

**CHAPTER 32:09**  
**TOWN AND COUNTRY PLANNING**  
ARRANGEMENT OF SECTIONS

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First Schedule  
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Act 11, 1977,  
S.I. 95, 1980.

**An Act to make provision for the orderly and progressive development of land in both Urban and rural areas and to preserve and improve the amenities thereof; for the grant of permission to develop land and for other powers of control over the use of land; and for purposes ancillary to or connected with the matters aforesaid.**

*[Date of Commencement: 1st August, 1980]*

**PART I**  
***Preliminary (ss 1-3)***

**1. Short title and application**

- (1) This Act may be cited as the Town and Country Planning Act.
- (2) Parts II, III and IV shall apply to the planning areas declared under section 4.

**2. Interpretation**

In this Act, unless the context otherwise requires-

**"advertisement"** means any word, letter, model sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, and, without prejudice to the foregoing, includes any hoarding or similar structure used or adapted for use for the display of advertisements;

**"agriculture"** includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

**"appointed day"** means the day appointed by the Minister for the coming into force of this Act in any planning area;

**"Board"** means the Town and Country Planning Board constituted under section 5;

**"building"** includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

**"building operations"** includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

**"building or work"** includes waste materials, refuse and other matters deposited on land;

**"building preservation order"** has the meaning assigned to it under section 27;

"**development**" has the meaning assigned to it under section 9;  
"development order" has the meaning assigned to it under section 10;  
"development plan" has the meaning assigned to it under section 6 and includes a plan made under subsection (5) of the said section 6;  
"engineering operations" includes the formation or laying out of roads and of means of access to roads;  
"erection", in relation to buildings, includes extension, alteration and re-erection;  
"land" includes a building;  
"minerals" includes all minerals and substances (including oil and natural gas) in or under land of a kind ordinarily worked for removal by underground or by surface working;  
"owner", in relation to any land, means a person who, in his own right or as agent for any other person, is entitled to receive the rent of the land, or, where the land is not let, would be so entitled if it were let;  
"permission granted for a limited period only" has the meaning assigned to it under section 11;  
"planning area" means an area declared by the Minister under the provisions of section 4;  
"subdivision", in relation to land, means the division of any land (other than buildings) held by one person or held by a number of persons indivisibly into two or more parts, and "subdivide" has a corresponding meaning;  
"tree preservation order" has the meaning assigned to it under section 23;  
"use", in relation to land, does not include the use of land by the carrying out of any building, engineering, mining or other operations thereon.

### **3. Duties of Minister**

It shall be the duty of the Minister to secure consistency and continuity in the framing and execution of a comprehensive policy with respect to the use and development of all land in Botswana in accordance with development plans for Botswana prepared in accordance with the provisions of Part III.

## **PART II**

### **Central Administration (ss 4-5)**

#### **4. Declaring of planning areas**

The Minister may, from time to time, declare, by order published in the *Gazette*, areas of land in Botswana to be planning areas and the provisions of this Act shall apply to any planning area declared as aforesaid from such date or dates as shall be appointed by the Minister.

#### **5. Constitution of Town and Country Planning Board**

- (1) There is hereby constituted the Town and Country Planning Board.
- (2) The constitution and procedure of the Board shall be in accordance with the First Schedule and the provisions of that Schedule shall have effect with respect to the Board.
- (3) The functions of the Board shall be-
  - (a) to determine (subject to the provisions of section 12) applications for permission to develop land submitted to it under section 10; and
  - (b) to advise the Minister on any matter within its knowledge or on which the Minister may seek its advice and, in particular, on the preparation or revision of development plans under Part III.

## **PART III**

### **Development Plans (ss 6-8)**

#### **6. Preparation of development plan**

- (1) In any planning area the Minister shall, as soon as may be practicable after the appointed day, carry out a survey of the whole of the planning area.
- (2) Not later than two years after the appointed day, or within such extended period as the National Assembly may by resolution allow, the Minister shall prepare in draft a

development plan consisting of a report of the survey together with a plan indicating the manner in which he proposes that the land in the planning area may be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development may be carried out.

(3) A development plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate to different parts of the planning area; and a development plan may in particular-

- (a) define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces; and
- (b) allocate areas of land for use for agricultural, forestry, mining, water resource, industrial, residential, or other purposes of any class specified in the plan.

(4) Without prejudice to the provisions of subsection (3), a development plan may make provision for any of the matters mentioned in the Second Schedule.

(5) At any time before a development plan with respect to the whole of a planning area has been made by the Minister under this section, the Minister may prepare in draft a development plan relating to any part of the planning area, and the foregoing provisions of this section shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of a planning area.

#### **7. Revision of development plan**

The Minister may at any time prepare proposals for such alterations or additions to any development plan as appear to him to be expedient.

#### **8. Making of development plan**

(1) The Minister shall, in the course of preparing a development plan relating to any land, or proposals for the revision of any such plan, consult with any local authority in whose district such development plan will have effect and may consult with such other persons, bodies of persons or authorities as he thinks fit.

(2) Notice shall be published in the *Gazette* and in one newspaper circulating in the planning area that the Minister has prepared in draft any such plan or proposals for the revision of any such plan, and of the place or places where the copies of such plan or proposals may be inspected by the public.

(3) If any objection or representation with respect to any such plan or proposals for the revision of any such plan is made in writing to the Minister within one month of the publication of the notice in the *Gazette* referred to in subsection (2), the Minister shall take into consideration the objection or representation and, having done so, shall make the development plan with or without modification of the draft plan or proposals.

(4) If, as a result of any objection or representation considered in connection with a development plan or proposals for a revision of such a plan, the Minister is of the opinion that a person, body or authority ought to be consulted before he decides to make the plan either with or without modifications, or to revise the plan, as the case may be, the Minister shall consult that person, body or authority but he shall not be obliged to consult any other person, body or authority or to afford any opportunity for further objections or representations.

(5) The making by the Minister of a development plan or of proposals for revision of such a plan shall be published in the *Gazette* and in one newspaper circulating in the planning area and copies of any such plan or proposals as made by the Minister shall be available for inspection by the public.

(6) A development plan or a revision of a development plan shall become operative on the date of its publication in the *Gazette* or on such later date as the Minister may determine.

### **PART IV**

#### ***Control of Development of Land and Permission for Development (ss 9-30)***

#### **9. Provisions as to development**

(1) Subject to the provisions of this section and to the following provisions of this Act,

permission shall be required under this Part for any development of land that is carried out after the appointed day.

(2) In this Act, except where the context otherwise requires, the expression "development" means the carrying out of building, engineering, mining or other operations in, on, over or under any land or the making of any material change in the use of any buildings or other land:

Provided that the following operations or uses of land shall not be deemed for the purposes of this Act to involve development of land-

- (i) the carrying out of works for the maintenance, improvement or other alteration of any building, if the works affect only the interior of the building or do not affect the external appearance of the building;
- (ii) the carrying out of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for the purpose;
- (iii) the use of any buildings or other land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;
- (iv) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Minister under this section, the use thereof for any other purposes of the same class.

(3) For the purposes of this section-

- (a) the use of a building resulting in an increase or in a reduction of the number of dwelling units in which the building was previously used involves a material change in the use of the building and of each part thereof which is so used;
- (b) the deposit of refuse or waste materials on land involves a material change in the use thereof;
- (c) without prejudice to the provisions of any regulations made under this Act relating to the control of advertisements, the use for the display of advertisement of any external part of a building which is not normally used for that purpose involves a material change in the use of that part of the building.

#### **10. Development order**

(1) The Minister may, by order published in the *Gazette*, provide for the grant of permission for the development of land under this Part, and such permission may be granted-

- (a) in the case of any development specified in any such order, or in the case of development of any class so specified, by that order itself;
- (b) in any other case, by the Board on an application in that behalf made to it in accordance with the provisions of the order.

(2) The permission granted by any development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in such order.

#### **11. Planning permission for development**

(1) Subject to this section and to sections 12, 13 and 14, where an application is made to the Board for permission to develop land, the Board, in dealing with the application, shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material consideration, and-

- (a) may grant permission, either unconditionally or subject to such conditions as it thinks fit; or
- (b) may refuse permission.

(2) Without restricting the generality of subsection (1), conditions may be imposed on the grant of permission to develop land thereunder-

- (a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the Board to be expedient

for the purposes of or in connection with the development authorized by the permission;

- (b) for requiring the removal of any buildings or works authorized by the permission, or the discontinuance of any use of land so authorized, at the expiration of a specified period, and the carrying out of works required for the reinstatement of land at the expiration of that period,

and any permission granted subject to any such condition as is mentioned in paragraph (b) is in this Act referred to as permission granted for a limited period only.

(3) All decisions of the Board shall be communicated to the Minister forthwith.

## **12. Decision of Town and Country Planning Board**

(1) If the decision of the Board on any application made to it under section 11 is a decision which grants permission for the development of land (whether unconditionally or subject to conditions) the operation of the decision shall be suspended for a period of 14 days from the date of the meeting of the board at which the decision was made and during the said period of 14 days the decisions shall be subject to disallowance by order in writing of the Minister.

(2) If the Minister disallows a decision of the Board he shall state his reasons for so doing in the order disallowing the decision, and any such order shall be recorded in the register required to be kept by the Board under section 13(2).

(3) The decision of the Minister under this section shall be final and shall not be challenged in any court.

(4) Subject to the provisions of this section, a decision of the Board which grants permission for the development of land (whether unconditionally or subject to conditions) shall come into operation on the expiration of a period of 14 days from the date of the meeting of the Board at which the decision was made.

## **13. Method of applying for planning permission**

(1) Provision may be made by a development order for regulating the manner in which applications for permission to develop land are to be made to, and be dealt with, by the Board and in particular-

- (a) for enabling the Minister to give directions restricting the grant of permission by the Board, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;
- (b) for requiring the Board before granting or refusing permission for any development to consult with such authorities or persons as may be prescribed by the order or by directions given by the Minister thereunder;
- (c) for requiring the Board to give to any applicant for permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with; and
- (d) for requiring the Board to furnish to the Minister, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for permission made to them, including information as to the manner in which any such application has been dealt with.

(2) The Board shall keep, in such manner as may be prescribed by the development order, a register containing such information as may be so prescribed with respect to applications for permission made to the Board including information as to the manner in which such applications have been dealt with; and every such register shall be available for inspection by the public at all reasonable hours.

## **14. Referral of applications to Minister**

(1) The Minister may give directions to the Board requiring that any application made to the Board for permission to develop land, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the Board, and any

such application shall be referred accordingly.

(2) Where an application for permission to develop land is referred to the Minister under this section, the provisions of section 11(1) and (2) shall apply, subject to any necessary modifications, in relation to the determination of the application by the Minister as they apply in relation to the determination of such an application by the Board.

(3) The decision of the Minister on any application referred to him under this section shall be final and shall not be challenged in any court; any such decision shall be communicated to the Board and shall be recorded in the register required to be kept by the Board under section 13(2).

## **15. Appeals**

(1) Where application is made to the Board for permission to develop land, or for any approval of the Board required under a development order, and that permission or approval is refused by the Board, or is granted by it subject to conditions, then if the applicant is aggrieved by the Board's decision he may, by notice served within the period referred to in subsection (2), and in the manner prescribed by the development order, appeal to the Minister.

(2) The period mentioned in subsection (1) shall be one month from the date of the notification of the decision to the applicant by the Board.

(3) Where an appeal is brought under this section from a decision of the Board, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the Board whether or not the appeal relates to that part, and deal with the application as if it had been made to the Minister in the first instance; and the provisions of section 11 shall apply, subject to any necessary modifications, in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Board of an application made to the Board under section 11.

(4) Unless within such period as may be prescribed by the development order (or within such extended period as may at any time be agreed upon in writing between the applicant and the Board) the Board either-

- (a) gives notice to the applicant of its decision; or
- (b) gives notice to him that the application has been referred to the Minister in accordance with directions given by him under section 14,

the provisions of subsection (1) shall apply in relation to the application as if the permission or approval to which it relates had been refused by the Board and as if notification of its decision had been received by the applicant at the expiration of the period prescribed by the development order or such extended period as aforesaid, as the case may be.

(5) The decision of the Minister under this section shall be final and shall not be challenged in any court.

## **16. Supplementary provisions as to grant of planning permission**

(1) The power to grant permission to develop land under this Part shall include power to grant permission for the retention on land of any buildings or works constructed or carried out thereon before the date of the application, or for the continuance of any use of land instituted before that date (whether without permission granted under this Part or in accordance with permission so granted for a limited period only); and references in this Part to permission to develop land or to carry out any development of land, and to applications for such permission, shall be construed accordingly.

(2) Any such permission as is mentioned in subsection (1) may be granted so as to take effect from the date on which the buildings or works were constructed or carried out or the use was instituted, or from the expiration of the said period, as the case may be.

(3) Where permission is granted under this Part for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(4) Where permission to develop land is granted under this Part, then, except as may be otherwise provided by the permission, the grant of permission shall enure for the benefit of the land and of all persons for the time being interested therein, but without prejudice to the provisions of this Part with respect to the revocation and modification of permission granted thereunder.

(5) Where permission to develop land is granted under this Part for a limited period only, nothing in this Part shall be construed as requiring permission to be obtained thereunder for the resumption, at the expiration of that period, of the use of the land for the purpose for which it was normally used before the permission was granted.

(6) In determining for the purposes of subsection (5) the purposes for which land was normally used before the grant of permission, no account shall be taken of any use of the land begun in contravention of the provisions of this Part.

#### **17. Revocation and modification of planning permission**

(1) Subject to the provisions of this section, if it appears to the Minister that it is expedient, having regard to the development plan and to any other material considerations, that any permission to develop land granted on an application made in that behalf under this Part should be revoked or modified, he may by order revoke or modify the permission to such extent as appears to him to be expedient as aforesaid.

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

- (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;
- (b) where the permission relates to a change of the use of any land, at any time before the change has taken place:

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

(3) Where permission to develop land is revoked or modified by an order made under this section, then if, on a claim made to the Minister within 12 months of the making of the order, it is shown that any person interested in the land has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification or has otherwise sustained loss or damage that is directly attributable to the revocation or modification, the Minister shall, subject to subsection (4), pay to that person compensation in respect of that expenditure, loss or damage.

(4) No compensation shall be payable under subsection (3) in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification.

(5) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work but, except as aforesaid, no compensation shall be paid under this section in respect of any work carried out before the grant of the permission that is revoked or modified, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of that permission.

(6) Where permission for the development of land granted by a development order has been withdrawn, whether by the revocation or amendment of the order or by the issue of directions under powers in that behalf conferred by the order, then, if on an application made in that behalf under this Part permission for that development is refused or is granted subject to conditions other than those previously imposed by the development order, the foregoing provisions of this section shall apply as if the permission granted by the development order had been granted by the Board under this Part and had been revoked or modified by an order under this section.



(7) Where, by virtue of the provisions of this section, compensation is payable in respect of expenditure incurred in carrying out any work on land, then if a competent authority acquires any interest in that land any compensation payable in respect of the acquisition of that interest shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this section.

(8) If the Minister revokes or modifies any permission to develop land he shall state his reasons for so doing in the order revoking or modifying that permission; and every such order shall be communicated to the Board and shall be recorded in the register required to be kept under section 13(2).

#### **18. Enforcement procedure**

(1) If it appears to the Minister that any development of land has been carried out after the appointed day without the grant of permission required in that behalf under this Part, or that any conditions subject to which such permission was granted in respect of any development have not been complied with, then the Minister may, within four years of such development being carried out, or, in case of non-compliance with a condition, within three years after the date of the alleged failure to comply with it, if he considers it expedient to do so having regard to the provisions of the development plan and to any material considerations, serve on the owner and occupier of the land a notice under this section.

(2) Any notice served under this section (hereinafter referred to as "an enforcement notice") shall specify the development which is alleged to have been carried out without the grant of such permission as aforesaid or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with.

(3) An enforcement notice may require that no further development, or no such further development as may be specified in the notice, shall be carried out and may require that such steps as may be specified be taken for restoring the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(4) Except as otherwise provided in this section, an enforcement notice shall-

- (a) in respect of any requirement prohibiting further development, take effect immediately upon service of the notice; and
- (b) in respect of any other requirement, take effect at the expiration of such period (not being less than 21 days after the service thereof) as may be specified therein.

(5) When, within the period mentioned in subsection (4), an application is made to the Board under this Part for permission-

- (a) for the retention on the land of any buildings or works to which the enforcement notice relates; or
- (b) for the continuance of any use of the land to which the enforcement notice relates, the operation of the enforcement notice, in respect of any requirement other than a requirement prohibiting further development, shall be suspended pending the final determination of the application and if the permission applied for is granted on that application and comes into operation the enforcement notice shall cease to have any effect.

(6) When, within the period mentioned in subsection (7), an appeal is made to the court under this section by a person on whom the enforcement notice was served, the operation of the enforcement notice, in respect of any requirement other than a requirement prohibiting further development, shall be suspended pending the final determination or withdrawal of the appeal.

(7) If any person on whom an enforcement notice is served under this section is aggrieved by the enforcement notice, he may, by application filed at any time within 21 days of the service of the notice, appeal against the enforcement notice to a court presided over by a

Magistrate Grade I or over, and on any such appeal the court-

- (a) if satisfied that permission was granted under this Part for the development to which the enforcement notice relates, or that no such permission was required in respect thereof, or, as the case may be, that the conditions subject to which such permission was granted have been complied with, shall quash the enforcement notice to which the appeal relates;
- (b) in any other case, shall dismiss the appeal.

(8) Where the appeal is dismissed the court may, if it thinks fit, direct that, in respect of any requirement other than a requirement prohibiting further development, the enforcement notice shall not come into force until such date (not being later than 21 days from the determination of the appeal) as the court thinks fit.

#### **19. Supplementary provisions as to enforcement**

(1) If within the period specified in an enforcement notice, or within such extended period as the Minister may allow, any steps required by the enforcement notice to be taken (other than the discontinuance of any use of land) have not been taken, the Minister may request a court presided over by a Magistrate Grade I or over, by means of an application, for authority to enter on the land and take those steps, and upon such authority being given he, or any other person authorized by him in that behalf, may enter on the land and take those steps, and may recover as a civil debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by the Minister in that behalf; and if that person, having been entitled to appeal to the court under section 18, failed to make such an appeal, he shall not be entitled in proceedings under this subsection to dispute the validity of the action taken by the Minister upon any ground which could have been raised by such an appeal.

(2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served under section 18 in respect of any development, and any sums paid by the owner of any land under subsection (1) in respect of the expenses of the Minister in taking steps required to be taken by such an enforcement notice, shall be deemed to be incurred or paid for the use and at the request of the person by whom the development was carried out.

(3) Nothing in this Part shall be construed as requiring permission to be obtained thereunder for the use of any land for the purpose for which it could lawfully have been used under this Part if the development in respect of which an enforcement notice is served under section 18 had been carried out.

#### **20. Penalties, etc., in connection with enforcement notices**

(1) Where an enforcement notice has been served under section 18 on the person who was, when the notice was served on him, the owner of the land to which the enforcement notice relates and any requirement of that notice prohibiting further development has not been complied with, or within the period specified in the enforcement notice, or within such extended period as the Minister may allow, any steps required by the enforcement notice to be taken (other than the discontinuance of any use of land) have not been taken, that person shall be guilty of an offence and liable to a fine not exceeding P5000, and, in the case of a continuing offence, to a further fine not exceeding P500 for every day after the first day during which any of the requirements of the enforcement notice (other than the discontinuance of any use of land) remain unfulfilled.

(2) Where, by virtue of an enforcement notice, any use of land is required to be discontinued, or any conditions are required to be complied with in respect of any use of land or in respect of the carrying out of any operations thereon, then if any person, without the grant of permission in that behalf under this Part, uses the land or causes or permits the land to be used, or carries out or causes or permits to be carried out those operations, in contravention of the enforcement notice, he shall be guilty of an offence and liable to a fine not exceeding P5000, and, in the case of a continuing offence, to a further fine not exceeding P500 for every day after

the first day during which the use is so continued.

## **21. Continued operations of enforcement notice**

(1) Notwithstanding compliance with an enforcement notice, whether as regards-

- (a) the demolition or alteration of any buildings or works;
- (b) the discontinuance of any use of land; or
- (c) any other requirement of the enforcement notice,

the enforcement notice shall remain in operation.

(2) Without restricting the generality of subsection (1), where any development is carried out on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with an enforcement notice, the enforcement notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the buildings or works as reinstated or restored as it applied in relation to the buildings or works before they were demolished or altered, and section 19(1) and (2) shall apply accordingly.

(3) Without affecting the operations of sections 19 and 20, a person who carries out any development on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with the enforcement notice shall be guilty of an offence and liable to a fine not exceeding P5000.

## **22. Transfer of planning functions**

(1) The functions of the Board under this Part to grant or refuse permission for development may, by order published in the *Gazette*, be transferred by the Minister to such authority (in this section referred to as "the responsible authority") as he thinks fit subject to such conditions, limitations and reservations as the Minister thinks appropriate in any particular case.

(2) Where functions are transferred under the provisions of subsection (1) the provisions of this Part shall apply to any decision or action by the responsible authority taken in the discharge of those functions as if that decision or action had been a decision or action by the Board.

## **23. Trees and woodlands**

(1) If it appears to the Minister that it is expedient in the interests of amenity to make provision for the preservation of any tree, trees or woodland in any area, he may for that purpose make an order (in this Act referred to as a "tree preservation order") with respect to any such tree, trees, groups of trees or woodland as may be specified in the order, and, in particular, provision may be made by any such order-

- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the Minister which may be given subject to conditions;
- (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
- (c) for applying, in relation to any consent under the order, and to applications therefor, any of the provisions of this Part relating to permission to develop land and to applications for any such permission, subject to such adaptations and modifications as may be specified in the order;
- (d) for the payment by the Minister, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.

(2) Provision may be made by regulations under this Act with respect to the form of tree preservation orders, and the procedure to be followed in connection with the making and approval of such orders, and such regulations shall, in particular, make provision for securing-

- (a) that notice shall be given to the owners and occupiers of land affected by any order;

- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is made by the Minister; and
- (c) that copies of the order when it comes into operation shall be served on the owners and occupiers of the land to which it relates.

(3) Notwithstanding the provisions of subsection (2), where it appears to the Minister that any tree preservation order should take effect immediately, he may make the order provisionally without complying with the requirements of any regulation with respect to the consideration of objections and representations, but any order so made shall cease to have effect at the end of two months from the date on which it is so made unless within that period it has again been made, with or without modification, after compliance with those requirements.

(4) Without limiting the other exemptions for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous or the cutting down, topping or lopping of any trees in compliance with any obligation imposed by or under any law or so far as may be necessary for the prevention or abatement of a nuisance.

(5) If any person contravenes any of the provisions of a tree preservation order he shall be guilty of an offence and liable to a fine not exceeding P1000, and, in the case of a continuing offence, to a further fine not exceeding P100 for every day after the first day during which the contravention is so continued.

#### **24. Advertisements**

(1) Subject to the provisions of this section, provision may be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Minister to be expedient in the interests of amenity or public safety, and, without restricting the generality of the foregoing, any such regulations may provide for-

- (a) regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which such advertisements may be displayed, and the manner in which they are to be affixed to land;
- (b) requiring the consent of the Minister to be obtained for the display of advertisements, or of advertisements of any prescribed class;
- (c) applying, in relation to any such consent and to applications therefor, any of the provisions of this Part relating to permission to develop land and to applications for such permission subject to such adaptations and modifications as may be specified in the regulations;
- (d) enabling the Minister to require the removal of any advertisement which is being displayed in contravention of the regulations, or the discontinuance of the use for the display of advertisements of any site which is being used for that purpose in contravention of the regulations and for that purpose for applying any of the provisions of this Part with respect to enforcement notices, subject to such adaptations and modifications as may be prescribed;
- (e) the constitution, for the purposes of the regulations, of such advisory bodies as may be prescribed, and for determining the manner in which the expenses of any such bodies are to be defrayed.

(2) Subject to section 25(2), regulations made under this section may be made so as to apply to advertisements which are being displayed on the date on which the regulations come into force, or to the use for the display of advertisements of any site which was being used for that purpose on that date.

(3) Regulations made under this section shall provide for exempting therefrom-

- (a) the continued display of any such advertisement as aforesaid; and
- (b) the continued use for the display of advertisements of any such site as aforesaid, during such period as may be prescribed in that behalf by the regulations, and different periods

may be so prescribed for the purposes of different provisions of the regulations.

(4) Regulations made under this section may direct that any law or other instrument having the force of law affecting the display of advertisements in force on the day when the said regulations made under this section come into operation shall not apply to the display of advertisements in any area to which the said regulations made under this section apply.

## **25. Supplementary provisions as to advertisements**

(1) Where the display of advertisements in accordance with regulations made under section 24 involves the development of land within the meaning of this Act, permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under the foregoing provisions of this Part.

(2) Where for the purpose of complying with any such regulations as aforesaid works are carried out by any person for the removal of advertisements being displayed on the date on which the regulations come into force or for the discontinuance of the use for the display of advertisements on any site used for that purpose on that date, that person shall be entitled, on a claim made to the Minister within the time and in the prescribed manner, to recover from the Minister compensation in respect of any expenses reasonably incurred by him in that behalf and in respect of the expenses reasonably incurred by him for providing and installing the advertisement so removed, reduced by an amount corresponding to the depreciation of that advertisement.

(3) Without prejudice to any provisions included in regulations made under section 24(1)(d), if any person displays an advertisement in contravention of the provisions of the regulations, he shall be guilty of an offence and liable to a fine of such amount as may be prescribed by the regulations not exceeding P200, and, in the case of a continuing offence, to a further fine as may be prescribed by the regulations not exceeding P100 for every day after the first day during which the display is so continued.

(4) For the purposes of subsection (3) and without restricting the generality thereof, a person shall be deemed to display an advertisement if-

- (a) the advertisement is displayed on the land of which he is the owner or occupier; or
- (b) the advertisement gives publicity to his goods, trade, business or other concerns.

(5) A person shall not be guilty of an offence under subsection (3) by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

## **26. Injury to amenity**

(1) If it appears to the Minister that the amenity of any area is seriously injured by the condition of any garden, vacant site or other open land in the area, the Minister may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be so specified.

(2) In relation to any notice served under this section, the provisions of subsections (4) to (8) of section 18, and of sections 19, 20 and 21 shall, subject to such exceptions and modifications as may be prescribed, apply as those provisions apply in relation to an enforcement notice served under section 18.

## **27. Special buildings**

(1) Subject to the provisions of this section and section 28, if it appears to the Minister that it is expedient to make provision for the preservation of any building or group of buildings of special architectural or historical interest, he may for that purpose make an order (in this Act referred to as a "building preservation order") restricting the demolition, alteration or extension of any such building.

(2) The Minister shall not make a building preservation order unless satisfied that the execution of the works specified in the order would seriously affect the character of the building or of the group of buildings.

- (3) Provision may be made by a building preservation order-
- (a) for requiring the consent of the Minister to be obtained for the execution of works of any description specified in the order;
  - (b) for applying, in relation to any consent under the order and to applications therefor, any of the provisions of this Part relating to permission to develop land and to applications for any such permission, subject to such adaptations and modifications as may be specified in the order; and
  - (c) for enabling the Minister, where any works of a description specified in the order have been executed in contravention of the order, to require the restoration of any such building as aforesaid to its former state, and for that purpose for applying any of the provisions of this Part with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the order.

(4) Without prejudice to any provisions included in a building preservation order by virtue of subsection (3)(c), if any person, being the owner of a building in relation to which a building preservation order is in force, or a person on whom notice of such an order has been served by the Minister, executes, or causes or permits to be executed, any works in contravention of the order, he shall be guilty of an offence and liable to a fine not exceeding P5000.

## **28 Supplementary provisions as to building preservation orders**

(1) Provision may be made by regulations under this Act with respect to the form of building preservation orders, and the procedure to be followed in connection with the making of such orders; and, subject to subsection (2), such regulations shall, in particular, make provision for securing-

- (a) that notice be given to the owners and any occupier of the building affected by the order;
- (b) that objections and representations with regard to the proposed order duly made in accordance with the regulations shall be considered before the order is made by the Minister; and
- (c) that a copy of the order, when it comes into operation, shall be served on the owner and any occupier of the building to which it relates.

(2) Notwithstanding subsection (1), where it appears to the Minister that any such order should take effect immediately, he may make the order provisionally without complying with the requirements of any such regulations with regard to the consideration of objections and representations; but any order so made shall cease to have effect at the end of two months from the date on which it is so made unless within that period it has again been made, with or without modifications, after compliance with those requirements.

(3) Nothing in any building preservation order shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the preservation of a building to which the order relates or of neighbouring property, so long as notice in writing of the proposed execution of the works is given to the Minister as soon as may be after the necessity for the works arises and before such works are commenced.

## **29. Lists of buildings of special architectural or historic interest**

(1) The Minister may compile lists of buildings or groups of buildings of special architectural or historic interest and may amend any list so compiled.

(2) As soon as may be after any list has been compiled under this section, or any amendments of such a list have been made, a copy of the list or amendments, certified by or on behalf of the Minister to be a true copy thereof, shall be deposited for public inspection at the offices of the Minister and the list or the amendments shall be published in the *Gazette*.

(3) As soon as may be after the inclusion of any building in a list under this section, whether on the compilation of the list or by the amendment thereof, or as soon as may be after any such list has been amended by the exclusion of any building therefrom, the Minister shall serve a notice on every owner and occupier of the building, stating that the building has been

included in, or excluded from, the list, as the case may be.

(4) Before compiling any list under this section, or amending any list thereunder, the Minister shall consult with such persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural and historic interest.

### **30. Effect of inclusion of a building in a list under section 29**

(1) Subject to the provisions of this section, so long as a building, not being a building to which a building preservation order applies, is included in a list compiled under section 29, no person shall execute, or cause or permit to be executed, any works for the demolition of the building, or for its alteration or extension, unless at least two months before the works are executed notice in writing of the proposed works has been given to the Minister.

(2) Nothing in subsection (1) shall render unlawful the execution of any works which are urgently necessary in the interest of safety or health, or for the preservation of any buildings listed as aforesaid or of neighbouring property, so long as notice in writing thereof has been given to the Minister as soon as may be after the necessity for the works arises and before such works are commenced.

(3) Where any works have been carried out in contravention of the provisions of subsection (1), the Minister may serve on the owner and occupier of the building in question a notice under this section requiring such steps for restoring the building to its former state as may be specified in the notice to be taken within such period as may be so specified.

(4) A notice under subsection (3) shall take effect at the end of such period (not being less than 21 days after the service thereof) as may be specified in the notice.

(5) If, within the period specified in a notice served in accordance with subsection (3) or within such extended period as the Minister may allow, any steps required by the notice to be taken have not been taken, the Minister may request a court presided over by a Magistrate Grade I or over, by means of an application, for authority to enter on the land and take those steps, and upon such authority being given he may enter upon the land and take those steps, and may recover from the person who is then the owner of the land any expenses reasonably incurred by him in that behalf.

(6) Without prejudice to the preceding provisions of this section, if any person contravenes the provisions of subsection (1) he shall be guilty of an offence and liable to a fine not exceeding P5000.

## **PART V**

### **Subdivisions (ss 31-35)**

#### **31. Prohibition on making subdivisions without consent**

(1) The Minister may, by notice published in the *Gazette*, prescribe, in respect of such part of Botswana as he specifies in the notice, a size for pieces of land in that part of Botswana, for the purposes of this Part.

(2) No person shall in any part of Botswana subdivide any piece of land which is of less extent than the prescribed size for pieces of land into subdivisions, any one of which is of less extent than as aforesaid, except with the written consent of the Board.

(3) Any person who-

- (a) subdivides any land in contravention of the provisions of subsection (1); or
- (b) knowingly occupies, in pursuance of any contract relating to land entered into by such person, any land which has been subdivided in contravention of the provisions of subsection (1),

shall be guilty of an offence and liable to a fine not exceeding P1000 or to imprisonment for a term not exceeding 12 months, or to both, and in addition, in the case of a continuing contravention of the provisions of paragraph (b), such person shall be liable to a further fine not exceeding P100 for every day during which the contravention continues.

#### **32. Approval of diagrams and registration of deeds**

The Director of Surveys and Lands shall not approve any diagram (as defined in section

2 of the Land Survey Act) nor shall the Registrar of Deeds effect the registration of any transfer of a right in any land which has been subdivided contrary to the provisions of section 31.

### **33. Submission of applications**

(1) Any person wishing to obtain the written consent of the Board in accordance with section 31(2) shall submit an application to the Board accompanied by-

- (a) the prescribed fee;
- (b) a plan showing the boundaries of the whole of the property which it is proposed to subdivide, the boundaries and area of each proposed subdivision, and-
  - (i) where the proposed subdivisions are to be used for the purposes of agriculture, the location of any rivers, streams, irrigation canals, irrigation pipelines, boreholes;
  - (ii) where the proposed subdivisions are not to be used for the purpose of agriculture, the boundaries and areas of such pieces of land in the vicinity of the proposed subdivisions as the Board shall determine and a statement of the purposes for which such pieces of land are used;
- (c) a statement of the purposes for which the proposed subdivisions are to be used; and
- (d) such other information and documents as the Board may require.

(2) If the land to be subdivided is mortgaged, the written consent of the mortgagee to the application shall be submitted therewith.

### **34. Consideration of applications**

When any application is made in terms of section 33, the Board shall give its consent, with or without attaching any conditions thereto, if in its absolute discretion but subject to the provisions of section 35 it considers that the making of the proposed subdivisions is-

- (a) consistent with sound town and country planning and the provisions of any development plan made under Part III in relation to the land on which the proposed subdivisions are situate;
- (b) likely to produce land units suitable for the purposes for which the proposed subdivision to be used and, in the case of any subdivision to be used for the purposes of agriculture, is capable of economic occupation for any such purpose, due regard being had to the needs of soil conservation; and
- (c) not likely, having regard to the purposes for which the proposed subdivisions are to be used, to injure the amenities of the neighbourhood.

### **35. Appeal to Minister**

Any applicant aggrieved by the refusal of the Board to approve an application under this Part or by any of the conditions on which any such application has been approved may, within 30 days after being notified of the refusal or of those conditions, and on payment of the prescribed fee, appeal in writing to the Minister whose decision shall be final and shall not be challenged in any court.

## **Part VI**

### **Supplementary (ss 36-42)**

### **36. Powers of entry**

(1) Any person duly authorized in writing by the Minister may, at any reasonable time, enter upon any land for the purpose of surveying it, or estimating its value, in connection with-

- (a) the preparation, approval, making or amendment of a development plan relating to the land under Part III, including the carrying out of any survey under that Part;
- (b) any application under Part IV, or under any order or regulations, made thereunder, for any permission, consent or determination to be given or effected in relation to that or any other land under Part IV or under any such order or regulations;
- (c) any proposal by the Minister to serve or make any notice or order under Part IV or under any such order or regulation as aforesaid;
- (d) any claim for compensation payable by the Minister under this Act.

(2) A person authorized under this section to enter upon any land shall, if so required,



produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless 24 hours' notice of the intended entry has been given to the occupier.

(3) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence and liable to a fine not exceeding P500.

(4) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorized to enter the premises, be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

(5) Where any land is damaged in the exercise of a power of entry conferred under this section, or in the making of any survey for the purpose for which any such power of entry has been so conferred, compensation in respect of that damage may be recovered from the Minister by any person interested in the land.

(6) Any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein.

### **37. Powers to require information**

The Minister may, for the purpose of enabling him to make any order or serve any notice or other document which he is by this Act authorized or required to make or serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein; and any person who, having been required in pursuance of this section to give any information, fails to give that information or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and liable to a fine not exceeding P1000.

### **38. Regulations**

The Minister may make regulations-

- (a) for prescribing the form of any notice, order or other document authorized or required by this Act to be served, made or issued;
- (b) for any purpose for which regulations are authorized or required to be made under this Act and in particular for prescribing anything which by this Act is required or authorized to be prescribed by regulations.

### **39. Planning permission issued under previous laws**

(1) Subject to this section, where under any written law or other instrument having the force of law permission was granted for the carrying out of any works for the erection or alteration of any building and such permission is still operative on the appointed day, any such permission shall, by virtue of this section, be deemed to be a planning permission granted on an application made in that behalf under Part IV.

(2) The permission deemed to be granted by virtue of this section shall be deemed to be so granted subject to any conditions, including a condition limiting the period of validity of the permission, imposed by the permission granted under the law or other instrument having the force of law as aforesaid:

Provided that, where a condition limiting the period of validity of the permission is imposed as aforesaid, such permission shall remain valid for a further period of two years, so however that in no case shall such a period of validity extend beyond three years after the appointed day.

### **40. Temporary provisions pending operation of development plan**

Where, in accordance with the provisions of this Act, the Board is required to have regard to the provisions of a development plan in relation to the exercise of any of its functions,

then, in relation to the exercise of those functions during any period before such a plan has become operative, the Board-

- (a) shall have regard to any directions which may be or have been given to it by the Minister as to the provisions to be included in such a plan; and
- (b) subject to any such directions, shall have regard to the provisions which in its opinion will be required to be so included for securing the proper planning of Botswana.

#### **41. Application to land regulated by other enactments**

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

#### **42. Act to bind Government**

This Act shall bind the Government.

### **FIRST SCHEDULE**

## **CONSTITUTION AND PROCEDURE OF THE TOWN AND COUNTRY PLANNING BOARD**

### *(Section 5)*

1. (1) The Town and Country Planning Board shall consist of nine members appointed by the Minister of whom-

- (a) one shall be a representative of the Ministry responsible for town and country planning;
- (b) five shall be representatives of such Ministries as the Minister considers to have an interest in town and country planning so however that the Ministries responsible for public works, land, tourism, industry, health and agriculture shall be represented on the Board; and
- (c) three shall be appointed by the Minister after consultation with such persons, bodies or organizations as appear to him appropriate as having special knowledge of, or interest in, matters relating to town and country planning.

(2) The person appointed as representative of the Ministry responsible for town and country planning shall be the Chairman of the Board.

2. There shall also be appointed by the Minister a person (who shall not be a member of the Board) to act as Secretary of the Board.

3. A member of the Board shall, subject to the provisions of this Schedule, hold office for a period not exceeding two years but such member shall be eligible for reappointment.

4. Any member of the Board appointed under paragraph (1)(c) of this Schedule may at any time resign his office by instrument in writing, addressed to the Minister and transmitted through the Chairman, and, from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Board.

5. The Minister may at any time revoke the appointment of any member of the Board for a just cause.

6. The names of all members of the Board as from the time constituted and every change in the membership thereof shall be published in the *Gazette*.

7. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business. Such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The Chairman shall preside at meetings of the Board and if the Chairman is absent from a meeting the other members present at the meeting shall elect one of their members to preside thereat.

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

(4) The decisions of the Board shall be by a majority of votes of members present and voting, and, in addition to an original vote, the Chairman shall have a second or casting vote in any case in which the voting is equal.

(5) Minutes in proper form of each meeting shall be kept by the Secretary of the Board and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

(6) The acts of the Board shall be authenticated by the signature of the Chairman or the

Secretary of the Board.

(7) Subject to the provisions of this paragraph, the Board shall have power to regulate their own proceedings.

(8) A member of the Board who is directly or indirectly interested in any matter coming before the Board for consideration shall, at the earliest opportunity, disclose the nature of his interest at a meeting of the Board and such disclosure shall be recorded in the minutes of the meeting at which it is made; and, where such interest relates to an application for permission to develop land, such member shall, after the disclosure, withdraw from any meeting while the matter is being discussed or decided by the Board.

(9) The expenses of the Board shall be defrayed out of sums provided for the purpose in the annual estimates of revenue and expenditure for Botswana approved by Parliament

## **SECOND SCHEDULE**

### **MATTERS FOR WHICH PROVISION MAY BE MADE IN DEVELOPMENT PLANS**

(Section 6)

#### **PART I**

##### ***Use of Land for Community Purposes***

1. Providing for the control of land development by zoning or designating for specific uses, such as residential, agriculture, wildlife, forestry, industry, mineral or water resources, communication and other forms of community uses.
2. Regulating the layout of housing areas, including density, spacing, grouping and orientation of houses, flats and other forms of housing accommodation in relation to roads, open spaces and other buildings.
3. Determining the provision and location of-
  - (a) community facilities (including shops, schools and other educational establishments, churches, meeting halls, libraries, play centres and recreation grounds, government offices, hospitals, clinics, health centres and other similar establishments);
  - (b) facilities associated with all forms of communications;
  - (c) facilities associated with infrastructure utilities such as power, water sanitation and refuse, having regard to the existing and future number, location, and distribution of houses, flats and other forms of housing accommodation.

#### **PART II**

##### ***Building and Building Plots***

1. Regulating and controlling, either generally or in particular areas, all or any of the following matters-
  - (a) the size and height of buildings;
  - (b) building lines, coverage and the space about buildings;
  - (c) the allocation on any building plot of appropriate accommodation for car parking;
  - (d) the objects which may be affixed to buildings;
  - (e) 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;
  - (f) the prohibition of building or other operations on any land, or regulating such operations.
2. Regulating and controlling the design, colour and materials of buildings and fences.
3. 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 building 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.

#### **PART III**

##### ***Public Services***

Facilitating the establishment, extension or improvement of works in relation to power,

lighting, water supply, sewerage, drainage, sewage disposal, refuse disposal or other public services.

#### **PART IV** ***Amenities***

1. Allocation of land as an open space whether public or private.
2. Allocation of land for a burial ground.
3. Allocation of land-
  - (a) for communal parks;
  - (b) for game and bird sanctuaries;
  - (c) for the protection of marine life.
4. Preservation of buildings, caves, sites and objects of artistic, architectural, archaeological or historical interest and in particular the buildings listed under section 29.
5. Preservation or protection of woods, trees, shrubs, plants and flowers.
6. Prohibiting, restricting or controlling, either generally or in particular places, the exhibition, whether on land or in water, or in the air, of all or any particular forms of advertisement or other public notices.
7. Preventing, remedying or removing injury to amenities arising from the ruinous or neglected condition of any building or fence, or by the objectionable or neglected condition of any land attached to a building or fence or abutting on a road or situate in a residential area.
8. Prohibiting, regulating and controlling the deposit of waste materials and refuse, the disposal of sewage and the pollution of watercourses, ponds and gullies.

#### **PART V** ***Transport and Communications***

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 the reservation of land for that purpose.
3. Facilitating the establishment, extension or improvement of telegraphic, telephonic, wireless or radar communication, the allocation of sites for use in relation to such communication, and the reservation of land for that purpose.

#### **PART VI** ***Roads and Car Parking***

1. Reservation of land for roads and establishment of public rights of way.
2. Closing or diversion of existing roads and public and private rights of way.
3. Construction of new roads and alteration of existing roads.
4. The line, width, level, construction, access to and egress from, and the general dimensions and character of roads, whether new or existing.
5. Providing for and generally regulating the construction or execution of works incidental to the making or improvement of any road, including the erection of bridges, culverts, gullies, fencing, barriers, shelters, the provision of artificial lighting, and seats, and the planting or protecting of grass, trees and shrubs on or adjoining such road.
6. The provision of facilities for car parking.

#### **PART VII** ***Miscellaneous***

1. Providing for and regulating the making of agreements for the purpose of a development plan by the Minister with owners and other persons, and by such persons with one another.
2. Providing for the subdivision of land and in particular, but without restricting the generality of the foregoing-
  - (a) for regulating the type and density of development to be carried out and the size and form of plots;
  - (b) for requiring the allocation of land for any of the public services referred to in Part III of

this Schedule or for any other purposes referred to in this Schedule for which land may be allocated;

- (c) for prescribing the character and type of public services or other works which shall be undertaken and completed by any applicant for permission to subdivide land as a condition of the grant of such permission; and
- (d) for co-ordinating the subdivision of contiguous properties in order to give effect to any scheme of development appertaining to such properties.

**3. Providing for-**

- (a) the adjustment and alteration of the boundaries and area of any village or town;
- (b) the establishment of new towns; and
- (c) the effecting of such exchanges of land or cancellation of existing subdivision plans as may be necessary or convenient for the purposes aforesaid.