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Town Planning Act [Cap 139]

LAWS OF FIJI

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TOWN PLANNING

*Ordinances Nos. 12 of 1946, 22 of 1947,
5 of 1954, 22 of 1958, 14 of 1961,
56 of 1965, 37 of 1966.
Act No. 22 of 1973*

AN ACT RELATING TO TOWN PLANNING

[1st August, 1946]

PART I-PRELIMINARY

Short title

1. This Act may be cited as the Town Planning Act.

Interpretation

2. In this Act, unless the context otherwise requires-

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, employed wholly or in part for the purposes of advertisement, announcement or direction, and without prejudice to the foregoing provision 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;

(Inserted by 22 of 1958, s. 2.)

"Advisory Committee" means the Town and Country Planning Advisory Committee appointed under the provisions of section 4;

"agriculture" includes horticulture, fruit farming, the growing of crops of all descriptions, dairy farming, bee keeping, poultry keeping and breeding, and the breeding and keeping of

livestock;

(Inserted by 22 of 1958, s. 2.)

"building" includes any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, septic tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing stage or bridge or any structure or erection connected with the foregoing;

"Court" means the Supreme Court;

"development" in relation to any land means any building operations or rebuilding operations, including the making of an alteration, addition or structural repair to any building, the formation, laying out or material widening of a street or a means of vehicular access thereto, and any use of the land or any building, either wholly or in part, which is materially different from the purpose for which the land or building was last being used:

Provided that the following operations or uses of land shall not be deemed to involve development of land, that is to say:-

(a) the carrying out of works for the repair, improvement or other alteration of any building, being works which affect only the interior of the building;

(b) the use (not involving building or rebuilding operations other than those specified in paragraph (a)) of land or of any building within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;

(c) the use (not involving building or rebuilding operations other than those specified in paragraph (a)) of land for the purposes of agriculture or forestry, and the use for any of those purposes of any building occupied together with land so used;

(Substituted by 22 of 1958, s. 2.)

"Director" means the Director of Town and Country Planning for the time being appointed under the provisions of section 3;

"existing building" and "existing work" means respectively a building or work erected, constructed or carried out before the material date; and include also a building or work-

(a) erected, constructed or carried out in pursuance of a contract made before the material date; or

(b) begun before, but completed after, that date:

Provided that-

(i) a building erected or constructed in substitution for a previous building in accordance with the provisions of the scheme relating to substituted buildings shall be deemed to be an existing building; and

(ii) a building shall not cease to be, or deemed to be an existing building by reason of its alteration or extension in accordance with the provision of the scheme relating to the alteration or extension of existing buildings, and any such alteration or extension shall itself be deemed to be part of the existing building;

"existing use" means, in relation to any building or land, a use of that building or land for any purpose of the same or a similar character to that for which it was last used before the material date, or, in the case of a newly erected building which has not been used before that date, a use for any purpose for which it was designed:

Provided that-

(a) (i) such land or building is used continuously only for a purpose for which it was used on the material date; or

(ii) such land or building is used only for a purpose for which it was used on the material date and such use has not thereafter been discontinued for any period of more than twelve months;

or

(iii) such land or building is, within twelve months after the material date, used only for a purpose for which it was last used prior to the material date and such use has not thereafter been discontinued for any period of more than twelve months;

(b) where at the material date a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse, or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, the user under that title of that neighbouring land for any such purpose, whether before or after the material date, shall be deemed to be an existing use;

"house" includes a residential building, church, warehouse, office, hospital, counting-house, shop, factory, and school or any other building in which persons reside or are employed;

"local authority" means-

(a) a town council constituted under the provisions of the Local Government Act;

(Cap. 125.)

(b) in respect of land outside the boundaries of any town, the local authority of a rural sanitary district constituted under the provisions of the Public Health Act;

(Cap. 111.)

(Amended by 22 of 1947, s. 2 and 14 of 1975 s. 29.)

"material date" means, in relation to any provision contained in a scheme, the date of the order constituting the town planning area;

"occupier" means the person in occupation of the holding or building in respect of which the word is used, or having the charge, management, or control thereof either on his own account or as agent of another person, but does not include a lodger;

"owner" in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement;

"scheme" means a scheme under this Act, and, save as otherwise expressly provided in this Act, includes a substituted scheme and a scheme modifying or altering an existing scheme;

"site" in relation to a building includes the area of any offices, out-buildings, yard, court or garden occupied or intended to be occupied therewith;

"street" includes any road, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more houses whether the public has a right of way thereover or not, and all channels, drains and ditches at the side of any street shall be deemed to be part of such street;

"subdivision" means the division of a parcel of land for sale, conveyance, transfer, lease, sublease, mortgage, agreement, partition or other dealing, or by procuring the issue of a separate instrument of title under the provisions of the Land Transfer Act in respect of any portion of land or by parting with the possession of any part thereof, or by depositing a plan of subdivision with the Registrar of Titles under the provisions of the last mentioned Act.

(Cap. 131.)

Director of Town and Country Planning

3.-(1) There shall be an officer appointed by the Public Service Commission with the title of Director of Town and Country Planning who shall be responsible to the Minister.

(2) The Director shall carry out such duties as are set out in this Act and in the Subdivision of Land Act and such other duties as the Minister may from time to time direct.

(Cap. 140.)

(Section substituted by 22 of 1973, s. 3.)

Town and Country Planning Advisory Committee

4.-(1) The Minister shall appoint a committee to be known as the Town and Country Planning Advisory Committee.

(2) The Advisory Committee shall comprise a chairman and not more than four other members.

(3) Three members of the Advisory Committee shall form a quorum.

(4) In the event of the absence of the chairman from any meeting, the members present shall select one of their number to be chairman for that meeting.

(5) The Advisory Committee shall perform the following functions:-

(a) advise the Minister on and about appeals under the provisions of section **5**, and of section **14** of the Subdivision of Land Act; and

(Cap. 140.)

(b) such other advisory functions as the Minister may from time to time direct.

(Section inserted by 22 of 1973 s. 3.)

Appeals

5.-(1) There shall be a right of appeal, subject to the provisions of this section, from decisions of the Director to the Minister within twenty eight days of notification of the decision to the appellant, and the decision of the Minister on the matter at issue shall be final:

Provided that the Minister may for good cause extend the said period of twenty-eight days.

(2) The right of appeal shall be exercisable by-

(a) any applicant and any local authority dissatisfied with the grant or refusal of development permission or the conditions attached to such permission or the prohibition of the grant of such permission under the provisions of subsection (3) of section **7**;

(b) any person having an interest in the land and any local authority dissatisfied with the revocation or modification of or refusal to revoke or modify development permission under the provisions of subsection (1) of section **9**;

(c) any person having an interest in the land and any local authority dissatisfied with the confirmation of or refusal to confirm an order requiring discontinuance of use or an order imposing conditions on the continuance thereof or an order requiring steps to be taken for the alteration or removal of buildings or works under the provisions of subsection (1) of section **10**;

(d) any objector and any local authority dissatisfied with a decision of the Director under the provisions of section **23**;

(e) any objector and any local authority dissatisfied with a decision of the Director under the provisions of subsection (4) of section **27**.

(Section inserted by 14 of 1961, s. 3 and amended by 14 of 1975 s. 29.)

Constitution of town planning areas

6.-(1) Upon application in that behalf made by the Director, or by any local authority with the

approval of the Director, the Minister may order that any area shall be a town planning area, or that a town planning area which has already been constituted by order under this section or any similar enactment preceding it shall be varied as to its limits or shall no longer be a town planning area.

(2) Such order shall be published in the Gazette and a newspaper published in Fiji, and shall be posted at the office of the Director, at the office of the Commissioner for the Division in which the town planning area is situated, and at the office of the local authority.

(3) The limits of a town planning area shall be fixed by the Director, or by the local authority with the approval of the Director, and shall be stated in the order referred to in subsection (1).

(4) The provisions of this Act relating to town planning areas shall, from the date of any order under this section declaring an area to be no longer a town planning area, cease to apply to such area:

Provided that nothing in this section shall be deemed to prohibit the Minister in accordance with the provisions of this section, from again constituting such area a town planning area.
(Section substituted by 22 of 1958, s. 3.)

*Restriction on carrying out of development
after constitution of town planning areas*

7.-(1) Subject to the provisions of this section, the permission of the local authority shall be required in respect of any development of land carried out within a town planning area during the period before a scheme affecting such area has been finally approved.

(2) The use for the display of advertisements of any external part of a building which has not normally been used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

(3) The local authority shall not grant or refuse permission under this section without the prior consent of the Director and the Director may approve such grant or refusal either unconditionally or subject to conditions and may prohibit such grant or refusal.

(Substituted by 14 of 1961, s. 4.)

(4) In dealing with applications for permission to develop land under this section, the local authority and the Director shall have regard to the matters set out in the Schedule, to provisions proposed to be included in a scheme and to any other material considerations.

(5) Regulations may be made by the Minister prescribing matters relating to the control of development under this section, and in particular, without prejudice to the generality of the foregoing, scheduling any development or development of any class, in respect of which permission under this section shall be deemed to be granted by the regulations themselves.

(6) Where any development of land has been carried out without the grant of permission required in that behalf under this section, or any conditions subject to which permission was granted under this section have not been complied with, the local authority may at any time,

and at the cost of the person in default, take such steps as may be required for restoring the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be, and any expenses lawfully incurred by the local authority in so doing may be recovered as a civil debt.

(7) Every person who-

- (a) carries out any development of land without the grant of permission required in that behalf under the provisions of this section; or
- (b) contravenes or fails to comply with any conditions subject to which permission has been granted under the provisions of this section; or
- (c) obstructs or interferes with the exercise by the local authority of the powers vested in it by the provisions of this section,

shall, in addition to any civil liability, be guilty of an offence and be liable on conviction to a fine not exceeding one hundred dollars or to imprisonment for a period not exceeding three months; and if such contravention, failure to comply, obstruction or interference is continued after the conviction, he shall be guilty of a further offence and liable on conviction to a fine not exceeding twenty dollars for every day on which the contravention, failure to comply, obstruction or interference is so continued.

(Section substituted by 22 of 1958, s. 3, and amended by 37 of 1966, s. 27.)

Compensation for refusal of permission or conditional approval in certain cases

8. Where permission to develop land is refused or the grant of permission is subject to conditions under the provisions of section 7 and the land has become incapable of reasonably beneficial use in its existing state, and cannot be rendered capable of reasonably beneficial use, by reason of such refusal or attachment of conditions, any person having an interest in the land shall be entitled to compensation from the local authority in respect thereof:

Provided that-

- (a) the total amount of compensation payable under this section shall not exceed the amount of rent and rates lawfully due and paid by the claimant or claimants in respect of such land between the date of such refusal or conditional approval and the date of resumption of reasonably beneficial use of the land; and where no rent is payable and the land nevertheless has a rental value, such rental value shall be taken into account in the assessment of the amount of compensation payable;
- (b) no compensation shall be payable if the land can be rendered capable of reasonably beneficial use by the carrying out of any other development for which permission has been granted under the provisions of section 7, or for which the local authority, with the approval of the Director, has undertaken to grant permission;
- (c) where compensation as aforesaid is payable under the provisions of this section, the local authority, where a town council, may purchase by private treaty the interest of any person in any or all of the land affected by a claim for compensation under this section, in which case compensation in respect of such interest in the land shall relate only to the period between the date of the refusal of permission or attachment of conditions and the date on which such interest is acquired by the local authority.

(Section substituted by 22 of 1958, s. 3 and amended by 14 of 1975 s. 29.)

Revocation and modification of permission to develop

9.-(1) Subject to the provisions of this section, if it appears to the local authority that it is expedient, having regard to the provisions which are likely to be included in a scheme and to any other material considerations, including the matters set out in the Schedule, that any permission to develop land under the provisions of section 7 should be revoked or modified, it may revoke or modify the permission to such extent as appears to it to be expedient as aforesaid:

Provided that no such revocation or modification shall take effect unless and until it is confirmed by the Director and unless it conforms to the procedure as to service of notices laid down by this Act or any regulations made thereunder.

(2) The power conferred by this section to revoke or modify permission to develop land may be exercised-

(a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;

(b) where the permission related to a change of the use of any land, at any time before the change has taken place:

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

(3) Where permission to develop land is revoked or modified under this section, then if, on a claim made to the local authority, it is shown that any person interested in the land has incurred expenditure in carrying out work in pursuance of such permission which is rendered abortive by the revocation or modification or has otherwise sustained actual loss or damage which is directly attributable to the revocation or modification, that authority shall pay to that person compensation in respect of that expenditure, loss or damage.

(4) The provisions of section 8 shall apply in relation to the revocation or modification of permission to develop land, as they apply in relation to the refusal or conditional approval of an application for such permission.

(Section substituted by 22 of 1958, s. 3, and amended by 37 of 1966, s. 27.)

Powers relating to authorised development

10.-(1) If it appears to the local authority that it is expedient, having regard to the provisions which are likely to be included in a scheme and to any other material considerations, including the matters set out in the Schedule-

(a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance thereof; or

(b) that any buildings or works should be altered or removed, it may by order require the discontinuance of that use, or impose conditions on the continuance thereof, or require steps to be taken for the alteration or removal of the building or works, as the case may be:

Provided that no such order shall take effect unless and until it is confirmed by the Director and unless it conforms to any procedure as to the making of such order which may be prescribed in regulations made under the provisions of section 7.

(2) If the use of any land is continued or no steps have been taken to alter or remove any

buildings or works, in contravention of the terms of an order under subsection (1) the provisions of subsections (6) and (7) of section 7 shall apply in relation to such contravention, as they apply in relation to any development of land carried out without the grant of permission, or the contravention of any conditions attached to the grant of permission, under that section.

(3) Where the requirements of any order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local authority in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation to the satisfaction of the Director, in advance of the displacement.

(4) Where an order is made under this section, then if, on a claim made to the local authority it is shown that any person has suffered damage in consequence of the order by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, that authority shall pay to that person compensation in respect of that damage.

(5) Without prejudice to the foregoing provisions of this section, any person who carries out any works in compliance with an order under this section shall be entitled, on a claim as aforesaid, to recover from the local authority compensation in respect of any expenses reasonably incurred by him in that behalf:

Provided that the amount of such compensation shall be reduced by the value to such person of any timber, apparatus or other materials removed for the purpose of complying with that order.

(6) The provisions of section 8 shall apply in relation to an order under this section, as they apply in relation to the refusal or conditional approval of an application for permission to develop land.

(Section substituted by 22 of 1958, s. 3, and amended by 37 of 1966, s. 27.)

Restriction on forfeiture of lease

11.-(1) Notwithstanding provisions to the contrary contained in any lease, no lease shall be forfeited for any breach of any covenant or condition rendered incapable of performance by any decision or order given or made under the provisions of sections 7, 9 or 10.

(2) For the purposes of this section "lease" includes a sub-lease.

(Section inserted by 22 of 1958, s. 3.)

Power to acquire land before final approval of scheme

12.-(1) If during the period before a scheme for a town planning area has been finally approved the local authority, where a town council, is satisfied that the acquisition of any land under this section is expedient for any purpose which appears to it to be necessary in the interests of the proper planning of that area, the local authority may purchase by private treaty the interest of any person in such land.

(2) If any owner of any such land does not agree to sell the same to the town council, or does not agree to sell at a reasonable price, the Minister may acquire all or any of such land under the provisions of the Crown Acquisition of Lands Act and the town council shall pay all

charges for compensation and all costs incurred by the Minister in respect of such acquisition. When all such charges and costs shall have been paid by the town council the Minister shall cause the interest in such land so acquired by him to be transferred to such town council.

(3) For the purposes of this section a reasonable price shall be deemed to be the price which a willing buyer would pay to a willing seller, no regard being paid to the purposes for which the land is being acquired.

(Section inserted by 22 of 1958, s. 3, and amended by 14 of 1975, s. 29.)

Provisions supplementary to section 12

13.-(1) Notwithstanding the provisions of subsection (1) of section **38**, any land which has been acquired under the provisions of section **12** or of sections **8, 9** or **10** shall be dealt with in accordance with the interests of the proper planning of the area, as determined by the Director:

Provided that-

(a) land which has been compulsorily acquired under section **12** shall be dealt with for the particular purpose in the interests of the proper planning of the area for which such land was acquired;

(b) where premises are required for the purpose of demolition, the carrying out of which will involve the displacement of persons residing in such premises, it shall be the duty of the local authority in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation, to the satisfaction of the Director in advance of the displacement.

(2) Notwithstanding the provisions of subsection (2) of section **38**, any land which has been acquired under the provisions of section **12** or of section **7** may be let by the town council-

(a) with the consent of the Minister, for any term;

(b) without the consent of the Minister, for a term not exceeding five years.

(3) Notwithstanding the provisions of subsection (2) of section **38**, any land which has been acquired under the provisions of section **12** or of sections **8, 9** or **10** may, with the consent of the Minister-

(a) be resold by the town council where such land is not required for the purpose for which it was acquired or is being used; or

(b) be exchanged for other land either with or without paying or receiving any money for equality of exchange.

(Section inserted by 22 of 1958, s. 3.)

Power to require proper maintenance of waste land, etc.

14.-(1) If it appears to a local authority that the amenity of any part of a town planning area in respect of which a scheme has not finally been approved, is seriously injured by the condition of any garden, vacant site or open land in that area or by the presence in such garden, site or land of any waste or derelict material or object, then subject to the approval of the Director, the authority may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.

(2) The provisions of subsections (6) and (7) of section **7** shall apply in relation to a notice served under this section as they apply in relation to any refusal or conditional approval of an

application for permission to develop land under the provisions of the said section 7.
(Section inserted by 22 of 1958, s. 3.)

Power to close streets

15.-(1) Notwithstanding the provisions of section 4 of the Roads Act, the Permanent Secretary for Works may, during the period before a scheme for a town planning area has been finally approved, if it is certified by the Director that such action is necessary in the interests of the proper planning of the area, order that any street or portion thereof for which the local authority is not a town council be closed:

(Cap. 1975.)

Provided that-

(a) no order made under this section shall affect any street declared as a public road by the Minister under the provisions of section 3 of the Roads Act;

(Cap. 175.)

(b) no order made under this section shall take effect unless a reasonably convenient and adequate alternative route would be available after the closing of such street or streets or portions thereof as may be specified in such order.

(2) Where a street or portion of a street is closed in conformity with an order made under this section-

(a) the public shall, in the case of a street over which the public has a right of way, cease to have a right of way over such street or portion thereof as is closed;

(b) the use of the land comprising the

street or portion thereof which is closed shall revert to the owner of such land, and the Permanent Secretary for Works may require that the owner as aforesaid shall take such measures as are necessary to prevent the land being used for the purposes of vehicular traffic.

(Section inserted by 22 of 1958, s. 3.)

PART II-TOWN PLANNING SCHEMES

Objects of schemes

16.-(1) A scheme may be made, in accordance with the provisions of this Act, with respect to any land with the general object of controlling the development of the land to which such scheme applies, and of securing suitable provision for traffic, transportation, disposition of commercial, residential, and industrial areas, proper sanitary conditions, amenities and conveniences, parks, gardens and reserves, and of making suitable provision for the use of land for building or other purposes, and as more particularly set out in the Schedule.

(2) With those objects such scheme may provide for planning, replanning, pooling, redistributing, or reconstructing the whole or any part of the area comprised in the scheme.

Contents of schemes

17.-(1) Every scheme shall specify and define clearly the area to which it applies.

(2) Every scheme shall consist of a scheme plan and contain such provisions as are necessary or expedient for prohibiting or regulating the development of land in the area to which the scheme applies and generally for carrying out any of the objects for which the scheme is made, and in particular for dealing with any of the matters mentioned in the Schedule.

(Amended by 56 of 1965, s. 2.)

(3) The provisions contained in a scheme may-
(a) differ as respects different parts of the area to which the scheme applies; and
(b) be made applicable, either with or without modification, to existing buildings.

(4) Any Act, regulation, or by-law, relating to development, road construction, building operations, or sanitation, inconsistent with the provisions of a scheme or the application of which would tend to hinder the carrying out of the scheme shall, in so far as it is inconsistent with the provisions of a scheme, not apply to the area to which the scheme applies.

Preparation of scheme

18.-(1) Every local authority shall prepare and submit to the Director within such time as may be prescribed by the Director, a scheme in respect of all land within a town planning area.

(2) If a local authority fails to prepare and submit a scheme within such time as may be prescribed by the Director, the Director may prepare a scheme and such scheme shall for all the purposes of this Act be deemed to be a scheme prepared and submitted to the Director by the local authority, and any expenses incurred by the Director in the preparation of any such scheme shall be payable by the local authority and shall be recoverable, at the option of the Director by instalments or as a civil debt.

Provisional approval of scheme

19.-(1) Any scheme submitted to the Director by a local authority as required by this Act, may be provisionally approved by the Director subject to such alteration and modification as the Director may decide.

Provisionally approved scheme shall be publicly notified

(2) So soon as a scheme has been provisionally approved by the Director as herein provided, the local authority shall, in manner prescribed by regulations, publicly notify the scheme, and shall deposit in the office of the local authority for public inspection a copy of all maps, plans, and other particulars comprised in the scheme.

Objections to scheme

20. Every owner or occupier of land within the area covered by a scheme shall have a right of objection to the scheme, and may, by notice in writing addressed to the local authority, give notice of such objection, and of the grounds thereof, at any time within three months after the first public notification of the scheme as required by this section.

Objections to be submitted to Board

21. So soon as practicable after the receipt of any objections under section **20** the local authority shall forward the same to the Director, together with a statement of its opinion as to the merits of the several objections.

Hearing of objections

22.-(1) The Director shall so soon as practicable considers all such objections.

(2) At the hearing of any objection under this section the Director shall have power to summon witnesses and to hear evidence on oath. The local authority or any objector may be represented by barrister and solicitor.

(3) The procedure for the institution, hearing, and determination of proceedings under this section shall be in accordance with regulations to be made under the provisions of this Act, and subject to such regulations or so far as they do not extend, the Director shall determine the procedure.

(Section amended by 22 of 1973, s. 55.)

Director's determination of objections

23. On the determination of any objection under this Act the Director may uphold the objection in whole or in part, and may require the modification of the scheme accordingly, or may dismiss the objection.

(Amended by 14 of 1961, s. 7.)

Final approval of scheme by Director

24.-(1) After all objections have been disposed of, and the requirements of the Director, if any, for the modification of the scheme have been complied with, the Director shall finally approve the scheme, and shall signify his approval by signing the same.

(Amended by 22 of 1973, s. 7.)

Public notification of scheme

(2) When the Director shall have finally approved a scheme the local authority concerned shall publicly notify the same in accordance with regulations to be made under this Act.

Approved scheme to be open to inspection

(3) The approved scheme and a copy of all maps, plans and other particulars comprised therein shall be exhibited at some convenient place in the offices of the Director, and the local authority, and shall be open to the inspection of the public free of any charge whatsoever at any time during the office hours of the Director and the local authority.

Operation of scheme

25. When a scheme has been finally approved by the Director as aforesaid it shall be the duty of the local authority to observe and to enforce the observance of the requirements of the scheme in respect of all development of any description thereafter undertaken within the area to which the scheme applies, whether by the local authority or by any person, and, save with the consent in writing of the Director, the local authority shall not thereafter undertake or permit any alteration or modification of any existing buildings or works if such modification or alteration would tend to prevent or delay their being brought into conformity with the requirements of the approved scheme.

Modification and suspension of approved scheme

26.-(1) Any local authority may from time to time of its own motion, and shall if so required by the Director or by the Minister, elaborate any of the provisions of an approved scheme, enlarge the scheme, modify or alter any of the details of the scheme or substitute a new scheme for the approved scheme.

(Substituted by 56 of 1965, s. 3.)

(2) The foregoing provisions as to the public notification of a scheme, the hearing of objections to a scheme, and the approval of the scheme by the Director, shall apply with respect to every alteration or addition to a scheme, and to every new scheme substituted for an approved scheme.

(3) In any case where a local authority proposes, or is required by the Director or by the Minister, to modify or alter any of the details of an approved scheme or to substitute a new scheme therefore, the Minister may, by notification in the Gazette, notify the suspension of such of the provisions of the approved scheme as he may consider necessary or expedient pending the approval of such modifications or alterations or the substitution of a new scheme and, as from the date of publication of such notification, such provisions of the approved scheme shall be suspended accordingly either with respect to the whole of the land to which the modifications or alterations or the new scheme are or is to apply or with respect to any portion thereof specified in the notification.

(Inserted by 56 of 1965, s. 3.)

(4) Where a notification has been published under the provisions of subsection (3), the provisions of this Act relating to interim development shall apply, as from the date of such publication, to development of the land specified in such notification as though no scheme had been approved in respect thereof.

(Inserted by 56 of 1965, s. 3.)

PART III-POWERS OF LOCAL AUTHORITY

Power to enforce and carry into effect schemes

27.-(1) Subject to the provisions of this section, the local authority may at any time-

(a) remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any building or other work which does not conform with those provisions or the removal, demolition or alteration of which is necessary for carrying the scheme into effect, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(b) where any building or land is being used in such a manner as to contravene any provision of the scheme, prohibit it from being so used; or

(c) where any land has since the material date been put to any use which contravenes any provision of the scheme, reinstate the land; or

(d) execute any work which it is the duty of any person to execute under the scheme in any case where delay in the execution of the work has occurred and the efficient operation of the scheme has been or will be thereby prejudiced.

(2) Before taking any action under this section the local authority shall serve a notice on the owner and on the occupier of the building or land in respect of which the action is proposed to be taken and on any other person who, in its opinion, may be affected thereby, specifying the nature of and the grounds upon which it proposes to take that action.

(3) The date stated in a notice served under this section as the date on or after which the intended exercise of the power therein mentioned is intended to be begun shall not be less than three months when any building is affected and in any other event not less than one month after the service of such notice, and the local authority shall not do any act or thing in exercise of such power in relation to the building or land mentioned in the notice before the said date.

(4) If any person served with such a notice as aforesaid considers the period fixed by such notice to be insufficient or desires to dispute any allegation or matter contained therein, he may within twenty-eight days from the date on which he received such notice give notice of

objection, and of the grounds thereof, in writing addressed to the local authority, and such objections shall be submitted, heard, considered, and decided in the same manner as is provided in sections 21, 22 and 23.

(Amended by 14 of 1961, s. 8.)

(5) Every person who uses any building or land in a manner prohibited under the provisions of this section, or obstructs or interferes with the exercise by the local authority of any power vested in it shall in addition to any civil liability be guilty of an offence and liable to a fine of one hundred dollars.

(6) Any expenses lawfully incurred by the local authority under the provisions of subsection (1) may be recovered as a civil debt from the person in default.

PART IV-COMPENSATION FOR INJURIOUS AFFECTION AND CLAIMS FOR INCREASE IN VALUE

Provisions as to compensation for injurious affection, etc.

28. Subject to the provisions of this Act, any person-

(a) whose land is injuriously affected by the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme; or

(b) who for the purpose of complying with any provision contained in a scheme, or in making or resisting a claim under the provisions of this Act relating to compensation or increase in value has incurred expenditure which is rendered abortive by a subsequent modification or alteration of the scheme,

shall, if he makes a claim within the time limited for the purpose by this Act, be entitled to recover as compensation from the local authority the amount by which his property is decreased in value or, so far as it was reasonably incurred, the amount of the abortive expenditure, as the case may be.

No compensation in certain classes of cases

29.-(1) No compensation shall be payable in respect of any contract made or work done or of any building the erection of which was begun after the material date not being for the purpose of carrying out a contract already entered into, unless such contract was made or work was done or erection was begun under and in accordance with a permit from the local authority.

(2) No compensation shall be payable in respect of any of the following provisions of an approved scheme, namely, any provision which-

(a) prescribes the location of buildings, extent of the yards, gardens, and curtilage of buildings; or

(b) imposes any sanitary conditions in connexion with buildings; or

(c) limits the number of buildings or the number of buildings of a specified class which may be constructed, erected on, or made in or under any area; or

(d) prohibits or regulates the subdivision of land; or

(e) regulates or empowers the local authority to regulate the size, height, spacing, design, colour and materials of buildings; or

(f) controls, restricts or prohibits the objects which may be affixed to buildings; or

(g) prohibits or restricts building operations permanently on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services; or

(h) prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger or injury to health, or detriment to the neighbourhood, or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury or detriment; or

(i) restricts the purposes for and the manner in which buildings may be used or occupied, or reserves or allocates any particular land or all land in any particular area for buildings of a specified class or classes; or

(j) in the interests of safety, regulates or empowers the local authority to regulate the height and position of proposed walls, fences or hedges near the corners or bends of roads; or

(k) limits the number or prescribes the sites of new roads entering a road or the site of a proposed road;

(l) in the case of the erection of any building intended to be used for purposes of business or industry, requires the provision of accommodation for parking, loading, unloading, or fuelling vehicles, with a view to preventing obstruction of traffic on any road; or

(m) prohibits, restricts, or controls either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection, or any vehicle, boat, or other movable object (whether on land or in water or in the air), of all or any particular forms of advertisements or other public notices; or

(n) prevents, remedies, or removes injury to amenities arising from the ruinous or neglected condition of any building or by the objectionable or neglected condition of any land attached to a building or abutting on a road or situate in a residential area; or

(o) prescribes, in the case of land exceeding one acre in extent reserved for the purpose of being developed as a building area, that a proportion of the land (not exceeding five per cent thereof) be set aside for open spaces in addition to the area required for roads.

(3) Nothing contained in subsection (2) shall preclude an owner from claiming compensation for loss or injury arising from his being prevented by the operation of a scheme from maintaining an existing building or an existing use.

Exclusion or limitation of compensation in certain other cases

30.-(1) No compensation shall be payable under the provision of this Act in respect of any land on the ground that it has been injuriously affected by any provision contained in a scheme, if and in so far as the same provision or a provision substantially to the same effect, was, at the date when the scheme came into operation, already in force by virtue of the provisions of any other Act.

(2) A person shall not be entitled to recover compensation under the provisions of this Act in respect of any action taken under section 27 except in a case where a building which the local authority has removed, pulled down or altered, was an existing building at the material date.

(3) Where any provision of a scheme is modified or altered by a subsequent scheme, no compensation shall be payable in respect of any land on the ground that it has been injuriously affected by any provision contained in the subsequent scheme if and, in so far as that later provision is the same, or substantially the same, as the earlier provision so modified or altered; but if at the date when the modification or alteration of that earlier provision becomes operative-

(a) there is still outstanding any claim for compensation duly made thereunder; or

(b) the time originally limited for making such a claim has not expired,

any such outstanding claim and any such claim made within the time so limited shall be

entertained and determined, and may be enforced, in the same manner in all respects as if all the provisions of the earlier scheme had continued in operation.

Recovery of increase in value from owners of land

31.-(1) Where by the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme, any land within the area to which the scheme applies is increased in value, the local authority, if it makes a claim for the purpose within twelve months after the date on which the provision came into operation, or within twelve months after the completion of the work, as the case may be, shall be entitled to recover from any person or persons having any interest in any land so increased in value an amount not exceeding three-quarters of the amount of that increase.

(2) Where any provision of a scheme is modified or altered by a subsequent scheme, no land shall be deemed to be increased in value by any provision contained in the subsequent scheme if and in so far as that provision is the same, or substantially the same, as a provision contained in the scheme so modified or altered:

Provided that, if at the date when the modification or alteration of the said scheme becomes operative there is still outstanding any claim in respect of an increase in the value of the land duly made thereunder, or the time originally limited for making such a claim has not expired, any such outstanding claim, and any such claim made within the time so limited, shall be entertained and determined and may be enforced, in the like manner in all respects as if all the provisions of the earlier scheme had continued in operation.

(3) Any claim made under this section shall take into consideration any payments made in respect to any previous claim and counterclaim in respect of the same land arising out of any previous scheme.

(4) The amount payable to a local authority in respect of the increase in the value of any land shall, save as hereinafter otherwise provided, be payable by the owner of that land and shall be recoverable as a civil debt:

Provided that where at the date of the determination of the amount of increase in value by the Court there subsists any leasehold estate in such property, the Court shall, on the application and at the expense of the owner, apportion the amount of such increase between the fee simple and such other estate or estates, and the amount payable to the local authority in respect of such increase shall be apportioned in the same manner among the several owners of such estates.

(5) Any sum recoverable under this section shall bear interest from the date of determination of such sum at the rate of five per cent per annum. The local authority may agree to accept payment of any such sum by instalments over such period and on such further terms and conditions as the local authority shall deem fit.

(6) The amount due to the local authority and for the time being outstanding in respect of any such increase in value shall constitute a charge on the fee simple or such other estate in respect of which it is payable.

(7) In any case the local authority shall, within three months after the amount payable by the owner or other person has been determined, file with the Registrar of Titles a certified copy of

any judgment or order of the Court made under this section and upon registration thereof such judgment or order shall constitute a first charge on the fee simple or such other estate or estates charged by such judgment or order.

Making of claims for compensation or increase in value

32.-(1) A claim under this Act for compensation or in respect of an increase in the value of any land shall be made by serving upon the local authority or person from whom the amount alleged to be payable is claimed, a notice in writing stating the grounds of the claim and the amount claimed.

(2) Subject to the provisions of this Act, a claim under this Act for compensation may be made within twelve months after the date on which the provision giving rise to the claim came into operation or within such longer period as may be specified in the scheme, or in respect of expenditure rendered abortive by the modification or alteration of a scheme, within twelve months after the date on which the action was completed, or the modification or alteration of the scheme became operative:

Provided that in respect of a provision fixing, in relation to any street, a line beyond which no building in that street or proposed street may project, then, subject to any agreement to the contrary, the period within which a claim for compensation may be made in respect of that land shall be a period of twelve months after the date on which a new building is erected on the site in conformity with the line so fixed.

(3) Where it is alleged that land has been injuriously affected by the execution of any work, the period within which a claim in respect of that injurious affection may be made shall be a period of twelve months after the completion of the work.

Special assessment; recovery of expenses

33.-(1) A scheme may provide that the cost or a portion of the cost of any works to be executed as part of the scheme shall be a special charge upon the land within a particular area to the exclusion of the rest of the area to which the scheme applies, and the local authority may, with the approval of the Director first obtained, fix and apportion the amount of the special charge thereon and the persons and times by whom and when the same shall be payable.

(2) Whenever a scheme provides for a special assessment under the provisions of subsection (1), no claim shall be made by the local authority in respect of any increase in value against the owners of land situate within the particular area to which the assessment applies.

Determination of claims and recovery of amounts due

34.-(1) Any question arising under this Act as to-

- (a) the right of a claimant to recover compensation; or
- (b) the right of the local authority to recover any amount in respect of an increase in the value of any land, or by way of a special charge on any land; or
- (c) the amount and manner of payment of any such recoverable compensation or amount as aforesaid,

shall, unless the local authority and all persons concerned otherwise agree, be referred to and determined by the Court. The Court shall cause the respective parties to appear before it and it shall be lawful for it to hear and determine the claim in a summary manner, and for that

purpose to examine the parties or any of them and their witnesses. The determination by the Court of a claim under this section shall be final and it shall allow such costs as it may think fit.

(2) The Court charged with the duty of determining any claim as aforesaid-

(a) shall have regard to any undertaking which the local authority, or the person against whom the claim is made, may have given; and

(b) if the question arises out of the coming into operation of a substituted scheme, shall take into account any amount which the local authority has paid or is liable to pay, or has recovered or is entitled to recover, in respect of that land by reason of the coming into operation of the original scheme, or any other scheme.

Local authority may abandon or modify scheme after award of compensation

35.-(1) The local authority may, at any time within one month after the date of any award of compensation (whether for land taken, for land injuriously affected by the taking of land or the carrying out of a work or for land otherwise injuriously affected by the operation of any provision of a scheme), give notice to the claimant of its intention to abandon or modify the proposed taking or the proposed work or the provision of the scheme in respect of the operation of which such award of compensation has been made.

(2) Where such notice has been given, the local authority shall within three months thereafter submit to the claimant and to the provisions altering the scheme by way of such abandonment or modification as aforesaid, and upon approval by the Director of such provisions (whether with or without modification), and upon notification by the local authority to the claimant of such approval and of the provisions so approved, the award of compensation shall be discharged but without prejudice to the claimants right-

(a) to a reasonable sum for his costs of and in connexion with the discharged claim;

(b) to a claim for compensation in respect of the period up to the date when the approval by the Director of such provision was notified by the local authority to the claimant;

(c) to a further claim for compensation in respect of any matter arising out of the provision so approved in like manner as if such provisions were originally part of the scheme.

Award of compensation not enforceable within one month from date of award

36. No award of compensation shall be enforceable until after the expiration of one month from the making thereof, or if notice of abandonment or modification has within that period been given, then, until after the Director has given his decision as to any provisions submitted altering the scheme by way of such abandonment or modification, and such decision has been notified to the claimant.

PART V-PURCHASE AND COMPULSORY ACQUISITION OF LAND

Local authority may purchase land included in scheme

37.-(1) A town council may at any time after a scheme has been finally approved purchase by private treaty the interest of any person in any or all of the land required for the purposes of the provisions of the scheme.

(2) If any owner of any such land does not agree to sell such land under the provisions of subsection (1), the town council shall refer the matter to the Minister in which case the provisions of section 94 of the Local Government Act shall apply.

(Substituted by Order 7th October, 1970.)

(Cap. 125.)

(3) In the event of any owner of land, which under the provisions of a scheme is destined for pooling and redistribution or for the readjustment of the boundaries and areas thereof, not agreeing to the pooling and redistribution of his land or to the readjustment of the boundaries and areas thereof, the town council may, subject to the provisions of subsection (2), acquire such land or any part thereof as is necessary for carrying out such scheme.
(Amended by 14 of 1961, s. 9. and Order 7th October, 1970.)

Utilization of acquired land

38.-(1) Land which has been acquired under the provisions of this Act shall be dealt with in accordance with the scheme:

Provided that dwelling-houses which are acquired for the purpose of demolition under the scheme shall not be evacuated until suitable accommodation for all residents therein is available to the satisfaction of the Director.

(2) Any land which has been acquired under the provisions of this Act may, subject to the provisions of section **39**, with the approval of the Director be resold, let, or exchanged.

Resale of land acquired under scheme

39. The vendor of land purchased by private treaty or acquired for the purpose of a scheme shall be entitled to the first offer of sale thereof at a price not greater than the sum for which the same was purchased or acquired together with any increase in value resulting from the scheme. Such price shall, in case of dispute, be referred to the Court for settlement, which shall have jurisdiction to hear and determine the same. Any such offer shall remain open for a period of one month from the date when it is made.

PART VI-MISCELLANEOUS

Indemnification of Director, members of local authorities and other persons

40. Neither the Director nor any member of a local authority, nor any person acting under the authority of the Director or of a local authority, shall be individually liable to any action, suit or proceedings for or in respect of any act or matter bona fide done or omitted to be done without negligence in the exercise or supposed exercise of his powers under this Act.

(Amended by 22 of 1973, s. 9.)

Power of entry

41. The Director or members of any local authority or any person authorised by any of them in writing shall, for the purposes of this Act, have power at all reasonable times and after giving not less than twenty-four hours notice to the occupier and to the owner, to enter into and upon any premises for the purpose of making any survey or inspection or for the purpose of executing any work authorised by this Act to be executed without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done upon such premises in pursuance of this Act.

(Amended by 22 of 1973, s. 10.)

Assault on authorised person

42. Any person who assaults, obstructs, or resists any person duly authorised by the Director,

or by a local authority, in lawfully entering upon any land, or in performance of any other act authorised by this Act, or in the performance of his duty, or in the exercise of his powers under the provisions of this Act, shall be liable to a fine of one hundred dollars or to imprisonment for three months.

Service of notices

43.-(1) Any notice, summons, writ or other proceeding at law or otherwise required to be served on the Director or on a local authority for any of the purposes of this Act may be served upon it by delivering it to the Director or to the clerk or other appropriate official of the local authority or by leaving it at the office of the Director or local authority with some person employed there, or by sending it by post in a registered letter addressed to the Director or to such clerk or other appropriate official at his office.

(Amended by 22 of 1973, s. 11.)

(2) Subject to the provisions of subsection (1), any notice, order, or other document required or authorised to be served under this Act may be served either-

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by sending it through the post in a registered letter addressed to that person at his usual or last known place of abode; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office, or sending it through the post in a registered letter addressed to the secretary or clerk of the company or body at that office.

(3) Where any such document is to be served on a person by being sent through the registered post it shall be deemed to have been served not later than the twenty-first day succeeding the day on which it was posted, and for proof of such service it shall be sufficient to prove that the letter containing the document was properly addressed, registered and posted.

Penalties not otherwise provided for

44. Unless for any offence a penalty is expressly provided by this Act or by the regulations, any person who commits a breach thereof or disobeys a lawful order of the Director, or of a local authority, shall be liable to a fine of one hundred dollars or to imprisonment for three months.

Regulations

45. The Minister may make regulations not inconsistent with the provisions of this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the provisions of this Act, and in particular, without prejudice to the generality of the foregoing power, for regulating the procedure to be adopted with respect to-

- (a) the preparation or adoption of a town planning scheme, and for any necessary surveys preliminary thereto;
- (b) the obtaining of the provisional and final approval of the Director to a scheme;
- (c) the modification or alteration of a scheme, or the substitution of a new scheme;
- (d) the public notification of schemes;
- (e) the making and assessment of claims for compensation, and the determination of the amount of the increase in value of any land;
- (f) the inquiries, reports, notices, objections, or other matters required or arising in connexion with the preparation or adoption or approval of a scheme, or preliminary thereto, or in relation

to the carrying out of a scheme or the enforcement of the observance of the provisions thereof;
(g) the prescribing of street building lines, and for any necessary surveys preliminary thereto.

(Amended by 37 of 1966, s. 27.)

SCHEDULE
(Sections 8 and 9)
MATTERS WHICH MAY BE DEALT WITH BY GENERAL
PROVISIONS IN A TOWN PLANNING SCHEME

1. Streets, roads, and rights of way generally; and particularly the levels, alteration, widening, closing, diverting, raising, lowering, aligning, re-aligning, grading, re-grading, classifying, reclassifying, naming, renaming, constructing, re constructing, maintaining, repairing, draining, re-draining, sewerage, re-sewerage, beautifying, gardening, and tree planting in streets, roads and rights of way, the junctions and intersections of streets, roads, rights of way and the excision of their corners, the laying of sewers, pipes and wires, and the placing of lamps, lamp-posts, monuments, tramway poles, fences, gateways, public signs, notices, and other objects in or on land adjacent to streets, roads and rights of way.
2. Parks and open spaces generally; and particularly public reserves, gardens, playgrounds sports and recreation grounds, drill grounds, aviation grounds, public squares and other open public spaces, and fences, railings, monuments, statues, buildings, and other erections or works on parks, open spaces, public squares, and other public places.
3. Gardens and park spaces for the use of particular parts of the area, and park ways for general use.
4. Public conveniences generally; and particularly churches, schools, educational and recreational institutions, libraries, public buildings, theatres and other places of public entertainment, fountains, public comfort stations, and refreshment kiosks and other buildings.
5. The subdivision of land generally; and in particular any requirements deemed necessary-
(a) in regard to new subdivisions or re-subdivisions of any land (or maps, plans, sections, or particulars thereof) contained within the scheme area, including drainage, size and shape of allotments (or separate parcels of land), and access thereto;
(b) for the classification of, and prescribing and determining any requirements in regard to the length and width of any street, road or right of way according to the use to which such street, road or right of way is likely to be put, or according to the physical features of the land, together with design, method of construction, and cost of completion or alignment of any street, road, or right of way; and
(c) for dealing with or disposing of land acquired under this Act by a local authority, or by any other public body or person.
6. The re-planning and re-construction of the scheme area, or any part thereof, including any provisions necessary for-
(a) the pooling of the lands of several owners (or any lands, roads, streets, or rights of way adjacent or near thereto);
(b) the re-division of such land among such owners;
(c) providing and making new roads, streets or rights of way;

- (d) adjusting and altering the boundaries of any such lands, roads; streets, or rights of way;
- (e) effecting such exchanges of land, or cancellation of existing subdivisions as may be necessary or convenient for the purposes aforesaid;
- (f) adjustment of rights between such owners or other persons interested in such lands, roads, streets, or rights of way;
- (g) the vesting of such lands, roads, streets, or rights of way subject or not subject to any rights or trusts; and any other provisions necessary for giving effect to the purposes aforesaid.

7. Buildings generally; and in particular-

- (a) the height, location, purpose, dimensions, or the general character of buildings;
- (b) the special control and regulation of buildings;
- (c) the demolition or alteration of buildings;
- (d) the prevention of the erection of ugly buildings which may destroy local amenities;
- (e) the prohibition or regulation of the placing, or subject to a reasonable time limit, the continuance, of advertisements, advertising hoardings, illuminated signs and other advertising devices and erections, or other disfigurements;
- (f) the placing of new public buildings;
- (g) harmony in the exterior designs of buildings.

8. Limiting the number of apartment, tenement, detached, or other dwelling houses to the acre generally or in any particular locality, and the extent to which each subdivision, allotment, or parcel of land is to be built upon, and providing for adequate light and air to the windows of each house, and prescribing other requirements so far as is reasonable for the purpose of securing the convenience and amenity of the scheme area and proper sanitary and hygienic conditions in connexion with any building therein.

9. The making, fixing, and altering and ascertaining of building lines irrespective of the width or alignment of any street, road, or right of way, to secure as far as practicable, having regard to the physical features of the site and the depth of the existing subdivisions, that the distance between the buildings to be erected, or buildings likely to be reconstructed, on opposite sides of the street, road or right of way, shall not be less than that fixed by the scheme, according to the prospective traffic requirements of such street, road or right of way.

10. Classification of the scheme area for residential, commercial, industrial, and other purposes respectively, including the provision of special areas for factories or for carrying on industries generally and for shops, warehouses, stores, stables and other buildings used for commercial or industrial purposes, and fixing the sites for buildings required for any charitable, religious or public purposes, or for public conveniences as mentioned in paragraph 4; and prohibiting the carrying on of any trade or manufacture, or the erection of any building, in a particular part of the area other than in accordance with the provisions of the scheme.

11. Conservation of the natural beauties of the area, including lakes and other inland waters, banks of rivers, foreshores of harbours, and other parts of the sea, hill-slopes and summits, and valleys.

12. The preservation of historic buildings and objects of historical or scientific interest.

13. Probable routes for railways, tramways, and canals and probable sites for bridges, docks, harbours, piers, quarries, and lighting, water, drainage and sewerage, or any other private or public work or undertaking authorised by statute.

14. Works ancillary to or consequent on the scheme.
15. The extinction or variation of any right of way or easement, public or private, or of any restrictive covenant or covenants affecting land.
16. Power of entry and inspection.
17. Facilities for the operation of public utilities and trading undertakings of any local authority or authorised public body, or of any society of public utility.
18. The exercise of the power of the local authority to acquire land or buildings, or to make any agreement or proposal in respect thereto.
19. Power to limit the height, at the corner of any street, road, right of way, of any wall, fence, hedge, tree or shrub or other obstruction, not being an authorised building.
20. Power of a local authority to remove, alter or demolish any building which obstructs the observance or carrying out of the scheme.
21. Power of a local authority to make agreements with owners and of owners to make agreements with one another.
22. Co-operation of a local authority and the owners of land and co-operation between owners of land.
23. The recovery of expenses incurred in giving effect to the scheme.
24. The carrying out and completion of the scheme generally; and particularly the time and manner in which, and the persons and authorities by whom or by which the scheme, or any part thereof, shall be carried out and completed and its observance ensured.
25. Any matter with respect to which under this Act an agreement relating to a scheme may be made.
26. Limitation of time for the operation of the scheme.
27. Any matter necessary or incidental to town planning or housing.

The mention of particular matters in this Schedule shall not be held to prejudice or affect the generality of any other matter.

Controlled by Ministry of Urban, Housing and Social Welfare