Ordinance, may be served or given -

Service of
notices.

- (a) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, in any case in which an address for service has been furnished by that person, at that address; or
- (b) in the case of a body corporate by sending it in a prepaid registered letter addressed to the Secretary or clerk of the body corporate at its registered or principal office.

(2) Where the notice or document is required or authorized to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorized to be served on any person as an occupier of premises, the notice shall be deemed to be duly served if being addressed to him either by name (or by the description of the "owner" or

the "occupier" as the case may be), of the premises (describing them) it is marked in such a manner that it is plainly identifiable as a communication of importance, and is sent in a prepaid registered letter to the premises and is not returned to the Authority sending it, or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and it appears that any part of that land is unoccupied, the notice shall be deemed to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has furnished an address for the service of the notice on him) if it is addressed to "the owners and any occupiers" of that part of the land (describing it), and is affixed conspicuously to some object on the land.

Application of
existing
legislation

18. Where planning permission has been given in accordance with this Ordinance or a regulation made under this Ordinance and such planning permission or regulation is inconsistent with any provision or regulation contained in or made under any of the following Ordinances, namely—

No. 2 of 1970

(a) The Landholding Control Ordinance, 1970;

No. 2 of 1966.

(b) The Town and Country Development Planning Control Ordinance, 1966,

then such Ordinances and any subsidiary legislation made under such Ordinances shall be read and construed so that they are consistent with the planning permission or regulation hereinbefore-mentioned.

Expenditure by
Authority to
be defrayed
from public
revenues.

19. Any expenditure incurred by the Authority shall be paid on the Certificate of the Chairman of the Authority, out of such sums as may be voted by the Legislative Council of the Colony for that purpose, and shall be limited to the sums so voted.

Crown Bound.

20. This Ordinance shall bind the Crown.

Repeal and
Saving.
No. 2 of 1966.

21. The Town and Country Development Planning Control Ordinance, 1966, is hereby repealed but without prejudice to anything done or suffered under it or any

right, privilege, obligation or liability acquired, accrued or incurred thereunder:

Provided however that rules, regulations or orders made or given under the Ordinance hereby repealed and in force at the time of coming into operation of this Ordinance shall be deemed to have been made and given under this Ordinance and shall continue in force, so far as the same may not be rendered inapplicable by this Ordinance, until other provision shall be made under this Ordinance.

H. A. FERGUS,
Speaker.

Passed the Legislative Council this 16th day of October, 1975.

D. H. BRAMBLE,
Clerk of the Council.

THE SCHEDULE

**Minor works excluded from the necessity to
obtain planning permission**

1. Garden huts (other than garages) and not used for human habitation.
2. Gates or fences not exceeding three feet and six inches in height, where such a gate or fence abuts onto a road carrying vehicular traffic, and not exceeding six feet in any other case.
3. Repairs to public roads, bridges, or harbour installations which repairs do not materially affect the external appearance thereof.
4. Repairs to public utilities installations or services.