



BELIZE

**HOUSING AND TOWN PLANNING ACT
CHAPTER 182**

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CHAPTER 182

HOUSING AND TOWN PLANNING

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CHAPTER 182

HOUSING AND TOWN PLANNING

Ch. 88,
R.L., 1958.
CAP. 148,
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38 of 1963.
40 of 1963.
17 of 1968.
16 of 1971.
10 of 2000.

[1st April, 1947]

PART I

Preliminary and Constitution of Central Authority

Short title. **1.** This Act may be cited as the Housing and Town Planning Act.

Interpretation. **2.** In this Act, unless the context otherwise requires,

“Central Authority” means the Central Housing and Planning Authority established under this Act;

17 of 1968. “judge” means any judge of the Supreme Court in chambers, and in the case of any matter within the jurisdiction of an inferior court, includes the magistrate;

40 of 1963. “local authority” means any authority which the Minister shall by Order published in the *Gazette* declare to be a local authority for the purposes of this Act, and within the area and to the extent specified in such Order;

“owner” in relation to any building or land, means a person, other than a mortgagee, who is for the time being entitled to dispose of the right of ownership of the building or land, whether in possession or reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement the unexpired term of which exceeds three years;

“road” means any road whether public or private and includes any street, square, court, alley, lane, bridge, footway, trace, bridle path, passage or highway, whether a thoroughfare or not;

“scheme” means a scheme under this Act and includes a housing scheme, a slum-clearance scheme, a re-development scheme, a town planning scheme, a regional scheme, a supplementary scheme and a scheme varying or revoking an existing scheme.

3.-(1) There shall be established a “Central Housing and Planning Authority” which shall subject to subsection (2) of this section, consist of eight persons nominated by the Minister.

Constitution of the
Central Authority.
10 of 2000.

(2) Three of those persons shall be representatives of the Medical and Health, Public Works and Lands and Surveys Departments respectively, and one shall be the National Emergency Coordinator appointed under the Disaster Preparedness and Response Act, Cap. 145.

40 of 1963.
38 of 1963.

10 of 2000.

(3) The members, other than the Chairperson of the Central Authority, shall hold office for such period as the Minister may determine.

(4) The Chairperson of the Central Authority shall be the Permanent Secretary to the Ministry for the time being responsible for housing or such other person as the Minister shall appoint from amongst the eight members.

16 of 1971.

(5) The Central Authority shall have power to co-opt the assistance of the following persons when considering any scheme,

- (a) representatives of any local authority when any matter affecting the area of such local authority is under consideration;
- (b) a representative of the Education Department when any matter concerning the sitting or design of, or otherwise affecting, any school is under consideration;

- (c) a representative of the Agricultural Department when any matter affecting the use of land, the marketing of produce or other matter affecting agriculture is under consideration;
- (d) a planning officer or architect whenever such an officer is available when zoning, site planning or building is under consideration; and
- (e) any specialist officer who may be available when the advice of such specialist officer is considered desirable.

(6) The Minister may appoint any person to act in the place of the Chairperson or any other members of the Central Authority in case of his absence or inability to act as such Chairperson or other member.

(7) Any member of the Central Authority other than a person in the service of the Government may at any time resign his office by instrument in writing addressed to the secretary thereof who shall forthwith forward it to the Minister and from the date of the receipt by the secretary of the instrument such member shall cease to be a member of the Central Authority and the vacancy caused by such resignation or by the death of a member shall be filled by the Minister by the appointment of another person.

(8) The appointment, removal or resignation of any member of the Central Authority shall be notified in the *Gazette*.

4. No personal liability shall attach to any member of the Central Authority in respect of anything done or suffered in good faith under this Act, and any sums of money, damages or costs which may be recovered against them or any of them for anything done or suffered as aforesaid shall be paid out of the Consolidated Revenue Fund.

5.-(1) The Chairperson and other members may be paid such remuneration or other allowances as the Minister, with the prior approval of the National Assembly may determine.

40 of 1963.

Indemnity to members of the Central Authority.

Remuneration of members, and appointment of officers, etc.

(2) The Central Authority, with the approval of the Public Services Commission, may appoint at such remuneration and on such terms and conditions as they may determine a secretary and such other officers, servants and agents as may be requisite for the due and proper execution and enforcement of their duties under this Act, and to require any officer or servant or agent so appointed to give such security as may be deemed proper for the due execution of his duties.

(3) The appointment of any such officer, servant, or agent may, subject to the terms and conditions of his appointment, be terminated by the Central Authority either at the request or with the approval of the Public Services Commission.

(4) The Central Authority, with the approval of the Minister, may make regulations relating to the duties of their officers, servants and agents.

40 of 1963.

6.-(1) The Central Authority may appoint a committee for any of the purposes of this Act, which, in the opinion of the Central Authority, would be better regulated and managed by means of a committee and may with the approval of the Minister delegate to the committee with or without restrictions or conditions as they think fit, any of their powers under this Act.

Appointment of committee for purposes of Act.

40 of 1963.

(2) A committee appointed under this section shall consist of such number of persons as the Central Authority may think fit.

7.-(1) The Central Authority shall hold monthly meetings for the transaction of general business, which shall be held at such time and place and on such days as the Central Authority may determine.

Meeting and procedure thereat.

(2) The Chairperson may at any time call a special meeting of the Central Authority.

(3) An extraordinary meeting shall be summoned by the secretary of the Central Authority within twenty-one days of a requisition for that purpose addressed to him by any three members of the Central Authority.

(4) The requisition shall be in writing and no business other than that specified in the requisition shall be transacted at the extraordinary meeting except by leave of the Central Authority.

(5) The Chairperson shall preside at all meetings of the Central Authority at which he is present and in case of his temporary absence, the members present and constituting a quorum shall elect a Chairperson from among their number.

(6) At any meeting of the Central Authority, five members shall form a quorum for the transaction of business.

(7) All acts of the Central Authority, and all questions coming or arising before the Central Authority, shall be done and decided by the majority of such members of the Central Authority as are present and vote thereat.

(8) In case of an equality of votes, the Chairperson of the meeting shall have a second or casting vote.

(9) Minutes of all meetings shall be recorded and kept by the secretary and copies of such minutes duly confirmed at a subsequent meeting shall as soon as practicable thereafter be forwarded to the Minister.

40 of 1963.

Duties of the Central Authority.

8. The duties of carrying out the provisions of this Act, the acquisition, reconstruction and management of slum-clearance areas and re-development areas, the improvement of unhealthy areas, the repair or demolition of insanitary dwellings, the due execution and enforcement of any scheme in accordance with this Act and for other purposes connected with the matters aforesaid, as provided by this Act shall, subject to the limitations and conditions hereinafter contained, be vested in the Central Authority.

PART II

*Powers, Functions, etc., of Central Authority***9.-(1)** In this Part,Interpretation in
this Part.

“agent” means, in relation to the landlord of a dwelling house, a person who collects rent in respect thereof on behalf of the landlord or is authorised by him to do so, or in the case of a dwelling-house occupied by a person who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, a person who pays remuneration to the occupier on behalf of the employer or is authorised by him to do so;

“dwelling”, “dwelling-house” or “house” means any premises used as a separate dwelling and includes any part of a building which is occupied, or intended to be occupied, as a separate dwelling;

“Housing Association” means a society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of constructing, improving or managing or facilitating or encouraging the construction or improvement of houses which the Minister for the purposes of this Part may think and certify to be a Housing Association;

“landlord” means the immediate landlord of an occupier and includes, in relation to an occupier of a dwelling-house who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, his employer;

“official representation” means a representation made by any local authority with regard to any area within the jurisdiction of that authority, or a representation made by a medical officer of health or any statutory Health Authority;

“sanitary defects” includes darkness, dampness, lack of air space or of ventilation, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences, and inadequate paving or drainage of courts, yards or passages; and

“slum clearance area” means an area defined and declared as such in the manner hereinafter contained to be acquired or redeveloped for the purposes and in accordance with this Part.

(2) A house shall be deemed to be overcrowded if the average floor space of such house is less than forty square feet for each person,

Provided that only rooms normally required as living rooms or bedrooms are included and that no account is taken of children under one year of age.

10. For the purposes of and subject to this Part, the Central Authority may with the approval of the Minister,

(a) acquire land or buildings, or an estate or interest therein for all or any of the purposes of an approved scheme, which purposes may include the erection, construction, maintenance and improvement, whether by the Central Authority or by persons other than the Central Authority, of houses and gardens, factories, workshops, places of worship, places of recreation, and other works and buildings for the convenience of the people, and generally all such matters as are necessary or desirable for, or are incidental to, the development of the property acquired as a building estate;

(b) with the approval of the Minister,

(i) acquire land or buildings, or any estate or interest therein, adjacent to a slum clearance area or re-development area, which in the opinion of the Central Authority it is desirable should be acquired for the satisfactory further development or use of the slum clearance area or re-development area, as the case may be; and

General power of
Central Authority.
17 of 1968.

40 of 1963.

- (ii) acquire land or buildings, or any estate or interest therein, in any area suitable for the purposes of a contemplated scheme.
- (c) carry out, in connection with any property acquired for the purposes of an approved scheme, the purposes of that scheme; and
- (d) subject to the general or special directions of the Minister, carry out, in connection with any property acquired under subparagraph (i) of paragraph (b) of this subsection, the purposes for which the property was acquired.

11.-(1) The Central Authority may, with the approval of the Minister, make arrangements with a Housing Association or local authority for the purpose of enabling such bodies to,

Power of Central Authority to make arrangements with Housing Association, etc.

- (a) provide housing accommodation for persons displaced by action taken by the Central Authority under this Part for dealing with slum clearance areas or with re-development areas or for the demolition of insanitary houses or for the closing of buildings or part of buildings;
- (b) provide housing accommodation for the purpose of the abatement of overcrowding; and
- (c) alter, enlarge, repair or improve houses or buildings, which, or an estate or interest in which, the Central Authority have acquired with a view to the provision or improvement of housing accommodation.

(2) Arrangements made under subsection (1) of this section, shall include such terms with regard to such matters, including the types of houses to be provided, the rents at which the houses provided are to be let, and the conditions of the tenancy, as may appear to the Central Authority to be expedient in view of the needs in relation to housing and as may be approved by the Minister.

40 of 1963.

40 of 1963.

(3) If a Housing Association or Local Authority represents to the Minister that it has submitted to the Central Authority proposals for arrangements under this section, and that the Central Authority has unreasonably refused to make arrangements in accordance with the proposals, the Minister may require the Central Authority to furnish him with a report as to the matter stating the reasons for refusal and to make such arrangements as are approved by the Minister.

Power of Central Authority to make advances to persons for the purpose of improving or increasing housing accommodation.

12.—(1) The Central Authority may, subject to the provisions hereinafter contained and subject to the approval of the Minister, in any case where it considers that, having regard to the costs involved and the financial position of the applicant, it is reasonable to give such assistance, advance money for purchasing or constructing one or more houses, or for carrying out alterations or repairs to any house or houses to any person,

Provided that such house is situate on land owned or leased by such person for an approved period.

(2) In subsection (1) of this section, “an approved period” means a period during which the recipient of assistance can refund any loan which may be made to him.

(3) Applications for advances under this section shall be made in writing addressed to the Central Authority and shall contain full particulars of the houses to be purchased, constructed, altered, or repaired, and of the land on which such houses are or shall be situate, the amount of the advances required, the manner in which such advances are to be applied, the proposals for repayment thereof, and such other particulars as may be required by the Central Authority.

(4) The Central Authority, before granting any such assistance, shall satisfy itself that the house in respect of which assistance is to be given will, when the building, alteration, or repair has been completed, be in all respects fit for human habitation, and will be used as dwellings.

(5) The Central Authority shall consider each application and shall fix the maximum amount to be allowed, the conditions on which, and the times at which, the total amount or any portion thereof shall be advanced, and the terms and conditions of repayment.

(6) Every advance made under this Part may, at the discretion of the Minister, carry interest at such rate as may be fixed by the Minister on the amount of every such advance or on so much thereof as may remain unpaid.

(7) As soon as practicable after the fixing of the maximum advances to be allowed to any person under subsections (5) and (6) of this section, the Central Authority shall forward to the Registrar General a notification in the form set out in the First Schedule containing the necessary particulars and conditions, and upon receipt thereof the Registrar General shall file it in the register, to be kept for the purpose, and the register shall be open to inspection by the public on payment of the appropriate fee.

(8) Every notification duly filed by the Registrar General pursuant to subsection (7) of this section shall from the time of such filing take effect as if it were a deed duly registered under the General Registry Act, Cap. 327 and shall be good and effectual both at law and in equity according to the priority of time of filing of such notification according to the right, title and interest of the person charging such land against every other assurance or disposition of the same land or any part thereof and against all judgment creditors of the person so charging such land.

(9) On the repayment of all advances made under this Part and of all interest if any, payable thereon, the Central Authority shall give a certificate to that effect and thereupon the charge created by this Part in respect of such advances and interest shall be released and the Registrar General shall upon the production to him of such certificate endorse on the notification filed by him a memorandum to the effect that such charge has been released, and the Registrar General shall sign such memorandum.

(10) If any person who receives an advance fails to pay interest on the capital amount if and when due, or commits any breach of any of the conditions attaching to such advance, the Central Authority may make up an account showing the amount due on the advance together with the interest thereon, if any, and any other charges and deliver to such person either personally or by post a copy of such account, and upon delivery of such account the amount therein stated to be due shall be immediately payable to the Central Authority, and in default of payment it shall be

lawful for the Central Authority to exercise any or all of the powers available to mortgagees for enforcing payment of the securities.

Powers of Central Authority as to ruinous or dilapidated buildings. 17 of 1968.

13.—(1) Whenever any building normally occupied as a dwelling is, in the opinion of the Central Authority, ruinous or so dilapidated as to have become unfit for human habitation or a nuisance or injurious or likely to be injurious to health, the Central Authority may, with the approval of the Minister, give notice in writing to the owner requiring him forthwith to take down, secure, repair or rebuild it to the satisfaction of the Central Authority within a time to be specified in the notice.

(2) If the owner fails to comply with the requirements of the notice within the time specified therein, the Central Authority or any person authorised in writing by the Chairperson of the Central Authority may make complaint thereof before the magistrate and the magistrate may order the owner to carry out the requirements of the notice within a time fixed by him in his order.

(3) If such order is not complied with within the time fixed therein, the owner commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars and to a further fine not exceeding ten dollars for every day during the continuance of such non-compliance, and the Central Authority may, without prejudice to their right to institute a prosecution, with all convenient speed, enter upon the building or upon the ground on which it stands and execute the order.

(4) When the order directs the taking down of a building, the Central Authority, in executing the order, may remove the materials to a convenient place, and, unless the expenses incurred by the Central Authority in relation to such building are paid to them within fourteen days after such removal, sell it or any part thereof as and if they in their discretion think fit.

(5) All expenses incurred by the Central Authority under this section in relation to a building may be deducted by the Central Authority out of the proceeds of the sale, and the surplus, if any, shall be paid by the Central Authority to the owner of the building on demand and upon proof of title, or the Central Authority may, if they think fit, pay such surplus into the Supreme Court to an account to be entitled,

“In the matter of the Housing and Town Planning Act and of the premises (*describing them*) the materials of which were sold under the provisions of the said Act”,

and a judge may, on the petition of any person entitled or claiming to be entitled to such moneys or any part thereof, make an order for the payment of the same or any part thereof to the person or persons entitled thereto.

17 of 1968.

(6) If the building is not taken down and such materials are not sold by the Central Authority, or if the proceeds of such sale are insufficient to defray the said expenses, the Central Authority may recover such expenses or such insufficiency from the owner of the building together with full costs in respect thereof in a summary manner, but without prejudice to his right to recover them from any lessee or other person liable for the expenses of repairs.

(7) In connection with the exercise by the Central Authority of the powers conferred by this section in relation to a building within the area of a local authority, the following provisions shall have effect, namely,

- (a) the Central Authority shall, in deciding to issue a notice under subsection (1) of this section or in deciding whether any such notice has been satisfactorily complied with, take into consideration any report on the building submitted by the chief health or engineering adviser of the local authority; and
- (b) the Central Authority shall notify the local authority of the dates of the meetings at which any such decisions as are mentioned in paragraph (a) of this subsection, will be considered by the Central Authority and thereupon the local authority shall have the right to delegate three of its members to attend such meetings, or any of them, for the purpose of considering such decisions and expressing their views thereon.

(8) In this section, the term “building” includes a part of a building.

Duty of Central Authority to prepare housing schemes.

40 of 1963.

14.—(1) The Central Authority may consider the needs of Belize with respect to the provision of housing accommodation in any particular area, and as often as occasion arises, or after notice has been given to the Central Authority by the Minister and within such period as is specified in the notice, to cause the area to be defined on a plan and to prepare and submit to the Minister a scheme hereinafter referred to as a Housing Scheme, for the exercise of their powers under this Part and to pass a resolution declaring the area so defined to be a housing area.

(2) Subject to this Part but without prejudice to section 10 of this Act, the Central Authority may carry into effect any Housing Scheme,

- (a) by the conversion of any buildings acquired into dwelling-houses;
- (b) by altering, enlarging, repairing or improving any houses or buildings which have been acquired by the Central Authority;
- (c) by altering, enlarging, repairing or improving a house as erected, converted or acquired, and fitting out, furnishing and supplying any such house with all requisite fittings and conveniences.

(3) Where the Central Authority acquires a house or other building in a housing area which could be made suitable as a dwelling-house or an estate or an interest in such a house or other building, it shall forthwith proceed to secure the alteration, enlargement, repair or improvement of such house or building either by itself executing any necessary works, or by leasing it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

Central Authority may declare an unhealthy area to be a slum clearance area.

15.—(1) Where the Central Authority, as a result of an inspection or upon consideration of an official representation or other information in its possession, is satisfied as respects any area that the housing conditions in that area are dangerous or injurious or likely to be injurious to the

health and welfare of the inhabitants by reason of the disrepair or sanitary defects of dwelling-houses or barracks therein or of overcrowding in the area or of the bad arrangement of the houses or of the narrowness or bad arrangement of the roads, and that those conditions can be effectually remedied,

- (a) by ordering the demolition, reconstruction or repair, as the circumstances may require, of those dwelling-houses or barracks which are unfit for human habitation; or
- (b) by the acquisition of the land and buildings thereon comprised in the area and itself undertaking or otherwise securing the demolition, reconstruction or repair, as the circumstances may require, of those dwelling-houses or barracks which are unfit for human habitation; and
 - (i) if it is so desired, by the acquisition by the Central Authority of any land or buildings in the area which it is expedient for it to acquire for the reconstruction and development of the area; and
 - (ii) if it is so desired, by the acquisition of any land which is surrounded by the area, the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and of any adjoining land, the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area,

the Central Authority shall cause that area to be defined on a plan in such a manner as to exclude from that area any land or buildings in respect of which in its opinion sanitary defects do not exist or which it does not find it expedient to acquire for the remedying of overcrowding or badly arranged conditions, but including in such area buildings which in its

opinion are in a state of disrepair and any surrounding or adjoining land which it is desired by the Central Authority to acquire.

(2) The Central Authority shall pass a resolution declaring the area so defined to be a slum clearance area and shall, within the period hereinafter prescribed, prepare and submit to the Minister a scheme, hereinafter referred to as a “slum clearance scheme”, for the exercise of its powers under this Part.

Duty of Central Authority to secure re-development.

16. Where the Central Authority, as a result of an inspection or upon consideration of an official representation or other information in its possession, is satisfied that in any district there is an area in which the following conditions exist, that is to say,

- (a) that the area contains twelve or more houses;
- (b) that at least one-third of the houses in the area are overcrowded, or so arranged as to be congested, or unfit for human habitation and not capable at a reasonable expense of being rendered so fit;
- (c) that the industrial and social conditions of the district are such that the area should be used to a substantial extent for housing; and
- (d) that it is expedient in connection with the provision of housing accommodation that the area should be re-developed as a whole,

it shall be the duty of the Central Authority,

- (i) to cause the area to be defined on a plan, and to pass a resolution declaring the area so defined to be a proposed re-development area; and
- (ii) within the period and in the manner hereinafter prescribed to prepare and submit to the Minister a scheme, hereinafter referred to as a

“re-development scheme”, for the exercise of its powers under this Part.

17.–(1) As soon as may be after the Central Authority has passed a resolution under section 14, 15 or 16 of this Act, it shall send a copy of the resolution to the Minister, and shall publish in the *Gazette* and if possible in a local newspaper a notice stating that the resolution has been passed and naming a place where a copy of the resolution may be inspected.

Copies of resolutions and plans to be submitted to Minister.
40 of 1963.

(2) Within three months after the Central Authority has passed such a resolution or within such extended period as the Minister may allow, the Central Authority shall prepare and submit to the Minister a plan of any scheme intended to be undertaken accompanied by a statement containing appropriate particulars of the scheme indicating,

- (a) the manner in which it is intended that the defined area should be laid out and the land therein used, and in particular the land intended to be used for the provision of houses, roads and open spaces;
- (b) the approximate quantity of the land to be acquired;
- (c) the approximate number and the nature of the houses to be provided by the Central Authority;
- (d) the average number of houses to be constructed on each acre;
- (e) the community facilities proposed, including shops, schools, churches, meeting halls, play centres and recreation grounds;
- (f) if the total demolition of existing houses is not proposed, the nature of repairs, improvements and reconstruction intended to be made;
- (g) the time within which the scheme or any part thereof is to be carried into effect;

- (h) the estimated cost of the scheme and of the rents expected to be derived from the houses provided under the scheme;
- (i) such incidental, consequential and supplementary provisions, including provisions as to the subsequent variation of the scheme, as may appear necessary or proper for the purpose of the scheme; and
- (j) objections made by persons affected by the scheme where such objections have not been met or withdrawn.

(3) In the preparation of any scheme, the Central Authority shall have regard to any planning scheme relating to the defined area or land in the neighbourhood thereof.

(4) The Central Authority, before submitting such scheme to the Minister, shall,

- (a) publish in a local newspaper or the *Gazette* a notice stating that the scheme is about to be submitted to the Minister for approval, naming a place where the plan and particulars of the scheme may be inspected, and specifying the time within which, and the manner in which, objections may be made; and
- (b) serve a notice to the like effect on every owner and on every other person who to the knowledge of the Central Authority has any estate or interest in land in the defined area, except persons holding under a monthly tenancy or less period.

(5) Failure to serve a notice as required by subsection (4) (b) of this section, shall not in any manner prejudice such scheme.

18.—(1) In any case where a scheme is wholly or in part within the area of a local authority, the Central Authority shall, before submitting the draft scheme to the Minister for approval, furnish particulars and a copy of the scheme to the local authority for its consideration and representations.

Local Authority
affected by scheme
to be notified.

(2) If the local authority is desirous of making any objections or representations in respect of the said scheme, it shall within the prescribed time and manner submit it to the Central Authority.

(3) The Central Authority shall consider any objections or representations received by it in pursuance of this section, and shall give full opportunity for such local authority to be heard by the Central Authority, and in submitting the scheme to the Minister for approval shall forward copies of all such objections or representations which have not been met or withdrawn.

19.—(1) The Minister may, if he thinks fit, after considering any objections duly made to the scheme which have not been met or withdrawn, approve the scheme submitted to him or any part thereof, either without modification or with such modifications as he thinks fit, including, if he thinks fit, the alteration of the defined area so as to exclude land therefrom, but not so as to add land thereto, and the scheme or part thereof when so approved shall be binding on the Central Authority, but if the Minister considers the scheme inadequate he may refuse to approve the scheme and require the Central Authority to prepare and submit to him a further scheme within such time as he may fix, or he may approve the scheme or any part thereof subject to the condition that the Central Authority prepare and submit to him a further scheme within such time as he may fix.

Approval of scheme
by Minister.

(2) In the case of a re-development scheme the Minister may, before approving the scheme, cause a public inquiry into the matter to be held under the Commissions of Inquiry Act, Cap. 127, and shall consider any objection not withdrawn and the report of the Commission of Inquiry, and he may thereafter approve the scheme with or without any such modifications as aforesaid.

(3) The Minister shall not approve of any scheme unless he is satisfied that,

- (a) the size of the area is such that the housing conditions therein can be remedied within a reasonable period;

- (b) in so far as suitable accommodation available for persons who will be displaced by the steps the Central Authority proposes to take for the clearance and development of the area does not exist, the Central Authority will provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as these steps are taken.

(4) In this section, “suitable accommodation” means, in relation to the occupier of a dwelling-house, a dwelling-house as to which the following conditions are satisfied, that is to say,

- (a) the house must be a house wherein the occupier and his family can live without causing it to be overcrowded;
- (b) the local authority must certify the house to be suitable to the needs of the occupier and his family as regards security of tenure and proximity to place of work and otherwise to be suitable in relation to his means; and
- (c) if the house belongs to the local authority, it must certify it to be suitable to the needs of the occupier and his family as respects extent of accommodation, having regard to the standard specified in this Part.

Notification of approval of scheme.
40 of 1963.

20.—(1) Upon notification to the Central Authority of the approval by the Minister of any scheme, the Central Authority shall forthwith publish in the *Gazette* and if possible in a local newspaper a notice stating that the scheme has been approved and naming a place where a copy of the plan and particulars thereof may be inspected, and in the case of a re-development scheme serve a like notice on every person who gave notice of his objection to the scheme.

(2) Where, after a scheme has been approved, it appears to the Central Authority that any land in the defined area or so much thereof as is comprised in the scheme approved ought to be re-developed or used otherwise than as indicated in the scheme, the Central Authority shall

prepare and submit for the approval of the Minister a new scheme as respects that land.

(3) In the following provisions of this Part, references to re-development or use in accordance with a scheme shall be construed as references to a scheme approved under this section, or, in the case of land comprised in a new scheme approved under this section, in accordance with the new scheme.

21.—(1) Whereas respects any area declared by the Central Authority to be a slum clearance area and included in a slum clearance scheme approved of by the Minister in the manner hereinbefore provided, the Central Authority determines to order any buildings in the area to be demolished, it shall make an order, in this Part referred to as a “demolition order”, ordering the demolition of each of those buildings, and the Central Authority shall forthwith publish in a local newspaper and in the *Gazette* a copy of the order, and upon such publication the order shall become operative.

Demolition order.

(2) When a demolition order has become operative the owner or owners of any building to which the order applies shall demolish that building before the expiration of two months from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of two months from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Central Authority may think reasonable.

(3) If the building is not demolished before the expiration of that period, the Central Authority shall enter and demolish the building and sell or otherwise dispose of the materials thereof.

(4) Any expenses incurred by the Central Authority under subsection (3) of this section, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt from the owner of the house or, if there is more than one owner from the owners thereof in such shares as the court may determine to be just and equitable.

17 of 1968.

(5) Any owner who pays to the Central Authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as a judge may determine to be just and equitable.

(6) Any surplus in the hands of the Central Authority shall be paid by it to the owner of the house, or if there is more than one owner, shall be paid as those owners may agree.

(7) If there is more than one owner and the owners do not agree as to the division of the surplus, the Central Authority shall be deemed by virtue of subsection (6) to be trustee of the surplus for the owners of the house.

17 of 1968.

(8) A judge, in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a house, shall have regard to their respective interests in the house, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether express or implied, and all the other circumstances of the case.

Use of land in respect of which a demolition order has been made.

22.—(1) When a demolition order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, if any, as the Central Authority may think fit to impose.

(2) An owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the Central Authority to cancel or modify any such restriction or condition, may at any time appeal by notice in writing to a judge who shall determine the matter summarily and make such order in the matter as he thinks proper, and his decision shall be final.

(3) A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under this section commits an offence and is liable on summary conviction, to a fine not exceeding ten dollars in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

23.-(1) Notwithstanding the publication of a notice by the Central Authority in accordance with section 20 of this Act, the owner of any land or buildings specified in such notice may, with the permission of the Central Authority and the approval of the Minister, undertake for himself the clearance and reconstruction of the land and buildings so specified or the re-development thereof, subject to the provisions hereinafter contained.

Owner of land and buildings may be permitted to carry out slum clearance scheme or re-development scheme.
40 of 1963.

(2) Any application for such permission with full particulars accompanied by plans shall be made by the owner in writing addressed to the Central Authority within four weeks of the date of publication of the notice by the Central Authority.

(3) The Central Authority shall as soon as practicable after the receipt of such application consider the same at a meeting of the Central Authority and shall by resolution passed at such meeting either refuse or accept the application.

(4) The resolution together with the application shall be submitted to the Minister who may either reject the application or grant it with such modifications, if any, as he may think fit.

(5) If the application is granted, the owner shall within four weeks of the date of his being notified of the granting of his application enter into a bond with one or more sureties to be approved by the Central Authority in a sum not less than the estimated cost of clearance and reconstruction of the land and buildings or the re-development thereof, as the case may be, specified in the application as approved by the Minister, which said bond shall be conditioned that the owner shall pay such sum as aforesaid into the Consolidated Revenue Fund upon failure to complete the clearance and reconstruction of the said land and buildings or the re-development thereof, as the case may be, within a period to be specified in the bond and in accordance with the scheme.

40 of 1963.

(6) If the owner of any such land and buildings fails to complete the clearance and reconstruction thereof or the re-development thereof, as the case may be, in accordance with the scheme to the satisfaction of the Central Authority and within the period specified in the bond, subject to

any variation or extensions approved by the surety or sureties and the Minister, the Central Authority may, notwithstanding the enforcement of the bond, acquire such land and buildings and clear and reconstruct or re-develop them in accordance with this Part.

(7) Upon the completion by the owner of the clearance and the reconstruction of the said land or buildings or the re-development thereof, as the case may be, to the satisfaction of the Central Authority, the Central Authority shall, at the expense of the owner, cause the notice published by the Central Authority in accordance with section 20 to be amended by the publication of an amending notice deleting from the first mentioned notice the land and buildings specified in the bond.

24.—(1) Any owner of a dwelling-house, which is occupied or of a type suitable for occupation and in respect of which works of improvement, otherwise than by way of decoration or repair but including fittings and fixtures, or structural alteration are proposed to be executed, may submit a list of the proposed works to the Central Authority with a request in writing that the Central Authority shall inform him whether in its opinion the house would, having due regard to the nature of its site and its relationship to the arrangements of existing roads after the execution of those works, or of those works together with any additional works, be in all respects fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.

(2) As soon as may be after receipt of such a list and request as mentioned in subsection (1), the Central Authority shall take the list into consideration and inform the owner whether it is of the opinion as aforesaid or not, and in a case where it is of that opinion, shall furnish him with a list of the additional works, if any, appearing to it to be required.

(3) Where the Central Authority has stated that it is of the opinion as described in subsection (1) of this section and the works specified in the list submitted to it, together with any additional works specified in a list furnished by it, have been executed to its satisfaction, it shall, on the application of any owner of the house, issue to him a certificate that the house is in all respects fit for human habitation and will with reasonable

Certificates as to the condition of houses and exemption from slum clearance area.

care and maintenance remain so fit for a period, being a period of not less than five years nor more than ten years, to be specified in the certificate.

(4) During the period specified in a certificate given under this section no action shall be taken under this Part with a view to the demolition of the house as being unfit for human habitation and its reconstruction as part of a slum clearance area.

25.-(1) If it appears to a judge on the written application of any owner of a house in respect of which a notice requiring the execution of works has been served, or a demolition order has been made, that owing to the default of any other owner of the house in executing any works required to be executed on the house, or in demolishing the house, the interests of the applicant will be prejudiced, the judge may make an order empowering the applicant forthwith to enter on the house, and, within a period fixed by the order, execute the works or demolish the house, as the case may be, and where it seems to the judge just to do so, he may make a like order in favour of any other owner.

Judge may empower owner to execute works in default of another owner.

(2) Before an order is made under this section, notice of the application shall be given to the Central Authority, and to any other owner who may be affected by the order.

(3) Proceedings under this section shall be determined by the judge in a summary manner, and any order made by him shall be final.

26. Where by this Part the Central Authority is authorised to acquire land or buildings, or any estate or interest therein, such acquisition may, subject to this Part, be by way of gift or may be effected by private treaty or compulsorily under the Land Acquisition (Public Purposes) Act, Cap.184.

Acquisition of land, etc., by Central Authority.

27.-(1) Any land or building, or any estate or interest therein, within a slum clearance area or any part thereof which is intended to be acquired by the Central Authority for the purposes of this Part may be acquired compulsorily after the expiration of twenty-eight days from the first publication of the notice as required by section 20 (1) of this Act.

Acquisition of land, etc., by Central Authority for purposes of approved schemes.

(2) In the case of land or buildings, or any estate or interest therein, intended to be acquired by the Central Authority for the purposes of a housing scheme or a re-development scheme, it shall be the duty of the Central Authority, within the appropriate period specified in subsection (3) of this section, either to enter into agreements for the purchase of it or to acquire it compulsorily,

Provided that this and the next subsection shall not apply to land or buildings in respect of which the Central Authority has, within the appropriate period as aforesaid, made arrangements with other persons for securing the use of the land in accordance with a re-development scheme.

(3) The appropriate period for the purposes of subsection (2) of this section shall be,

- (a) in the case of land shown in the plan for the housing scheme or re-development scheme, as the case may be, as intended for the provision of houses, six months from the date when the approval of the Minister of the appropriate scheme becomes operative,
- (b) in the case of other land in the re-development area, two years from that date,

and in either case such extended period as the Minister may, on the application of the Central Authority, allow in respect of any land.

28.-(1) Whenever proceedings are taken under the Land Acquisition Act that Act shall, subject to the special provisions contained in subsection (2) of this section, apply in assessing compensation.

(2) In assessing the amount of compensation payable to the owners of land and buildings acquired by the Central Authority under the Land Acquisition (Public Purposes) Act, Cap. 184, regard shall be had to the following provisions; namely

- (a) in the case of land with buildings thereon which are unfit for human habitation or are dangerous or

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Basis of assessing compensation - general and special provisions.

injurious or likely to be injurious to the health of the inhabitants of the area, the compensation payable shall be the value of the site as a cleared site without regard to any buildings existing thereon;

- (b) in the case of land with buildings thereon in respect of which sanitary defects exist but which are not otherwise unfit for human habitation or dangerous or injurious or likely to be injurious to the health of the inhabitants of the area, the compensation payable shall be the site value as mentioned in paragraph (a) of this subsection, together with the value of the buildings assessed in accordance with the Land Acquisition (Public Purposes) Act, Cap. 184 after deducting such amount as would be required to abate the sanitary defects;
- (c) in the case of any other land and building, the compensation payable shall be assessed in accordance with the Land Acquisition (Public Purposes) Act, Cap. 184:

Provided that in the case of any dwelling house or other building which is regarded as dangerous or injurious or likely to be injurious to health under paragraphs (a) and (b) of this subsection only on the ground that by reason of its bad arrangements in relation to other buildings or the narrowness or the bad arrangements of the roads, the compensation payable shall be as in paragraph (c) of the subsection, unless it is a building constructed or adapted as, or for the purposes of, a dwelling-house or partly for those purposes and partly for other purposes and part thereof, not being a part used for other purposes, is by reason of disrepair or sanitary defects unfit for human habitation.

(3) In determining for the purposes of this Part whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any by-laws in operation in the district in which the house is situate.

(4) The owner of any building which is regarded as unfit for human habitation shall be entitled, on making a request in writing, to be furnished by the Central Authority with a statement in writing of its reasons for deciding that the building is so unfit.

Payments in respect of well-maintained houses.
40 of 1963.

29. Where a dwelling-house acquired by the Central Authority under the Land Acquisition (Public Purposes) Act, Cap. 184, for any of the purposes of this Part as being unfit for human habitation, the Central Authority is satisfied, after causing the house to be inspected by a medical officer or sanitary officer that, notwithstanding its sanitary defects, it has been well maintained, the Minister may, on the recommendation of the Central Authority, give directions for the making of a payment under this section in respect of the house.

Power of Central Authority to make allowances to certain persons displaced.

30.-(1) The Central Authority may pay to any person displaced from any dwelling-house or other building in a slum clearance area or a re-development area, as the case may be, which has been acquired under this Part as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, such reasonable allowance as it thinks fit towards his expense in removing, and it may also pay to any person carrying on any trade or business in any such dwelling-house or other building, such reasonable allowance as it thinks fit towards the loss which, in its opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building and, in estimating that loss, it shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

(2) The Central Authority may also, in cases of special hardship, pay to the owner of any premises acquired for the purposes of this Part such sum as it considers fair and reasonable in the circumstances.

17 of 1968.

(3) The powers of the Central Authority conferred by this section shall be exercised with the approval of the Minister.

Central Authority to carry out scheme.

31.-(1) It shall be the duty of the Central Authority, which is hereby empowered to do so, to take steps for carrying into execution any scheme

after such scheme has been approved by the Minister within such time as may be specified in such scheme or within such further time as may be allowed by the Minister.

40 of 1963.

(2) The Central Authority may, in connection with any scheme, authorise the laying out and construction of roads and services upon the land acquired by it, and all roads and services as laid out and constructed, if situated within the jurisdiction of a local authority, shall thenceforth be public roads and services maintained by the local authority.

(3) Subject to the approval of the Minister, the Central Authority may also engage with any person to carry the whole or any part of the scheme into effect upon such terms as the Central Authority may think expedient.

(4) When and so soon as a scheme has been substantially completed by the Central Authority in accordance with this Part, the Central Authority shall certify that fact to the Minister and specify the date upon which the buildings within the area of such scheme or any part thereof were or shall be ready for habitation.

32. The Central Authority may, with the approval of the Minister, come to an agreement with a local authority so named in a scheme and in consequence thereof assign to such local authority duties and functions in relation to the enforcement and carrying out of such scheme.

Assignment of duties of Central Authority to local authorities.

33.—(1) Where any scheme has been approved in accordance with this Part, the Central Authority shall serve on the occupier of any land or building or any part thereof within the area of such scheme a notice stating the effect of such scheme and specifying the date by which the Central Authority require the building to be vacated, and requiring him to quit the said land or the building before the said date or before the expiration of one month from the service of the notice, whichever may be the later.

Recovery of possession of buildings within areas of approved schemes.

(2) If at any time after the date on which the notice requires the land or building to be vacated, any person is in occupation of the land or building or any part thereof, the Central Authority may make complaint to the magistrate of the district within which the land or building is

situate and thereupon the magistrate shall by warrant in the form set out in the Second Schedule order vacant possession of the land or building or of any part thereof to be given to the complainants within such period as may be determined by the magistrate, and the magistrate may allow any costs and expenses incurred by the Central Authority under this section in obtaining possession of any land or building.

(3) Any person who, knowing that a scheme in any area has been approved and applied to any land or building, enters into occupation of that land or of any of such buildings or any part thereof after the approval of such scheme in such area or permits any person to enter into such occupation after that date commits an offence and is liable on summary conviction, to a fine not exceeding one hundred dollars and to a further fine of ten dollars for every day or part of a day on which the occupation continues after conviction.

34.—(1) Where any premises, in respect of which any order or scheme under this Part has become operative, form the subject matter of a lease, either the lessor or the lessee may apply in writing to a judge for an order under this section.

(2) Upon any application under subsection (1) of this section, the judge, after giving to any sub lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and, in either case, either unconditionally or subject to such terms and conditions, including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise, as the judge may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(3) In this section, “lease” includes an under-lease and any tenancy or agreement for a lease, under-lease or tenancy, whether any such be registered or not and “lessor”, “lessee”, and “sub lessee” shall be construed accordingly and as including also a person deriving title under a lessor, lessee, or sub lessee.

Power of judge to determine lease where premises demolished.

35.—(1) The Central Authority may, with the approval of the Minister by an order extinguish any public right of way over any land acquired by it in accordance with this Part, but notice of an order intended to be made under this section shall, prior to such approval, be published in the *Gazette* and if possible in a local newspaper at least once in every week for a period of four weeks, and if any objection thereto is made to the Minister before the expiration of six weeks from the date of the first publication thereof, the Minister shall consider such objection before approving the order and he may if he thinks fit cause a public inquiry into the matter to be held under the Commissions of Inquiry Act, Cap. 127.

Extinguishment of ways, easements, etc.

(2) Every such order when approved shall be published in the *Gazette*, and shall take effect from the date of such publication or from the date specified in such order.

(3) Upon the completion by the Central Authority of the acquisition by it of any land in accordance with this Part, all private rights of way and all rights of laying down, erecting, continuing and maintaining any pipes, sewers, drains, wires or cables on, under or over that land, together with the property in those pipes, sewers, drains, wires or cables, and all other rights, servitudes or easements in or relating to that land shall, except so far as may be otherwise agreed by the Central Authority and the person or local authority entitled to the rights in question, vest in the Central Authority, and any persons who suffer loss by the vesting of any such rights or property as aforesaid shall be entitled to be paid by the Central Authority compensation to be determined under and in accordance with the Land Acquisition (Public Purposes) Act, Cap. 184.

36.—(1) The Central Authority may, for any purpose arising in relation to the making, enforcement, or carrying out of a scheme, by notice in writing, require the owner or occupier of any land or building in the area to which such a scheme relates or is intended to relate or any person receiving, whether for himself or for another, rent out of any such land or building, to state in writing to the Central Authority within a specified time not less than twenty-one days after being so required, particulars of the estate, interest or right by virtue of which he owns or occupies such land or building or receives such rent, as the case may be, and the name and address, and the estate, interest, or right, so far as they are known to

Power of Central Authority to require information as to ownership of premises.

him, of every person who to his knowledge has any estate or interest in or right over or in respect of such land or building.

(2) Any person who is required under this section to state in writing any matter or thing to the Central Authority and either fails to state such matter or thing within the time appointed under this section or when so stating any such matter or thing makes any statement in writing which is to his knowledge false or misleading in a material respect, commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

Power of entry for inspection, etc.

40 of 1963.

37. Any person authorised in writing, stating the particular purpose or purposes for which the entry is authorised by the Central Authority or the Minister, may, at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings for the purpose of inspecting them and in particular,

- (a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the Central Authority is authorised to acquire compulsorily under this Part;
- (b) for the purpose of survey and examination, in the case of a house in respect of which a notice requiring the execution of works has been served, or a demolition order, or a clearance order, has been made; or
- (c) for the purpose of survey and examination, where it appears to the Central Authority or the Minister that survey or examination is necessary in order to determine whether any powers under this Part should be exercised in respect of the house, premises or building.

Penalty for obstructing execution of this Part.

38. Any person who obstructs a medical officer, sanitary officer, or any officer of the Central Authority, or any person authorised to enter houses, premises or buildings in pursuance of this Part in the performance of

anything which such officer, Central Authority, or person is by this Part required or authorised to do commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

39. The Central Authority shall, in relation to the letting of houses, observe the requirements specified in the following provisions of this section,

Conditions to be observed by the Central Authority in letting houses.

- (a) the Central Authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions except so far as the demand for housing accommodation in any district on the part of such persons can be satisfied without such reservation;
- (b) in fixing rents the Central Authority shall take into consideration the rents ordinarily payable by persons in the locality, but may grant to any tenant such rebates from rent, subject to such terms or conditions, as it may think fit;
- (c) the Central Authority shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates, if any, as circumstances may require;
- (d) the Central Authority shall make it a term of every letting that the tenant shall not assign, sublet or otherwise part with the possession of the premises, or any part thereof except with the consent in writing of the Central Authority, and shall not give such consent unless it is shown to its satisfaction that no payment other than a rent which is in its opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, subletting or other transaction.

PART III

*Town and Country Planning, Land Development,
Compensation and Betterment etc.*

Interpretation in
this Part.

40. In this Part,

“building” means any building, erection, structure or any other building erected on or made on, in or under any lands, and where the context so permits, includes the land on, in or under which the building is situate;

“building operations” includes any road works, preliminary or incidental to the erection of buildings;

“development”, in relation to any land, includes any building or re-building operations and any use of the land or any buildings thereon for a purpose which is different from the purpose for which the land or building was last being used;

“existing building” means a building erected or constructed before the material date;

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

“hedge” includes any tree or shrub forming a part of a hedge;

“land” includes land covered with water and also includes incorporeal as well as corporeal hereditaments of every tenure or description, and any interest therein, and also an undivided share of land;

“material date” means, in relation to any provision contained in a scheme, other than a supplementary scheme or varying scheme, the date on which the resolution to prepare or adopt a scheme took effect, or such later date as may be fixed by the scheme, either generally or for the purposes of any particular provision thereof, and in relation to any provision contained in a supplementary scheme or a varying scheme, means the date on which

such scheme or order came into operation, or such later date as may be fixed by the scheme or order, either generally or for the purposes of a particular provision thereof,

Provided that where any provision of a scheme or order is revoked by a subsequent scheme or order which contains the same provision substantially to the same effect, the material date in relation to that later provision shall be the date which, if the earlier provision had continued in operation, would have been the material date in relation thereto;

“minerals” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or surface working;

“site”, in relation to a building, includes the area of any offices, outbuildings, yard, court or garden occupied or intended to be occupied therewith.

41.—(1) The Central Authority may, subject to the provisions of any special area precautionary plan prepared under the Disaster Preparedness and Response Act, Cap. 145, by resolution decide to,

Preparation
or adoption of
schemes.
10 of 2000.

- (a) prepare a scheme with respect to Belize as a whole; or
- (b) prepare a scheme with respect to any land within the area specified in the resolution; or
- (c) adopt, with or without variations, a scheme proposed by all or any of the owners of any such land; or
- (d) adopt, with or without variations, a scheme proposed by a local authority or by one or more local authorities acting jointly.

(2) Notice of the resolution shall be published within the prescribed time in the *Gazette* and a local newspaper at least once in each of two successive weeks, and such resolution shall take effect from the date on which it was first published in the *Gazette*.

(3) Where a resolution under this section has taken effect, the Central Authority may prepare one scheme for dealing with the area to which the resolution applies or if it thinks fit, prepare different schemes for dealing with different parts of the area.

Approval of schemes
by the Minister.

42.—(1) When the Central Authority has decided to prepare or adopt a scheme, the Central Authority shall with all convenient speed make a draft scheme and submit it to the Minister for approval.

40 of 1963.

(2) The Minister may either,

- (a) approve of such scheme with or without modification;
- (b) require such scheme to be modified; or
- (c) require a new scheme to be made and submitted to him.

(3) When the Minister requires under this section a scheme submitted to him to be modified by the Central Authority, it shall be the duty of the Central Authority to modify the scheme accordingly and to resubmit the scheme as so modified to the Minister, and thereupon subsection (2) of this section, shall apply as if such scheme were then being submitted to the Minister for the first time.

(4) When the Minister requires under this section a new scheme to be made and submitted to him by the Central Authority, it shall be the duty of the Central Authority to make with all convenient speed a new scheme accordingly and to submit such scheme to the Minister for approval, and thereupon subsection (2) shall apply as if such submission were the first submission of an original scheme.

(5) When the Minister approves a scheme under this section, the Central Authority shall cause copies of the scheme to be made available for public inspection at the prescribed times and places, and shall within the prescribed time cause to be published in the *Gazette* and in such other manner as it may think fit, notice of such approval.

(6) A scheme when approved by the Minister under this section and published in the *Gazette*, shall have full force and effect as from the date of such publication.

43.—(1) The Central Authority may at any time apply to the Minister for the revocation or modification of a scheme which has been approved under section 42 of this Act on the following grounds, that is to say,

Revocation or modification of scheme at request of Central Authority.

40 of 1963.

- (a) on account of the amount of the compensation which has been awarded or is likely to be awarded in respect of provisions contained in the scheme;
- (b) on account of practical difficulties in the execution or enforcement of such scheme;
- (c) on account of events which have occurred since the making of such scheme.

(2) When an application has been made under subsection (1) of this section, the Minister may either revoke or modify such scheme or refuse the application.

(3) Whenever a scheme is revoked or modified, this Part shall apply in respect of such revoking or modifying scheme in like manner as they apply to the schemes mentioned in the said sections 41 to 48 of this Act inclusive.

44.—(1) In any case where a regional scheme is in operation, the Central Authority may by resolution decide to prepare a scheme, in this Part referred to as “a supplementary scheme”, with respect to any part of the land to which the regional scheme applies, or to adopt with or without modifications, a scheme proposed by all or any of the owners of any such land.

Supplementary schemes for areas comprised in regional schemes.

(2) A supplementary scheme prepared or adopted under subsection (1) shall incorporate, with or without modifications, all such provisions of the regional scheme as relate to the area to which the supplementary scheme applies and are not inconsistent with the provisions thereof, and may include such additional provisions as appear to be necessary or desirable.

(3) A resolution to prepare or adopt a supplementary scheme shall not affect the operation of the regional scheme, but as from the date on which the supplementary scheme comes into operation it shall, so far as respects the area to which it applies, be substituted for the regional scheme.

Local authority affected by scheme.

45.-(1) In any case where a scheme is wholly or in part within the area of a local authority, the Central Authority shall, before submitting the draft scheme to the Minister for approval, furnish particulars and a copy of the scheme to the local authority for their consideration and representations.

40 of 1963.

(2) If the local authorities are desirous of making any objections or representations in respect of the said scheme, they shall, within the prescribed time and manner, submit it to the Central Authority.

(3) The Central Authority shall consider any objections or representations received by them in pursuance of this section, and shall give full opportunity for such local authority to be heard by the Central Authority, and in submitting the scheme to the Minister for approval shall forward copies of all such objections or representations which have not been met or withdrawn.

(4) Thereupon section 42 of this Act shall apply.

46. Every scheme shall provide for the establishment and maintenance of a register, in this Part referred to as “the register”, of all such things as are required by this Part to be entered in the register in relation to or for the purposes of such scheme, and shall also provide for the keeping of such register open to public inspection free of charge in a convenient place at all reasonable times.

Establishment and maintenance of register.

47.-(1) The Central Authority may, for any purpose arising in relation to the making, enforcement, or carrying out of a scheme, by notice in writing, require the owner or occupier of any land or building in the area to which such scheme relates or is intended to relate or any person receiving, whether for himself or for another, rent out of any such land or building to state in writing and deliver or forward by registered post to the Central Authority within a specified time not less than twenty-eight

Obligation to give information to Central Authority.

days after being so required, particulars of the estate, interest or right by virtue of which he owns or occupies such land or building or receives such rent, as the case may be, and the name and address, and the estate, interest, or right, so far as they are known to him, of every person who to his knowledge has any estate or interest in or right over or in respect of such land or building.

(2) Every person required to make and deliver a statement under this section who wilfully makes any false statement, or fails or refuses to make such a statement, commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

48.—(1) The Central Authority may, with the approval of the Minister, at any time cause the whole or any part of any land to be entered upon, examined and surveyed and the circumstances and requirements thereof to be investigated for the purpose of deciding whether a scheme should not be made in respect of any such land or any part thereof and of making such scheme if decided upon.

Powers of entry, examination and survey for preparation of scheme.
17 of 1968.

(2) Subject to subsection (3) of this section, any person authorised in that behalf in writing by the Central Authority may, for the purpose of any entry, examination, survey, or investigation which the Central Authority is authorised by this section to cause to be made, and on production of such written authority, enter and there do anything which such person shall reasonably consider to be necessary for the said purpose.

(3) No person shall enter into any building or into or upon any enclosed yard, court or garden attached to any dwelling-house, unless with the consent of the occupier thereof, without previously giving such occupier at least seven days' notice in writing of his intention to do so.

(4) Any person who wilfully obstructs or interferes with any other person in the exercise by such other person of any power vested in him by virtue of this section commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

Interim develop-
ment.
17 of 1968.

49.—(1) When the Central Authority has passed a resolution for the making of a scheme, the Central Authority may, with the approval of the Minister, at any time after passing such resolution and before such scheme comes into operation, do all or any of the following things, that is to say,

- (a) grant to any person applying therefor permission in writing to develop land, construct, demolish, alter, extend, repair, or renew a particular building in the area in which it is proposed to apply such scheme;
- (b) prohibit the further proceeding with the development of land or construction, demolition, alteration, extension, repair, or renewal of any particular building situate in the said area, stating in writing its reasons for such prohibition.

(2) The Central Authority may attach to a permission granted under this section such conditions as it thinks proper.

(3) Where an application is duly made to the Central Authority for permission under this section and no decision on such application is made by the Central Authority within a period of three months after the receipt of such application, or within such extended period or periods as provided in subsection (4) of this section, such application shall be deemed for all purposes to have been granted by the Central Authority at the expiration of the said period or the last of such extended periods.

(4) The period of three months may be extended for such further period or periods as the Minister considers necessary in any particular case, provided that the applicant is notified of such extension before the expiration of the preceding period.

(5) A prohibition made by the Central Authority may either prohibit absolutely the further proceeding with the work to which such prohibition relates or prohibit the further proceeding with such work otherwise than under and in accordance with conditions specified in such prohibition.

40 of 1963.

(6) When the Central Authority has passed a resolution for the making of a scheme and has, before such scheme comes into operation, made a prohibition in relation to any work or other operation as provided for in this section, the Minister may, if he is of the opinion that the prejudicial effect of proceeding with or doing the work or other operation to which such prohibition relates would be of such a nature as to be incapable of being remedied, or to involve excessive expenditure of public money, after the coming into operation of such scheme, declare, at any time before such scheme comes into operation, that any contravention of such prohibition before such coming into operation shall be unlawful.

(7) Every person who proceeds with or does any work which is a contravention of a prohibition commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars together with, in the case of a continuing offence, a further fine not exceeding twenty-five dollars for every day during which the offence is continued.

(8) Every person who has proceeded with the development of land or construction, demolition, alteration, extension, repair or renewal of any particular building after he has been prohibited to do so shall, unless he returns such land or building to the state it was in at the time of prohibition, be guilty of a continuing offence and, in addition to any penalty which may be imposed under subsection (7) of this section, the Central Authority may cause such land or building, as the case may be, to be returned to the state it was in at the time of the prohibition and may recover the cost of such return from such person.

17 of 1968.

50.—(1) Any person aggrieved by the grant or the refusal by the Central Authority of a permission or by the making of a prohibition by the Central Authority under sections 49 to 52 of this Act may, within twenty-eight days from the date on which he received notice of the decision of the Central Authority, appeal to a judge by notice in writing in which he shall set forth the grounds of his appeal.

Appeal to judge in relation to permission or prohibition.

17 of 1968.

(2) The judge shall cause the appellant and the Central Authority to appear before him, and it shall be lawful for him to hear and determine the matters in dispute in a summary manner, and for that purpose to examine such parties or any of them and their witnesses.

(3) The judge may dismiss or allow the appeal either unconditionally, or subject to such conditions as he thinks proper to impose and allow such costs as he may think fit.

(4) Where on an appeal under this section from the making of a prohibition, such prohibition is revoked by the judge, or is confirmed by the judge with new conditions inserted therein or with amendments of the conditions contained therein, the judge may, if he thinks proper, as part of his determination of the matters the subject of such appeal, direct the Central Authority to pay to the person by whom such appeal was brought such sum as the judge shall think proper to specify by way of compensation for loss suffered by such person by reason of such prohibition during the period between the making of such prohibition and the determination of such appeal.

(5) The determination by the judge of an appeal under this section shall be final and, in so far as it directs the Central Authority to do any act or thing, shall be complied with by the Central Authority.

51. When the Central Authority has passed a resolution for the making of a scheme, before such scheme comes into operation, the Minister with the prior approval of the National Assembly, may by Order published in the *Gazette* suspend the operation of any law (other than the Disaster Preparedness and Response) Act, Cap. 145), relating to development, including road construction, building operations, or sanitation, where it is expedient in order to promote the development permitted in the area to which the scheme relates.

52.-(1) Whenever a condition is attached to or inserted in a permission or a prohibition and the value of any property is reduced by the due and proper performance or observance of such condition, the provisions of this Part in relation to compensation payable by the Central Authority shall apply.

(2) Upon the coming into operation of the scheme in connection with which such permission or prohibition was granted or made, the compensation payable shall be as if such reduction in value had been occasioned by a restriction on the user of the property affected by a provision contained in the scheme.

Minister may suspend the operation of certain laws. 10 of 2000.

Compensation for compliance with condition.

(3) Subsections (1) and (2) of this section shall not apply or have effect where the condition referred to in subsection (1) is of such nature that if the scheme referred to in subsection (2) had been in operation when such condition was imposed, the condition could have been enforced by a provision in the scheme and no compensation would have been payable under this Part on account of or arising from the coming into operation of such provision.

53.—(1) Every scheme shall specify and define clearly the area to which it relates.

Contents of schemes.

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

(3) A scheme may provide for the pooling and re-distribution of lands, or for re-adjustment of the boundaries and areas of any such lands:

Provided that,

- (a) such lands are not already built upon, or if already built upon, the inclusion of such lands is expedient to the scheme; and
- (b) in the event of any owner not agreeing to the pooling and re-distribution of his land, or to the re-adjustment of the boundaries and areas of his land, the Minister may acquire the land or any part thereof as is necessary for carrying out the scheme.

40 of 1963.

(4) Any law (other than the Disaster Preparedness and Response Act), Cap. 145 relating to development, road construction, building operations or sanitation inconsistent with the provisions of a scheme or the application of which would tend to hinder the carrying out of the scheme shall not apply to the area to which the scheme relates.

10 of 2000.

Assignment of duties to local authority, 40 of 1963.

54. The Central Authority may, with the approval of the Minister, come to an agreement with a local authority so named in a scheme and in consequence thereof assign to such local authority duties and functions in relation to the enforcement and carrying out of such scheme.

Submission of applications, etc., to the Central Authority after the material date.

55.—(1) From and after the date of the first publication in the *Gazette* of a resolution by the Central Authority to prepare or adopt a scheme, it shall be the duty of the local authority of the area to which the resolution relates, to submit all applications and proposals for development within that area to the Central Authority for its permission or prohibition, as the case may be.

(2) The local authority referred to in subsection (1) of this section, shall notify the applicant of the decision of the Central Authority as soon as practicable after the receipt thereof.

(3) Any development which the local authority itself proposes to carry out within such area shall not be commenced until the permission of the Central Authority has been obtained.

(4) Any application for development received by a local authority under any other Act shall be deemed to be an application under this section.

Power to enforce and carry into effect schemes.

56.—(1) Subject to this section, the Central Authority may at any time,

- (a) remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any building or other work which does not conform to those provisions, or the removal, demolition or alteration of which is necessary for carrying the scheme into effect, or in the erection or carrying out of which any provision of the scheme has not been complied with;
- (b) where any building or land is being used in such manner as to contravene any provision of the scheme, prohibit it from being so used;

- (c) where any land has since the material date been put to any use which contravenes any provision of the scheme, reinstate the land;
- (d) execute any work which it is the duty of any person to execute under the scheme in any case where delay in the execution of the work has occurred and the efficient operation of the scheme has been or will be thereby prejudiced.

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

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

(4) If any person served with a notice under subsection (1) of this section, considers the period fixed by the notice to be insufficient or desires to dispute any allegation or matter contained therein, he may within twenty-eight days from the date on which he received the notice appeal to a judge by notice in writing in which he shall set forth the grounds of his appeal.

(5) The judge shall cause the appellant and the Central Authority to appear before him, and it shall be lawful for him to hear and determine the matters in dispute in a summary manner, and for that purpose to examine such parties or any of them and their witnesses.

(6) If on any appeal under this section, the judge is satisfied that the Central Authority is entitled to take the proposed action on the grounds specified in the notice, he shall dismiss the appeal and shall by his order

empower the Central Authority, after the expiration of such period as he may decide, to remove, pull down, or alter the building or work, or reinstate the land or execute the required work, or, as the case may be, shall by his order prohibit the building or land from being used in contravention of the scheme after the period aforesaid, but, if he is not so satisfied, he shall allow the appeal.

(7) The judge shall allow such costs as he may think fit.

(8) Every person who uses any building or land in a manner prohibited under this section, or obstructs or interferes with the exercise by the Central Authority of any power vested in him shall in addition to any civil liability, commit an offence and be liable, on summary conviction, to a fine not exceeding one hundred dollars.

57. The Minister may, on the recommendation of the Central Authority, authorise a contribution to be made towards the expenses incurred by owners of land in connection with a scheme which is adopted by the Central Authority or in co-operating with them in the preparation of a scheme.

58.—(1) The Central Authority may by an order, in this Part referred to as a “general development order”, permit building operations to proceed, subject to such conditions as may be specified in the order, on any land in respect of which the provisions of a scheme prohibit or restrict building operations pending the coming into operation of a general development order.

(2) A general development order may be made with respect to the whole, or some part only, of the land which is subject to the prohibitions or restrictions, and orders may be made from time to time so long as any part of that land remains so subject.

(3) A general development order may be revoked or varied by a subsequent general development order made by the Central Authority, but so long and in so far as it continues to be operative shall be deemed to form part of the scheme to which it relates.

(4) All general development orders made by the Central Authority shall be submitted to the Minister for approval and shall on being

Power to contribute towards expenses of owners.
40 of 1963.

General development orders.

40 of 1963.

approved be published in the *Gazette* and shall have full force and effect as from the date of such publication.

59.—(1) Where the provisions of a scheme prohibit or restrict building operations on any land pending the coming into operation of a general development order, a person who, before such an order comes into operation with respect to that land, desires to commence thereon any building operations which would contravene any such temporary prohibition or restriction may, in accordance with such directions, if any, as may be contained in the scheme, apply to the Central Authority for its consent to the carrying out of the operations specified in the application.

Power to permit building operations.

(2) The Central Authority shall, in deciding any such application, have regard to any injury likely to be caused to the applicant by the refusal of the application, as well as to any public advantage likely to result from the maintenance of the prohibition or restriction, pending the coming into operation of a general development order, and may with the approval of the Minister if it is satisfied that the proposed operations will not contravene any permanent provisions of the scheme, grant the application unconditionally, or subject to such conditions as it thinks proper to impose.

17 of 1968.

(3) The Central Authority shall not grant an application under this section if it is satisfied that,

- (a) the operations would involve danger or injury to health by reason of the lack of roads, drainage, sewers, water supply or any public services and that the provision of the necessary services would be premature, or likely to involve excessive expenditure of public money; or
- (b) the operations would be likely to injure the amenities of the locality.

(4) Any person aggrieved by the refusal of an application made under this section, or by any conditions imposed by the Central Authority, may appeal therefrom within the time and in the manner provided for by section 50 of this Act.

Acquisition of land to which scheme applies. 40 of 1963.

60. The Minister may purchase by agreement any land to which a scheme applies, which is required for the purposes of the scheme, and in particular, but without prejudice to the generality of the foregoing words, he may purchase any such land,

- (a) which is required for carrying out the improvement or controlling the development of frontages to, or of lands abutting on or adjacent to, any road, or any proposed road which is to be constructed wholly or partly at the public expense;
- (b) which is required for securing the satisfactory development of any land in accordance with the provisions of the scheme in any case where, by reason of the land being held in plots which are of inconvenient size or shape, or of which the arrangement or alignment is inconvenient, or by reason of the multiplicity of interests in the land, or by reason of the fact that the land is being used in a manner or for purposes inconsistent with the provisions of the scheme, it does not appear to be reasonably practicable to secure such development otherwise than by purchase of the land;
- (c) which forms the site of a road which is to be used for some other purpose under any provision in the scheme; or
- (d) which is required for the purpose of providing accommodation for a person whose premises have been purchased for the purposes of the scheme.

Compulsory acquisition.

61. Where the Minister is unable to purchase by agreement any land which he is authorised to purchase, he may acquire such land in accordance with the Land Acquisition (Public Purposes) Act, Cap. 184.

Powers of entry, etc., for carrying out a scheme.

62.—(1) Subject to subsection (2) of this Act, any person authorised in that behalf in writing by the Central Authority may, on production of such written authority, enter on any land in the area to which a scheme relates

and there make such inspection, survey, examination and investigation as may be necessary for the purposes of the enforcement or carrying out of such scheme.

(2) No person shall enter into any building or into or upon any enclosed yard, court or garden attached to any dwelling-house, unless with the consent of the occupier thereof, without previously giving such occupier at least seven days' notice in writing of his intention to do so.

(3) Any person who wilfully obstructs or interferes with any person in the lawful exercise of any power conferred by this section commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

63. Any person who wilfully does any act which is a contravention of a provision contained in a scheme commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars and, in the case of a continuing offence, to a further fine not exceeding twenty-five dollars for every day during which the offence continues.

Penalty for contravention of a scheme.

64. Subject to this Part, any person,

- (a) whose property is injuriously affected by the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme; or
- (b) who for the purpose of complying with any provisions contained in a scheme, or in making or resisting a claim under this Part relating to compensation and betterment, has incurred expenditure which is rendered abortive by a subsequent revocation or variation of the scheme,

Provisions as to compensation for injurious affection, etc.

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

No compensation
in certain classes
of cases.

65.—(1) No compensation shall be payable in respect of any building the erection of which was begun after the material date unless such erection was begun under and in accordance with a permission from the Central Authority.

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

- (a) prescribes the location of buildings, the extent of the yards, gardens and curtilage of buildings;
- (b) imposes any sanitary conditions in connection with buildings;
- (c) limits the number of buildings or the number of buildings of a specified class which may be constructed, erected on, or made in or under any area;
- (d) prohibits or regulates the sub-division of land;
- (e) regulates, or empowers the Central Authority to regulate, the size, height, spacing, construction and materials of buildings;
- (f) controls, restricts or prohibits the objects which may be affixed to buildings;
- (g) prohibits or restricts building operations only pending the coming into operation of a general development order;
- (h) prohibits or restricts building operations permanently on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services;

- (i) prohibits, otherwise than by way of prohibition of building operations, the use of land for a purpose likely to involve danger or injury to health, or detriment to the neighbourhood, or restricts, otherwise than by way of restriction of building operations, the use of land so far as may be necessary for preventing such danger, injury or detriment;
- (j) restricts the purposes for and the manner in which buildings may be used or occupied, or reserves or allocates any particular land or all land in any particular area for buildings of a specified class or classes;
- (k) in the interests of safety, regulates or empowers the Central Authority to regulate the height and position of proposed walls, fences or hedges near the corners or bends of roads;
- (l) limits the number or prescribes the sites of new roads entering a road or the site of a proposed road;
- (m) in the case of land which at no time within the period of two years immediately preceding the material date, was, or formed part of the site of a building, fixes a line beyond which any building may project;
- (n) in the case of the erection of any building intended to be used for purposes of business or industry, requires the provision of accommodation for parking, loading, unloading, or fuelling vehicles, with a view to preventing obstruction of traffic on any road;
- (o) prohibits, restricts or controls, either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection, or on any vehicle, boat, or other movable object, whether on land or on or in water or in the air, of all or any particular forms of advertisements or other public notices;

- (p) prevents, remedies or removes injury to amenities where such injury arises from the ruinous or neglected condition of any building or from the objectionable or neglected condition of any land; and
- (q) prescribes, in the case of land exceeding one acre in extent reserved for the purpose of being developed as a building area, that a proportion of the land not exceeding five *per centum* thereof be set aside for open spaces in addition to the area required for roads.

(3) Nothing contained in subsection (2) of this section, shall preclude an owner from claiming compensation for loss or injury arising from,

- (a) being prevented by the operation of a scheme from maintaining a building which was in existence on the material date, or from continuing to use any such building for the purpose for which it was used on the material date, or from making reasonable alterations in any such building; or
- (b) where a building which was in existence at any time within two years immediately before the material date has been demolished or been destroyed by fire or otherwise, being prevented by the operation of a scheme from erecting within two years after such demolition or destruction on the site of such demolished or destroyed building a new building which substantially replaces such demolished or destroyed building or from using such new building for the purpose for which such demolished or destroyed building was last used.

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

Exclusion or limitation of compensation in certain other cases.

(2) A person shall not be entitled to recover compensation under this Part in respect of any action taken under section 56 except in a case where a building which the Central Authority has removed, pulled down or altered, was an existing building at the material date.

(3) Where any provision contained in a scheme could immediately before the date on which the scheme came into operation have been validly included in a scheme by virtue of any other Act, then,

- (a) if no compensation would have been payable in respect of injury caused by the coming into operation of that provision in that other scheme, no compensation shall be payable in respect of that provision of the scheme under this Part; and
- (b) if compensation would have been payable, the compensation payable in respect of that provision of the scheme under this Part shall not be greater than the compensation which would have been so payable.

(4) Where any provision of a scheme is revoked or varied by a subsequent scheme, no compensation shall be payable in respect of any property on the ground that it has been injuriously affected by any provision contained in the subsequent scheme if and in so far as that later provision is the same, or substantially the same, as the earlier provision so revoked or varied, but if at the date when the revocation or variation of that earlier provision becomes operative,

- (a) there is still outstanding any claim for compensation duly made thereunder; or
- (b) the time originally limited for making such a claim has not expired,

any such outstanding claim and any such claim made within the time so limited shall be entertained and determined, and may be enforced, in the same manner in all respects as if all the provisions of the earlier scheme had continued in operation.

Recovery of betterment from owners of property increased in value.

67.—(1) Where by the coming into operation of any provision contained in a scheme or by the execution of any work under a scheme, any property within the area, to which the scheme applies, is increased in value, the Central Authority, if it makes a claim for the purpose within three years after the date on which the provision came into operation, or within three years after the completion of the work, as the case may be, shall be entitled to recover from any person whose property is so increased in value an amount not exceeding one-half of the amount of that increase.

(2) Any sum recoverable under this section shall be paid within thirty days after notification of the amount due or by annual instalments over a period of not less than twenty years and not more than thirty years as shall be fixed by the Central Authority together with interest at the rate of three *per centum per annum* chargeable on the aggregate amount of the time being outstanding,

Provided that the person from whom instalments are due may, on giving not less than six months' notice in writing to the Central Authority of his intention so to do, pay to them the whole of any outstanding instalments, together with any interest accruing due thereon to the date of payment.

(3) Where any provision of a scheme is revoked or varied by a subsequent scheme, no property shall be deemed to be increased in value by any provision contained in the subsequent scheme if and in so far as that provision is the same, or substantially the same, as a provision contained in the scheme so revoked or varied,

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

68.—(1) A claim under this Part for compensation or in respect of an increase in the value of any property shall be made by serving upon the

Making of claims for compensation and betterment.

Central Authority or person from whom the amount alleged to be payable is claimed, a notice in writing stating the grounds of the claim and the amount claimed.

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

(3) Where it is alleged that land which, at or within two years before the material date, formed the site of a building, has been injuriously affected by a provision fixing, in relation to any road, or proposed road, a line beyond which no building in that road or proposed road may project, then, subject to any agreement to the contrary, the period within which a claim for compensation may be made in respect of that land shall be a period of twelve months after the date on which a new building is erected on the site in conformity with the line so fixed,

Provided that, if in the case of any such land a claimant alleges in his claim, and proves to the satisfaction of a judge that it is not reasonably practicable to erect any new building on that land in conformity with the line so fixed, and, where the building is standing at the date on which the scheme comes into operation, has before commencing to demolish the building given notice to the Central Authority in accordance with subsection (4) of this section, a claim made by him at any time within a period of twelve months after the date on which the building is demolished or the date on which the scheme comes into operation, whichever last occurs, shall be deemed to be validly made and shall be entertained by a judge.

(4) A person who intends to claim compensation in respect of any such land as is mentioned in the proviso to subsection (3) of this section shall, if the building is standing at the date on which the scheme comes into operation, not less than three months before he commences to demolish the building, give notice in writing of his intention to the

Central Authority, and the Central Authority may, at any time before the expiration of two months from the receipt by it of the notice, require him to sell the site and the buildings thereon, and thereupon this Part with respect to the compulsory acquisition of land shall apply in relation to that site and any buildings thereon as they apply in relation to land required for the purposes of a scheme.

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

Special assessment recovery of expenses.

69.—(1) A scheme may provide that the cost or a portion of the cost of any works to be executed as part of the scheme shall be a special charge upon the property within a particular area to the exclusion of the rest of the area to which the scheme applies, and the Central Authority may fix and apportion the amount of the special charge thereon and the persons and times by whom and when it is payable.

(2) Whenever a scheme provides for a special assessment under subsection (1) of this section, no claim shall be made by the Central Authority for betterment against the owners of property situate within the particular area to which the assessment relates.

Determination of claims and recovery of amounts due.

70.—(1) Any question arising under this Part as to,

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

shall, unless the Central Authority and all persons concerned otherwise agree, be referred to and determined by a judge by notice in writing.

(2) The judge shall cause the respective parties to appear before him and it shall be lawful for him to hear and determine the claim in a

summary manner, and for that purpose to examine the parties or any of them and their witnesses.

(3) The determination of a judge of a claim under this section shall be final and he shall allow such costs as he may think fit.

(4) The judge charged with the duty of determining any claim as aforesaid,

- (a) shall have regard to any undertaking which the Central Authority, or the person against whom the claim is made, may have given;
- (b) if the question arises out of the coming into operation of a supplementary scheme, shall take into account any amount which the Central Authority has paid or is liable to pay, or has recovered or is entitled to recover, in respect of that property by reason of the coming into operation of the original scheme, or any other scheme; and
- (c) if any contribution has been made by the Central Authority under this Part relating to interim development shall take into account that contribution.

(5) Any amount due to the Central Authority from a person whose property is increased in value may be recovered summarily as a civil debt.

71. Any charge or sum due and payable under section 67 or section 69 of this Act shall, after the expiration of three months from the time it became due and payable, be recoverable, at the option of the Central Authority,

Recovery of charge or other sum due to the Central Authority.

- (a) by distress and sale under the District Courts (Procedure) Act, Cap. 97, which shall apply *mutatis mutandis*, to proceedings under this Part; or
- (b) from the owner of the property by action summarily as a civil debt.

PART IV

Miscellaneous

Moneys to be paid into the Treasury.

72.—(1) All moneys received by the Central Authority under this Act shall be paid into the Treasury.

(2) All expenses incurred by the Central Authority in the discharge of its functions and all amounts due by it under this Act shall, unless otherwise provided for, be defrayed from the public funds of Belize.

Accounts to be kept.

73. The Central Authority shall keep such accounts of receipts and expenses as may be prescribed by the Auditor General or such other auditor as may be approved by the Minister.

40 of 1963.

Accounts open to inspection and audit.

74. All accounts kept by the Central Authority shall be audited annually by the Auditor General or such other auditor as may be approved by the Minister, who shall have the right of inspection thereof at all reasonable times.

Recovery of amounts due to or by Central Authority.

75. Any amount due to or by the Central Authority for any work done or expenses incurred under this Act may be recovered summarily as a civil debt.

Power of public departments etc., to make agreements in connection with schemes.

76. For the purpose of co-operating with the Central Authority in the preparation or the carrying into effect of a scheme, any public department or local authority may, subject to the approval of the Minister, enter into agreements for securing that any land which is under its control, or which is in its occupation or vested in it for public purposes or for the public service, shall, so far as may be provided by any such agreement, be laid out and used in conformity with the general objects of the scheme, and any agreement so made may contain such consequential and incidental provisions, including provisions of a financial character, as appear to be necessary or desirable, having regard to the contents or proposed contents of the scheme.

Power of Central Authority and owners to enter into agreements restricting use of Land.

77. Where any person is willing to agree with the Central Authority that his land, or any part thereof, shall, so far as his interest in the land enables him to bind it, be made subject, either permanently or for a specified period, to conditions restricting the planning, development, or

use thereof in any manner, the Central Authority may, if it thinks fit, enter into an agreement with him to that effect.

78.—(1) Any notice, summons, writ or other proceeding at law or otherwise required to be served on the Central Authority for any of the purposes of this Act may be served upon it by delivering it to its secretary, or by leaving it at its office with some person employed there, or by sending it by post in a registered letter addressed to the Central Authority or its secretary at its office.

Service of notice, etc., on Central Authority.

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

- (a) by delivering it to the person on whom it is to be served;
- (b) by leaving it at the usual or last known place of abode of that person;
- (c) by sending it in a prepaid letter addressed to that person at his usual or last known place of abode,

Provided that such place of abode is within a postal delivery district;

- (d) in the case of an incorporated company or body by delivering it to the secretary or clerk of the company or body at its registered or principal office or sending it in a prepaid letter addressed to the secretary or clerk of the company or body at that office; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of any person on whom it should be served, by addressing it to him by the description of “owner” or “lessee” or “occupier” (or as the case may be) of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises

to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Summary procedure.

79.—(1) Where any application is made under this Act to a magistrate, the magistrate may summon the parties to appear before him at a time and place to be named in the summons and upon the appearance of such parties, or in the absence of any of them, upon proof of the due service of the summons, it shall be lawful for the magistrate to hear and determine the question at issue and the amount of any compensation, and for that purpose to examine such parties or any of them and their witnesses upon oath, and the costs of every such inquiry shall be at his discretion and he shall settle the amount thereof.

17 of 1968.

(2) There shall be a right of appeal to a judge from any decision of the magistrate.

(3) The appeal under this section shall be entered within twenty-one days of the date of such decision and, in cases falling under Part III, the decision of the judge shall be final.

17 of 1968.

(4) The Chief Justice may make rules for regulating the practice and procedure to be adopted in any appeal under this section or section 50 of this Act or in determining any claim for contribution under section 21 of this Act, and for prescribing the forms to be used and the scales of fees and costs to be applied.

Regulations.

80.—(1) The Central Authority may, with the approval of the Minister, make regulations relating to the following matters,

- (a) fixing and from time to time varying the number of persons who may occupy a dwelling-house which is let by the Central Authority and for the separation of sexes therein;
- (b) the use of the dwellings let by the Central Authority with a view to the prevention of nuisances and sanitary defects;

- (c) the inspection of houses and land vested in the Central Authority;
- (d) the time, place and manner for the payment of moneys payable under this Act;
- (e) the books and accounts to be kept by the Central Authority;
- (f) prescribing the forms of mortgages, charges, leases and other instruments;
- (g) generally, for regulating the administration of the Central Authority and for the purpose of carrying out the provisions of this Act;
- (h) the procedure to be followed in connection with the preparation and the adoption of schemes under Part III and the several matters and things mentioned in the Fourth Schedule.

(2) Regulations made under subsection (1) (h) shall be subject to affirmative resolution.

FIRST SCHEDULE

HOUSING AND TOWN PLANNING ACT
Notification by Central Authority
[Section 12 (7)]

TO the Registrar:

1. No. of application.
2. Name and address of Applicant as stated in the application for the advance.
3. Particulars of house or houses to be charged with repayment of advances made to the Applicant.
4. Particulars as to title of land on which house or houses erected.
5. Taxes payable.
6. Insurance.
7. Amount advanced.
8. Rate of interest, and dates of payment.
9. Date on which advance to be repaid.
10. Any other conditions.

DATED _____, 20 ____ .

*Chairperson,
Central Housing and Planning Authority.*

SECOND SCHEDULE

HOUSING AND TOWN PLANNING ACT
Warrant to give possession of vacant
land or building to Complainant
[Section 33 (2)]

IN THE

DISTRICT COURT

TO the Bailiff of the

District Court.

WHEREAS (set forth the complaint)

I Magistrate of the
District in Belize do
authorise and command you, on any day within _____ days from
the date hereof (except on Sunday or any bank holiday) between the hours
of eight in the forenoon and five in the afternoon, to enter (by force, if
necessary) with or without the aid of any other person or persons whom
you may think requisite to call to your assistance into and upon the said
premises, and to eject thereout any person, and of the said premises full
and peaceable possession to deliver to the Central Housing and Planning
Authority.

GIVEN under my hand this _____ day of _____ 20__ .

Magistrate,

District.

THIRD SCHEDULE

HOUSING AND TOWN PLANNING ACT

Matters under Part III to be dealt
with by Schemes
[Section 53 (2)]

PART I

Roads

1. Providing for the reservation of land for roads, the construction of new roads, improvement of existing roads, establishment of public rights of way.
2. Providing for the closing or diversion of existing roads and public and private rights of way and traces.
3. Restricting and controlling the construction of new roads and the alteration of existing roads whether by the Central Authority or owners.
4. Regulating the line, width, level, construction and general dimensions and character of roads whether new or existing.
5. Enabling the Central Authority to require an owner of land as a condition of his developing such land in any manner,
 - (a) to reserve land for such roads as it may think necessary;
 - (b) to construct such roads as it may think necessary, or improve existing roads; or
 - (c) to contribute to the cost of the construction of new roads or the improvement of existing roads by the Central Authority.

6. Providing for and generally regulating the construction or execution whether by the Central Authority or by owners, of works incidental to the making or improvement of any road, including the erection of shelters, provision of seats, planting or protecting of grass, trees, and shrubs on or adjoining such road.

PART II

Buildings and other Structures

1. Regulating and controlling either generally or in particular areas, all or any of the following matters, that is to say,

- (a) the size, height, spacing, and building line of buildings;
- (b) the objects which may be affixed to buildings;
- (c) the location of buildings, the extent of yards, gardens and curtilage of buildings;
- (d) the purposes for and the manner in which buildings may be used or occupied including, in the case of dwelling-houses, the letting thereof in separate tenements;
- (e) the prohibition of building operations on any land, or regulating such operations.

2. Regulating and controlling or enabling the Central Authority to regulate and control the construction and materials of buildings and fences.

3. Reserving or allocating any particular land or all land in any particular area for buildings of a specified class or classes, or prohibiting or restricting, either permanently or temporarily, the making of any buildings or any particular class or classes of buildings on any specified land.

4. Limiting the number of buildings or the number of buildings of a specified class which may be constructed, erected or made on, in or under any area.
5. Providing for the removal, demolition, or alteration of buildings or works which are inconsistent with, or obstruct the operation of, a scheme.
6. Providing for sanitary conditions.

PART III

Community Planning

1. Regulating and controlling the layout of housing areas, including the density, spacing, grouping and orientation of houses in relation to roads, open spaces and other buildings.
2. Regulating and controlling the provision and siting of community facilities, including shops, schools, churches, meeting halls, play centres and recreation grounds, in relation to the number and siting of houses.

PART IV

Amenities

1. Providing for the zoning of land in town and country areas, whether public or private, whether built on or un-built on, and for reserving such land for specific purposes, including agriculture, forestry, industry, commerce, housing and recreation.
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 of buildings and objects of artistic, architectural, archaeological or historical interest.

4. Providing for the preservation or protection of forests, woods, trees, shrubs, plants and flowers.
5. Prohibiting, restricting or controlling, either generally or in particular places, the exhibition, whether on the ground, on any building, or any temporary erection, on any vehicle, boat or other movable object, whether on land, or on, or in ,water or in the air, of all or any particular forms of advertisement or other public notices.
6. Preventing, remedying, or removing injury to amenities where such injury arises from the ruinous or neglected condition of any building or fence, or by the objectionable or neglected condition of any land.
7. The prohibition, regulation and control of the deposit or disposal of waste material and refuse.

PART V

Public Services

Facilitating the construction of works by statutory undertakers in relation to lighting, water supply, sewerage, drainage, and refuse disposal or other public services.

PART VI

Transport and Communication

1. Facilitating the establishment, extension or improvement of systems of transport whether by land, water or air.
2. Allocating sites for use in relation to transport and providing for the reservation of land for that purpose.
3. Providing for the establishment, extension, or improvement of telegraphic or telephonic communication, allocating sites for use in relation to such communication, and providing for the reservation of land for that purpose.

PART VII

Miscellaneous

1. Declaring the persons by whom and the manner in which the cost of the execution of works, whether of construction, demolition, removal or alteration, in pursuance of the scheme are to be borne.
2. Subject to any regulations made under the provisions of the Act, declaring the notices to be served for the purposes of the scheme by the Central Authority and the persons on whom, the manner in which, and the times at or within which, such notices are to be served.
3. Subject to the Act and the said regulations, declaring the manner in which and the times at or within which notice for the purposes of the scheme may be served on the Central Authority by other persons.
4. Providing for and regulating the making of agreements for the purpose of a scheme by the Central Authority with owners and other persons and by such persons with one another.
5. Dealing with the use or disposal of land acquired under the Act.
6. Prohibiting the sub-division of land until a plan showing the subdivision and proposed access to the land has been approved.
7. Making any provisions necessary for,
 - (a) the pooling of lands of several owners, or any lands, roads or rights of way adjacent or near thereto;
 - (b) the re-distribution of such land among such owners;
 - (c) adjusting and altering the boundaries and areas of any such lands, roads, rights of way or traces;
 - (d) effecting such exchanges of land or cancellation of existing sub-divisions as may be necessary or convenient for the purposes aforesaid;

- (e) apportionment of survey fees, cost of issuing or obtaining new titles and any other expenses in connection with the foregoing among the owners concerned.
- 8.** Providing for and regulating the construction, alteration, removal and use of railways, pipe lines, telegraph, telephone lines, and electric current transmission lines, drainage or irrigation channels, aerial cable ways and ancillary structures.
- 9.** Works ancillary to or consequent on a scheme.
- 10.** Any other matter not hereinbefore mentioned, necessary or incidental to a scheme, or its administration.

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

FOURTH SCHEDULE

HOUSING AND TOWN PLANNING ACT

Matters under Part IV to which

Regulations shall be made

[Section 80(1)(h)]

1. The documents and matters, including maps and plans, which are to be deposited by the Central Authority and the places in which and times at or within which such documents are to be deposited.
2. The inspection, by persons interested, of documents (including maps and plans) deposited in pursuance of the regulations.
3. The manner in which, and the times at or within which, objection to or representations in respect of a scheme may be made to the Central Authority.
4. The notices to be given by the Central Authority and the time, place, nature and means by which such notices are to be given and published.
5. Securing co-operation by the Central Authority with owners of property and other persons likely to be affected by the scheme.
6. For securing that local authorities who are likely to be affected by a scheme shall, as soon as possible after the passing of a resolution for the preparation of a scheme, receive notice of the passing of such resolution and shall be furnished by the Central Authority with a copy of the scheme before it is submitted to the Minister.
7. For enabling the Central Authority to obtain, without charge, information which it requires for the purposes of or in connection with the preparation or making or carrying into effect of schemes by inspection of or obtaining copies from assessment rolls, rate books and other similar documents which are not in its custody.
8. For enabling the Central Authority to deal with lands and buildings, the ownership of which is doubtful or uncertain.