

# SECTION 39-THE TOWN AND COUNTRY PLANNING (CLAIM FOR COMPENSATION) REGULATIONS

*Government  
Notice  
362 of 1962  
Statutory  
Instrument  
65 of 1965*

Regulations by the Minister

**1.** These Regulations may be cited as the Town and Country Planning  
(Claim for Compensation) Regulations.

Title

**2.** These Regulations shall apply to all claims for compensation made

Application

under the provisions of Part VI of the Act.

**3.** In these Regulations, unless the context otherwise requires-

Interpretation

"claimant" means any person claiming compensation under the provisions of Part VI of the Act,

"planning authority" means a planning authority to which functions have been delegated under the provisions of section *twenty-four* of the Act, and includes in the case of subdivision for agricultural purposes of agricultural land situated outside areas subject to a development plan or approved development plan the Natural Resources Board;

"planning decision" means in the case of an application for permission made under Part V of the Act a refusal of the Minister or planning authority of that permission or a grant thereof by the Minister or planning authority subject to conditions or a notice served under the provisions of subsection (2) of section *thirty-one* of the Act.

*(As amended by No. 65 of 1965)*

**4.** Any person wishing to make a claim for compensation under the provisions of Part VI of the Act shall do so on a form, issued by and obtainable from the Minister or planning authority, as set out in the Schedule.

Making of claim

**5.** Any claimant submitting a claim for compensation under the provisions of regulation 4 shall do so within six months of the date of the planning decision to which the claim relates:

Period within which claim may be made

Provided that the Minister or planning authority may, in any particular case (either before, on or after the date on which the time for claiming would otherwise have expired) allow an extended or further extended period for making such claim.

**6.** If required by the Minister or planning authority by a direction in writing-

Supporting evidence

(a) to provide evidence (which may include a statutory declaration) in connection with any particulars required to be supplied by the form set out in the Schedule;

(b) to provide further information as to his interest in the land to which the claim relates; or

(c) to provide further information as to the interests of any other persons;

the claimant shall furnish to the Minister or planning authority, as the case may be, such evidence or information as is available to him within such period (not being less than twenty-eight days) as may be specified in the direction.

**7.** (1) Where the Minister has not transferred under the provisions of subsection (2) of section *twenty-four* of the Act to a planning authority any liability to pay compensation under the Act in respect of anything done by that authority in the exercise of functions delegated to it under the provisions of subsection (1) of the said section, the planning authority shall forthwith forward a claim for compensation by registered post to the Minister, together with particulars of the application for planning permission and a copy of the planning decision, or a copy of any notice served under the provisions of subsection (2) of section *thirty-one* of the Act.

Where planning authority is not liable for compensation

(2) If no notice of appeal has been given to the Tribunal in respect of the matter which is the subject of the claim for compensation, such planning authority shall, within twenty-eight days from the date of forwarding the claim, notify in writing the Minister as to any more favourable decision or permission for alternative development or subdivision or requirements in an order made under the provisions of subsection (2) of section *thirty-one* of the Act which could in its opinion be given or made.

**8.** If the claimant does not accept the amount of compensation as determined by the Minister or planning authority, the amount of compensation shall be determined by the High Court and for this purpose either the claimant or the Minister or planning authority may apply to the High Court for an originating summons in accordance with the provisions of the High Court Act.

Non- agreement of compensation  
Cap. 27

## **SCHEDULE**

(Regulation 4)

### **PRESCRIBED FORM**

THE TOWN AND COUNTRY PLANNING ACT

CLAIM FOR PAYMENT OF COMPENSATION

To the ..... (Insert Minister of Provincial and Local  
P.O. Box ..... Government or the planning authority)  
.....

I declare that the statements made on this form are true to the best of my knowledge and belief and I hereby claim compensation to the amount set out hereunder to be due to me.

(Signed)

.....

.....  
P.O. Box .....

If you have a professional adviser or agent to whom you wish communications regarding your claim to be sent, give his name, address and profession here.

Name .....  
Address .....  
.....  
Profession .....

1.(i) Address and description of the land to which your claim relates.  
(You should enclose a map sufficient to identify the boundaries of the land.)

(ii) What is your interest in the land and when did you acquire it?  
(State whether freehold or leasehold and if the latter give details of the lease, period unexpired and rent payable.)

(iii) In which capacity do you claim (e.g. beneficial owner, trustee, mortgagee, etc.)?

2.(i) Do you know of any other person who has an interest in or rights over the land (e.g. as lessee, sole mortgagee, owner of an easement, etc.)? If so give name and address of each person and nature and date of creation of his interest or right.

(ii) Give details of any outgoing affecting the land, other than ordinary rates and taxes.

3. Give such particulars as you can (including reference number and date) of the planning decision or enforcement notice which gives rise to your claim for compensation.

4.(i) Give particulars of any development, subdivision, use or change of use since 16th November, 1962.

(ii) State whether planning permission was given for any of the above (give reference number and date).

(iii) Give details (with reference number and date) of any planning consents given under the former Act.

5. State what amount you claim as the depreciation in value of your interest in the land caused by the planning decision and state how you arrive at this figure.