

THE TOWN AND COUNTRY PLANNING ACT

ORDER
(under section 3)

The Town and Country Planning Authority (Composition, Powers and Duties) Order, 1988 L.N. 90/88

ORDERS (Omitted)
(under section 7)

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(under section 22A (2))

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(under section 25 (3))

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REGULATIONS
(under section 26 (1))

The Town and Country Planning (Control of Advertisements) Regulations, 1978 L.N. 114A/78

THE TOWN AND COUNTRY PLANNING ACT

ORDERS

*(under section 3)*THE TOWN AND COUNTRY PLANNING AUTHORITY (COMPOSITION, POWERS
AND DUTIES) ORDER, 1988*(Made by the Minister on the 15th day of August, 1988)*

L.N. 90/88

1. This Order may be cited as the Town and Country Planning Authority (Composition, Powers and Duties) Order, 1988. Citation.

2. In this Order—

Interpre-
tation.

“appointed member” means a member appointed pursuant to paragraph 3(2);

“Authority” means the Town and Country Planning Authority.

3.—(1) The Authority shall consist of—

Constitu-
tion of
Authority.

(a) the Government Town Planner who shall be a member *ex officio*; and

(b) not less than six appointed members.

(2) The appointed members shall be appointed by instrument in writing by the Minister.

(3) The Minister shall appoint a member to be chairman.

(4) A member who is directly or indirectly interested in any matter which is being dealt with by the Authority—

(a) shall disclose the nature of his interest at a meeting of the Authority; and

(b) shall not take part in any deliberation or decision of the Authority with respect to that matter.

(5) In the case of the absence or inability to act of the chairman, the Minister may appoint some other person to act temporarily in the place of the chairman.

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(COMPOSITION, POWERS AND DUTIES) ORDER, 1988**

Tenure of office.

4. An appointed member shall, subject to the provisions of this Order, hold office for a period not exceeding two years from the date of his appointment or for such lesser period as the Minister may specify at the time of appointment and every such member shall be eligible for reappointment.

Temporary appointment.

5. Subject to sub-paragraph (5) of paragraph 3, the Minister may, in the case of the absence or inability to act of an appointed member, appoint any person to act temporarily in the place of that appointed member.

Resignations.

6.—(1) The chairman, where the chairman is not the member *ex officio*, may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such resignation by the Minister.

(2) An appointed member, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Authority.

Revocation of appointments.

7. The Minister may at any time revoke the appointment of any appointed member.

Filling of vacancies.

8. If any vacancy occurs in the appointed membership of the Authority such vacancy shall be filled by the appointment of another person as appointed member who shall, subject to the provisions of this Order, hold office for the remainder of the period for which the previous appointed member was appointed.

Gazetting of appointed members.

9. The names of all appointed members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Leave.

10. The Minister may, on the application of any appointed member, grant leave of absence to such member.

Seal and execution of documents.

11.—(1) The seal of the Authority shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Authority in the presence of the chairman or any member authorized to act in that behalf, and the secretary thereof.

(2) The seal of the Authority shall be authenticated by the signatures of the chairman or any member authorized to act in that behalf and the secretary.

(3) All documents other than those required by law to be under seal, made by and all decisions of the Authority, may be signified under the hand of the chairman or the secretary or any member authorized to act in that behalf.

12.—(1) The Authority shall meet as often as may be necessary or expedient for the prompt transaction of its business and such meetings shall be held at such places and times and on such days as the Authority may determine.

Procedure
and
meetings.

(2) The chairman shall preside at meetings of the Authority and if the chairman is absent from a meeting the members present shall elect one of their number to preside at the meeting.

(3) The quorum of the Authority shall be five.

(4) The decisions of the Authority shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

13.—(1) Subject to sub-paragraph (2), the Authority may, if it thinks fit for the purpose of carrying into effect its powers and duties, co-opt any person who is a member or officer of a local planning authority to participate in any proceedings of the Authority either generally or in relation to any particular matter.

Power of
Authority
to co-opt.

(2) Any person co-opted pursuant to sub-paragraph (1), shall not be entitled to vote in any proceedings of the Authority.

14. No act done or proceeding taken by the Authority shall be questioned on the ground—

Protection
of Author-
ity.

(a) of the existence of any vacancy in the membership of, or any defect in, the constitution of the Authority; or

(b) of any omission, defect or irregularity not affecting the merits of the case.

**THE TOWN AND COUNTRY PLANNING AUTHORITY
(COMPOSITION, POWERS AND DUTIES) ORDER, 1988**

Protection
of members.

15. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member in respect of any act done *bona fide* in the execution or intended execution of the relevant provisions of the Town and Country Planning Act.

Remunera-
tion of
members.

16. There shall be paid to the chairman and members and to persons co-opted by the Authority under paragraph 13 such remuneration by way of honorarium, travelling or other allowances as the Minister may determine.

Officers
and
servants.

17. The Minister shall make such arrangements in relation to the provision and remuneration of the secretary and other officers and servants of the Authority as may from time to time be necessary.

Savings.

18. Any appointment of members made by the Minister or any decision made or act done by the Authority pursuant to the Town and Country Planning Authority (Composition, Powers and Duties) Order, 1977 (now revoked) and which had effect immediately before the 18th of August, 1988, shall, until other provision is made pursuant to this Order, continue to have effect as if made or done pursuant to this Order.

Transi-
tional.

19. As and from the 18th of August, 1988, any matter pending before, by or against the Authority, as constituted immediately prior to the abovementioned date may be continued before, by or against the Authority as constituted under this Order.

THE TOWN AND COUNTRY PLANNING ACT

RULES

(under section 22A (2))

THE TOWN AND COUNTRY PLANNING (APPEAL TRIBUNAL) RULES, 1997

(Made by the Minister on the 22nd day of May, 1997)

L.N. 58A/97

1. These Rules may be cited as the Town and Country Planning (Appeal Tribunal) Rules, 1997.

2. In these Rules, "secretary" means the secretary of the Tribunal.

3.—(1) Every appeal to the Tribunal shall be commenced by notice of appeal addressed to the secretary.

(2) The notice referred to in paragraph (1) shall—

- (a) be delivered to the secretary within twenty-eight days of the service of the enforcement notice to which the appeal relates;
- (b) set out clearly the grounds of appeal;
- (c) be accompanied by a copy of the following documents—
 - (i) the enforcement notice to which the appeal relates;
 - (ii) where the relevant enforcement notice requires the cessation of work in any development, a certificate from the Government Town Planner certifying that the work has ceased in conformity with that notice.

4. The Tribunal shall not hear an appeal relating to an enforcement notice referred to in paragraph (2) (c) (ii) of rule 3 where the certificate required by that paragraph is not furnished with the notice of appeal.

5.—(1) Subject to paragraph (2), within twenty-one days of delivery of a notice of appeal in accordance with rule 3—

- (a) the secretary shall inform the members of the Tribunal in writing of the grounds of appeal and furnish to the Tribunal copies of all documents submitted pursuant to rule 3;

**THE TOWN AND COUNTRY PLANNING (APPEAL TRIBUNAL)
RULES, 1997**

- (b) the chairman shall set a date, place and time for the hearing of the appeal and accordingly the secretary shall in writing inform the appellant and the authority which issued the relevant enforcement notice, that is to say—
- (i) the Government Town Planner; or
 - (ii) the Authority; or
 - (iii) the local planning authority,
- as the case may be.

(2) If a notice of appeal is not accompanied by any document required by paragraph (2) of rule 3 to be furnished by the appellant, the secretary shall, within the period of twenty-one days referred to in paragraph (1), request the appellant in writing to furnish the document within the time specified in that request.

(3) At the hearing of an appeal, all parties thereto shall be afforded an opportunity to be heard.

(4) Where at the hearing of an appeal a person is unable to appear and give oral evidence, the Tribunal may admit into evidence a written statement concerning the appeal made by that person on oath before a Justice of the Peace.

THE TOWN AND COUNTRY PLANNING ACT

REGULATIONS
(under section 25 (3))

THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION)
REGULATIONS, 1967

(Made by the Minister on the 20th day of July, 1967)

L.N. 218/67

1. These Regulations may be cited as the Town and Country Planning (Tree Preservation) Regulations, 1967.

2. Every tree preservation order shall describe, by reference to a plan, the position of the trees, groups of trees or woodlands to which it relates and such plan shall either be included in the order or be deposited for inspection at such place or places near to the locality to which it relates as may be convenient.

3.—(1) A local authority shall, as soon as practicable after they have made a tree preservation order—

- (a) submit to the Minister two copies of the order with the plan to which it refers, a statement of the reasons for making the order, and a request that the order be confirmed;
- (b) serve on the owners and occupiers of the land affected by such order a copy thereof and a notice stating that such order has been submitted to the Minister for confirmation and that objections and representations with respect thereto may be made in writing to the Minister in accordance with these Regulations within twenty-eight days from the date of service of the notice.

(2) As soon as may be after notice has been served in accordance with sub-paragraph (b) of paragraph (1) the local authority shall inform the Minister of the fact and of the date of service.

4.—(1) Every objection or representation shall specify the particular trees, groups of trees or woodlands in respect of which it is made and shall state the grounds of the objection or representation.

THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION)
REGULATIONS, 1967

(2) An objection or representation is not duly made unless it is received within the period allowed under sub-paragraph (b) of paragraph (1) of regulation 3.

5.—(1) The Minister shall before confirming a tree preservation order, take into consideration any objections or representations duly made by the owners or occupiers of the land affected by such order.

(2) A local authority shall, as soon as they are informed that the Minister has confirmed a tree preservation order, notify all persons on whom notices were served in accordance with sub-paragraph (b) of paragraph (1) of regulation 3 of such confirmation and supply a copy of the order to every such person.

(3) A tree preservation order shall when confirmed by the Minister, be published in the *Gazette* as so confirmed.

THE TOWN AND COUNTRY PLANNING ACT

REGULATIONS
(under section 26(1))

THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
REGULATIONS, 1978

(Made by the Minister on the 3rd day of July, 1978)

L.N. 114A/78

[1st August, 1978.]

1. These regulations may be cited as the Town and Country Planning (Control of Advertisements) Regulations, 1978.

2.—(1) In these regulations—

“advertisement” has the meaning assigned to it by section 2 of the Act;

“advertiser” means a person who himself, or by his servant or agent, undertakes or maintains the display of an advertisement;

“building” includes any structure, hoarding or erection and any part of a building as so defined;

“business premises” has the meaning assigned to it by regulation 15(3) (a);

“development order” means an order so confirmed in pursuance of the Act;

“land” includes buildings and land covered with water;

“local planning authority” has the meaning assigned to it by section 2 of the Act;

“illuminated advertisement” means an advertisement which is designed or adapted to be illuminated by artificial lighting directly or by reflection, and which is so illuminated for the purposes of advertisement, announcement or direction at any time after the 1st of August, 1978;

“Minister” has the meaning assigned to it by section 2 of the Act.

*THE TOWN AND COUNTRY PLANNING (CONTROL OF
ADVERTISEMENTS) REGULATIONS, 1978*

(2) Reference in these Regulations to the person displaying an advertisement shall be construed as reference to the advertiser who shall be deemed to include—

- (a) the owner and occupier of the land on which the advertisement is displayed; and
- (b) any person to whose goods, trade, business or other concerns publicity is given by the advertisement.

3.—(1) These regulations shall apply to the display of advertisement on all land, the subject of development orders except any advertisement—

- (a) displayed on enclosed land, and not visible from land outside the enclosure wherein it is displayed or from any part of such enclosure over which there is a public right of way or to which there is public right of access;
- (b) displayed within a building, other than in advertisement of a description specified in regulation 14;
- (c) displayed on or in a vehicle;
- (d) incorporated in, and forming part of, the fabric of a building, other than a building used principally for the display of such advertisements or a hoarding or similar structure;
- (e) displayed on an article for sale or on the package or other container in which an article is sold, or displayed on the pump, dispenser or other container from which an article is sold; being an advertisement wholly with reference to the article for sale, which is not an illuminated advertisement and does not exceed one square foot in area.

(2) For the purposes of this regulation—

- (a) “article” includes a gas or liquid;
- (b) the expression “enclosed land” means land wholly or for the most part enclosed within a hedge, fence, or wall or similar screen or structure, and shall be deemed to include any airport, railway station (and its yards) or bus station, together with their forecourts, whether enclosed or not; but shall not include any public park, public garden or other land held for the, or enjoyment of the public, or (save as hereinbefore

specified) any enclosed railway land normally used for the carriage of passengers or goods by rail;

- (c) "vehicle" means a vehicle normally employed as a moving vehicle on the sea, any highway or railway, or a vessel normally employed as a moving vessel on any inland waterway; but shall not include any such vehicle or vessel during any period when it is used primarily for the display of advertisements;
- (d) no advertisement shall be deemed to be displayed within a building unless there is access to the advertisement from inside the building;
- (e) no advertisement shall be deemed to form part of the fabric of a building by reason only of being affixed to, or painted on, the building.

PART II GENERAL PROVISIONS

Control of Advertisement to be Exercised in the Interest of Amenity and Public Safety

4.—(1) The powers conferred by these Regulations with respect to the grant or refusal of consent for the display of advertisements, the revocation or modification of such consent and the discontinuance of the display of advertisements with consent deemed to be granted shall be exercisable only in the interests of amenity and public safety.

(2) When exercising such powers, a local planning authority—

- (a) shall, in the interest of amenity, determine the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the locality, including the presence therein of any feature of historic architectural, cultural, scenic or similar interest, and when assessing the general characteristics of a locality the local planning authority may disregard any advertisements therein being displayed;
- (b) shall in the interest of public safety, have regard to the safety of persons who may use any road, railway, waterway (including any coastal waters, dock, harbour or airfield affected or likely to be affected by any display of advertisements); and shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic

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ADVERTISEMENTS) REGULATIONS, 1978*

sign, railway signal or aid to navigation by water or air, but without prejudice to their power to have regard to any other material factor.

(3) In the determination of an application for consent for the display of advertisements, or where the revocation or modification of a consent is under consideration, regard may be had to any material change in circumstances likely to occur within the period for which the consent is required or granted.

(4) The size of an advertisement shall be determined by the total areas occupied by the advertisement and not by the area covered by the individual letters, provided that when the advertisement contains illuminated additions or other type of figures the said additions or figures shall be included in the area of the advertisement.

(5) No advertisement shall be permitted to be installed in a manner which may obstruct any exit or interfere with any opening required for ventilation or lighting.

(6) Advertisement to be displayed on buildings shall be securely fixed thereto by means of metal anchors, bolts or expanding screws; nailing to strips of board built in masonry or concrete shall not be permitted.

(7) Advertisement placed on hoardings, independent of buildings, shall be designed according to generally accepted engineering practice to withstand live and dead loads to which they may be subjected, as well as wind pressure and to the satisfaction of the local authority.

Consent Required for the Display of Advertisements

5.—(1) No advertisement may be displayed without there being in force a consent granted by the local planning authority or by the Town and Country Planning Authority as the case may be, on an application in that behalf (referred to in these Regulations as 'express consent') or a consent which pursuant to these Regulations is deemed to have been granted.

(2) Consent shall be deemed to be granted for the display of any advertisement displayed in accordance with any provision of these Regulations whereby advertisements of that description may be displayed without express consent; and where the display of such advertisement is allowed subject to the power of the local planning authority to require the discontinuance of the display under regulation 16, the con-

sent so deemed to be granted shall be consent limited until such time as a notice served under regulation 16 takes effect.

(3) In so far as the nature of the consent permits, consent for the display of advertisements shall enure for the benefit of the land to which the consent relates and of all persons for the time being interested in that land; without prejudice however to the provisions of these Regulations as respects the revocation or modification of an express consent.

(4) Save only hereinafter excepted, it shall be a condition (whether expressly imposed or not) of every consent granted or deemed to have been granted by or under these Regulations that before any advertisement is displayed on land in pursuance of the consent the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained; except where an advertisement of the description specified in regulation 13 (1) (b) is required to be displayed notwithstanding that such permission is not obtained.

The Standard Conditions

6. Without prejudice to the power of the local planning authority to impose additional conditions upon a grant of consent under these Regulations, the standard conditions set out in the First Schedule shall, subject to the provisions of these Regulations, apply without further notice.

First
Schedule.

PART III

APPLICATIONS FOR EXPRESS CONSENT

How to Apply

7.—(1) Subject to this regulation an application to a local planning authority for consent to display advertisements shall be made on a form in accordance with the Second Schedule issued by the local planning authority and obtainable from that authority and shall include such particulars and shall be accompanied by such plans, together with such additional number of copies, of the form and plans, as may be required by the directions of the local planning authority printed on the form or as provided for in a development order relating thereto.

Second
Schedule.

(2) The application shall be lodged with the Secretary of the Parish Council of the parish in which the land is situated and in the

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ADVERTISEMENTS) REGULATIONS, 1978*

Kingston and St. Andrew Corporation with the Town Clerk, or any officer authorized to act on their behalf.

(3) On receipt of the application the local planning authority shall send an acknowledgement in writing to the applicant and may by a direction addressed to him in writing require such information, in addition to that given in the application as may be requisite to enable them to determine the matter in respect of which the application is made to be given to them, or such evidence as they may reasonably call for to verify any particulars of information given to them to be produced to an officer of the authority.

(4) The Town and Country Planning Authority may restrict by direction given either generally or in any particular case or class of case the amount of particulars, plans or information which an applicant may be required to furnish under this regulation.

(5) The provisions of paragraph (1) shall be without prejudice to the acceptance by a local planning authority of an application in writing made otherwise than on the form therein referred to, in any case in which information provided is sufficient to enable the authority to determine the application.

Duty to Consult with respect to an Application

8.—(1) A local planning authority shall, before granting consent for any display of advertisements, consult with the following authorities, persons or bodies, namely—

- (a) with any neighbouring local planning authority whose area, or any part thereof, appears likely to be affected by the display of advertisements to which the application relates;
- (b) where it appears to the local planning authority that the display of advertisements to which the application relates may affect the safety of persons using any main road, railway, harbour, airfield, or other authority, statutory undertaker, body or person responsible for the operation thereof;
- (c) with such authorities, persons or bodies as the Minister may direct.

(2) The local planning authority shall give to any authority, person or body with whom they are required to consult as aforesaid, not less than fourteen days notice that an application is to be taken into

