

CHAPTER 355

THE URBAN PLANNING ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 355

THE URBAN PLANNING ACT

An Act to provide for the orderly and sustainable development of land in urban areas, to preserve and improve amenities; to provide for the grant of consent to develop land and powers of control over the use of land and to provide for other related matters.

[10th June, 2008]

[GN. No. 75 of 2008]

Acts Nos.
8 of 2007
9 of 2017

PART I PRELIMINARY PROVISIONS

- Short title 1.–(1) This Act may be cited as the Urban Planning Act.
 (2) [Omitted.]
- Interpretation 2. In this Act, unless the context otherwise requires-
Cap. 355 “Act” means the Urban Planning Act;
 “agriculture” includes horticulture, fruit growing, seed
 growing, dairy farming, the breeding and keeping of
 livestock including any creature kept for the production
 of food, wool, skin or fur, or for the purpose of its use
 in the farming of land, the use of land as grazing land,
 meadowland, market gardens and nursery grounds, and
 the use of land for woodlands where that use is ancillary
 to the farming of land for other agricultural purposes;
 “amending scheme” means a scheme amending a general
 planning scheme or detailed planning scheme prepared
 pursuant to the provisions of section 15;
 “betterment value” means an amount recoverable under
 section 74 by a planning authority from a landholder
 whose property is increased in value by virtue of the

coming into operation of any provision contained in a planning scheme;

“building” means any structure or erection and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted;

“building operations” includes rebuilding operations, structural alterations or additions to building and other similar operations and the making of access roads, railways, waterworks, sewerage and draining works, electrical and telephone installations and any road works preliminary to, or incidental to the erection of buildings;

“building works” includes waste materials, refuse and other matters deposited on land and reference to the erection or construction of building or works shall be construed accordingly;

“building scheme” includes a scheme of development whereby land or estate is laid out in lots and built upon for the purpose of sale or otherwise in lots or sections by a common vendor to purchasers;

“built-up area” means an area which is predominantly developed with buildings;

“conservation” means the preservation, enhancement or restoration of-

- (a) the character or appearance of a conservation area; or
- (b) the trades, crafts, customs and other traditional activities carried on in a conservation area;

“density” means the intensity of use of land reckoned or expressed in terms of the number of persons, dwelling units or habitable rooms or any combination of those factors, per unit area of land; and for the purpose of this definition habitable does not include a kitchen, storeroom, bathroom or garage;

“detailed planning scheme” means a scheme prepared or adopted pursuant to the provisions of section 17;

“development” means the carrying out of any building operation, engineering operation or mining operation in, on, under or over any land, the sub-division of laying out of land, or the making of any change in the use of land, but does not include-

- (a) the making of any change of use from a purpose within any class which may be prescribed to the use thereof for any other purpose within the same class; or
- (b) any other operation or change of use which may be prescribed;

“development charge” means the development charge imposed under section 48;

“Director” means the Director appointed pursuant to the provisions of section 6;

“dwelling” means a building or any part of or portion of a building, used or constructed, adapted or designed to be used for human habitation, as a separate tenancy or by one family, whether detached, semidetached, or separated by party walls or floors from adjoining buildings or part or portion of the same building together with such out buildings as are reasonably required to be used or enjoyed;

“engineering operations” includes the formation of or laying out roads and means of access to roads;

“erection” in relation to buildings, includes extension, alteration and re-erection;

“existing building” or “existing building works” means, respectively, a building or works erected, constructed or carried out before the date this Act becomes applicable to the area in which the building or works, as the case may be, commenced before, but completed after such date;

“existing use” means any building or the use of that building or land for any purpose of the same character for which it was used before the date this Act becomes applicable to the area in which the building or land is situated;

“fence” includes any hoarding or paling used as such banks and walls;

- Cap. 113 “general land” has the meaning ascribed to it by the Land Act;
- “general planning scheme” means a scheme prepared pursuant to the provisions of section 14;
- “hedge” means trees or stumps grown to mark the boundaries of an enclosure;
- Cap. 113 “land” has the meaning ascribed to it by the Land Act;
- “landholder” means a holder of a granted right of occupancy or customary right of occupancy or derivative right of occupancy;
- “land use plan” means any plan prepared or adopted by a planning authority and includes a resource management sector plan;
- Cap. 287 “local government authority” has the meaning ascribed to it under the Local Government (District Authorities) Act
- Cap. 288 and the Local Government (Urban Authority) Act;
- “material date” in relation to any planning area means the date on which the order published in the *Gazette* by the Minister under section 10 becomes operational;
- “Minister” means the Minister responsible for land use planning;
- Cap. 113 “National Land Advisory Council” means the Council established under section 17 of the Land Act;
- “occupier” means any person or body or organisation in actual or physical occupation of land or premises or any person having the charge, of the land or premises either on his own account or as an agent of another person, but does not include a lodger;
- “owner” in relation to land or premises, means the holder of a granted right of occupancy or customary right of occupancy or lease for a period of not less than twelve years;
- Cap. 113 “peri-urban area” has the meaning ascribed to it under the Land Act;
- “planning area” means an area declared to be a planning area under this Act;

- “planning authority” means a planning authority referred to in section 9;
- “planning consent” means a consent to develop land within a planning area given by the authority empowered to give such consent pursuant to the provisions of this Act;
- “public street” means any street over which the public has a right of way and which is or has been usually repaired or maintained by the Government or local government authority;
- “road” means any road whether public or private and includes any street, square, court, alley, bridge, footway, path, passage or highway whether thoroughfare or not;
- “scheme” means a general planning scheme, a detailed scheme or amending scheme or redevelopment scheme made under this Act;
- “site” in relation to any building includes offices, out buildings, yards, courts or garden occupied or intended to be occupied therewith;
- “small islands” means islands declared under section 26;
- “special planning area” means an area referred to under section 26;
- “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 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 holdings, whether the public has a right of way or not, and all channels, drains and ditches at the side of any street shall be deemed to be part of that street;
- “sub-division” in relation to land, means the division of any land other than buildings held by one person or held by a number of persons indivisibly into two or more parts, whether the sub-division is by conveyance, transfer or partition or for the purpose of sale, gift, lease or any other purpose and “sub-divide” has a corresponding meaning;

- Cap. 426 “town planner” means a person registered as a town planner under the Town Planners (Registration) Act;
- Cap. 113 “urban area” has the meaning ascribed to it by the Land Act;
- Cap. 288 “urban authority” has the meaning ascribed to it under the Local Government (Urban Authority) Act;
- “urban land” means land within the boundaries of an urban authority;
- “use” in relation to land, does not include the temporary use of land by the carrying out of any building, engineering, mining or other operation thereon;
- Cap. 287 “village” means a village registered under the Local Government (District Authorities) Act;
- Cap. 287 “Village Assembly” has the meaning ascribed to it by the Local Government (District Authorities) Act;
- Cap. 287 “Village Council” has the meaning ascribed to it by the Local Government (District Authorities) Act;
- “village land” has the meaning ascribed to it by the Village Land Act;
- Cap. 114 “Village Land Council” has the meaning ascribed to it by the Village Land Act.

PART II

POLICY FRAMEWORK

Fundamental principles of urban planning

3. With a view to giving effect to the fundamental principles of the National Land Policy and the National Human Settlements Development Policy, all persons and authorities exercising powers, applying or interpreting the provisions of this Act shall be under the duty to-

- (a) make serviced land available for shelter and human settlements development in general to all sections of community including women, youth, the elderly, disabled and disadvantaged;
- (b) improve the level of the provision of infrastructure and social services for sustainable human settlements development;

- (c) facilitate the creation of employment opportunities and eradication of poverty;
- (d) promote a balanced development of a clearly defined hierarchy of settlements in promoting human settlements development;
- (e) promote and include the participation of the private and popular sectors, Community Based Organisations (CBOs), Non-Governmental Organisations (NGOs), co-operatives and communities in land use planning;
- (f) protect the environment of human settlements and ecosystems from pollution, degradation and destruction in order to attain sustainable development;
- (g) promote the building of capacities in training and retraining of professionals in fields related to land use planning;
- (h) promote capacity building of all actors involved in land use planning; and
- (i) ensure planning legislation, building regulations, standards and other controls are consistent with the capabilities, needs and aspirations of the various sections of the population.

Objectives of urban planning

4. The objectives of urban planning to which all persons and authorities exercising powers under, applying or interpreting this Act shall be to-

- (a) facilitate efficient and orderly management of land use;
- (b) empower land holders and users, to make better and more productive use of their land;
- (c) promote sustainable land use practices;
- (d) ensure security and equity in access to land resources;
- (e) ensure public participation in the preparation and implementation of land use policies and plans;
- (f) facilitate the establishment of a framework for prevention of land use conflicts;
- (g) facilitate overall macro level planning while taking into account regional and sectoral considerations;

- (h) provide for inter sectoral co-ordination at all levels;
- (i) ensure the use of political and administrative structures and resources available at national, regional, district and village levels; and
- (j) provide a framework for the incorporation of such relevant principles contained in the national and structural development policies as may, from time to time, be defined by the Government.

PART III

URBAN PLANNING INSTITUTIONAL FRAMEWORK

Responsibilities
of Minister

5.-(1) The Minister shall ensure that the principles stipulated under section 3, and the aspects of the national development vision as may be defined, and which are relevant to the urban planning are incorporated into plans at all levels of the planning process.

(2) Notwithstanding the generality of the provisions of subsection (1), the Minister shall-

- (a) secure consistency and continuity in the framing and execution of a comprehensive policy with respect to the use and development of all land in the country;
- (b) direct measures to ensure that Government policies including those for development of land take adequate account of their effects on land use; and
- (c) review development policies and direct their incorporation into schemes in accordance with the provisions of this Act.

Appointment and
responsibilities of
Director

6.-(1) There shall be appointed by an appropriate authority the Director of Urban Planning.

(2) The Director shall be the principal adviser to the Minister on land use planning and shall, in addition, discharge such other duties as are conferred upon him by this Act.

- (3) Without prejudice to subsection (2), the Director shall-
- (a) initiate, undertake or direct studies and research into matters concerning town planning;
 - (b) issue guidelines to planning authorities on proposals for declaration of planning areas, preparation of general planning schemes, land use plans and detailed planning schemes;
 - (c) issue guidelines prescribing size of land in any part of the country for zoning purposes;
 - (d) set standards for planning authorities on the most appropriate use of land including land management such as change of use, extension of use, sub-division of land and amalgamation of land;
 - (e) issue guidelines on planning space standards, norms and criteria for the beneficial uses of land and its protection for the maintenance of the quality of land;
 - (f) issue guidelines on density of buildings on land, height, design, appearance and siting of buildings;
 - (g) co-ordinate research, investigation and inventory relating to town planning and land use planning and to collect, collate and disseminate information about the findings of such investigation or research;
 - (h) co-ordinate establishment and operation of a system of documentation, the formation, updating and managing of data banks and dissemination of information relating to town planning;
 - (i) establish and maintain liaison with other countries and international organisations with respect to issues and matters relating to town planning;
 - (j) approve all planning schemes, monitor and evaluate their implementation;
 - (k) approve applications for change of use of land in planning areas; and
 - (l) approve applications made by developers for sub-division of land or plots in planning areas.

Appointment of
town planners
Act No.
9 of 2017 s. 32

7.–(1) There shall be appointed by the Permanent Secretary of the Ministry, such number of town planners, who shall assist the Director in the performance of his duties and exercise powers vested upon him by this Act at Zonal or other appropriate levels as may be required.

(2) The Permanent Secretary shall, in appointing a town planner under this section, ensure that the appointed person is a person of proven probity with qualification, skills and practical experience in urban planning.

[s. 6A]

Delegation
of powers by
Director
Act No.
9 of 2017 s. 32

8. The Director may, in performing his functions under this Act, delegate some of his functions to the town planner and such delegation shall be published in the *Gazette*.

[s. 6B]

Planning
authorities

9.–(1) Every city council, municipal council, town council and township authority shall each become a planning authority in respect of its area of jurisdiction.

(2) For avoidance of doubt, establishment, conferment of status and expansion of boundaries of local government authorities mentioned under subsection (1), shall be made by the Minister responsible for local governments who shall have regard to matters prescribed in the Fifth Schedule.

(3) Where the establishment, conferment of status and expansion of boundaries of a local government urban authority engulfs villages, such villages shall be de-registered pursuant to the relevant local government law.

(4) The Minister may, by order published in the *Gazette* and after consultation with the Minister responsible for local government, designate any body or organ established by any written law to be a planning authority or joint planning authority for purposes of this Act.

(5) A planning authority shall in that capacity-

(a) ensure that planning incorporates gender perspectives and vulnerable groups;

- (b) secure the orderly and environmentally sustainable development in its respective area of jurisdiction;
- (c) ensure that the schemes are geared towards vertical growth rather than horizontal growth;
- (d) general planning schemes shall put a limit to municipal physical growth after which development shall be directed to satellite towns;
- (e) prepare general planning schemes, and detailed planning schemes for implementation in its area of jurisdiction;
- (f) control density of buildings on land;
- (g) control means of access to land or buildings;
- (h) adopt planning space standards, norms and criteria for the beneficial uses of land;
- (i) regulate the height, design, appearance and siting of buildings;
- (j) designate special areas whereby legal rights can be granted for the engagement in agricultural activities and in that pursuant facilitates planned urban agriculture;
- (k) grant planning consent;
- (l) recommend declaration of planning areas;
- (m) recommend approval of building schemes made by developers;
- (n) recommend approval of applications made by developers for sub-division of land or plots;
- (o) secure the co-operation of all agencies, utility bodies, land holders and other bodies and institutions involved in preparation and implementation of planning process;
- (p) promote individual home ownership;
- (q) encourage the private sector to effectively contribute towards housing provision;
- (r) preserve ancient monuments and buildings of historic or architectural interest;
- (s) conserve buildings, premises or land, open spaces, recreational areas, hazardous land and parks;

- (t) preparation of schemes for development of self sustainable neighbourhoods; and
 - (u) monitor and evaluate progress of the general planning schemes and detailed planning schemes.
- (6) Every city council, municipal council, district council and town council shall employ a qualified town planner.

[s. 7]

PART IV PLANNING PROCESS

(a) Declaration of Planning Areas

Declaration of
planning areas

10.—(1) The Minister may, by order published in the *Gazette*, declare any area of land to be a planning area.

(2) Every planning area shall have defined boundaries.

(3) Declaration of planning area shall be preceded by-

- (a) favourable response at public hearing or public hearings in the area conducted by the planning authority;
- (b) resolution by planning authority recommending declaration of planning area; and
- (c) positive recommendation by the Regional Secretariat of the respective region.

(4) A copy of every order made under this section, together with a map of the area, shall be posted by the relevant planning authority at such public places within the planning area.

[s. 8]

(b) General Planning Scheme

Purpose of
general planning
scheme

11.—(1) The purpose of a general planning scheme is to coordinate sustainable development of the area to which it relates in order to promote health, safety, good order, amenity, convenience and general welfare of such area as well as efficiency and economy in the process of such development.

(2) Without prejudice to the generality of subsection (1), the purpose of a general planning scheme shall be to improve

the land and provide for the proper physical development of such land, and to secure suitable provision for transportation, public purposes, utilities and services, commercial, industrial, residential and recreational areas, including parks, open spaces, agriculture and reserves and for the making of suitable provision for the use of land for building or other purposes.

(3) For purposes of subsection (2), a general planning scheme may provide for planning, re-planning, re-development or re-constructing the whole or part of the area comprised in the scheme, and for controlling the order, nature and direction of development in such area.

(4) A general planning scheme shall be a guide to all persons involved in town planning under this Act.

(5) Where the Minister is satisfied that, by complexity of the boundaries of land within an area scheduled or likely to be scheduled in a general planning, the preparation and execution of a detailed scheme for orderly layout and development of land is impractical unless provision made for redistribution of land in that area, he may by notice in the *Gazette*, declare that the provisions of the Fourth Schedule shall apply to such land.

(6) The detailed scheme may make provisions for the Fourth Schedule and the provision of the Fourth Schedule shall apply to such land in the execution of such scheme.

(7) Any reference in this Act to a detailed scheme to which the provisions of the Fourth Schedule are applied under paragraph (a), shall be construed as references to a detailed scheme in which provision may be made for redistribution of land in accordance with the provision of the Third Schedule.

[s. 9]

Contents of
general planning
scheme

12.—(1) For purposes of preparing a general planning scheme, a planning authority shall-

- (a) carry out surveys of the whole of the planning area;
 - (b) prepare an inventory of planning resources in that area;
- and

(c) compile a survey report, maps and other descriptive matters.

(2) Without prejudice to the generality of subsection (1), a general planning scheme shall consist of-

(a) technical report on the conditions, resources and facilities in the area;

(b) a statement of policies and proposals with regard to the allocation of resources and the locations for development within the area;

(c) description and analysis of the conditions of development in the area as may be necessary to explain and justify the statement of policies and proposals;

(d) relevant studies, data and reports concerning physical development of the area;

(e) maps and plans showing present and future land uses and development in the area; and

(f) any information as the Director may deem necessary.

(3) The planning authority shall, in addition to the provisions of this section, take into account matters specified in the First Schedule when preparing a general planning scheme.

[s. 10]

Draft general
planning scheme

13.-(1) The planning authority shall pass a resolution for preparation of a general planning scheme, hereinafter referred to as “the draft general scheme”, in respect of a planning area and shall cause such resolution to be published in the *Gazette*.

(2) The planning authority shall, within six months of such publication, prepare a draft general scheme and submit it to a meeting of all stakeholders, which shall include landholders, public and private institutions, Community Based Organisations and Non-Governmental Organisations in the area.

(3) In the event of a positive resolution passed by the meeting, the planning authority shall deliberate upon the draft general scheme and in the event of endorsement signified by a resolution, the planning authority shall submit the general

scheme to the Regional Secretariat within two months following passing of the resolution.

(4) The Regional Secretariat shall deliberate upon, receive the draft general scheme and shall within two months of receipt reject the plan or submit it to the Director together with recommendations and comments.

[s. 11]

General planning scheme

14.—(1) The Director shall make the draft general planning scheme available to the public by publication at least in one local newspaper and any other means.

(2) Within three months of such publication, the planning authority shall conduct a public hearing in the planning area the proceedings of which shall be recorded and be submitted to the Director.

(3) The Director may, make alterations or modifications to the general planning scheme after taking into account the public hearings and views of the Regional Secretariat.

(4) Upon satisfaction, the Director shall approve the general planning scheme and thereafter submit the scheme to the Minister.

(5) The Minister shall, cause the general planning scheme to be published in the *Gazette*.

[s. 12]

Amendment and modification of scheme

15.—(1) The Director may amend the general planning scheme on request of the planning authority and after consultation with the Regional Secretariat.

(2) The planning authority shall conduct public hearing in the planning area on content of the proposed amendment at least two months before making such request.

[s. 13]

Review of general planning scheme

16.—(1) The general planning scheme shall be reviewed by the planning authority where the need arises.

(2) Notwithstanding the provisions of subsection (1), the Director may direct a review of the general planning scheme

be made at any time within ten years of its publication in the *Gazette*.

(3) The planning authority shall, at regular intervals of twelve months, submit to the Director a progress report and evaluation of the operation and implementation of the general planning scheme.

[s. 14]

(c) Detailed Planning Scheme

Detailed planning scheme

17.—(1) A planning authority may, on its own motion, prepare a detailed planning scheme in respect of all or any land situated within a planning area notwithstanding that a general planning scheme has not been prepared for the planning area.

(2) A landholder may prepare a detailed planning scheme on his land notwithstanding that a detailed planning scheme has been prepared by the planning authority in respect of that land so long as it conforms to general planning scheme.

(3) A joint detailed planning scheme may be made by two or more planning authorities.

(4) Every detailed planning scheme shall be a demand driven, and shall specify and define the area in which it relates including a plan in which shall be shown the extent of the scheme and such other matters as may conveniently be included therein.

(5) In making a detailed planning scheme, every planning authority and any landholder shall take into account the general planning scheme as published by the Minister.

(6) An urban authority and district authority shall incorporate in the detailed planning scheme, land use plan of villages within its area of jurisdiction.

(7) A detailed planning scheme may be amended where the need arises.

(8) A landholder who wishes to have a detailed planning scheme relating to his land prepared or amended may, in such manner as may be prescribed, apply in writing to the planning authority.

(9) It shall be the obligation of the Minister, the Director and the Regional Secretariat to assist planning authorities and landholders in preparing detailed planning schemes.

(10) Where the boundaries of a planning authority are so altered and any part of its land to which a detailed planning scheme falls within the boundaries of another planning authority, the detailed planning scheme shall remain in force in respect of that land and shall be deemed to be detailed planning scheme of such other planning authority.

[s. 15]

Objective and contents of detailed planning scheme

18.—(1) The objective of every detailed planning scheme shall be to coordinate all development activities, to control the use and development of land including intensive use of urban land and, in particular, vertical and compact urban development.

(2) A detailed planning scheme may be a long term or short-term physical development scheme or for renewal or re-development of any part of the planning area.

(3) A detailed planning scheme shall consist of:

(a) a survey in respect of the area to which the scheme relates and carried out in a manner as may be prescribed; and

(b) maps and descriptions as may be necessary to indicate the manner in which the land in the area may be used.

(4) A detailed planning scheme may make provision of matters set out in the Second Schedule.

[s. 16]

Approval of detailed planning scheme

19.—(1) An amendment or review of detailed planning scheme, shall be submitted to the Regional Secretariat for scrutiny and on receipt of the scheme, the Regional Secretariat may forward it to the Director either without, or subject to such conditions or modifications as it may consider necessary or may direct the planning authority to prepare a new scheme.

(2) The scheme made under the provisions of subsection (1), shall be forwarded to the Director for approval.

(3) Any scheme submitted to the Director shall be approved within thirty days from the date the scheme is and unless it is disapproved in which case the Director shall furnish the relevant planning authority with written grounds for disapproval within that period.

(4) This section shall not apply to detailed schemes referred to under this Act.

[s. 17]

Detailed planning scheme to have force of law

20. An approved detailed planning scheme shall have the force of law and may be enforced by a court of competent jurisdiction.

[s. 18]

Stages for preparation of detailed planning scheme

21.—(1) Preparation of a detailed planning scheme by a planning authority shall pass through the following stages:

- (a) initiate the process by passing a resolution of intention to prepare a detailed planning scheme;
- (b) convene a meeting of all stakeholders, including landholders, public and private institutions, Community Based Organisations and Non-Government Organisations in the area to be affected;
- (c) in the event of a positive resolution by the said meeting, endorsing the proposal and the planning authority shall proceed to prepare a detailed planning scheme;
- (d) within three months of the making of the scheme the planning authority shall conduct a public hearing or hearings in the planning area; and
- (e) make alterations or modifications, if any, by taking into account the results of public hearing before submitting it to the scheme for its approval.

(2) After preparation of the detailed scheme by the landholder, it shall be forwarded to the planning authority for consideration, approval and adoption.

(3) A detailed planning scheme shall not be prepared by the planning authority contrary to any of the stages under subsection (1).

[s. 19]

Publication in
Gazette

22.—(1) The planning authority shall, within thirty days after a scheme has been approved under section 15, 16 or 19, cause it to be published in the *Gazette* including a statement that the scheme has been approved with or without modification and may be inspected during working hours at the places and times specified in the notice.

(2) A detailed planning scheme shall take effect seven days following the date of publication in the *Gazette*.

[s. 20]

Inspection by
public

23.—(1) All schemes approved by the Director under section 19 shall be kept by the relevant planning authority and such schemes may be inspected by the public during working hours, and a copy of which shall be made available to any person upon payment of a fee prescribed by the Minister.

(2) Copies of all schemes approved under section 19 shall be sent to the Regional Secretariat and planning authority for custody.

[s. 21]

Progress report
and review

24.—(1) Every planning authority shall, at regular intervals of twelve months, submit to the Regional Secretariat and the Director a progress report and evaluation of the operation and implementation of the detailed planning scheme in a prescribed format.

(2) Every detailed planning scheme shall be reviewed by the planning authority, within five years or at an extended time as the Director may determine.

[s. 22]

Scheme of
regularisation

25.—(1) An area intended for a scheme of regularisation shall be declared as a planning area under this Act.

Cap. 113 (2) The inventory of studies referred to under section 61 of the Land Act shall be prepared by experts who shall, among others, include a town planner.

(3) The inventory report in relation to the studies made under the provisions of subsection (2), shall determine the need for-

- (a) amending a general planning scheme;
- (b) amending a detailed planning scheme; or
- (c) preparing a new planning scheme.

(4) The draft scheme of regularisation referred to in subsection (1), shall include a planning scheme determined in accordance with subsection (3), which shall involve the community.

Cap. 113 (5) Where the Minister declares a scheme of regularisation under section 62 of the Land Act such declaration shall constitute approval of the draft planning scheme for the relevant area.

[s. 23]

Special planning area

26.-(1) The Director may, by notice published in the *Gazette* and after consultation with the relevant planning authority, declare any area with unique development, potential or problems, as a special planning area for the purpose of preparation by the relevant planning authority of a planning scheme irrespective of whether such area lies within a planning area or not.

(2) Subject to the provisions of subsection (3), the Director may, by notice published in the *Gazette*, suspend for a period of not more than two years, any development as deemed necessary in a special planning area until the detailed planning scheme in respect of such area has been approved.

(3) Where, before the declaration of a special planning area under subsection (1), and a planning consent has been granted by a planning authority for development in the area, such permission shall not be affected by the suspension if the development in respect of which the permission is granted

has been commenced not less than six months before the suspension of development of the kind in the special planning area.

(4) The Minister may, after consultation with the Ministers responsible for natural resources, environment, and national security, by an order published in the *Gazette*, determine and declare small island to be a special planning area.

(5) For purposes of subsection (4), the Minister shall make regulations for proper use that shall take into account environmental protection, sustainable development and national security.

(6) The Minister shall, after consultation with the Ministers responsible for natural resources and environment, by an order published in the *Gazette*, determine and declare beaches wetlands, mountainous areas and coastline to be special planning areas.

(7) For purposes of subsection (6), the Minister shall make regulations in respect of beaches and coastlines development and ensure accessibility to all members of the public.

[s. 24]

Declaration of
hazard land
Cap. 113

27. A declaration of hazardous land by the President under the Land Act shall be deemed to be a declaration of a planning area for the purpose of preparation of detailed planning scheme under this Act.

[s. 25]

Condition for
transfer of village
or reserved land
to general land

28. A resolution by the relevant planning authority of intention to make a detailed planning scheme shall be a cause for transfer of land from village or reserved land to a general land.

[s. 26]

Matters to be
considered in all
planning scheme

29. Without prejudice to any provision of this Act, any general planning scheme or detailed planning scheme prepared under this Act shall make provisions in relation to matters set out in the Third Schedule to this Act.

[s. 27]

*(d) Control of Development of Land
and Consent for Development*

Powers of
planning
authority

30. Subject to the provisions of this Act, each of the planning authority shall have power to-

- (a) control the use of land, development of land and buildings in the interests of proper and orderly development of the planning area;
- (b) control sub-division of land or existing plots into smaller areas;
- (c) formulate by-laws to regulate zoning in respect of use and density of development;
- (d) consider and approve all applications for consent to develop land and to grant the same;
- (e) ensure the proper execution and implementation of approved planning schemes; and
- (f) reserve and maintain all land planned for industrial and commercial purposes, formal and informal housing, urban agriculture, urban forests and green belts, open spaces and parks in accordance with approved planning schemes.

[s. 28]

Planning
consent and
environmental
impact
assessment report

31.—(1) Notwithstanding the provisions of any other written law to the contrary, a person shall not develop any land within a planning area without planning consent granted by the planning authority or otherwise than in accordance with planning consent and any conditions specified therein.

(2) Notwithstanding the provisions of any other law to the contrary, the consent of the planning authority under this section shall be a condition precedent to the consideration by licensing authority of any application for the issue of a licence for any purpose involving development of land.

(3) Where in connection with an application for planning consent to develop land and subject to any other relevant law, the planning authority is of the opinion that proposals

for industrial location, dumping sites, sewerage treatment, quarries or any other development activity shall have injurious impact on the environment, the applicant shall be required to submit together with the application of an environmental impact assessment report.

[s. 29]

Change of use
Cap. 113

32.—(1) Subject to the provisions of this Act, any person being a holder of a granted right of occupancy who intends to change or vary the use of any land shall comply with the provisions of the Land Act.

(2) A person not being a holder of a granted right of occupancy who intends to change or vary the use of any land shall comply with the provisions of this Act.

[s. 30]

Sub-division

33.—(1) A person shall not subdivide any land unless that person-

(a) obtains written approval from the Director and a copy of the written approval shall be forwarded by the Director to the Commissioner for Lands, together with a plan of the approved sub-division on which dimensions of all lots, widths of streets and back lanes and such other particulars as the planning authority may consider necessary has been shown; and

(b) deposits with the nearest planning authority a sum sufficient to cover the fees for the survey of all lots comprised in the permitted sub-division or of such lots as the Director of Surveys and Mapping may consider desirable to be surveyed at the same time.

(2) The planning authority may accept such security in lieu of the deposit for survey fees as he may consider sufficient guarantee for the payment of fees when required.

[s. 31]

Applications

34.—(1) An application for planning consent to develop land or approval to subdivide land or to change use of land shall be made to the planning authority or the Director as the case may be, in the form and a manner prescribed by regulations made under this Act.

(2) In considering an application, the planning authority or the Director may, subject to the regulations made under this Act, grant consent to develop or, approval to sub-divide land or, to change the use of land, as the case may be, either unconditionally or subject to such conditions as may be necessary or may refuse the application.

(3) In dealing with any such application, the Director shall act in conformity with the provisions of the general planning scheme and any other approved scheme.

(4) Without prejudice to the provisions of subsections (2) and (3), conditions may be imposed on the grant of any consent to develop or, approval to sub-divide land or, to change the use of land, as the case may be, given there under and those conditions may provide—

- (a) for the commencement or completion of any work before the expiration of a specified period;
- (b) for requiring deposits to be placed with such public or statutory authority as the planning authority may specify, to secure the compliance with the requirements of that public or statutory authority; and
- (c) for compliance with any guidelines or requirements issued by the conservation authority for the purposes of conservation or any other requirements related thereto.

[s. 32]

Planning consent to lapse

35.—(1) Subject to the provisions of subsection (2), every planning consent granted to carry out any building operations on an application to develop land pursuant to subsection (1) of section 34, shall lapse if the development is not completed within three years from the date of the grant of consent or,

in the case where an appeal has been brought against the conditions imposed by the planning authority, within three years from the date of determination of the appeal.

(2) The planning authority may, in its discretion, renew the consent for such period as it may consider necessary.

[s. 33]

Penalty

36.—(1) A person who contravenes sections 31, 32, 33, 34 or 35 shall be liable to pay such penalty as shall be prescribed by the Minister in regulations for every day during which the contravention continues.

(2) Recovery of such penalty may be ordered by the District Land and Housing Tribunal on *inter partes* application by the planning authority.

(3) Every person who fails to comply with any condition imposed under subsection (2) or (3) of section 34 shall be liable to a penalty as prescribed by the Minister in the regulations or each day during which the failure continues and recovery of such penalty and cancellation of the consent or approval may be ordered by the District Land and Housing Tribunal on *inter partes* application by the planning authority.

[s. 34]

Planning
authority to give
reasons

37.—(1) The planning authority or Director, as the case may be, shall, within sixty days of receipt of an application for consent to develop or approval to sub-divide any land or to change the use of land, grant or refuse the application.

(2) Where an application is granted under subsection (1), subject to conditions or refused, the planning authority shall give its reasons in writing for the decision.

(3) Where as a result of unavoidable circumstances, the planning authority or Director is not able to make a decision on an application, the planning authority or Director may defer the decision on the application for such further period as he may think fit.

(4) Where the planning authority or the Director has failed to respond within the period specified in subsection (1), it shall be implied that the application has been granted.

[s. 35]

Register of applications

38.—(1) The planning authority and the Director shall each maintain a register of applications in the prescribed form and shall keep records of all consents and approvals granted or refused under this section.

(2) The register of applications and copies of such records together with such plans, as may be relevant, shall be made available for inspection by members of public on payment of such fees as may be prescribed.

[s. 36]

Suspension and cancellation of approval for change of use
Cap. 113

39.—(1) The Minister may, by order in a prescribed form, suspend the operation of any approval for change of use granted by the Director for such period as may be specified in such order.

(2) Immediately after making an order for suspension, the Minister shall appoint an inquiry under section 18 of the Land Act.

(3) The Minister shall, by order in a prescribed form, lift the suspension order if the inquiry recommends that the suspension be lifted.

(4) The Minister shall, by order in a prescribed form, on the recommendation of the inquiry, cancel the approval for change of use of land earlier granted and shall serve such cancellation order upon the Director, and the planning authority and to the applicant within twenty one days of the making of such order.

[s. 37]

Determination of planning space standards

40. Each planning authority shall have power to determine planning space standards, density of buildings on land, height, design, and appearance and siting of buildings, manner

of access to land and buildings in its area of jurisdiction in accordance with set of national standards.

[s. 38]

Approval of plans and registration of instruments

41. Approval of any survey plans for the purposes of sub-division of any land, and an instrument of transfer of a right in any land sub-divided shall not be made without evidence in writing of approval of sub-division by the Director.

[s. 39]

Authorities responsible for control of Development in planning area

42. Notwithstanding the provisions of any other written law, the planning authority shall be the authority responsible for controlling and regulating development in the relevant planning area.

[s. 40]

Giving or withholding planning consent

43. In giving or withholding planning consent, the planning authority shall have regard to any scheme in course of preparation for the planning area concerned and shall withhold planning consent to any development, which may render abortive any scheme in course of preparation.

[s. 41]

Duty of planning authority to execute and enforce scheme

44. Upon the coming into force of a scheme, it shall be the duty of the planning authority to execute and enforce such scheme in controlling and regulating development within its planning area and shall always conform to the requirement, intent and purpose of such scheme.

[s. 42]

Planning authority not to withhold planning consent

45. A planning authority shall not withhold planning consent for the enlargement, improvement or alteration of any building existing at the material date, if such enlargement, improvement or alteration of any building existing at the material date does not-

- (a) increase the original building by more than one eighth in floor area, provided that, such enlargement,

improvement or alteration does not increase the total floor area of the building, the proportion of the site covered, or the height of the building, beyond the limits prescribed in the appropriate provisions in course of preparation;

- (b) involve the pulling down of the building to the extent of more than one-half the superficial area of the main containing walls of the building, account being taken of any previous works of alteration subsequent to the material date;
- (c) conflict with any provision in a scheme for reserving the site of any road or proposed road, any improvement line or building line;
- (d) seriously injure the amenities of the neighbourhood;
- (e) involve the use of such part of the building in any noxious or otherwise offensive manner, except in an offensive industrial zone;
- (f) occupy land proposed to be reserved or zoned by the scheme for any purposes, the carrying out of which in the future would necessitate the removal or alteration of such enlargement, improvement or alteration; or
- (g) interfere with the safety of traffic at or near the corner bend or a junction of any road.

[s. 43]

Supplementary provisions as to grant of planning consent

46. The power to grant consent to develop land shall include power to grant consent for the retention on land of any buildings or works constructed or carried out on that land.

[s. 44]

Revocation and modification of planning consent

47.-(1) The planning authority may revoke or modify the consent to develop land granted on an application if it appears to it expedient to do so having regard to the general planning scheme or detailed planning scheme and to any other material considerations.

(2) The power to revoke or modify consent to develop land may be exercised where it relates to-

- (a) construction of building or other operations before those operations have been completed; or
- (b) a change of the use of any land, at any time before the change has taken place.

(3) Where consent to develop land is revoked or modified and, if it appears that any person interested in the land has incurred expenditure in carrying out the work which is rendered abortive by the revocation or modification or has otherwise sustained loss or damage that is directly attributable to the revocation or modification, that person shall be paid compensation by the planning authority under this Act.

[s. 45]

Development
charge

48.-(1) There shall be paid to the planning authority a levy referred to in this Act as a development charge for every application, planning consent including amendment to the planning consent and approval to sub-divide land or to change the use of land granted by the Director under section 32, 33 or 34 and for application and consent granted by the planning authority under section 35.

(2) The development charge may, in the discretion of the planning authority, be levied on the-

- (a) owner of the land with respect to which consent or approval is made or granted; or
- (b) person making the application for the grant of consent or approval.

(3) Notwithstanding the provisions of section 43, the Director or the planning authority shall not grant consent or approval until the development charge has been paid or secured to its satisfaction.

[s. 46]

Rates and method of calculation of development charge

49.—(1) Subject to this section, the different rates and the methods of calculation of the development charges payable under section 48 shall be prescribed by the Minister by regulations published in the *Gazette*.

(2) The planning authority shall, by order, determine the amount of the development charge.

(3) The planning authority shall serve a copy of the order on the person liable to pay a development charge.

(4) A person who is dissatisfied with the order served upon him under subsection (3), may, within forty-five days from the date of the order, appeal to the District Land and Housing Tribunal.

[s. 47]

Development charge to be charge on land

50. Where, any development is commenced or carried out without payment of the development charge, the development charge shall be a charge on the land of a person from whom the development charge is due.

[s. 48]

Determination of development charge by planning authority

51. A determination of a development charge by the planning authority or any other sum due under this Act shall not be affected by reason of any mistake in the-

- (a) name of any person liable to pay the development charge or other sum due;
- (b) description of any land with respect to which the development charge or other sum is payable; or
- (c) amount of the development charge or other sum.

[s. 49]

Designation of conservation areas

52. The planning authority may, in consultation with the Director of Antiquities, the Director of Environment and other relevant organs, designate a conservation area which shall be an area or premises of special architectural, historic, traditional, aesthetic or biodiversity interest the character or appearance of which is desirable to preserve or restore.

[s. 50]

Consent to carry out works within conservation area
Cap. 191

53.—(1) Subject to the provisions of the Environmental Management Act, a person shall not, without the consent of the planning authority, carry out any works within a conservation area.

(2) All applications for consent to carry out works within a conservation area shall be made to the planning authority in the form and manner prescribed by regulations made under this Act or any other relevant law.

[s. 51]

Determination of applications

54.—(1) In considering applications made under subsection (2) of section 53, the planning authority may, subject to the regulations made under this Act, grant consent to carry out any works within a conservation area, either unconditionally or subject to such conditions as it considers desirable or may refuse consent.

(2) In dealing with any such application, the planning authority shall act in conformity with the provisions of the general planning scheme and any scheme.

(3) Without prejudice to subsection (1), conditions may be imposed on the grant of any consent given thereunder, and those conditions may limit the period for which the consent is granted and may provide for-

- (a) requiring deposits to be placed with such public or statutory authority as the planning authority may specify to secure the compliance with the requirements of that public or statutory authority;
- (b) requiring deposits to be placed with such public or statutory authority as the planning authority may specify to secure the compliance with the requirements of that public or statutory authority;
- (c) compliance with any guidelines or requirements issued by the planning authority for the purposes of conservation or any other requirements related thereto; and
- (d) the cancellation of such consent in the event of failure to comply with any conditions imposed thereunder.

(4) Every consent granted under subsection (2), shall lapse if there is no development within three years from the date of the grant of the consent.

(5) Where an appeal has been lodged against the conditions imposed by the planning authority, within two years of the date of the determination of the appeal, except that the planning authority may, in its discretion, renew the consent for such period as it may consider necessary.

(6) A person who contravenes the provisions of subsection (1) of section 53 or fails to comply with any condition imposed by the planning authority, shall pay such penalty as may be prescribed by the Minister in regulations for every day during which the contravention continues, and the recovery of such penalty may be ordered by the District Land and Housing Tribunal on *inter parties* application by the planning authority.

(7) The planning authority may cancel the consent in relation to which the condition that the person failed to comply with was imposed provided that the person affected shall be afforded the right to be heard before the cancellation.

(8) The planning authority shall, within sixty days of receipt of an application for a consent to carry out any works within a conservation area, grant or refuse the application and shall, where the application is granted subject to conditions or refused and thereafter give reasons in writing for the decision.

(9) Where as a result of unavoidable circumstances the planning authority is not able to make a decision, the planning authority may defer the decision on the application for such further period as the planning authority thinks fit.

(10) The planning authority shall maintain a register of applications and keep records of all consents granted or refused.

(11) The register of applications and copies of such records together with such plans as may be relevant thereto shall be made available for inspection by any member of the public on payment of such fees as may be prescribed.

(12) Notwithstanding the provisions of this section, the applicant shall comply with all relevant provisions of any other written law applicable to the conservation area.

[s. 52]

Returns of
designations

55. The planning authority shall submit to the Director a copy of every designation order under section 53 and returns of all applications and consents granted or refused under this section.

[s. 53]

Director may
disallow planning
consent

56. The Director may disallow any planning consent granted by the planning authority under this Act and shall submit to the planning authority the reasons for refusal.

[s. 54]

Appeals

57.—(1) A person who is aggrieved by-

- (a) declaration of a planning area;
- (b) publication of a detailed planning scheme;
- (c) declaration of a scheme of regularisation;
- (d) declaration of a special planning area;
- (e) declaration of hazard land;
- (f) grant or rejection of application for planning consent, change of use or sub-division;
- (g) grant of planning consent or change of use or sub-division with conditions;
- (h) revocation or modification of planning consent;
- (i) amount of development charge;
- (j) grant or rejection of application or cancellation of consent to carryout works in a conservation area;
- (k) disallowance of consent;
- (l) restraining order; or
- (m) enforcement notice,

may appeal to the District Land and Housing Tribunal within forty-five days from the date of the notification or publication of the decision.

(2) Where an appeal is brought under this section to the District Land and Housing Tribunal, the Tribunal may dismiss or allow the appeal unconditionally or subject to such conditions as it deems fit or may reverse or vary any part of the decision.

[s. 55]

Conservation
guidelines
Cap. 191

58.—(1) Subject to the provisions of the Environmental Management Act, the planning authority may issue guidelines for the conservation of any building or land within a conservation area to which section 52 applies, and may additionally to such other requirements, particulars and information relating to conservation as the planning authority may think fit.

(2) The planning authority shall publish and make available copies of such guidelines, requirements, particulars and information issued under subsection (1), for free inspection and shall submit a copy of the guidelines to the Director.

[s. 56]

Injury to amenity

59.—(1) Where it appears to the planning authority that the amenity of any area is seriously injured by the condition of a garden, vacant site or other open land in the area, the planning authority may serve on the landholder and occupier of the land a notice requiring measures to be taken to abate the injury, within the period specified.

(2) A person who, fails to comply with the requirement of the notice served upon him under subsection (1), shall be liable to pay such penalty as the Minister may prescribe in regulations for each day during which the failure continues and recovery of such penalty may be ordered by the District Land and Housing Tribunal on *inter partes* application, by the planning authority.

(3) Where, within the period specified in the notice or within such further period as the planning authority may determine, measures required to be taken have not been taken,

the planning authority may apply to the District Land and Housing Tribunal for orders that the planning authority may enter on the land and take those measures and may, without prejudice to any penalties recoverable under subsection (2), recover from the person to whom the notice was served, any expenses reasonably incurred by it in connection with the taking of those measures.

(4) The planning authority may recover any expenses reasonably incurred in taking measures pursuant to subsection (3).

[s. 57]

List of areas and buildings of historic or architectural interest

60.—(1) The planning authority may compile a list of areas, buildings or groups of buildings of special architectural or historic interest and may amend any list so compiled, such areas may include-

- (a) buildings;
- (b) artefact;
- (c) group of buildings;
- (d) areas of unique biodiversity; and
- (e) rare species of trees and special trees.

(2) Before compiling or amending any list under this section, the planning authority shall consult with the Director of Antiquities, owners and occupiers of such buildings including such persons or bodies of persons as it appears to it appropriate.

(3) After a list has been compiled, a copy of the list certified by or on behalf of the planning authority to be a true copy shall be deposited for public inspection at the offices of the planning authority and shall be published in the *Gazette*.

(4) As soon as may be practicable after the inclusion or exclusion of any building from a list referred under this section, the planning authority shall serve a notice on every owner and occupier of the building, stating that the building has been included in, or excluded from, the list, as the case may be.

[s. 58]

Effect of inclusion
of area or
building in list

61.—(1) Where an area, building or group of buildings is included in a list compiled under section 60, a person shall not execute, cause or permit to be executed, any work for the demolition of the building, or for its alteration or extension, unless at least two months before the work is executed, a notice in writing of the proposed work has been given to the planning authority.

(2) The planning authority shall have power to restrain any proposed demolition, alteration or extension of such area, building, or group of buildings provided that such restraining order shall be in writing and shall be served on the owner and occupier within fourteen days of receipt of the notice by the planning authority.

(3) A person who, contravenes the provisions of subsection (1), or carries out any works after a restraining order has been served, commits an offence and shall be liable to pay penalty as may be prescribed by the Minister in the regulations.

[s. 59]

PART V

PURCHASE OF LAND, ACQUISITION AND COMPENSATION

(a) *Purchase of Land by Planning Authority*

Purchase notice
by landholder

62.—(1) A landholder whose land is allocated in the general planning scheme for development for a public purpose, other than a green belt, may upon completion of the development of any contiguous land belonging to him in accordance with the consent granted by the planning authority, serve on the planning authority a notice referred to in this Act as a purchase notice requiring his interest in the land so required for that public purpose to be purchased by the planning authority.

(2) A landholder may serve a purchase notice on the planning authority if refused consent to develop land allocated in the general planning scheme for a public purpose other

than a green belt in an area where consent may otherwise have been granted for such development of land.

(3) The planning authority shall investigate every purchase notice served and where it is satisfied with the correctness, it may purchase such interesting land or if it is not satisfied with the correctness it shall transmit the purchase notice to the Regional Secretariat together with information as to the specific public purpose relating to the land and information regarding any consent granted to the owner of the interest in land to develop it notwithstanding the allocation of the land for a public purpose.

(4) Where the Regional Secretariat is satisfied with the correctness of the purchase notice, shall direct the planning authority to purchase the interest in land.

(5) Whenever the planning authority purchases interest in land it shall, immediately, submit to the Regional Secretariat and the Director a returning in a prescribed form.

(6) The Regional Secretariat may reject a purchase notice where the land in its present state is capable of reasonable beneficial use or where the land is not as such in the opinion of the Regional Secretariat be required for development for a public purpose other than a green belt, within five years from the date of service of the purchase notice.

(7) Where the Regional Secretariat rejects a purchase notice, shall direct the planning authority to initiate proceedings in the District Land and Housing Tribunal for a declaratory order that the land be acquired by the President under the Land Acquisition Act.

(8) The Tribunal may make such declaratory order or any other order it deems fit including an order that the interest in land be purchased by the planning authority in accordance with the purchase notice.

(9) For the purpose of this section, land within a conservation area shall not be deemed to be land allocated in the general planning scheme for development for a public purpose.

[s. 60]

(b) Land Acquisition

Land holder may
require land to be
acquired

63.—(1) Subject to the provision of section 62, if by reason of any provision in a detailed planning scheme—

- (a) the whole of any un-divided plot or parcel of land within a planning area will not be permitted to be developed;
- (b) so great a proportion of any land within a planning area cannot be permitted to be developed that the remainder is incapable of reasonable development; or
- (c) any land within a planning area has been severed in such manner that one or more severed portions are so small or so badly shaped as to be incapable of reasonable development,

the landholder may serve notice of appeal on the planning authority requiring it to cause his land to be acquired in whole or in part.

(2) Where the planning authority agrees to the demand of the landholder made under subsection (1), it shall advise the Director accordingly and where agreement between the planning authority and the landholder as to the value of such land cannot be reached, such land shall be acquired as though the acquisition were a compulsory acquisition made under the provisions of the law relating to the compulsory acquisition of land.

[s. 61]

Restriction on
right to require
land to be
acquired

64.—(1) A landholder shall not be entitled to require the planning authority to cause his land to be acquired if development is prevented only by any provision of a scheme which zones his land as unfit for buildings or agricultural land.

(2) A landholder shall not be entitled to require the planning authority to cause any land to be acquired if development is prevented only by any provision in a scheme that has been zoned or a land awaiting later zoning or land on which development is deferred for a period, pending the issue of a general planning scheme, unless—

- (a) the zoning of such land is not determined within two years or such longer period not exceeding five years as the Minister may, for good cause, direct in any particular case after the date of the coming into effect of such scheme;
- (b) no scheme has been made within the period specified in paragraph (a); and
- (c) the landholder of such land has, since the expiration of the period specified in paragraph (a) made application for planning consent for temporary development and such consent has been unreasonably withheld.

[s. 62]

(c) Compensation

Value of land
for purposes of
compensation
Cap. 113

65.—(1) Subject to the provision of subsection (2), the value of any land within a planning area shall, for purposes of determining the amount of compensation payable, be calculated in accordance with the provisions of the Land Act.

(2) In giving planning consent under the provisions of this Act to the temporary development of any land within a planning area, the planning authority concerned may give such planning consent on the condition that the value of such temporary development shall not be taken into account for the purposes of assessing any compensation payable to the landholder of such land and, in such case, the value of any temporary development shall not be taken into account for the purpose of assessing compensation payable.

[s. 63]

Compensation for
injury caused by
scheme

66. Subject to the provisions of this Act, any landholder-

- (a) whose land is injuriously affected by the coming into operation of any provision contained in a scheme;
- (b) who, for the purpose of complying with a provision contained in such scheme or in making or resisting a claim under the provisions of this Act relating to compensation, has incurred expenditure which is

rendered abortive by a subsequent revocation or subsequent modification of such scheme;

(c) who suffers loss or injury by reason of the operation of any provision of a scheme or any action taken by a planning authority in pursuance of such scheme which prohibits the continuance of or terminates the use of a building or land existing at the material date and not conforming with the provisions of the scheme;

(d) who is entitled to compensation under the provisions of this Act; or

(e) whose mining rights or forestry rights are rendered abortive by the coming into operation of any scheme,

shall, upon making a claim in, accordance with the Land Act within the time limited by the Land Act be entitled to recover as compensation from the planning authority the amount to which his land is decreased in value by reason incurred, the amount of abortive expenditure or the loss or injury suffered.

[s. 64]

Factors to be taken into account in assessing compensation
Cap. 113

67.—(1) Subject to the provisions of the Land Act and regulations made under the Act, in assessing compensation-

(a) there shall be taken into account any enhancement of the value of such land, or any other land under the same ownership, whether in the same planning area or not, by reason of any provision contained in any scheme or any work executed in accordance with a scheme; and

(b) where the use of a building or land is prohibited because such use does not conform with the scheme applicable, such non-conforming use shall-

(i) in the case of land, be deemed to have a life of twenty-five years from the material date; and

(ii) in the case of a building, be deemed to have a life assessed according to the nature and condition of its structure, but in any case not exceeding twenty-five years from the material date.

(2) Any compensation payable in respect of the termination or prohibition of such non-conforming uses shall be related to the unexpired portion of its life so calculated.

[s. 65]

No compensation
in certain cases

68. Compensation shall not be made-

- (a) by reason only of the withholding of planning consent by the planning authority pursuant to the provisions of this Act;
- (b) in respect of any development commenced after the material date unless such development was commenced pursuant to, and accords with planning consent given in respect thereof; and
- (c) in respect of any provision contained in a detailed planning scheme adopted pursuant to the provisions of subsection (1) of section 22.

[s. 66]

Date when
compensation
becomes payable
Cap. 113
Cap. 114

69. The compensation under this section shall be paid as provided for under the Land Act and the Village Land Act.

[s. 67]

Payment of
compensation
in certain cases
before detailed
scheme in
operation

70.-(1) Notwithstanding the provisions of this Act to the contrary, where-

- (a) in any planning area, a person develops land in accordance with planning consent or refused planning consent;
- (b) in giving or refusing planning consent, the planning authority shall have regard to a detailed scheme in preparation for the planning area concerned; and
- (c) the provisions of the detailed scheme in preparation which affect the land or development or causes loss or injury to a person in such away that had the scheme been in operation at the time planning consent was given or refused,

such person shall be entitled to recover compensation in respect of that land under the provisions of this Act and the

planning authority shall pay compensation as if the scheme were in operation at the time the planning consent was given or refused.

(2) Where any compensation made under this section is accepted-

- (a) objection by a person who accepted the same or any person claiming title under him shall not be allowed to any provision of a scheme deposited in accordance with this Act by virtue of which compensation was paid under this section; and
- (b) further compensation shall not be paid in respect of the operation of such provision or in respect of such land, or by reason of any modification of such scheme when made, or by reason of such provision being omitted from such scheme when approved by the relevant authority.

[s. 68]

Claims for
compensation
Cap. 113

71. A claim for compensation under this Act shall be made in accordance with the relevant provisions provided for under the Land Act.

[s. 69]

(d) Claim for Betterment

Planning
authority
may claim for
betterment

72.-(1) Where, by the coming into operation of any provision contained in a scheme, the value of property which is within the area in which the scheme apply is increased, the plan authority may, within three years after the date in which the provision came into operation or within three years after the completion of the work that caused increase in the value of the property in question, be entitled to the value so increased of any amount calculated.

(2) A claim in respect of betterment shall be made by serving upon the person from whom the amount alleged to be payable is claimed accompanied by a notice in writing and shall be stating the grounds of the claim and the amount claimed.

(3) The landholder shall be discharged from liability once he has paid the claim together with interest, if any, and other claim shall not be made in respect of the same scheme and the same property.

(4) Any sum recoverable under this section may be recovered by the planning authority in the District Land and Housing Tribunal as a civil suit or may be set-off against any landholder's claim to compensation under the provisions of this Act.

(5) Where the planning authority receives any amount for betterment under this section, it shall, immediately, make a report to the Regional Secretariat and the Director.

(6) Where any provision of a scheme is revoked or modified by a later scheme, a property shall not be deemed to be increased in value by any provision contained in the later scheme if and in so far as that provision is the same, or substantially the same, as a provision contained in the scheme so revoked or modified.

(7) Where, at the date when the revocation or modification of such scheme becomes operative there is still an outstanding claim in respect of an increase in the value of property duly made or the time originally limited for making such claim has not expired, any such outstanding claim, and any claim made within the time so limited, shall be entertained and may be enforced in the same manner in all respects as if the provisions of the earlier scheme had continued in operation.

[s. 70]

(e) Disputes Settlement

Determination
of claims and
recovery of
amounts due

73. A dispute arising under this Act as to the-

- (a) right of any person to have his land purchased;
- (b) right of any person to have his land acquired;
- (c) right of a claimant to recover compensation;
- (d) right of the planning authority to recover betterment;
- or
- (e) amount and manner of payment of any such compensation or betterment,

shall, upon the application of any party concerned, be heard and determined by the District Land and Housing Tribunal.

[s. 71]

PART VI SUPPLEMENTARY PLANNING POWERS

Powers of entry **74.**—(1) A person duly authorised in writing by the planning authority and with the consent of the landholder may, at all reasonable hours in the day, enter into any land for the purpose of carrying out the provisions of this Act, such as for surveying it, or estimating its value for purposes of preparing, approving, making or amending a scheme under this Act.

(2) A person shall not have the right to enter upon any land or premises until after the expiration of forty-eight hours after a notice of entry has been served on the landholder or occupier of the land or premises.

[s. 72]

Redistribution of land **75.**—(1) The Minister may, with the consent of the landholders concerned signified by resolution in a meeting convened by a planning authority, redistribute land in an area to which a detailed planning scheme is in operation.

(2) The President may, where necessary, acquire land for the areas requiring redevelopment in urban areas.

(3) The redistribution of land shall be applied in the manner specified in the Fourth Schedule.

(4) The Minister may make regulations for the purposes of regulating and redistribution of land under this section.

[s. 73]

Enforcement notice **76.**—(1) Without prejudice to any other provisions of this Act, when it comes to the notice of the planning authority that the development of land has been or is being carried out after the commencement of this Act without the required planning

consent having been obtained under section 35 or 54, or any of the conditions of a planning consent has not been complied with, the planning authority may serve an enforcement notice on the landholder, occupier or developer of the land.

(2) An enforcement notice under subsection (1), shall specify the development alleged to have been carried out without planning consent, or the conditions of the planning consent alleged to have been contravened and such measures as may be required to be taken by the landholder within the period specified in the notice not less than one month to restore the land to its original condition before the development took place, or for securing compliance with those conditions, as the case may be, at the expense of the landholder or occupier, and such enforcement notice may require the landholder to demolish, alter or pull down and remove any works, buildings or to discontinue use of land.

(3) Unless an appeal has been lodged under section 57, an enforcement notice shall take effect after the expiration of such period as may be specified in the notice.

(4) Where, within the period specified in the enforcement notice or within such further period as the planning authority may determine, any measures required to be taken other than discontinuance of any use of land have not been taken, the planning authority may make an *inter partes* application to the District Land and Housing Tribunal for orders that the planning authority may enter on the land and take those measures and may recover from the person to whom the enforcement notice is served, any other expenses reasonably incurred by it in connection with the taking of those measures.

(5) The planning authority may apply for orders under subsection (4) in addition to or instead of an order for recovery of penalty under the provisions of section 36.

[s. 74]

Temporary provisions pending operation of scheme

77. Where, in accordance with the provisions of this Act, the planning authority is required to have regard to the provisions of any scheme in relation to the exercise of any of its functions, during any period before such a scheme has become operative, the planning authority shall have regard to-

- (a) any directions which may be or have been given to it by the Minister or on his behalf as to the provisions to be included in such a scheme;
- (b) the provisions which in its opinion shall be required to be so included in such a scheme; and
- (c) the provisions which in its opinion shall be required to be so included for securing the proper planning of Mainland Tanzania.

[s. 75]

PART VII MISCELLANEOUS PROVISIONS

Application to land regulated by other enactments

78. For the avoidance of doubt, it is hereby declared that the provisions of this Act and any restrictions or powers imposed or conferred in relation to land, shall apply and may be exercised in relation to any land notwithstanding that provision is made by any law in force at the date of the commencement of this Act, for authorising or regulating the development of the land.

[s. 76]

Regulations

79.-(1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act and may, generally make regulations providing for the following matters:

- (a) the determination and adjustment of the limits of plots or parcels within planning areas;
- (b) the maximum and minimum sizes of plots in various use zones, the number of buildings to be permitted on each plot and the maximum proportion of the area each plot to be covered by buildings, the height of buildings, the proportion of building floor space area to land or plot area;

- (c) regulating the constitution and procedure of planning authorities which are not local authorities;
- (d) the minimum proportion of land in any use zone to be devoted to roads and open spaces in relation to the devoted building and development;
- (e) the classification of industries into various classes for zoning purposes;
- (f) the classification of various forms of development for regulating changes land use;
- (g) the changes of use which are deemed to constitute or not to constitute development;
- (h) the permissible changes of use of any buildings or premises in one class to the use thereof in another class;
- (i) the classes and uses of buildings which may be permitted in any zone;
- (j) the use of existing buildings not conforming with the scheme;
- (k) the width of roads in relation to their length and importance, the width of carriage ways, footways, verges and other ways;
- (l) prohibiting or regulating the erection or display of or controlling the design of advertisements;
- (m) prescribing the fees to be paid and the forms to be used in relation to any matter governed by this Act and anything which is to be or may be prescribed under this Act;
- (n) fostering co-operation and coordination of all agencies, landholders, utility bodies and other bodies and institutions involved in preparation and implementation of the planning process;
- (o) the procedure generally in connection with schemes and applications for planning consent and in particular, but without prejudice to the generality of the foregoing, with respect to the following matters:
 - (i) the submission of claims for compensation;
 - (ii) the preparation, deposit, publication and submission of schemes;

- (iii) the grant and exercise of all powers in connection with schemes and the preparation of schemes;
- (iv) the procedure in respect of applications to the Minister;
- (v) the better or more convenient for further carrying out of the provisions and purposes of scheme or of any particular scheme;
- (vi) the modification and revocation of schemes;
- (vii) the obtaining with or without charge, of information which may be required for the purposes of or in connection with the preparation of making or carrying into effect of schemes by inspection of, or obtaining copies from assessment rolls, valuation rolls, rate books and other similar documents;
- (viii) the giving or publication of information regarding the manner in which planning proposals or planning provisions may affect any land in a planning area, and the manner in which such information may be obtained; and
- (ix) the procedure for ascertaining whether planning consent is necessary for any particular development where doubt exists;
- (p) procedures to facilitate informal sector development in urban areas;
- (q) the manner in which appeals may be made under this Act and information to be supplied to the competent authority in connection therewith; and
- (r) any matter which is authorised to be prescribed under this Act.

(2) The regulations under subsection (1), may impose a fine not exceeding four hundred thousand shillings and in case of a continuing offence, a further fine of not exceeding five thousand shillings for each day during which the offence continues.

(3) The Minister may make different regulations in respect of different planning area.

[s. 77]

Amendment of Schedules

80. The Minister may amend Schedules to this Act.

[s. 78]

Annual reports

81.—(1) Every planning authority and the National Land Use Planning Commission shall, at the end of each financial year, submit to the Director an annual report of its activities pursuant to this Act.

(2) The Director shall, at the end of every financial year, submit to the Minister an annual report of activities done pursuant to this Act.

[s. 79]

Repeal and savings
Act No.
42 of 1956

82.—(1) [Repeals the Town and Country Planning Act].

(2) Subject to the provisions of this Act or until they are revoked, regulations made under the repealed law shall, unless they are specifically excluded or applied as amended or are expressly or impliedly revoked or rendered of no effect by any of the provisions of this Act, continue to apply.

[s. 80]

Planning consent granted under repealed law

83.—(1) Any planning consent for development granted under the provisions of any written law in force prior to the commencement of this Act, shall be deemed to be a planning consent granted under this Act.

(2) Consent shall cease to have effect unless development in respect of which consent was given has been commenced within twenty-four months prior to the commencement of this Act.

(3) The urban planning functions previously exercised by various authorities or persons under existing or repealed legislation shall stand transferred to the various authorities, bodies and persons under this Act.

(4) An application for planning consent to develop land made to the Director or planning authority before the commencement of this Act, being an application that has not been determined before such commencement shall, for the purposes of this Act, be deemed to be an application for planning consent made under this Act.

[s. 81]

FIRST SCHEDULE

(Made under section 12(3))

MATTERS FOR WHICH PROVISION MAY BE MADE IN THE GENERAL PLANNING SCHEME

A: ANALYSIS

1. Population growth, projections, distribution and movement.
2. Land potentials, including distribution of agricultural land, their relative values, population and land imbalance, land tenure and other natural resources endowments.
3. Natural resources in the planning area with an indication as to any pattern of change in their distribution and quantity over time.
4. Profile of the various uses and value of the natural resources incorporating considerations of intergenerational equity.
5. Operational guidelines for the planning and management of land, the environment and natural resources.
6. Identification of actual or likely problems that may affect the natural resources and the broader environment context in which they exist.
7. Identification of approaches for investigating, controlling or preventing specific as well as general adverse impacts on the land and the environment.
8. Employment and incomes including characteristics of employment, income distribution, labour force, potential of the informal sector and their locations.
9. Human settlements, including distribution of existing services, growth and pattern of urbanisation, cause of primacy, and rural-urban migration, environmental degradation, identification of trends in the development of urban and rural settlements, their impact on the land, the environment and strategies for the consideration of their negative impact.

10. Building, structures, building plots, roads and car parking.
11. Alternative development patterns including rural development, urban development and interrelations between urban and rural development.
12. Strategies for human settlements in the area including development of service centres, transport and communication network and rural development.

B: IMPLEMENTATION

These include sectoral approach to development and measures for implementation and co-ordination in these sectors, such as industrial development, housing, transportation, health services, education, public utility services (power, water supply, sewerage, drainage, sewage disposal, refuse disposal or other public services), use of land for community purposes and amenities (open space, burial ground, communal parks, sanctuaries, marine life, etc.)

SECOND SCHEDULE

(Made under section 18(4))

MATTERS FOR WHICH PROVISION MAY BE MADE IN DETAILED PLANNING SCHEMES

(a) Statement of problems and objective

These shall include-

- (a) main problems of the planning area for example, housing, unemployment, traffic congestion, pollution, land tenure, lack of services, bad terrains or soils, etc., all based on preliminary reconnaissance of the area;
- (b) opportunities of the area, for example, tourism, fishing, manufacturing, etc; and
- (c) the main objectives of the scheme to alleviate the area problems and maximise utility of any specific opportunities including classification of the planning area for residential, commercial, industrial and other purposes, including the provision of special areas for factories or industries generally, or for shops, warehouses, stores, stables and other buildings used for commercial and industrial purposes and fixing the sites for such buildings and for open spaces, public and private, and prohibiting the erection of any building, in particular part of the area otherwise than in accordance with the provision of the scheme.

(b) *Physical analysis*

These shall include-

- (a) general statements on the terrains, soils and climate together with illustrations using maps and charts to show what areas are physically suitable for development; and
- (b) existing land uses and development potential pattern of development, land tenure and cadastral outlay of all development.

(c) *Population and economic base*

These shall include-

- (a) population growth, migration, density and distribution, age and sex structure, household sizes and rates of household formation;
- (b) employment and incomes including where people go to work, trends and problems encountered in relation to services delivered;
- (c) agricultural potential of the urban region showing various agricultural activities and the process as well as problems of transforming the agricultural land into urban use;
- (d) peri-urban informal settlements and problems they pose;
- (e) potential, distribution and size of service centres within and outside the urban boundary together with evaluation of urban boundary extension;
- (f) evaluation of the importance of such factors as commerce and tourism within extended areas of the township administration;
- (g) housing occupancy rates, accommodation density, housing requirements, type of residential areas and industrial locations; and
- (h) other social aspects including education, recreation areas and other public purpose land uses.

(d) *Communication and services*

These shall include-

- (a) historical pattern and condition of communication networks such as roads, footpaths, cycle ways, railway lines, depots, water ways, docks, etc.; and
- (b) historical patterns and conditions of water and sewerage networks including scheme programmes.

(e) *Power and telephone lines:*

These may be analysed with respect to their wayleaves requirements.

(f) Land use projection tables:

These include a master timetable showing the relationship of existing population and land uses to realistic projections.

(g) Maps and Development Models:

These include-

- (a) existing situations and sieve maps of the physical constraints or thresholds to development;
- (b) existing land use maps; and
- (c) development model map showing land use designation and distribution alongside a clear transport and communication network.

*(h) Renewal or redevelopment***1. The purpose of renewal or redevelopment plans shall-**

- (a) providing a broad land use framework illustrating a coordinated policy of renewal and guiding both public and private redevelopment activities;
- (b) providing a road pattern and traffic networks designed to improve vehicular access and parking space and also facilitate segregation of vehicles and pedestrians; and
- (c) providing a basis for determining development applications on extensions of rights of occupancy or leases, extension of users and change of users.

2. Content of redevelopment schemes*(a) Land use pattern analysis*

The analysis must deal with policy statements and land use proposals to facilitate-

- (i) conservation of areas whose historic, architectural, or commercial values are relatively high;
- (ii) improvement or general up-grading of areas whose existing conditions are desirable; and
- (iii) comprehensive cumulative redevelopment of areas whose conditions are undesirable.

(b) Shelter

This analysis should comprise strategies for-

- (i) encouraging individual home ownership; and
- (ii) empowering the private sector to effectively contribute toward housing provision.

(c) Traffic systems

This analysis should comprise policy statement and land use proposals for-

- (i) safe pedestrian movement;
- (ii) easy access to buildings by members of the public including women, children and the disabled;
- (iii) efficient circulation of traffic with business;
- (iv) convenient and ample public car parks; and
- (v) efficient road links, among other things.

THIRD SCHEDULE

(Made under section 11(7) and 29))

**MATTERS IN RESPECT OF WHICH PROVISION
MAY BE MADE IN ANY SCHEMES**

A: PLAN PREPARATION

1. The most important consideration in the preparation of strategic urban development planning frameworks shall be-

- (a) an assessment of immediate land requirement to accommodate specific population needs as they arise for a period of 3 to 5 years;
- (b) detailed allocation of the land requirements to various land uses taking into account compatibility of adjoining land uses and conforming with the general planning scheme; and
- (c) identification of authorities to service or develop the various land use allocations.

2. General and detailed planning schemes if a result of unavoidable circumstances the planning authority or Director is not able to make a decision on an application, the planning authority or Director may defer the decision on the application for such further period as he may think fit, shall be-

- (a) action area plans, for comprehensive planning of areas selected for intensive development, which is to commence within a specified period;
- (b) subject plans, for detailed treatment of a particular planning aspect, such as, residential, transportation, water supply, sewerage, etc;
- (c) advisory or zoning plans, indicating permitted sub-division, use and density of development; and

- (d) part development plans, indicating precise sites for immediate implementation of specific projects including land alienation purposes.

B: USE OF LAND

1. Providing for the reservation of areas, zones and sites for-
 - (a) dwelling houses, flats and tenements of various classes and densities including dwelling houses classified under informal housing;
 - (b) shops, offices, trading premises and other commercial development, with or without residential accommodation;
 - (c) industries of various classes, warehousing and service trades, or any particular industry or trade; informal sector development; small scale industries for the production of low cost building materials;
 - (d) buildings required for charitable or religious purposes, schools, hospitals or other medical or public health purposes, cemeteries, crematoria, educational or recreational institutions, libraries, theatres, cinemas, hotels, restaurants and other places of public entertainment, amusement, refreshment or assembly;
 - (e) agricultural purposes; and
 - (f) other purposes.
2. Permanently prohibiting or restricting the development of any land on any of the following grounds:
 - (a) that the land is unsuitable for building; or
 - (b) that development would be prejudicial to public health or other public interests.
3. Providing for the reservation, regulation and control of quarries and mines and buildings ancillary thereto.
4. Providing for the delineation of areas in which development is prohibited, restricted or controlled under the provisions of any other law.

C: BUILDINGS AND STRUCTURES

1. Regulating and controlling either generally or in any particular area all or any of the following matters:
 - (a) objects which may be affixed to buildings;
 - (b) location of buildings, extent of yards, gardens and cartilage of buildings;
 - (c) purposes for and manner in which buildings may be used or occupied including, in the case of dwelling houses, the letting thereof in separate tenements;

- (d) design, external appearance and materials of buildings and fences; or
- (e) reserving any particular land or all land in any particular area for buildings of a specific class, including dwellings classified under informal housing, or prohibiting or restricting either permanently or temporarily the erection of any building or any particular class of building on any specified land.

2. Regulating and controlling the density of development in any area, either by limiting the number of buildings of any type which may be constructed on or in any area or plot or by limiting the number and size of plots in any area.

D: PUBLIC SERVICES

Facilitating the construction of works relating to aerodromes, railways, electricity supply, telephone and telegraph lines, wireless facilities, sewerage and refuse disposal, water supply and other public utility services, allocating sites for use in relation to such services and providing for the reservation of land.

E: ROADS

1. Providing the location and reservation of land for roads, car parks, taxi stands and bus stations and the widening, improvement and extension of any roads, and the fixing of building lines.
2. Providing for closure or diversion of existing roads.
3. Restricting and controlling the designing and construction of new roads and the siting of road junctions and accesses, whether public or private, to existing or proposed main roads.
4. Regulating the line, width, level and general dimensions and character of roads, whether new or existing.

F: AMENITIES

1. Providing for the reservation of land as open spaces, whether public or private parks, sports grounds and playing fields.
2. Providing for the preservation of views and prospects and of the amenities of places and features of natural beauty or interest.
3. Providing for the preservation or protection of forests woods trees, and groups of trees.
4. Preventing, remedying or removing injury to amenities arising from the ruinous or neglect condition of any building or fence, or by the objectionable or neglected condition of any land attached to a building or fence or abutting on a road or situated in a residential area.

5. Prohibiting, regulating and controlling the deposit of liquid, materials and refuse.
6. Prohibiting, regulating and controlling the display of advertisements.

FOURTH SCHEDULE

(Made under section 11 and 75(3))

PROVISIONS RELATING TO REDISTRIBUTION OF LAND IN AREAS SCHEDULED FOR DETAILED SCHEMES

1. All land to which the provision of section 12 and 77 and this Schedule or likely to be scheduled as detailed scheme shall be pooled and the boundaries of all plots and holdings therein shall be expunged.
2. The detailed scheme shall provide for the equitable redistribution of plots or holdings in the land so pooled among the owners of plots or holdings pooled.
3. In making provision for such redistribution regard shall be made to the need for reserving land for the provision of roads, open spaces and sites for public buildings, educational, religious, recreational and other public purposes, and the redistribution of the land so pooled shall be on the basis that the area zoned for and physically suitable for development in every plot or holding has been reduced, as nearly as may be practicable, by such percentages as may be necessary for the reservation of land for such purposes.
4. The land reserved pursuant to and for the purposes specified in paragraph 3 of this Schedule shall vest in the President on the coming into effect of the detailed scheme and the President may thereafter allocate the land so vested in him for the purposes specified in the detailed scheme.
5. On the registration of the title of an owner to a plot or holding redistributed to him pursuant to the provisions of this Schedule, such title shall correspond to the title of that owner to the plot or holding in respect of which such new plot or holding is allocated to him and shall, so far as is practicable arrange for the issue to such owner of an appropriate title thereto and for the survey of the amended boundaries thereof, both with a charge.
6. Where in the circumstances of any particular case the equitable redistribution of land to any land owner cannot conveniently, be effected, financial or other provision may be made in the detailed scheme for the compensation of such owner having regard to paragraph 3 of this

Schedule in respect of the plot or holding held by him and pooled under the detailed scheme.

7. Where in the circumstances of any particular case it is impracticable or undesirable that plot or holding pooled under the detailed scheme shall be reduced in area by the percentage provided in paragraph 3 of this Schedule or any part thereof, provision may be made in the detailed scheme for the payment to the funds of the local authority, if the local authority is a city council, municipal council, town council, or district council or in any other case to the person to whom such plot or holding is allocated under the detailed scheme of such amount as would represent the value or any part of the value of the percentage of land by which such plot or holding is not reduced in area and such amount until paid shall-

- Cap. 334 (a) where the land is registered land within the meaning of the Land Registration Act, or any Act amending or replacing the same, when entered as an encumbrance in the land register on the application of the local authority or Minister, as the case may be; or
- Cap. 117 (b) in any other case, when notice has been registered under the Registration of Documents Act, or an Act amending or replacing the same, which notice shall be deemed to be a document, the registration of which is compulsory, constitute a charge upon the land concerned and all estates and interest therein, other than the title of the President to public land.

8. Objection to the details of redistribution may be lodged by the owner of the land concerned as objections to the detailed planning scheme in accordance with provisions of section 22.

FIFTH SCHEDULE

(Made under section 9(2))

CRITERIA FOR CLASSIFICATION OF HUMAN SETTLEMENTS

A. Classification of human settlements shall be based on population size, level of services, economic base and level of sustenance in annual budget.

B. There shall be six categories of human settlements in the following manner:

1. Minor Settlement (Trading Centre):

A Minor Settlement (Trading Centre) (Minor Settlements Act, Act No. 33 of 1931). Some villages act as trading centre according to the level

of services available. In order to qualify for a trading centre a village settlement shall have at least the following services:

- (a) 5 retail shops and a market place;
- (b) a primary school;
- (c) a dispensary; and
- (d) a post office.

2. Township:

- (a) Minimum Population: 10,000 people;
- (b) Level of services: In order to qualify for township a minor settlement trading centre shall have at least the following services:
 - (i) health centre;
 - (ii) secondary school;
 - (iii) 20 licensed retail shops and a market place;
 - (iv) primary court; and
 - (v) it should be either a ward or division headquarters.

* District administrative centres may be classified as townships provided they meet the above criteria mentioned in number 2.

3. Town:

- (a) Minimum Population: 30,000 people;
- (b) self-sustenance: At least 50% of the annual budget;
- (c) Level of Services: In order to qualify for a town, a township shall have at least the following services:
 - (i) hospital;
 - (ii) secondary school;
 - (iii) at least 50 licensed shops;
 - (iv) police station; and
 - (v) divisional headquarters.

4. Municipality:

- (a) Minimum Population: 100,000 people;
- (b) Economic Base: At least 30% percent of employment should be in the non-agricultural sector. It must have, also, at least one manufacturing industry and several small scale industries;
- (c) Self Sustenance: At least 70% percent of annual budget; and
- (d) Services: It should be a centre for higher order of services, cultural, educational and health facilities which serve an area beyond the administrative region including universities, a referral hospital and international conference facilities.

It should have, also, administrative importance of regional or national administration or centre of multinational organisation(s).

5. City:

- (a) Minimum Population: 500,000 people;
- (b) Self sustenance: At least 95% of annual budget;

- (c) any Municipality can be designated as a city if it has some symbolic importance in addition to the normal qualifications of a municipality, these shall include-
 - (i) historical significance;
 - (ii) outstanding cultural importance such as a major tourist centre;
 - (iii) the seat of regional government;
 - (iv) the seat of international activities; and
 - (v) any other symbolic value.

* The power to bestow a municipality the status of a city shall be vested in the National Assembly.

6. Mega city:

- (a) Minimum Population: 4,000,000 people; and
 - (b) Self Sustenance: In addition, it must surpass all requirements of a city state.
-