

S.I. 45 of 2022

PHYSICAL PLANNING ACT, 2021

(Act 55 of 2021)

PHYSICAL PLANNING (RULES AND PROCEDURE OF BOARD MEETINGS) REGULATIONS

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S.I. 45 of 2022**PHYSICAL PLANNING ACT, 2021***(Act 55 of 2021)***Physical Planning (Rules and Procedure of Board Meetings)
Regulations, 2022**

In exercise of the powers conferred by section 40 and 70 read with section 82 of the Physical Planning Act, the Minister responsible for land use planning and development matters hereby makes the following Regulations —

Citation

1. These Regulations may be cited as the Physical Planning (Rules and Procedure of Board Meetings) Regulations, 2022.

Interpretation

2. In these Regulations, unless the context otherwise requires —

“Board” means the Board established under section 9(1);

“Secretary” means the Secretary to the Board appointed pursuant to section 10;

“standard scale” means the standard scale of fines for offences established under the Criminal Offences (Standard Scale of Fines) Act, 2021.

Application

3. These Regulations shall apply to the conduct of business at all meetings of the Board.

Agenda

4. The agenda for a meeting shall be prepared by the Secretary to the Board.

Circulation of agenda

5.(1) The Secretary to the Board shall circulate the agenda together with all the necessary papers for discussion prior to the meeting.

(2) The circulation of agenda and papers shall be made as much as possible within reasonable time to allow members to have time to review the papers.

Chairperson

6.(1) The Chairperson, shall preside at all meetings of the Board.

(2) Where the Chairperson is absent, the Board members shall elect from amongst themselves one member to preside.

(3) Where the Chairperson enters a meeting after it has commenced, the member who has taken the chair shall vacate it for the Chairperson at the conclusion of the item of business under discussion at the time of the entry of the Chairperson.

Disclosure of interest

7. There shall be an item of business as a preliminary item on the agenda of each meeting of the Board which shall be named “disclosure of interest” and under this item the Board shall proceed as per section 19 of the Act.

Conduct of meetings

8.(1) The names of all Board members present and absent at a meeting or part of a meeting shall be recorded in the minutes.

(2) A quorum of the Board shall be 3 members.

(3) The decisions of the Board shall be by a majority of votes of the members present and voting and, in situation of a tie the Chairperson shall have a casting vote.

(4) A Board member may request that his or her vote on any item of business be personally recorded by name in the minutes and that request shall be complied with.

Invitation to attend and address meetings

9.(1) The Board may, in respect of any item of business at a meeting, invite a person not being a public officer associated with that item of business to attend, address the meeting and answer questions from the Board members on that item of business.

(2) When a person referred to in sub-regulation (1) has completed his or her representation to the satisfaction of the Board, that person shall withdraw from the meeting.

(3) Where an item of business at a meeting is —

- (a) a consideration and review of development plans or land use plan;
- (b) an application for a grant of development permission;
- (c) a proposal to revoke or modify a grant of development permission;
- (d) a reconsideration of an enforcement notice;
- (e) a draft or interim building preservation order;
- (f) a draft or interim plant preservation order;
- (g) a draft amenity order; or
- (h) any other relevant notices and orders,

and a person associated with that item of business is invited to and has addressed the meeting on that item of business, the Chief Executive Officer or an officer of the Authority shall be given an opportunity to address the

meeting on that item of business in the presence of and by way of reply to that person.

(4) The Board may invite any public officer to attend meetings of the Board in an ex-officio, capacity.

(5) A public officer invited under subregulation (4) may with the Chairperson's approval, authorise any other public officer to attend in his or her absence.

Site visits

10.(1) The Board may in connection with any item of business determine to make a visit to the site to which that item of business refers.

(2) The Board may constitute a committee of not less than three Board members to make a site visit, on its behalf.

(3) The Secretary to the Board shall as far as practicable inform the occupier, owner, agent or person responsible for the site and the applicant, if any, of the date and time of the proposed site visit.

(4) The Chief Executive Officer or the officer authorised by the Chief Executive Officer shall accompany the Board members on a site visit.

(5) The Secretary to the Board accompanying the members on a site visit shall make a record of the visit and any discussions between the Board members and the applicant, if any, or his or her representatives if any, and any other persons, who make representations on the matter in respect of which the site visit is taking place and shall report on the visit at a meeting next following the site visit.

(6) The Board may in considering an item of business in respect of which a site visit has taken place, take into account the report referred to in sub-regulation (5) and the opinions of the Board members who made the site visit on behalf of the Board.

Minutes

11.(1) The Secretary to the Board shall be responsible for ensuring that an accurate record of the proceedings of every meeting is taken at every meeting, and for the preparation of the minutes.

(2) The minutes adopted by the Board shall be kept by the Secretary to the Board.

(3) Upon the adoption of minutes of the meeting, the Chairperson shall sign a copy of the approved minutes and shall leave the signed minutes with the Secretary who shall keep and maintain such copies as records of all past minutes of meetings of the Board.

Validity of proceedings

12. The validity of any proceeding at a meeting of the Board shall not be affected by any vacancy amongst the Board members, by any defect in the appointment of a member or by any failure by any Board member to comply with these Regulations.

Board to regulate its own procedures

13. Any matter that may arise which is not provided for under these Regulations shall be dealt with by the Board after having agreed by a majority of the members present on the way for which that matter shall be dealt with and such decision on the manner and form of adoption of procedure shall be recorded in the minutes.

MADE this 18th day of March, 2022.

**BILLY RANGASAMY
MINISTER OF LANDS AND HOUSING**
