

THE TOWN AND COUNTRY PLANNING BILL, 1976

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Clause

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SCHEDULE



SAINT VINCENT.

Act No. 8 of 1976.

I Assent,

R. E. BAYNES,
Governor's Deputy.

18th June, 1976.

AN ACT to enable the orderly and progressive development of land and the proper planning of town and country areas, to make provision for the control of development, and for matters incidental to the foregoing and connected therewith.

[*On Proclamation.*]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and by the authority of the same as follows:—

1. This Act may be cited as the Town and Country Planning Act, 1976, and shall come into operation on such date as the Governor, by Proclamation in the Gazette, may appoint. Short title and commencement.

2. (1) In this Act, unless the context otherwise requires— Interpretation.
 "Board" means the Physical Planning and Development Board established under section 3 of this Act;
 "building" means any, or any part of, a structure built or erected on, over or under land, and includes the land on, over or under which the structure is built or erected,
 "chairman" includes the deputy chairman;

“development” includes all building, demolition and mining work, and, subject to subsection (2) of this section, the sub-division of land, the display of an advertisement, and change of use;

“Minister” means the Minister for the time being responsible for matters relating to town and country planning.

(2) In this section —

“advertisement” means any sign, placard, board, notice, hoarding, word, letter, model or device, displayed on or outside any building or on land and used or adapted or intended for use for the purpose of advertising to the public and situated in or within sight of any public place;

“change of use” means any use of a building or land for a purpose different from the purpose for which that building or land was previously used;

“sub-division” means the division of any building or piece of land into two or more parts for the purpose of sale, transfer, lease, the creation of a trust, or any other transaction whether or not similar to the foregoing.

The Physical
Planning and
Development
Board.

3. (1) There is hereby established the Physical Planning and Development Board which shall consist of the following members —

- (a) the Head of the Physical Planning Unit;
- (b) the Director of the Economic Planning Unit;
- (c) the Chief Technical Officer;
- (d) the Chief Agricultural Officer;
- (e) the Chief Surveyor;
- (f) the Public Health Superintendent;
- (g) the General Manager of the Housing and Land Development Corporation;
- (h) the Manager of the Central Water and Sewerage Authority; and
- (i) three persons, not in the public service, appointed by the Governor.

(2) The Governor shall, by instrument in writing, appoint a chairman and a deputy chairman of the Board from amongst the members, and the deputy chairman shall, in the absence for any reason of the chairman, perform the functions of the chairman.

(3) A person appointed under paragraph (i) of subsection (1) of this section shall serve on the Board for such period not exceeding two years as may be specified in instrument of his appointment, but shall be eligible for re-appointment upon the expiry of his period of office by effluxion of time.

(4) Every appointment made under subsections (1) and (2) of this section shall be notified in the Gazette.

(5) The Head of the Physical Planning Unit shall act as secretary to the Board.

(6) In the event of the temporary incapacity of a member, whether by reason of illness or other sufficient cause, and the temporary absence from Saint Vincent of any member, the Governor may appoint some other person to act as a temporary member for so long as the incapacity or absence continues.

4. (1) The Board shall meet at such times as may be necessary for the transaction of business.

Meetings of the Board and procedure.

(2) The chairman shall convene a special meeting of the Board within seven days of receipt of a requisition for that purpose addressed to him in writing signed by any two members of the Board, and on any other occasion when he is directed in writing by the Governor so to do.

(3) The chairman shall preside at meetings of the Board.

(4) The chairman and two other members shall form a quorum:

Provided that, where any member is disqualified by virtue of section 5 of this Act from taking part in any deliberation or decision at any meeting of the Board, that fact shall be disregarded for the purpose of constituting a quorum for such deliberation or decision.

(5) The decision of the Board with regard to any question shall be determined by vote of the majority of the members present and voting at a meeting of the Board, and in the event of equality of votes the chairman shall, in addition to his own vote, have a casting vote.

(6) Minutes of the proceedings at every meeting of the Board shall be kept in such manner as the Board shall determine,

and shall be confirmed by the signature of the chairman at the next subsequent meeting after they have been recorded.

(7) Subject to the foregoing provisions of this section the Board may regulate its own proceedings.

Disclosure of interest, etc.

5. Every member of the Board who is or becomes aware that, in any respect whether directly or indirectly, he has an interest in any matter before the Board shall declare his interest therein at the first practicable opportunity before or, as the case may be, during the meeting of the Board at which such matter is discussed, and in any event after becoming so aware of his interest he shall be disqualified from taking part in any discussion concerning, and from voting in respect of, such matter.

Protection of Board and members.

6. (1) 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 Board;
- (b) an omission or irregularity in respect of a meeting or any proceedings of the Board under section 4 of this Act;
- (c) the contravention by a member of the provisions of section 5 of this Act.

(2) No civil proceedings shall lie or be instituted against any member of the Board, and in the event of such proceedings against the Board no member thereof shall be held to be personally liable in respect of any act or omission occurring in good faith in pursuance, or purported pursuance, of any of the provisions of this Act.

Functions of the Board.

7. (1) The functions of the Board shall be —

- (a) to institute and maintain a study of town and country development;
- (b) to prepare a National plan, and Regional and Local plans, in accordance with sections 8 and 9 of this Act;
- (c) to prepare, in accordance with section 10 of this Act for submission to Cabinet, such subject reports as the Board or Cabinet may from time to time consider necessary or desirable to assist the proper planning of the use or development of land;
- (d) to ensure the orderly and progressive development of

land and the proper planning of town and country areas;

- (c) to control development by such means as are provided by this Act;
- (f) to do all other things necessary for carrying out the purposes and provisions of this Act as may be authorized.

(2) The Board shall remain at all times responsible for the due and proper performance of its functions under this section, but subject to the foregoing the Board may, for the purposes of such performance, as it thinks fit —

- (a) consult with or obtain advice from any other person;
- (b) engage the assistance of other persons for any general or particular purpose;
- (c) delegate any of its duties under section 8 of this Act to another person.

8. (1) For the purposes of the study mentioned in paragraph (a) of section 7 (1) of this Act the Board, both in relation to Saint Vincent, and in relation to any area thereof which, in the opinion of the Board or of Cabinet, requires particular attention, shall examine and keep under constant review—

Matters to be considered by the Board.

- (a) the numerical size, the composition and the distribution of the population;
- (b) the principal physical, environmental and economic characteristics;
- (c) the availability of public utilities and communications;
- (d) such other matters as the Board considers it desirable to be, or as Cabinet may direct should be, so examined and reviewed,

and shall have regard to current trends and policies relating to the foregoing which are or may be relevant to development.

(2) For the purposes of the preparation of the National plan mentioned in paragraph (b) of section 7 (1) of this Act the Board shall consider the following matters —

- (a) the distribution, and any foreseeable variation of the distribution, of the population;
- (b) the progress of, and current trends and policies relating to, economic and social development;
- (c) prevailing physical and environmental conditions;

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- (d) current trends and policies relating to the systems of communication within, and connecting with, Saint Vincent;
 - (e) the foreseeable need and availability of land for natural agricultural and forestry reserves, public open spaces, and other areas which it appears to the Board to be in the national interest to retain or provide;
 - (f) the availability of resources likely to be required for the purpose of carrying into effect the proposals of the National plan.

(3) For the purposes of the preparation of Regional plans the Board shall consider, in relation to a particular region, the following matters —

- (a) the most advantageous development and use of land with the region;
- (b) the numerical size and distribution of the population;
- (c) prevailing economic, physical and environmental conditions;
- (d) the availability of public utilities and communications;
- (e) the availability of resources likely to be required for the purpose of carrying into effect the proposals of the Regional plan concerned;
- (f) the relationship between those proposals and the current National plan and all other Regional plans hitherto prepared.

(4) For the purposes of the preparation of Local plans the Board shall consider, in relation to a particular locality, the following matters —

- (a) the principal function of the locality concerned and any systems of communication therein;
- (b) the precise location of all proposed roads, buildings and open spaces and of any land to be set aside as a residential, industrial or agricultural area, and the relationship between each of the foregoing and the others;
- (c) the foreseeable effect of the establishment of locations under paragraph (b) on adjacent areas outside the locality concerned and in relation to any already existing plans of such areas;
- (d) any other measures which, in the opinion of the Board,

are or may be required to ensure the provision of a satisfactory environment in the locality concerned;

- (e) the stages by which the development of the locality concerned should be undertaken;
- (f) the availability of resources likely to be required for the purpose of carrying into effect the proposals of the Local plan concerned.

9. The National plan and every Regional and Local plan prepared under section 8 of this Act shall comprise —

Form of plans prepared by the Board.

- (a) a written statement containing the policies and proposals of the Board in relation to the planning of the use and development of the area with which the plan is concerned; and
- (b) such maps, diagrams, and other illustrative or descriptive matter as to the Board may seem appropriate for the purpose of explaining those policies and proposals, and shall be published in the manner prescribed by Regulations made under this Act.

10. For the purposes of the subject reports mentioned in paragraph (c) of section 7 (1) of this Act the Board shall prepare and submit to Cabinet written statements containing the policies and proposals of the Board in relation to the subject with which the report deals, and may explain those policies and proposals by means of any map, diagram, or other illustrative or descriptive matter as to the Board may seem appropriate.

Subject reports.

11. (1) Subject to subsection (3) of this section no person shall carry out, or cause to be carried out, any development except under and in accordance with the conditions of a grant of permission for development issued by the Board.

Permission for development.

(2) Every person applying for a grant of permission for development shall submit an application to the Board in the form prescribed.

(3) Permission for development is not required in respect of —

- (a) development which affects only the interior of a building or which does not materially alter the external appearance of a building;
- (b) any work carried out by or on behalf of a statutory

- undertaking in pursuance of its statutory powers or duties;
- (c) development authorized under and executed in accordance with the Housing and Land Development Corporation Act, 1976;
 - (d) a change of use, confined within the curtilage of a dwelling-house, which is incidental to the enjoyment of the dwelling-house as such;
 - (e) a change of use of any land, or of any building occupied together with agricultural land, for the purposes of agriculture;
 - (f) the erection, alteration, extension or reconstruction of a gate, fence or wall which in height —
 - (i) does not exceed three feet six inches where such gate, fence or wall abuts upon any road capable of carrying motor traffic;
 - (ii) does not exceed six feet in any other case, if, after the completion of the work necessary for such erection, alteration, extension or reconstruction, the gate, fence or wall does not exceed the height specified in relation thereto in this section when measured from the ground;
 - (g) any development or class of development which the Minister may, by Order published in the Gazette, specify as being exempted from the requirement of permission under this section.

Determination
of applications
for grant of
permission.

12. (1) In dealing with an application for the grant of permission for development, the Board may either grant or refuse permission or may postpone its decision on the application for the purposes of subsection (4) of this section.

(2) A decision of the Board under subsection (1) of this section may relate to the whole or to any distinct part of the development in respect of which the application is made, and may be given subject to any reasonable conditions or limitations which the Board sees fit to impose for the purpose of ensuring that the development is carried out in accordance with the provisions of this Act.

(3) Every decision of the Board under subsection (1) of this section shall be given in writing, in the prescribed form and, unless it is served on the applicant, within a period of twelve weeks from the date of receipt of the application by the

Board, the applicant shall be at liberty to treat the application or, as the case may be, that part of it in respect of which a decision has not been given, as having been refused and may appeal, as provided in section 17 of this Act, at the expense of the Board.

(4) Every decision of the Board under subsection (1) of this section shall, except in the case of a grant of permission, state the reasons therefor, and if the Board postpones its decision it shall be to enable the applicant, within such period not exceeding eight weeks as shall be specified by the Board, to furnish the Board with maps or plans to the satisfaction of the Board showing the nature, extent or manner of the development desired, or with any other information in writing which, in the opinion of the Board, is relevant to the application.

(5) Every grant of permission for development shall be specified to be subject to the condition that the development to which it relates is to be completed in accordance with the grant within the period of two years immediately following the date of the grant unless a different period is specified by the Board in the grant:

Provided that the Board may, at any time before the expiry of any such period, grant an extension of the period to a date to be specified if satisfied by the applicant that the extension is reasonably necessary to enable the development to be completed.

(6) A grant of permission in respect of any development which has not been completed or substantially completed in accordance with the grant within the period specified under subsection (5) of this section shall, upon the expiry of that period, be deemed to have been revoked.

13. (1) In lieu of or in addition to proceedings for an offence punishable under section 18 of this Act, and whether or not such proceedings have been instituted, where any development appears to the Board to have been carried out in contravention of any of the provisions of this Act the Board may serve an enforcement notice in the form prescribed upon the owner or the occupier of any land or building in relation to which such development appears to have been carried out and upon any other person who, in the opinion of the Board, may be affected by the order.

Enforcement
orders.

(2) Every enforcement order shall specify the matters which it is alleged constitute a contravention of the provisions

of this Act and the steps which the Board requires to be taken to ensure compliance therewith, and shall further specify a date by or before which all such steps are required to be taken.

(3) Any person upon whom an enforcement order has been served who, without reasonable excuse, fails or neglects to comply with any requirement thereof shall be guilty of an offence and liable to a fine not exceeding five hundred dollars and to a further fine of fifty dollars in respect of each day or part of a day during which the offence is proved to have continued.

Waste orders.

14. (1) If the Board is satisfied that any area of land or any building is so derelict, neglected or wasted as to constitute a substantial detraction from, or from the enjoyment of, any amenity, the Board may serve a waste order in the form prescribed upon the owner or the occupier of the land or building and upon any other person who, in the opinion of the Board, may be affected by the order.

(2) Every waste order shall specify the matters which it is alleged constitute a substantial detraction from, or from the enjoyment of, any amenity and the steps which the Board requires to be taken to restore the land or building to a fit condition, and shall further specify a date by or before which all such steps are required to be taken.

(3) Any person upon whom a waste order has been served who, without reasonable excuse, fails or neglects to comply with any requirement thereof shall be guilty of an offence and liable to a fine not exceeding five hundred dollars and to a further fine of fifty dollars in respect of each day or part of a day during which the offence is proved to have continued.

Tree preservation orders.

15. (1) If the Board is satisfied that it is necessary for the protection or preservation of any trees, forest or woodland to prohibit or restrict the destruction of any such trees, forest or woodland or any area thereof, or that it is necessary to secure the protection of any forest or woodland plantation, the Board may serve a tree preservation order in the form prescribed upon the owner or the occupier of any land and upon any other person, who, in the opinion of the Board, may be affected by the order.

(2) An order under this section shall not apply in relation to —

- (a) the destruction of any trees which are dead, dying or diseased, or which by reason thereof have fallen or are

- in danger of falling; or
- (b) any measures which it is necessary to take for the purpose of abating a public or private nuisance; or
 - (c) anything done in pursuance of any obligation or authorization imposed or conferred by any written law for the time being in force; or
 - (d) the destruction of any trees, forest or woodland to such extent as the Board may in the order specifically authorize,

but subject to the foregoing such order may impose any prohibition, restriction or requirement for any of the purposes specified in subsection (1) of this section.

(3) Any person upon whom a tree preservation order has been served who, without reasonable excuse, fails or neglects to comply with any prohibition, restriction or requirement thereof shall be guilty of an offence and liable to a fine not exceeding five hundred dollars and to a further fine of fifty dollars in respect of each day or part of a day during which the offence is proved to have continued.

16. (1) If it appears to the Board to be necessary to revoke, vary or modify any grant of permission for development or any order made under sections 13, 14 or 15 of this Act the Board may, by notice in writing served upon the person to whom such permission was granted or, as the case may be, upon the owner or occupier and any other person upon whom such order was served, revoke, vary or modify the grant or, as the case may be, the order, with effect from a date not earlier than fourteen days after the date of service of the notice.

Power of Board to revoke, vary or modify grants and orders.

Provided that the person to whom permission was granted, or the owner, occupier or other person upon whom the order was served, may request that such notice should take earlier effect with regard to any variation or modification and the Board may, in its discretion, grant or refuse such request, and shall act accordingly, but such grant or refusal is not a decision for the purposes of section 17 (1) of this Act.

(2) Any person who, without reasonable excuse, fails to heed the revocation or to comply with the variation or modification of a grant of permission for development, or fails to comply with the variation or modification of any order, under subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five hundred dollars and to a fur-

ther fine of fifty dollars in respect of each day or part of a day during which the offence is proved to have continued.

Appeals.

17. (1) An applicant who is aggrieved by a decision of the Board under section 12 of this Act, or in respect of whose application for permission for development a decision has not been given within twelve weeks from the date of receipt of such application by the Board, and any person aggrieved by an order made by the Board under section 13, 14 or 15, or by a decision of the Board under section 16, of this Act, may appeal to an Appeals Tribunal under this section by serving on the Board and delivering to the Registrar of the High Court notice in writing in the form prescribed of his intention so to appeal.

(2) Within fourteen days of the date of service on the Board of the notice referred to in subsection (1) of this section, the appellant shall prepare and deliver to the Registrar of the High Court and shall serve on the Board a notice of appeal in the form prescribed, and the Board, if it proposes to contest the appeal, shall prepare and deliver to the Registrar, and shall serve on the appellant, within fourteen days of the date of service of the notice of appeal, a counter-notice in the form prescribed.

(3) There shall be appointed by the Governor, for the hearing as occasion requires of appeals under this section, an Appeals Tribunal consisting of not less than three members of whom at least one shall be qualified or experienced in some aspect of town and country planning, one shall be a barrister or solicitor entitled to practice in Saint Vincent, and one shall be a magistrate.

(4) Upon receipt of the notice and counter-notice under subsection (2) of this section the Registrar of the High Court shall, if no Appeals Tribunal is sitting, request the Governor to appoint an Appeals Tribunal for the hearing of the appeal and the appointment shall be notified in the Gazette.

(5) After receipt of the notice and counter-notice under subsection (2) of this section and the appointment, if any of an Appeals Tribunal, the Registrar of the High Court shall fix a date for the hearing of the appeal after consultation with the members of the Tribunal and the parties to the appeal with a view to achieving, so far as is reasonably practicable, a convenient date, and shall serve upon the appellant and the Board a notice of the date so fixed, for the hearing, and shall notify the members of the Tribunal accordingly.

(6) An Appeals Tribunal shall appoint one of its members to act as chairman of the Tribunal, shall hear such evidence is tendered by the parties, and subject thereto may regulate its own procedure, for the purposes of the hearing.

(7) The chairman may at any time consult the parties as to how best to proceed with a view to achieving a fair and expeditious hearing, but it shall be the duty of the chairman to ensure at all times the orderly conduct of proceedings and his decision thereon shall be final and binding upon all persons concerned in the appeal.

(8) The chairman shall maintain, or cause to be maintained, a written note or record of the proceedings and shall ensure that at the conclusion of the hearing the recommendations of the Appeals Tribunal are, together with the reasons therefor, stated in writing and submitted to the Minister without undue delay.

(9) An Appeals Tribunal may recommend that the appeal, whether in whole or in part, be allowed or dismissed and may recommend the imposition of any reasonable condition or limitation for that purpose.

(10) The Minister shall consider the notice of appeal, the counter-notice, the written note or record of the proceedings and the recommendations of the Appeals Tribunal and shall, as soon as reasonably practicable, give his decision thereon which shall be final and binding upon the parties to the appeal.

(11) The decision of the Minister on an appeal shall be in writing, served on the parties to the appeal, and shall, together with a summary of the issues and the evidence, be published in the Gazette.

(12) The members of an Appeals Tribunal shall be paid such sum for their services as may be authorized by the Minister, and all such sums so expended shall be met out of public funds.

18. (1) Any person who, without having first obtained permission as required by this Act, carries out or causes to be carried out any development other than as specified in subsection (3) of section 11 of this Act, shall be guilty of an offence and liable to a fine not exceeding one thousand dollars. Offences.

(2) Any person who, having been granted permission for development, without reasonable excuse, fails to comply or neglects to ensure compliance with any condition or limitation

imposed by virtue of subsection (2) of section 12 of this Act, or who carries out or causes to be carried out any development after such permission is deemed under subsection (6) of that section to have been revoked, shall be guilty of an offence and liable to a fine not exceeding five hundred dollars and to a further fine of fifty dollars in respect of each day or part of a day during which the offence is proved to have continued.

(3) Any party to an appeal under section 17 of this Act who fails to comply with, or who neglects to ensure compliance with, the decision, or with any condition or limitation contained in the decision, of the Minister on such appeal, being a decision with which he has a duty to comply, shall be guilty of an offence and liable to a fine not exceeding five hundred dollars and to a further fine of fifty dollars in respect of each day or part of a day during which the offence is proved to have continued.

(4) Where any body corporate is guilty of an offence under this Act, and the offence is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he as well shall be liable to be prosecuted and punished accordingly for such offence.

Power to enter
building or
land.

19. (1) Any person duly authorized in writing by the secretary to the Board may at all reasonable times enter any building or upon any land —

- (a) to ascertain whether the provisions of this Act are being or have been complied with;
- (b) to inspect any such building or land;
- (c) to obtain any information which he has reasonable grounds to believe may assist the Board to determine whether or not an offence under this Act is being or has been committed and to identify the person responsible for the commission of any such offence;
- (d) to require any person whom the Board has reasonable ground for suspecting to have committed or to be committing an offence under this Act to answer any question or to produce any document which may be relevant to establish the commission of any such offence.

(2) Anyone who wilfully obstructs or hinders a person duly authorized under subsection (1) of this section, or who, when required under that subsection to give any information, answer any question or produce any document, refuses to give

such information, answer or document to such person or knowingly gives any information, answer or document which is false or misleading, shall be guilty of an offence and liable to a fine not exceeding five hundred dollars.

(3) A person authorized for the purposes of subsection (1) of this section shall be furnished with a written authority signed by the secretary to the Board, and such person shall produce his authority for the inspection of any other person reasonably requiring its production.

(4) If the Board is satisfied that, for any reason, anyone upon whom an order under section 13, 14 or 15 of this Act has been served has failed to carry out, or to cause to be carried out, any requirement of such order, the secretary to the Board may in writing authorize any person to enter the land or building in question and to do or cause to be done all things necessary to ensure compliance with such requirement, and the expenses incurred thereby shall be recoverable summarily as a civil debt from the person upon whom the order was served.

29. (1) Service upon the Board of all documents under this Act required to be served shall be executed and effective upon delivery to the office of the secretary to the Board. Service of documents.

(2) Every document required by this Act to be served on the Board shall, on delivery at the office of secretary to the Board, be marked or stamped so as to show clearly the date upon which it was delivered.

(3) Service upon any person other than the Board of all documents under this Act required to be served shall be executed and effective if —

- (a) delivered personally; or
- (b) addressed to the person and left at his usual or last known place of abode or at any address for service notified by him or on his behalf; or
- (c) sent by registered post, addressed to the person, to his usual or last known place of abode or to any address for service notified by him or on his behalf; or
- (d) in the case of a company, delivered personally or sent by registered post addressed to the secretary of the company at the registered office of the company or its principal place of business; or
- (e) affixed conspicuously to some object on land owned or

occupied by the person and addressed to him by name, or as "the owner" or "the occupier" as the case may be:

Provided that service in the manner specified in paragraph (e) of this subsection shall not be effective unless service by other means under this subsection has failed or is known to be likely to fail.

Evidence. 21. Minutes of any meeting of the Board which purport to have been kept and confirmed in accordance with subsection (6) of section 4 of this Act shall be receivable as *prima facie* evidence in all legal proceedings without further proof of the keeping or contents thereof.

Regulations. 22. The Governor may make Regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular but without prejudice to the generality of the foregoing may make Regulations —

- (a) providing for the manner of preparation by the Board of subject reports;
- (b) specifying conditions under which development or any class of development may be exempted from the requirement of permission under section 11 (3) (g) of this Act;
- (c) prescribing the form of any application, decision, notice or other document authorized or required by this Act to be prescribed;
- (d) prescribing the form of enforcement, waste and tree preservation orders, and providing in relation to such orders for —
 - (i) the procedure to be followed with regard to the submission and determination of objections;
 - (ii) the manner of their enforcement by the Board;
- (e) prescribing fees to be paid in respect of applications for grants of permission for development and in respect of appeals;
- (f) prescribing the form and contents of the note or record of proceedings to be maintained, and the recommendations to be made, under section 17(8) of this Act, and subject to section 12 (3) of this Act providing for the costs of appeals under section 17 of this Act;
- (g) providing for the manner of publication of the National

plan, and of Regional and Local plans, for the information of the general public.

23. (1) Subject to the provisions of this section, the Land Development Control Act, 1968, is hereby repealed. Repeal and transitional

(2) The Board is hereby charged with responsibility for the due completion of any matters, outstanding at the date of commencement of this Act, under the Land Development Control Act, 1968. Ord. No. 37 of 1968.

(3) Upon the commencement of this Act —

(a) all property and any other assets belonging to the Development Control Authority; and

(b) all rights, duties, privileges, powers and advantages of the Development Control Authority, and all liabilities and obligations to which it was subject, existing at the commencement, are hereby transferred to the Board.

(4) References, in any deed, contract, security or other document of a private nature, to the Development Control Authority shall, upon the commencement of this Act, be construed as references to the Board as occasion requires.

(5) Any legal proceedings by or against the Development Control Authority pending immediately before the commencement may be continued on and, after the commencement by or against the Board, as the case may be.

(6) Any limitation of time in respect of proceedings by or against the Development Control Authority, whether pending or anticipated, arising out of any cause of action accrued before the commencement of this Act shall not be affected by the provisions of this section.

(7) In this section the Development Control Authority means the Development Control Authority established under section 3 of the Land Development Control Act, 1968.