

LAND USE AND SPATIAL PLANNING BILL, 2016

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BILL

ENTITLED

LAND USE AND SPATIAL PLANNING ACT, 2016

AN ACT to revise and consolidate the laws on land use and spatial planning, provide for sustainable development of land and human settlements through a decentralised planning system, ensure judicious use of land in order to improve quality of life, promote health and safety in respect of human settlements and to regulate national, regional, district and local spatial planning, and generally to provide for spatial aspects of socio economic development and for related matters.

Passed by Parliament and assented to by the President:

Application and Land Use and Spatial Planning Authority

Application

1. (1) This Act applies to
 - (a) institutions which are responsible for human settlement, spatial planning and use of land;

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- (b)* any person who is responsible for
 - (i) the development of land;
 - (ii) development of an area;
 - (iii) national spatial planning matters;
 - (iv) regional, district, urban, town and local planning matters;
 - (v) spatial development framework, structure plans, local plans, joint development schemes; and
 - (vi) formulating zoning regulations, planning standards and processing of land use permit;
- (c)* sub-divisions of land for purposes of development;
- (d)* the creation and delineation of districts, special towns and special development, special planning areas or any matter relating to the spatial planning or development control function;
- (e)* the development of land by private or public institutions including physical development by entities which are exempted from planning permit compliance procedures;
- (f)* spatial planning and physical development issues related to preparation of plans including
 - (i) national spatial development plans;
 - (ii) regional spatial development plans which comprise among others the co-ordination of the spatial aspects of district development plans where applicable;
 - (iii) district spatial development plans;
 - (iv) joint spatial development plans;
 - (v) special spatial development plans; and
 - (vi) the division of Ghana or parts of Ghana into spatial planning districts; and
- (g)* matters related to land use including enforcement, appeals, complaints and administrative processes as connected to land use within the country.

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Establishment of the Land Use and Spatial Planning Authority

2. (1) There is established by this Act a body corporate with perpetual succession to be known as the Land Use and Spatial Planning Authority.

(2) The Authority may, for the performance of its functions, acquire and hold movable or immovable property and enter into a contract or any other transaction.

(3) Where there is a hindrance to the acquisition of property, the property may be acquired for the Authority under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Authority.

Objects of the Authority

3. The objects of the Authority are to

- (a) provide for sustainable development of land and human settlements through a decentralised planning system;
- (b) ensure judicious use of land; and
- (c) enhance the attainment of Ghana's decentralisation agenda and in particular create an enabling regime for district assemblies to better perform the spatial planning and human settlements management functions.

Functions of the Authority

4. For the purpose of achieving its objects the Authority shall

- (a) perform the spatial, land use and human settlements planning functions of the national development planning system established under the National Development Planning Commission Act, 1994 (Act 479) and the National Development Planning (System) Act, 1994 (Act 480);
- (b) prepare and provide for the technical human settlements planning component as may be required by the National Development Planning Commission for inclusion in the national development plans or infrastructure plan prepared by the Commission pursuant to Acts 479 and 480;
- (c) prescribe the format and content of the spatial development framework, structure plans and local plans;
- (d) provide directions, guidelines and manuals for spatial planning;
- (e) develop the capacities of the district assemblies and other institutions for effective performance of their spatial planning and human settlement management functions;

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- (f)* ensure efficiency in the development control function at national, regional and district levels through the decentralised governance structures;
- (g)* ensure that the District Assemblies in collaboration with the development institutions perform site and service programmes for the purpose of development;
- (h)* provide guidance on the requisite human and material resources for the performance of the spatial planning and physical development functions at all levels;
- (i)* ensure the control of physical development in uncontrolled or less controlled but sensitive areas such as forest reserves, nature reserves, wildlife sanctuaries, green belts, coastal wetlands, water bodies, water catchment areas, mining areas, open spaces and public parks;
- (j)* ensure that the exploitative use of natural resources for agriculture, mining, industry and other related activities do not adversely impact on human settlements;
- (k)* collaborate with relevant agencies including the Environmental Protection Agency, the Minerals Commission and the Forestry Commission, to ensure adequate reclamation or eco-regeneration of natural resource areas which have been exploited;
- (l)* oversee the implementation of approved policies regarding spatial planning and physical development within the country;
- (m)* give guidance and monitor district assemblies and generally advise the Minister on policy options and implementation under the Act;
- (n)* give directives and guidelines as appropriate on development control functions in conformity with the Act;
- (o)* prepare national spatial development framework plan and evaluate regional and district spatial development framework to ensure conformity with the national spatial development framework and the requirements of the Act;
- (p)* recommend relevant Regulations to be made by the Minister;

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- (q) issue guidelines and regulatory notices to ensure compliance with this Act;
- (r) ensure a continual review, effective planning and management of human settlements and spatial planning policies;
- (s) ensure attainment of a balanced distribution of urban population and a spatially integrated hierarchy of human settlements to support the socio-economic development of the country;
- (t) facilitate improvement in the natural and built environment, and ultimately the quality of life for the population in rural and urban settlements;
- (u) ensure continued revision of spatial development framework, structure and local plans to guide the development of human settlements in Ghana;
- (v) encourage the private sector to partner the public sector in financing the development and management of human settlements and related physical development;
- (w) create a regime that enables district assemblies to acquire land in order to prevent or reverse depressed settlements;
- (x) establish spatial planning and land use database;
- (y) ensure the creation of appropriate zoning schemes and also prevent encroachments or breach of zoning schemes;
- (z) facilitate the creation of an institutional framework that ensures the effective operation of the Act at all levels;
- (aa) ensure the establishment of an inter-sectoral approach to decision making in spatial planning in accordance with the development objective of government to attain a coordinated approach to development; and
- (bb) perform any other function as may be directed by the Minister.

The Board of the Authority

Board of the Authority

5. (1) The governing body of the Authority is a Board consisting of
- (a) a chairperson who is a person knowledgeable in human settlements, town planning and the built environment or issues related to spatial planning but who is not employed in a full time capacity in the public service;

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- (b)* one representative each of
 - (i)* the Ministry of Local Government and Rural Development not below the rank of a Deputy Minister or in the absence of a Deputy Minister, a representative not below the rank of a Director;
 - (ii)* the Ministry of Environment, Science, Technology and Innovation not below the rank of a Deputy Minister or in the absence of a Deputy Minister, a representative not below the rank of a Director;
 - (iii)* the Ministry of Lands and Natural Resources not below the rank of a Deputy Minister or in the absence of a Deputy Minister, a representative not below the rank of a Director;
 - (iv)* the Ministry of Roads and Highways not below the rank of a Deputy Minister or in the absence of a Deputy Minister, a representative not below the rank of a Director;
 - (v)* the Ministry of Water Resources, Works and Housing not below the rank of a Deputy Minister or in the absence of a Deputy Minister, a representative not below the rank of a Director;
- (c)* the Chief Executive Officer of the Authority;
- (d)* the Executive Director of the Environmental Protection Agency;
- (e)* the Executive Secretary of the Lands Commission;
- (f)* the Administrator of Stool Lands;
- (g)* the Director-General of the National Development Planning Commission;
- (h)* one representative of the head of the Local Government Service;
- (i)* a representative of traditional authority nominated by the National House of Chiefs; and
- (j)* two persons from the private sector at least one of whom is a woman being persons appointed from the built environment or the Ghana Institute of Planners.

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(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

Responsibilities of the Board

6. The Board shall ensure the attainment of the overall objectives and the performance of the functions of the Authority and perform other related functions including

- (a) ensuring the efficient performance of the functions required to be performed under the Act;
- (b) initiating policies, programmes and projects for the proper functioning of the Authority and ensuring the preparation and submission of reports which are required to be submitted by the Act;
- (c) ensuring the sound and proper financial management of the Authority;
- (d) approving policies, budgets and other decisions taken by the Authority as appropriate; and
- (e) any other function as directed by the Minister.

Tenure of office of the Board

7. (1) A member of the Board shall hold office for a term of four years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Chief Executive of the Authority.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause ceases to be member of the Board.

(5) The President may, by letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Board is for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in a declaration of a vacancy for the unexpired tenure of office of that member.

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- (7) Where there is a vacancy
 - (a) under subsection (3), (4) or 9 (2), or
 - (b) as a result of a declaration under subsection (6), or
 - (c) by reason of the death of a member

the Minister shall notify the President of the vacancy and the President shall appoint a qualified person to fill the vacancy.

Meetings of the Board

8. (1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is eight members of the Board or a greater number determined by the Board in respect of an important matter.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a meeting of the Board but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Board may determine the procedure for its meetings.

Disclosure of interest

9. (1) A member of the Board who has an interest in a matter for consideration

- (a) shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and

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(b) shall not be present at or participate in the deliberations of the Board in respect of that matter.

(2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and

(a) fails to disclose that interest, or

(b) is present at or participates in the deliberations of the matter.

Establishment of committees

10. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function.

(2) Section 9 applies to members of a committee of the Board.

Allowances

11. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Ministerial directives

12. The Minister may give directives to the Board on matters of policy.

Divisions and Units of the Authority

13. (1) The Authority shall have divisions and units that are necessary for the performance of the functions of the Authority.

(2) In creating the divisions, the Board shall ensure that there are divisions and units responsible for the following functions:

(a) research, policy and development of planning standards;

(b) monitoring of compliance with planning standards;

(c) management of information system;

(d) formulation of spatial development framework;

(e) education, training and capacity building; and

(f) communication and public relations.

(3) The Divisions of the Authority shall be staffed by persons who have the requisite knowledge, skill and experience and who are appointed by the President in accordance with article 195 of the Constitution.

Chief Executive Officer of the Authority

14. (1) The Authority shall have a Chief Executive Officer who shall be appointed by the President in accordance with article 195 of the Constitution.

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(2) The Chief Executive Officer shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Chief Executive Officer shall be the administrative head of the Authority and is responsible for

- (a) the day to day administration of the Authority;
- (b) implementing the decisions of the Board;
- (c) keeping accurate records of proceedings and decisions of the Board; and
- (d) performing other functions that the Board may direct.

(4) The Chief Executive Officer may delegate a function of the office to an officer of the Authority but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

(5) The Authority shall provide technical advice on spatial planning to the Government through the Board.

Finances of the Authority

Finances of the Authority

15. (1) The activities of the Authority shall be financed through
- (a) moneys approved by Parliament for the purposes of the Authority;
 - (b) grants, gifts, and donations made to the Authority other than grants, gifts and donations designated for the Land Use and Spatial Planning and Development Fund set up under section 20;
 - (c) fees received by the Authority for the provision of services under the Act;
 - (d) other sources of income for the Authority as approved by Parliament.

(2) For the purpose of this section, the Authority shall prepare budget estimates for each financial year but the estimates shall be subject to the approval of the Board.

Accounts and audit

16. (1) The Authority shall keep books of accounts and proper records in relation to them in the form approved by the Auditor-General.

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(2) The Authority shall, submit the accounts to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than six months, after the end of the financial year, audit the accounts and forward a copy of the audit report to the Board and the Minister.

Financial year

17. The financial year of the Authority is the same as the financial year of the Government.

Annual reports

18. (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Authority for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit a report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall submit to the Minister any other reports which the Minister may request in writing.

Control of finances and internal audit

19. The finances of the Authority and the Fund established under section 20 are subject to the control procedures within the Public Service including rules regulating internal audit and use of public funds.

Land Use and Spatial Planning Development Fund

Establishment of the Fund

20. There is established by this Act a Land Use and Spatial Planning Development Fund.

Object of the Fund

21. (1) The objects of the Fund include providing financial resources to

- (a) finance research into planning issues and capacity building;
- (b) defray the costs and expenses incurred by the Authority in preparing spatial development frameworks, plans, reports, documents, papers and other material related to the objects of the Authority or the dissemination of information by the Authority;

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- (c) pay for the costs related to the promotion of specific programmes determined by the Board in writing to be funded by the Fund;
- (d) pay for the public educational activities of the Authority that the Board may determine; and
- (e) assist planning entities in the performance of their functions under the Act.

(2) The Fund shall only be used for the purposes specified under the Act and shall not be used for the day to day administration of the Authority.

Sources of money for the Fund

22. The sources of money for the Fund consist of

- (a) moneys provided for the Fund by the Minister responsible for Finance with the approval of Parliament;
- (b) proceeds received by the Authority from any investments;
- (d) moneys ceded to the Fund from the District Assemblies Common Fund;
- (e) funding from development partners and donations;
- (f) income from other sources received for the purpose of the Fund; and
- (g) grants and gifts to the Fund.

Management of the Fund

23. (1) The Fund shall be managed by a Fund Committee which consists of

- (a) one representative of the Ministry of Local Government and Rural Development, who is the chairperson;
- (b) the Director of Finance of the Authority;
- (c) two representatives of the Board;
- (d) one representative of the Controller and Accountant-General; and
- (e) one representative of the Ministry of Finance.

(2) The Committee shall, in consultation with the Minister of Finance, make recommendations to the Board regarding the disbursement of the Fund.

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Additional resources

24. (1) The Minister responsible for the Authority may, in consultation with the Minister responsible for Finance, make provisions relating to further financial resources that are to be allocated or ceded to the Authority.

(2) The Minister responsible for Finance may issue guidelines and further directives that are necessary to guide the use of the resources under the Fund.

Planning at Regional Level

Regional Spatial Planning Committee

25. (1) The administrative regions established by the relevant enactments shall serve as the regions for the purpose of this Act.

(2) Each Regional Coordinating Council shall in consultation with the Minister responsible for Local Government, establish a Regional Spatial Planning Committee as a technical committee of the Regional Planning Coordinating Unit in each region.

Membership of Regional Spatial Planning Committee

26. (1) A Regional Spatial Planning Committee consists of
- (a) the Regional Minister who shall be the chairperson of the Committee;
 - (b) the head of the Regional Town and Country Planning Department who shall be the secretary of the Committee;
 - (c) the Head of the Regional Economic Planning Unit;
 - (d) the regional head of the Ghana National Fire Service;
 - (e) the regional head of the Lands Commission in the region;
 - (f) the regional head of the Environmental Protection Agency;
 - (g) the regional head of the Ghana Highway Authority;
 - (h) a representative of the Regional House of Chiefs;
 - (i) a representative of the National Disaster Management Organisation in the region;
 - (j) the regional head of the Ministry of Agriculture;
 - (k) a regional representative of the Forestry Commission not below the rank of a Director;
 - (l) a regional representative of the Water Resources Commission not below the rank of a Director;
 - (m) the regional head of the National Board for Small Scale Industries;
 - (n) the Regional Coordinating Director; and
 - (o) a representative of utility services providers within the region.

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(2) For the purpose of paragraph (o), utility services providers include water, sewage, telecommunications and electricity service providers.

Functions of the Regional Spatial planning in district

27. The Regional Spatial Planning Committee shall perform the functions provided under this Act including the following for and on behalf of the Regional Planning Coordinating Unit:

- (a) develop a Regional Spatial Development Framework for the region in consultation with the district assemblies as part of the spatial development component of the Regional Development Plan;
- (b) adjudicate on appeals or complaints resulting from decisions, actions or inactions of the District Spatial Planning Committee of the district assemblies;
- (c) where required, prepare sub-regional or multi-district spatial development framework for two or more districts within the region; and
- (d) perform any other function to give effect to this Act within the region.

Rules affecting the Regional Spatial Planning Committee

28. The provisions of sections 8, 9, 10 and 11 are applicable to the Regional Spatial Planning Committee but the Minister may, in consultation with the Authority and the Regional Coordinating Council, make further rules regarding the Regional Spatial Planning Committee.

Regional Spatial Planning Committee and Regional Coordinating Councils

29. (1) A Regional Spatial Planning Committee shall perform the functions provided for under this Act for and on behalf of the Regional Planning Coordinating Unit with oversight supervision by the Regional Coordinating Council.

(2) The Regional Spatial Planning Committee shall perform oversight spatial planning functions over the District Spatial Planning Committee within the scope prescribed by Regulations made under the Act.

(3) In the performance of its functions, the Regional Spatial Planning Committees shall act in accordance with the directives of the Regional Planning Coordinating Unit and take into consideration the Regional Development Plan prepared by the Regional Planning Coordinating Unit.

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Planning at the District Level

Spatial planning in districts

30. (1) The administrative districts established by the relevant enactment shall serve as the districts for the purpose of this Act.

(2) The Authority may recommend the making of further Regulations regarding the spatial planning matters to be taken into account in the creation of districts.

(3) In the performance of its functions under this Act, a District Assembly is in addition to the provisions of this Act, subject to conditions imposed in regulatory notices and administrative instructions issued by the Authority in accordance with this Act.

(4) The District Chief Executive or a person to whom responsibility is delegated in accordance with this Act is responsible and accountable for an action taken in pursuance of the responsibilities under this Act.

Establishment of districts as planning authorities

31. Where a new district is created or existing districts are consolidated into one district, the new district shall be the planning authority for its area of jurisdiction for the purposes of this Act.

District Planning Authority and its functions

32. (1) A District Assembly or a special planning authority is for the purpose of this Act the spatial, human settlement and planning authority for its area of authority.

(2) Unless otherwise specifically stated, the functions of the District Assembly under this Act shall be performed either by the District Spatial Planning Committee or by the Technical Sub-Committee in accordance with the rules and procedures provided in the Local Government Act, 1993 (Act 462).

Delegation of functions

33. Except as specified in this Act or Regulations made under this Act, a District Assembly shall not delegate its functions under this Act to any entity other than the District Spatial Planning Committee or the Technical Sub-Committee.

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Decisions of the District Assemblies and responsibility

34. (1) The decision of a District Assembly in respect of the function of the District Assembly under this Act shall be taken in a corporate manner through the District Spatial Planning Committee at its formal meetings.

(2) The head of a District Spatial Planning Committee is responsible for ensuring compliance with this Act and the head is not absolved from accountability or responsibility if any of the functions are delegated.

District Spatial Planning Committee

35. (1) There is established by this Act, as a committee of each District Assembly, a District Spatial Planning Committee.

(2) A District Spatial Planning Committee consists of

- (a) the District Chief Executive of the district who shall be the chairperson and in the absence of the District Chief Executive, the chairperson of the sub-committee on works shall act as chairperson, and in the absence of both of them, the District Coordinating Director shall act as the chairperson;
- (b) the head of the Physical Planning Department of the district who shall be the secretary of the Committee;
- (c) the District Coordinating Director;
- (d) the chairperson of the sub-committee on
 - (i) development planning of the District Assembly; and
 - (ii) works of the District Assembly;
- (e) the District Development Planning Officer;
- (f) the head of the Works Department;
- (g) the head of the Urban Roads Unit of the District Assembly;
- (h) a representative of the regional director of the Environmental Protection Agency;
- (i) the Head of the Disaster Prevention Department of the District Assembly;
- (j) one representative, of the Lands Commission in the District not below the rank of a Staff Surveyor appointed from the Survey and Mapping Division of the Lands Commission;
- (k) one representative from the traditional council of the district and in districts where there are more than one traditional council, the person elected by the traditional councils within the district to represent them on a rotating basis; and

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- (1) persons nominated by the elected members of the assembly from among their number to represent them as follows:
- (i) in the case of a Metropolitan Assembly, three representatives;
 - (ii) in the case of a Municipal Assembly, two representatives; and
 - (iii) in the case of a District Assembly, one representative
- except that in the nomination, preference shall be given to female elected members of the Assembly.

(3) A District Spatial Planning Committee may co-opt or invite any other qualified person as a consultant, to attend a meeting of the District Spatial Planning Committee for the purpose of the specific subject matter being considered by the District Spatial Planning Committee.

(4) A co-opted person may only advise the District Spatial Planning Committee and shall not vote on any matter for decision by the District Spatial Planning Committee.

Functions of the District Spatial Planning Committee

36. (1) A District Spatial Planning Committee shall

- (a) ensure that physical development is not carried out in the District unless that development is duly authorised in accordance with this Act;
- (b) ensure that the preparation of the District Spatial Development Framework is in accordance with this Act;
- (c) ensure that the preparation of the structure plan and local plan in the district is in accordance with this Act;
- (d) deliberate on and approve the recommendation of the Technical Sub-Committee or request further consideration by the Technical Sub-Committee where necessary;
- (e) consider and approve applications for permit; and
- (f) perform other functions required to be performed by this Act within the district.

(2) The District Spatial Planning Committee may impose conditions that it considers appropriate in giving approval to the recommendations of the Technical Sub-Committee.

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(3) The Authority may, in accordance with Regulations made under this Act, prescribe the scope of the approved functions of the District Spatial Planning Committee that may be delegated by the District Spatial Planning Committee to the Technical Sub-Committee.

Technical Sub-Committee

37. (1) There is established by this Act in each District Assembly, a Technical Sub-Committee of the District Spatial Planning Committee.

(2) A Technical Sub-Committee consists of

- (a) the head of the Physical Planning Department of the district who shall be the secretary of the Committee;
- (b) the District Development Planning Officer;
- (c) the head of the Works Department;
- (d) the head of the Roads Unit or Urban Roads Department of the District Assembly;
- (e) the district head of the Disaster Prevention Department of the District Assembly;
- (f) one representative of the Lands Commission in the District;
- (g) one representative of the regional head of the Environmental Protection Agency;
- (h) the District Fire Officer;
- (i) the head of the District Health Department; and
- (j) two co-opted members at least, one of whom is the chairperson of a sub-metro or urban council as appropriate.

(3) A representative from any of the utility agencies or other relevant agencies may be co-opted, if required.

(4) The chairperson of a Technical Sub-Committee shall be elected by the members of the Technical Sub-Committee from their number at the first meeting of the Technical Sub-Committee.

(5) In the absence of the chairperson at a meeting of the Technical Sub-Committee, the members present and forming a quorum shall elect one of their number to chair that meeting.

(6) Where any of the members of the Committee as specified in sub-section (2) is not available, the District Spatial Planning Committee shall, in consultation with the Regional Spatial Planning Committee, co-opt a person from another district within the Region to fill the vacancy until a substantive person is appointed within the district.

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Inauguration and operations

38. (1) The Regional Minister shall inaugurate the District Spatial Planning Committee and the Technical Sub-Committee.

(2) The Technical Sub-Committee shall report to the District Spatial Planning Committee.

(3) The District Spatial Planning Committee and Technical Sub-Committee may co-opt non members to attend their meetings but a co-opted person may only advise on matters which are being deliberated on at the meeting and shall not vote on decisions.

Functions of the Technical Sub-Committee

39. The Technical Sub-Committee shall

- (a) prepare or review the District Spatial Development Framework, Structure Plans, Local Plans and Rezoning Plans;
- (b) review applications for physical development;
- (c) recommend to the District Spatial Planning Committee applications for approval;
- (d) provide the Authority with reports as required for the enforcement of this Act;
- (e) make recommendations to the District Spatial Planning Committee to approve any of the items, documents or matters required to be approved under this Act;
- (f) make input into the discussions of site advisory and site selection teams set up for public projects by the Site Advisory Committee established under the State Lands Regulations, 1962 (L.I. 230);
- (g) provide technical services, establish conditions in relation to the various plans and monitor implementation of the plans; and
- (h) perform any other function assigned to the Committee by the District Spatial Planning Committee.

Meetings

40. (1) The District Spatial Planning Committee and the Technical Sub-Committee shall meet as and when required to perform the functions stated under this Act but shall in any event meet at least once a month except that the Technical Sub-Committee shall hold its meetings and submit a report to the District Spatial Planning Committee before the District Spatial Planning Committee's meetings.

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(2) A quorum for a meeting of the District Spatial Planning Committee and Technical Sub-Committee is constituted by half or more of the members present.

(3) Decisions of the District Spatial Planning Committee and the Technical Sub-Committee shall be by simple majority.

The Secretariat

41. (1) The Physical Planning Department of a District Assembly shall serve as the Secretariat of the District Spatial Planning Committee.

(2) The head of the Physical Planning Department of a District Assembly shall be the head of the Secretariat.

(3) In addition to the regular funding sources, the activities of the District Spatial Planning Committee and the Technical Sub-Committee shall be funded from other sources including funds that may accrue or be assigned to the District Assembly from the Land Use Planning and Development Fund set up under section 20.

Joint and Multi District Issues

Creation of Joint District Planning Entities by Regional Coordinating Council

42. (1) Where a Regional Coordinating Council is of the view that a District Assembly does not have qualified and experienced staff to perform the functions of the District Assembly, the Regional Coordinating Council may

- (a) in the interest of spatial harmony, or
- (b) in the interest of cost savings, economy or enhancement of national development,

after prior consultations with the Authority, the Regional Spatial Planning Committee and the respective District Assemblies, create

- (c) a Joint District Spatial Planning Committee where only two District Assemblies are affected; or
- (d) a Multi-District Spatial Planning Committee where more than two districts are affected

(2) In setting up a Joint or Multi-District Spatial Planning Committee, the Regional Coordinating Council shall ensure that the membership conforms to the provisions of section 35.

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Joint Statutory Technical Sub-committees

43. Where a Regional Coordinating Council creates a Joint District Spatial Planning Committee or Multi-District Spatial Planning Committee under section 42, the Regional Coordinating Council shall create a Joint Technical Sub-Committee or Multi-District Technical Sub-Committee as appropriate in accordance with the expertise that are required in section 37 for constituting a Technical Sub-Committee.

Power to obtain information

44. (1) A planning entity may, in the performance of its functions under this Act,

- (a) by notice in writing, require a person to provide information in the form and manner and within the time specified in the notice, where the planning entity considers the information necessary for the purpose of ensuring compliance with this Act or for the determination of a matter under this Act;
- (b) interview a person and request that person to provide particulars that the planning entity may require.

(2) The notice shall contain a general statement of the purpose for which the information is required.

(3) A person who

- (a) fails to provide information requested by a planning entity within the time specified in the notice or by the planning entity where extension of time is granted,
- (b) knowingly provides misleading or false information or forged documents or data, or
- (c) willfully obstructs the work of a planning entity or an officer, agent or employee of the planning entity in the performance of any of the planning entity's functions

commits an offence and is liable on summary conviction to a fine of not less than one hundred and fifty penalty units and not more than three hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

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Confidentiality and prohibition of disclosure of information

45. (1) An official of the Authority, the Regional Spatial Planning Committee, the District Spatial Planning Committee or any other planning entity commits an offence if that officer

- (a) discloses any data or information obtained under section 44 to a person not authorised to receive the information; or
- (b) uses a document data or information obtained under section 44 directly or indirectly for commercial purposes including speculating in any stock, bond or other security or any goods or services.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine of not less than five hundred penalty units and not more than two thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

Planning Area and Levels of Planning

Planning area

46. The territory of Ghana as defined under the Constitution of the Republic of Ghana including the land mass, air space, sub-terrain territory, territorial waters and reclaimed lands shall be a planning area and subject to the planning system provided under this Act and other relevant laws.

Spatial development frameworks, structure and local plans

47. (1) The framework for spatial planning in the country comprises
- (a) the National Spatial Development Framework covering the entire country;
 - (b) one Regional Spatial Development Framework for each of the administrative regions of Ghana or joint-regional spatial development framework for multiple regions where appropriate; and
 - (c) District Spatial Development Framework for each district, or where appropriate, a joint or multi-district Spatial Development Framework.

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(2) In furtherance of the National and Regional Spatial Development Framework and where available the joint-regional, regional, sub-regional or District Spatial Development Framework, the following plans shall be prepared to guide physical development:

- (a) a structure plan for each district, part of a district or multiple districts but a structure plan shall not be prepared for part of a district unless that structure plan conforms to the criteria prescribed in Regulations made by the Minister under this Act; and
- (b) a local plan for each part of a district where physical development is taking place or proposed to take place and the local plan shall conform to guidelines prescribed by the Authority.

(3) The Spatial Development Frameworks and Plans shall have as their key goal the general improvement of the quality of life in the country.

(4) A spatial development framework, a structure plan and a local plan shall be for the following periods:

- (a) in the case of National Spatial Development Framework, twenty years;
- (b) in the case of Regional Spatial Development Framework, twenty years;
- (c) in the case of District Spatial Development Framework, twenty years;
- (d) in the case of a Structure Plan, fifteen years; and
- (e) in the case of a Local Plan, five years.

(5) A spatial development framework and a structure plan shall be revised at the end of the period specified in subsection (4) or at an earlier date that the Authority may direct.

(6) Until the revised spatial development framework is approved in accordance with this Act, the existing spatial development framework shall continue to be in force.

(7) Despite subsection (5), a review session shall be held by the applicable entity every four years to determine changes that are required in the framework.

(8) Where changes are required, approval shall be sought from the approving authority before any modification is made except where the modification is envisaged or permissible under the approved framework.

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Public participation and Public Data Room

48. (1) The general public and key stakeholders shall participate in the preparation of a plan and the Authority shall, through guidelines, prescribe the details of the procedure to be followed in ensuring public participation at all levels of the spatial planning system.

(2) Each District Assembly shall set up a permanent Public Data Room, whether virtual or physical, at an openly accessible place and the Public Data Room shall be open to the Public during normal working hours.

(3) The Public Data Room shall be manned by staff of the District Assembly who shall

- (a) assist the public to have access to documents prescribed to be made available in the data room; and
- (b) keep records that may be prescribed by the Authority.

National Spatial Development Framework

Preparation of National Spatial Development Framework

49. (1) The Authority shall, after consultation with the National Development Planning Commission and on the basis of the approved or planned National Development Framework as stipulated in the National Development Planning (System) Act, 1993 (Act 480), prepare a National Spatial Development Framework covering the entire territory of Ghana.

(2) The Authority shall ensure that the National Spatial Development Framework is the framework within which other spatial development frameworks are formulated.

(3) In addition to the National Development Plan, the National Spatial Development Framework shall be informed by background studies, reports, plans, maps and other information prescribed by Regulations made by the Minister under this Act.

(4) The National Spatial Development Framework shall prescribe the spatial aspects of the social and economic development and related human settlement of the country.

(5) The National Spatial Development Framework shall be prepared in accordance with the scope, objectives, minimum content and methodology prescribed by Regulations.

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- (6) The National Spatial Development Framework shall be
- (a) prepared by the Authority in consultation with the National Development Planning Commission and other public institutions, and
 - (b) based on the development policy framework approved by the President.

(7) The National Spatial Development Framework shall have as its goal, the judicious use of land and the equitable distribution of national infrastructure and facilities in various human settlements of the country.

Contents of the National Spatial Development Framework

50. (1) The National Spatial Development Framework shall contain
- (a) a statement from the Authority covering
 - (i) the spatial dimensions of general trends, prospects, opportunities and challenges of the country;
 - (ii) the objectives that are to guide the Authority in coping with the challenges and enable the Authority to contribute to the improvement of quality of life and sustainable management of land use and human settlements;
 - (iii) the strategies designed or to be employed by the Authority to cope with and guide management on land use to meet the identified challenges; and
 - (iv) the means to be employed in monitoring the efficiency of the strategies adopted by the Authority;
 - (b) the designation of the proposed hierarchy of human settlements, anticipated population growth and distribution;
 - (c) the location of major potential projects, development corridors and other areas of national importance;
 - (d) the designation of infrastructure, services and development corridors of national importance;
 - (e) the allocation of development centers of national importance and their likely development within the planning period;
 - (f) a strategic environmental assessment of the spatial development framework;
 - (g) a statement of the consultative procedures undertaken in the preparation of the framework; and
 - (h) any other matter considered relevant for the purpose of the National Spatial Development Framework.

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(2) A national development plan required under the National Development Planning (System) Act, 1994 (Act 480) shall be accompanied with

- (a) the National Spatial Development Framework;
- (b) the Regional Spatial Development Framework;
- (c) the Multi-regional or Sub-regional Spatial Development Framework; and
- (d) the District Spatial Development Framework

which shall constitute the spatial component of the National Development Plan.

(3) The National Spatial Development Framework shall be submitted to the President for approval and the Framework shall commence on the date of the approval.

Notification of President's approval

51. (1) After the President has given approval to the National Spatial Development Framework, the Chief Executive of the Authority shall give notice of the approval by publication in the *Gazette* and in a daily newspaper of national circulation.

(2) The Authority shall, in addition, send copies of the approved Framework to

- (a) the Office of the President;
- (b) the National Development Planning Commission;
- (c) each Regional Coordinating Council;
- (d) each District Assembly;
- (e) the National House of Chiefs; and
- (f) each Ministry.

(3) A copy of the National Spatial Development Framework may be made available at a fee prescribed by the Authority to a person who requests for a copy of the Framework.

Regional Spatial Development Framework

Preparation of Regional Spatial Development Framework

52. (1) In furtherance of the National Spatial Development Framework, each Regional Coordinating Council shall ensure that a Regional Spatial Development Framework is prepared for each administrative region of the country not later than twelve months after the approval by the President of the National Spatial Development Framework.

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(2) The Regional Spatial Planning Committee shall, on the basis of the National Spatial Development Framework approved by the President and in consultation with the District Assemblies and other public and private sector agencies, prepare the Regional Spatial Development Framework for its region within the time specified in subsection (1).

(3) Where the Authority in consultation with the relevant Regional Coordinating Council specifically directs, the Regional Spatial Planning Committee concerned shall prepare Sub-Regional Spatial Development Framework for part of the Region and a Joint-Regional Spatial Development Framework for two or more regions.

(4) In the preparation of the Regional Spatial Development Framework or Joint-Regional Spatial Development Framework, a Regional Spatial Planning Committee shall be informed by the relevant background studies, reports, plans, maps and other information prescribed by Regulations made under this Act.

(5) The Regional Spatial Development Framework or Joint-Regional Spatial Development Framework shall prescribe the spatial aspects of the Regional Development Plan and related human settlement issues.

(6) The Regional Spatial Development Framework or Joint-Regional Spatial Development Framework shall be prepared in accordance with the scope, objectives, minimum content and methodology prescribed by guidelines issued by the Authority.

(7) The Regional Spatial Development Framework or joint-regional Spatial Development Framework shall be submitted to the Regional Coordinating Councils concerned for approval and after the approval, a copy of the Regional Spatial Development Framework shall be lodged with the National Development Planning Commission through the Authority.

(8) Where as a result of an objection or concern raised by the National Development Planning Commission, the Framework is revised by the relevant Regional Spatial Planning Committee, the revised Framework shall be submitted to the Regional Co-ordinating Council concerned for approval and a copy of the approved revised Framework shall be lodged with the National Development Planning Commission.

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(9) Where the National Development Planning Commission does not object to the Framework within sixty days after the Framework has been lodged with the National Development Planning Commission, the Framework shall be considered to have come into force on the expiration of the sixty days.

(10) Where a Framework is revised, the revised Framework shall come into force on the expiration of thirty days after the revised Framework is lodged with the National Development Planning Commission.

(11) The Regional Spatial Development Framework or multi-regional Spatial Development Framework shall conform to the general requirements of the National Spatial Development Framework.

(12) The Regional Spatial Development Framework or multi-regional Spatial Development Framework shall have as its key goal the judicious use of land and supportive spatial strategy for exploiting unique regional prospects and challenges for increasing regional and national prosperity.

Content of Regional Spatial Development Framework

53. The Regional Spatial Development Framework shall contain

- (a) a statement from the Regional Spatial Planning Committee concerning
 - (i) the specific development challenges in the Region that are addressed in the Regional Spatial Development Framework;
 - (ii) the strategies proposed in the development framework by the Regional Spatial Planning Committee to cope with and guide the development and use of Land in the Region; and
 - (iii) the means to be employed in monitoring the efficiency of the strategies proposed by the Regional Spatial Planning Committee;
- (b) the designation of the spatial structure of the Region taking into account the relevant parts of the National Spatial Development Framework and the regional challenges and trends, including

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- (i) the proposed hierarchy of settlements, growth distribution of urban population and functional locations of regional importance;
 - (ii) the allocation of regional development corridors; and
 - (iii) the indicative reservations of land imposed for the purpose of serving the needs under subparagraphs (i) and (ii);
- (c) an environmental assessment of the Regional Spatial Development Framework; and
- (d) a statement of the consultative procedures undertaken in the preparation of the Framework.

Notification

54. (1) The Regional Coordinating Director shall give notice of the approval of the Regional Spatial Development Framework to the public by publication in the *Gazette* and a newspaper of national circulation and send copies of the Framework to

- (a) the President;
- (b) the Authority;
- (c) the National Development Planning Commission;
- (d) each Regional Coordinating Council;
- (e) each District Assembly in the region; and
- (f) each Ministry, Department and Agency within the region.

(2) The Chief Executive of the Authority shall give notice of the approval of the Joint-Regional Spatial Development Framework to the public by publication in the *Gazette* and a newspaper of national circulation and send copies of the Framework to

- (a) the President;
- (b) the National Development Planning Commission;
- (c) each Regional Coordinating Council;
- (d) each District Assembly in the region; and
- (e) each Ministry, Department and Agency within the region.

(3) A person may, on payment of the prescribed fee, obtain a copy of the

- (a) Joint-Regional Spatial Development Framework from the Authority; or
- (b) Regional Spatial Development Framework from the Regional Co-ordinating Council.

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(4) A copy of the Joint-Regional or Regional Spatial Development Framework shall be made available at the Public Data Room of each District Assembly within the region.

District Spatial Development Framework

Spatial component of district development plans

55. (1) The spatial component of a development plan required by section 2 of the National Development Planning System Act, 1994 (Act 480) shall be prepared in accordance with this Act.

(2) In furtherance of section 4 of the National Development Planning System Act, 1994 (Act 480), each proposed district development plan shall be accompanied by evidence that that plan has been prepared taking into account the District Spatial Development Framework.

(3) A District Assembly shall, in making modifications to an approved District Development Plan under section 4 of the National Development Planning System Act, 1994 (Act 480), take into account the District Spatial Development Framework and the provisions of this Act.

Preparation of District Spatial Development Framework

56. (1) Within twelve months of the coming into force of a Regional Spatial Development Framework, the Chief Executive of the Authority with regard to a Joint District Spatial Development Framework or the Regional Spatial Planning Committee in the case of a District Spatial Development Framework shall give notice to the public by publication in the *Gazette* and a daily newspaper of national circulation of the commencement of the preparation of the District Spatial Development Framework.

(2) The Technical Sub-Committee of each District Spatial Planning Committee shall,

(a) in consultation with relevant public and private institutions and stakeholders;

(b) on the basis of the economic development framework approved by the President and the regional authority; and

(c) in conformity with the Regional Spatial Development Framework,

prepare a District Spatial Development Framework for the district in accordance with this Act.

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(3) Where appropriate, the Regional Spatial Planning Committee shall, in consultation with the Regional Coordinating Council and affected district assemblies, prepare a Joint-District Spatial Development Framework.

(4) The District Spatial Development Framework or the Joint-District Spatial Development Framework shall conform to the general guidelines of the Regional Spatial Development Framework.

(5) The District Spatial Development Framework shall be submitted to the District Assembly for approval and where a Joint-District Spatial Development Framework is prepared, it shall be submitted to the Regional Spatial Planning Committee for approval.

(6) In the case of the preparation of the Joint-District Spatial Development Framework, the District Assembly shall be given notice of the approval by the Regional Spatial Planning Committee.

(7) After a District Spatial Development Framework is approved by the District Assembly, or in the case of a Joint-District Spatial Development Framework by the Regional Coordinating Council, the District Chief Executive or the Regional Coordinating Director, as the case may be, shall give notice to the public of the completion of the Framework through publication in a newspaper of national circulation and a copy of the Framework shall be made available at the Public Data Room of the relevant district or of each of the Districts concerned.

(8) A person may, on request, obtain a copy of

(a) the District Spatial Development Framework from the District Assembly on the payment of the fee fixed by the District Assembly by resolution; or

(b) a Joint District Spatial Development Framework from the Authority on payment of the fee prescribed by the Authority.

(9) A copy of the District Spatial Development Framework shall be lodged with the Regional Coordinating Council and the Regional Spatial Planning Committee.

(10) The District Spatial Development Framework shall be prepared in accordance with the scope, objectives, minimum content and methodology prescribed by Regulations made under this Act.

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Objectives of the District Spatial Development Framework

57. (1) A District Spatial Development Framework or Joint District Spatial Development Framework shall have as its key goal the judicious use of land and supportive spatial strategy for coordinated and accelerated district development.

(2) A District Spatial Development Framework or Joint District Spatial Development Framework shall prescribe the spatial aspects of the district's social and economic development and related human settlement issues of the district.

Contents of District Spatial Development Framework

58. (1) A District Spatial Development Framework shall take into account the National Spatial Development Framework and the Regional Spatial Development Framework, background studies, reports, plans, maps and other information prescribed by Regulations made under this Act.

- (2) The District Spatial Development Framework shall contain
- (a) the designation of the spatial structures within the district taking into account the relevant parts of the National and Regional Spatial Development Frameworks and the challenges and trends, including
 - (i) the allocation of the projected size for areas of urbanisation and functions of urban areas in the district;
 - (ii) the designation of infrastructure corridors laid out at the district level;
 - (iii) the allocation and delineation of areas that are subject to structure plans;
 - (iv) the designation of land use in areas that are not subject to structure plans;
 - (v) the reservations of land designated for the purpose of future development; and
 - (vi) potential areas for the location of industrial development;
 - (b) an environmental assessment of the District Spatial Development Framework;

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- (c) a statement of the consultative process undertaken in the preparation of the framework; and
- (d) a statement showing how other regulatory requirements or applicable directives have been taken into account.

Preparation of joint framework

59. (1) A reference to a Regional Spatial Development Framework and a District Spatial Development Framework includes a reference to a Joint Regional Spatial Development Framework or a Joint-District Spatial Development Framework as appropriate.

(2) Where an action is required to be taken by a district, the action shall be taken by each district in the case of Joint-District Spatial Development Framework.

(3) The Authority may make Regulations regarding Joint- District Spatial Development Framework.

Compliance with District Spatial Development Framework

60. A person who carries out physical development or any physical development related activity shall comply with the District Spatial Development Framework and with the relevant structure plan and local plan.

Structure Plans

Time for structure plan

61. (1) Except where the Authority grants an extension, each Technical Sub-Committee of the District Spatial Planning Committee of a District Assembly shall,

- (a) within twelve months after approval of the District Spatial Development Framework,
 - (i) give notice of the approval to the public by publication in the *Gazette* and a newspaper of national circulation, and
 - (ii) commence the preparation of a structure plan for its area of jurisdiction, and
- (b) complete the structure plan within thirty-six months after the approval of the District Spatial Development Framework.

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(2) Where the Technical Sub-Committee decides to prepare a structure plan for parts of the district, it shall ensure that there is a structure plan for each part of the district.

Objectives and scope of structure plan

62. (1) A structure plan shall have as its goal the judicious use of land, sustainable human settlement development and environmental protection.

(2) A structure plan shall provide for the spatial development of a district and shall contain planning aims, objectives and principles and development proposals, plans, maps and background studies, reports and information prescribed by Regulations, with the purpose of securing

- (a) orderly, coordinated, efficient and environmentally sound urban or rural development; and
- (b) proper use of land in a manner that enables the general welfare of the urban area or rural area concerned and the order by development of that area to be most effectively promoted.

(3) The structure plan shall contain

- (a) the designation of uses or broad zoning of land that is subject to the plan for the purpose of ensuring the continuous supply of land to meet the needs identified in the Spatial Development Framework, including land required to protect natural drainage systems and environmentally sensitive areas;
- (b) a designation of the supply-infrastructure within the planning area, including
 - (i) the network of the primary and secondary roads;
 - (ii) the network of facilities for the electrical power infrastructure;
 - (iii) the network of water supply infrastructure, including sewage treatment facilities;
 - (iv) the network of drainage and sewage water infrastructure;
 - (v) the network of telecommunications infrastructure;
 - (vi) the location of final waste disposal sites, land fill sites, or other waste treatment sites; and
 - (vii) the route-network of public transport services;

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- (c) the designation of time schedules for the development of land, water and electricity supply infrastructure within the planning area;
 - (d) the framework and guidelines applicable to development schemes and local plans;
 - (e) the environmental assessment of the structure plan; and
 - (f) a statement of the consultative procedures taken in the preparation of the plan.
- (4) The designation of land uses shall in respect of zoning requirements contain the designation of areas for
- (a) housing;
 - (b) educational institutions;
 - (c) health institutions;
 - (d) public offices;
 - (e) business or commercial offices;
 - (f) markets and shopping centres;
 - (g) industries and noise-related buffer zones;
 - (h) compatible mixed use activities;
 - (i) urbanized areas requiring redevelopment;
 - (j) agriculture;
 - (k) nature conservation; and
 - (l) recreation and leisure.
- (5) In designating areas for industrial purposes, the planning authority shall ensure that buffer zones designated for noise or environmental purposes are not subject to land uses that conflict with the designated purpose.
- (6) A structure plan
- (a) may cover the whole or a part of an urban area or rural area within the district or any specific land area, and consist of statement of policies and plans; and
 - (b) shall contain background studies, reports, maps and any other information prescribed by Regulations, made under this Act.
- (7) A structure plan shall conform to the scope, objectives, minimum content, and the methodology prescribed by Regulations made under this Act.

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(8) A structure plan shall not deviate from the general purpose and prescription of the National, Regional or District Spatial Development Framework or Joint-Regional or Sub-Regional Spatial Development Framework.

Sub-urban structure plan

63. (1) In urban areas, sub-urban structure plans may be prepared to cover an entire urban area or part of an urban area which falls within one administrative authority and may include adjoining towns and villages.

(2) Where an urban area falls under different district assemblies, an urban structure plan shall not be prepared to cover multiple districts without the approval of the Regional Spatial Planning Committee.

Responsibility for structure plan

64. (1) The Technical Sub-committee shall, subject to the approval of the District Spatial Planning Committee prepare the structure plan.

(2) A District Assembly may on the recommendation of the District Spatial Planning Committee engage a private sector entity through a competitive selection process to prepare the structure plan.

Public notice of draft structure plan

65. (1) After the completion of the structure plan, the District Chief Executive shall

- (a) give notice in the manner prescribed by Regulations that the approved structure plan is open for inspection; and
- (b) submit a copy of the plan to the Regional Spatial Planning Committee for Comment;

(2) The structure plan shall, before being approved be made available for inspection in the Public Data Room, whether virtual or physical, of the District Assembly.

Approval of structure plan

66. (1) A District Spatial Planning Committee shall, after the expiration of the date for public comments, direct the Technical Sub-Committee to take action on the relevant public comments and submit the revised structure plan to the District Spatial Planning Committee for approval.

(2) The Technical Sub-committee shall in submitting the revised plan to the District Spatial Planning Committee, draw the attention of the District Spatial Planning Committee to how the comments and objections received have been accounted for in the revised structure plan.

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(3) Where the District Spatial Planning Committee approves the structure plan, that Committee shall submit the approved structure plan to the District Assembly for a formal endorsement.

(4) The District Assembly shall discuss the structure plan at a formal session of the Assembly and where there are no objections endorse the structure plan.

(5) Where at the formal session of a District Assembly, the attention of the Assembly is drawn to any objections or comments which, in the view of the Assembly, may have a substantial impact on the structure plan, the assembly shall refer the structure plan back to the District Spatial Planning Committee for its consideration and necessary action.

(6) Where a District Assembly refers a structure plan back to the District Spatial Planning Committee, the District Spatial Planning Committee acting through the Technical Sub-committee may effect the necessary amendments and re-submit the amended structure plan to the District Assembly within the time frame specified by the District Assembly or as may be specified in Regulations made under this Act.

(7) A District Assembly may endorse a structure plan with or without amendments.

(8) Where a District Assembly endorses a structure plan with recommended amendments, the amendments shall be effected before the seal of the District Assembly is embossed on the structure plan as the approved structure plan.

(9) A copy of the duly endorsed structure plan bearing the seal or embossment of the District Assembly shall be made available for inspection at the Public Data Room of the District Assembly.

(10) The date of publication of the notice referred to in section 61(1)(a)(i) shall be the date on which the structure plan comes into effect.

Revision of approved structure plan

67. (1) Unless the Authority directs otherwise or unless otherwise provided in Regulations made under this Act, the District Spatial Planning Committee shall review a structure plan within six months after the fifth anniversary of the commencement of the structure plan.

(2) The District Spatial Planning Committee may, apply to the District Assembly to amend or withdraw a structure plan which has been approved, and the District Assembly may direct the District Spatial Planning Committee to amend or withdraw a structure plan which has been approved.

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(3) Where a District Spatial Planning Committee after a period of ten years is of the opinion that a revision of the structure plan is not warranted, the District Spatial Planning Committee shall apply, with proper justification, to the District Assembly for an extension of the period of the validity of that structure plan.

(4) Where the District Assembly decides to extend the validity of a structure plan, it shall give notice to the public of its intention and invite comments from the public in respect of the intention.

(5) The validity of a structure plan shall not be extended unless the period for public comments has lapsed.

(6) The amendment, withdrawal or revision of a structure plan shall conform with the requirements prescribed by Regulations.

Procedure for approval

68. (1) The District Assembly shall

- (a) hold a formal meeting for the purpose of the approval of a structure plan;
- (b) keep record of the minutes of the meeting; and
- (c) communicate the approval in writing to the District Spatial Planning Committee.

(2) The District Assembly shall keep copies of the approval letter at the Public Data Room and lodge a copy of the structure plan with the Regional Spatial Planning Committee.

Effect of an approved structure plan

69. (1) A structure plan does not confer or take away any user rights in respect of land except as provided for under this Act.

(2) Compensation is not payable under this Act for the amendment or withdrawal of a structure plan pursuant to comments or complaints made by a member of the public.

Amendment of zoning schemes pursuant to approved structure plan

70. (1) A District Assembly may, where necessary, authorise a District Spatial Planning Committee to amend an existing zoning scheme for the district in order to ensure conformity with the approved structure plan.

(2) The District Assembly may, as part of its structure plan approval process, or on the written request of the Regional Spatial Planning Committee, authorise the District Spatial Planning Committee to amend an existing zoning scheme.

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- (3) In authorising the amendment of a zoning scheme, a District Spatial Planning Committee shall
- (a) act in accordance with the guidelines laid down by the Authority and may amend or revise the approved structure plan; and
 - (b) give notice of the amendment to be made to the zoning scheme to the Regional Spatial Planning Committee in the manner prescribed by Regulations.

Local Plans and Unique Parcel Numbering

Local plan

71. (1) A local plan shall have as its key goal, the judicious use of land for attaining a sound and natural built environment and high living standard.

(2) A local plan is required for each specific physical development.

(3) A local plan shall be drawn up and adopted before

- (a) the approval of a development scheme in respect of the layout of land for more than twenty individual plots each of which is not less than one hundred and ten square metres; and
- (b) major redevelopment schemes in urban areas.

(4) A local planning authority shall prepare a local plan, where that authority intends in respect of an urban or urbanizing area to establish legally binding regulations for

- (a) the land coverage for a construction on a plot in the zone;
- (b) the type of structure on the land;
- (c) the form and height of buildings;
- (d) tree preservation;
- (e) the preservation of buildings with a cultural heritage and historical structures; and
- (f) any landscaping or tree planting requirements.

(5) A District Spatial Planning Committee shall, prepare a local plan for a specific area within its jurisdiction within the time frame specified in Regulations made under this Act.

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(6) Each estate developer, owner of land of a size specified by the Authority or a traditional ruler who owns that land shall submit to the District Assembly local plans in respect of estate schemes or schemes to develop the land for sale in the district.

(7) The District Spatial Planning Committee shall, by publication in the *Gazette* and a newspaper of national circulation, give notice of the commencement of the local plan.

Objective and scope of local plan

72. (1) A local plan shall

- (a) include a spatial arrangement for the development of the areas prescribed in the Regulations; and
- (b) contain provisions for orderly, coordinated, efficient and environmentally sound development and proper use of land in the district.

(2) A local plan shall be prepared in accordance with Regulations made under this Act.

(3) A local plan shall provide for the spatial aspects of the socio economic development in the district and for the details that are relevant to human settlement issues as prescribed in the Regulations.

(4) A local plan shall conform to the general purpose and prescription of the zoning scheme.

Responsibility for local plan

73. (1) Where a person or an entity seeks to set up an estate scheme or to develop a town in phases and each phase comprises an area of the size that requires a local plan the person or the entity seeking to undertake the development shall prepare a local plan for the area concerned.

(2) Where a District Spatial Planning Committee invokes any of the provisions relating to blight under this Act in respect of an area considered to be affected by blight but for which the Assembly has specified that a detailed local plan is required, the Technical Sub-Committee shall prepare a local plan for the area affected.

(3) Where a person seeks to dispose of plots in a large tract of land for which the District Spatial Planning Committee considers a local plan to be required, the person seeking to dispose of the land shall prepare a local plan before disposing of any of the plots.

(4) A local plan shall be submitted to the District Spatial Planning Committee for its approval.

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Public notice of draft local plan

74. The District Spatial Planning Committee shall, on approval of a local plan prepared by the Technical Sub-Committee or after it receives a local plan from a developer or a person required to prepare a local plan,

- (a) give notice in the manner prescribed by Regulations made under this Act that the approved local plan is open for inspection at the Public Data Room, whether physical or virtual, of the District Assembly; and
- (b) include in the notice that the draft local plan will be approved if no objection or complaint is received within the time frame specified in the notice and that time frame shall not be less than sixty days from the date of the notice.

Approval of local plan

75. (1) The District Spatial Planning Committee shall issue a notice in a newspaper of national circulation to the effect that the local plan has been approved if

- (a) the District Spatial Planning Committee does not receive any comment before the date for making comments expires;
- (b) the District Spatial Planning Committee receives a comment within the time for making comments but decides that the comment does not have to be acted on; and
- (c) the conditions imposed on the person submitting the draft local plan, have been satisfied by that person.

(2) In granting the approval, the District Spatial Planning Committee may impose any conditions it considers appropriate in respect of the approval.

Local plan to conform to structure plan

76. A local plan shall conform to the structure plan of the area within which the local plan falls.

Local plan pending structure plan

77. Pending the commencement of the implementation of an approved structure plan, the District Spatial Planning Committee may prepare a local plan but the local plan shall, if it deviates from a subsequently approved structure plan, be amended to conform to the structure plan.

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Effect of an approved local plan

78. A physical development that is to be carried out in an area for which the District Spatial Planning Committee has approved a local plan shall be carried out in accordance with the details of the local plan.

Enforcement of local plan

79. A local plan shall be enforced in the same manner as a zoning scheme where

- (a) a local plan already exists prior to the coming into force of this Act; and
- (b) the Regional Spatial Planning Committee on a request by the District Assembly has confirmed in writing that the existing local plan conforms to the structure plan and that there is no need to prepare a local plan for the entire or part of the area of the district concerned.

Procedure where local plan conforms to structure plan

80. (1) Where a Regional Spatial Planning Committee confirms the position of a District Assembly in the region that an existing local plan conforms to the structure plan of the district, a reference to a zoning scheme under this Act includes a reference to that local plan in respect of the area it covers.

(2) The Regional Spatial Planning Committee shall not confirm that a local plan conforms with a structure plan unless the local plan has been subjected to public consultation in accordance with the procedure under section 177.

(3) The public comments shall be considered at a formal meeting which shall be held within thirty days after the expiration of the time stated in the advertisement for the submission of public comments.

Post-approval requirement

81. (1) The confirmation by the Regional Spatial Planning Committee in respect of a local plan shall be published by the Regional Coordinating Council or the District Assembly in the *Gazette* and in a daily newspaper of national circulation.

(2) The local plan shall come into effect on the day it is published.

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Street Addressing System

82. A District Assembly shall, subject to the provision of section 149 (3) and Regulations made under this Act, maintain a computerised street addressing system.

Zoning Schemes and Matters related to Zoning

Enforcement of zoning schemes pursuant to structure plan

83. (1) Subject to subsection (2), after the coming into force of the structure plan, the District Assembly shall ensure that building and other structural and infrastructural developments in the district conform to the zoning scheme incorporated in the structure plan.

(2) The zoning scheme shall be updated periodically in accordance with Regulations or guidelines made under this Act.

(3) The preparation of an update of the zoning scheme shall conform to the procedure prescribed for the preparation of structure plans in this Act and Regulations made under this Act.

(4) The zoning scheme in a structure plan shall, as a minimum, provide for the following:

- (a) use of the land;
- (b) land coverage of the construction on a plot;
- (c) structure of the building;
- (d) size of the building;
- (e) height of the building;
- (f) orientation of building;
- (g) accessibility;
- (h) waste disposal;
- (i) drainage system;
- (j) public utilities; and
- (k) floor area ratio.

Zoning scheme pending approved structure plan

84. (1) Where a District Assembly is unable to have an approved structure plan within the time stipulated by this Act or within an extended time determined by the Authority, the Authority may, pending the completion of the structure plan by the District Assembly, coordinate with the Regional Coordinating Council to assist the District Assembly to prepare or to enable the District Assembly to appoint an independent entity to prepare a zoning scheme for the district.

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(2) Where an independent entity is engaged to undertake the preparation of a zoning scheme, the independent entity shall undertake the task in accordance with this Act and in consultation with the District Assembly, the Regional Coordinating Council and other entities that may be prescribed by guidelines issued by the Authority.

(3) The Authority shall provide guidelines in respect of zoning schemes affecting

- (a) agriculture;
- (b) the purchase of the whole of a partially affected agricultural unit;
- (c) mining;
- (d) utilities including gridlines, pipelines, telephone lines and masts;
- (e) highways;
- (f) outdoor advertisement;
- (g) environment;
- (h) conservation;
- (i) security;
- (j) creation of green belts; and
- (k) national, regional, district and local parks.

Failure to prepare a zoning scheme

85. (1) Where in spite of the assistance provided under section 84, a District Assembly is unable to prepare or cause to be prepared a zoning scheme for the district within the time frame required by this Act or set by the Authority, the Authority may request the assistance of the Regional Coordinating Council in the preparation of the zoning scheme.

(2) Where the Regional Coordinating Council prepares a zoning scheme on behalf of a District Assembly, the Regional Coordinating Council shall submit the scheme to the public for comment in accordance with this Act.

(3) The costs of preparing the zoning scheme shall be borne by the District Assembly or set off by the Regional Coordinating Council, the Ministry responsible for Finance or the Administrator of the Common Fund, as may be appropriate, from any moneys due the District Assembly.

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Effect of approval of zoning scheme

86. (1) An approved zoning scheme shall be used to determine the user rights for a part of or the whole of a parcel of land within the district.

(2) A zoning scheme shall not deviate from the National Spatial Development Framework, Regional Spatial Development Framework and District Spatial Development Framework.

(3) A District Assembly or the Regional Coordinating Council shall publish a notice of the zoning scheme in the *Gazette*.

(4) The notice shall state the time and place where the public may view the zoning scheme but the District Assembly shall ensure that the scheme is available for viewing at the Public Data Room during working hours.

(5) Where an approved zoning scheme exists, a District Assembly or responsible entity shall enforce it and any person may lodge a complaint under this Act to the Regional Coordinating Council or the Authority or bring an application in the courts, to compel the District Assembly or the responsible entity to enforce the approved zoning scheme.

Adoption of a zoning scheme

87. A person responsible for the adoption of a zoning scheme shall comply with the procedure specified in this Act.

Approved zoning schemes

88. (1) Except as otherwise determined by the Authority, where before the commencement of this Act,

(a) a District Assembly had adopted a zoning scheme which was prepared in accordance with the Towns Act, 1951 (Cap 86); or

(b) a zoning scheme had been approved by the head office of the Town and Country Planning Department in accordance with the Town and Country Planning Ordinance, 1945 (Cap. 84)

the zoning scheme shall continue to be the applicable zoning scheme for a period of five years after the commencement of this Act.

(2) Except as otherwise directed by the Authority in writing, an approved zoning scheme or local plan under subsection (1) is the zoning scheme for the purpose of this Act including the determination of land use rights.

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Interpretation of section 71 to 88

89. (1) For purposes of interpretation of section 71 to 88 reference in any law to a local plan approved under the Town and Country Planning Ordinance, 1945 (Cap 84) or the National Building Regulations, 1996 (LI 1630), is deemed to be a reference to a zoning scheme or a local plan under this Act.

(2) An existing use right prescribed in terms of a prohibition on the erection of buildings in accordance with the Town and Country Planning Ordinance, 1945 (Cap 84) and any related law then in force is valid under this Act.

Conflict with provisions of other laws

90. (1) Where a provision of a zoning scheme or a local plan made under this Act, is in conflict with any other enactment relating to land use, the zoning scheme or local plan shall prevail.

(2) Matters relating to whether or not there is a conflict between land use and a zoning scheme or local plan shall be determined

- (a) in the first instance by the District Spatial Planning Committee;
- (b) by the Regional Coordinating Council on the advice of the Regional Spatial Planning Committee where a person is not satisfied with the determination of the District Spatial Planning Committee; and
- (c) by the courts in respect of matters of law.

(3) The courts, in determining matters of law, shall not have power to alter a local plan, zoning scheme or user right of any land.

Register of zoning schemes

91. (1) Each Regional Coordinating Council shall, after consultation with the Regional Spatial Planning Committee and District Assemblies within the region, publish a register showing an up-to-date list of districts in respect of which approved zoning or local plans are already in effect or have been approved or otherwise adopted under this Act.

(2) Each District Assembly within the region shall ensure that the register is at all times available for inspection by the general public at the Public Data Room of the District Assembly.

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(3) The publication of the register is adequate notice to the public of how land use is to be determined by the District Spatial Planning Committee in accordance with published zoning scheme or local plans.

(4) A member of the public may take appropriate action to compel the District Assembly to make the register available and the court may order the District Assembly to compensate the applicant for any loss suffered or cost incurred as a result of the failure of the District Assembly to make the register available.

Publication in the *Gazette*

92. A variation of a zoning scheme or local plan shall be published in the *Gazette* and in a newspaper of national circulation and on an official website of the Authority and the Regional Coordinating Council.

Application for change of use or request for re-zoning

93. (1) Where a person seeks to change the zoning of the whole or part of a piece of land, that person shall apply in writing to the District Spatial Planning Committee of the district to which the change relates in the form prescribed in the zoning regulations and planning standards.

(2) The request for re-zoning or change of use of land shall be accompanied with a report prepared by a professional planner.

(3) A District Spatial Planning Committee shall not grant a request for change of the existing zoning or land use unless the request is intended to make the zoning of the land comply with the structure plan or zoning scheme or local plan.

(4) Where the request for change is for a purpose other than compliance and there is evidence that

(a) a special circumstance has arisen that necessitates the change requested;

(b) a notice of the special circumstance has been brought to the attention of the community in which the land affected by the request is located and an objection has not been raised by that community; and

(c) details of the special circumstance have been made available at the Public Data Room for a period of at least twenty-one days after the request,

the District Spatial Planning Committee shall grant the request.

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(5) Where an application for re-zoning relates to a change of use and the address of the owners of land abutting the land to which the application relates are not known, the District Planning Officer shall

- (a) require the applicant concerned to
 - (i) give notice in the manner prescribed by Regulations to the owners of land abutting the land to which the application relates;
 - (ii) advertise the application in the manner prescribed by the Regulations; and
 - (iii) post the notice in the immediate vicinity of the land concerned subject to Regulations made under this Act;
- (b) where an objection against the application is received, submit the objection to the applicant for comment and the comment shall be submitted to the District Assembly through the District Spatial Planning Committee within fourteen days;
- (c) request for comment from any person who in the opinion of the Head of the Physical Planning Department of the District Assembly has an interest in the application;
- (d) submit the application and relevant documents to the District Spatial Planning Committee;
- (e) give notice to the applicant of the decision of the District Spatial Planning Committee and, where applicable, furnish the applicant with a copy of the conditions imposed by the local authority;
- (f) give notice to an objector in the manner prescribed by Regulations, of the decision of the District Spatial Planning Committee; and
- (g) record the re-zoning in accordance with this Act.

Change of use or zoning by District Assemblies

94. Where there is an application to re-zone land or to change the land use, the Physical Planning Officer shall give notice of the proposed change of use or re-zoning to

- (a) the owners of the abutting lands if their addresses are known or can be ascertained and give the owner an opportunity to comment on or to make representations in respect of the re-zoning; and

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- (b) the public through a newspaper of national circulation and the *Gazette*.

Existing use rights

95. (1) Where at the date of commencement of implementation of a zoning scheme, an existing land use is contrary to the zoning scheme, that land use may continue if that land use was first obtained in accordance with the zoning scheme existing at the time of the physical development or at the time the use right commenced or accrued.

(2) The right to continue the use of land under subsection (1) lapses if the right has not been exercised at the time of the commencement of the implementation of the zoning scheme currently in force.

Loss pursuant to accrued rights

96. (1) A person who has an accrued right and claims to have suffered a loss as a result of a zoning scheme may apply to the relevant District Assembly through the District Spatial Planning Committee.

(2) A District Spatial Planning Committee shall grant an application if it determines that the applicant has suffered a loss.

(3) The District Assembly may acquire the land of the applicant where the District Assembly determines that in the circumstance acquisition is appropriate.

(4) The Land Valuation Division of the Lands Commission shall provide the values which shall form the basis for determining the applicable value of the land for compensation.

Provisions affecting acquisition or the occupation of land generally

97. (1) After the commencement of this Act, a person shall not dispose of or otherwise let land or property for any purpose unless that person can demonstrate to the prospective buyer or tenant that the land or property has been zoned or re-zoned for the purpose for which it is being let, acquired or otherwise disposed of.

(2) The responsibility of ensuring conformity with the approved land use is on the person disposing of the land.

(3) The person disposing of the land shall attach evidence of the approved land use to the instrument of transfer or conveyance of the land to the person who is acquiring the land.

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(4) A person who lets or enters into an agreement relating to land use commits an offence if that person does not have evidence that the premises is zoned for the purpose of the transaction entered into.

(5) A person who commits an offence under this section is liable on summary conviction

(a) in the case of a person who sells, leases or conveys the land, to a fine of not less than three thousand penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than five years and not more than seven years or to both; and

(b) in the case of the person who acquires the land, to a fine of not less than one thousand penalty units and not more than three thousand penalty units or to a term of imprisonment of not less than four years and not more than six years or to both.

Land use certificate

98. (1) The Authority shall prescribe the form of a land use certificate.

(2) In granting a permit for physical development, a District Assembly shall attach the appropriate land use certificate to the permit and where necessary shall indicate the conditions applicable to the land use.

(3) A District Assembly shall maintain a register of approved physical development in the district and the register shall indicate the land use for each physical development.

(4) The register shall be made available by the District Assembly at the Public Data Room.

Land situated in multiple districts

99. (1) Where land is situated within more than one district, a special zoning or land use certificate shall be issued for that land after a special joint meeting of the connected District Spatial Planning Committees.

(2) A zoning certificate issued under subsection (1) shall be jointly signed by the chairperson and secretaries of the Spatial Planning Committees in the affected districts.

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Complaints of non-compliance

100. (1) A person may lodge a complaint against an on-going or existing physical development for non-compliance with the zoning scheme.

(2) A District Assembly may, where it receives a complaint on non-compliance, issue a notice to the person responsible for the physical development to suspend the development if the District Assembly is of the view that the development poses a threat to the environment, is in breach of this Act or may cause irreparable harm.

- (3) A complaint made under this section shall be considered if
- (a) it is made in the prescribed form; and
 - (b) is accompanied by a statement that the complainant has verified from the records at the Public Data Room that the physical development complained of is a deviant development or that the complainant's attempt to verify was frustrated by officials of the District Assembly or some other relevant entity.

Rectification of scheme regulations and provisions

101. (1) After the commencement of a zoning scheme, the District Spatial Planning Committee shall annotate the scheme and the applicable zoning map and give notice to the land title agencies of the zoning scheme.

(2) The Lands Commission may declare a land transaction to be incomplete if it does not comply with the appropriate zoning or land use requirements prescribed under this Act.

Participation in ensuring conformity with zoning

102. For the purpose of ensuring that a zoning scheme is complied with, a person may lodge a complaint to the District Spatial Planning Committee, Regional Spatial Planning Committee or the Authority as the case may be, to compel the District Assembly to abide by its approved zoning scheme.

Contravention of zoning scheme

103. A person who contravenes a zoning scheme commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than three thousand penalty units or to a term of imprisonment of not less than four years and not more than six years or to both.

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Provisions Relating to Blight

Criteria on blighted areas

104. (1) A District Assembly may require

- (a) an area comprising one or more properties to be acquired for redevelopment; or
- (b) an owner to redevelop the land to bring the land to a required standard if the District Assembly is of the opinion that the current use of the land is not in conformity with the general standard of the vicinity as prescribed by the District Spatial Development Framework, structure plan or local plan.

(2) The Authority may publish guidelines and recommend the making of Regulations by the Minister in furtherance of subsection (1).

(3) In making recommendations for Regulations under this section, the Authority shall ensure that the criteria for determining that an area requires redevelopment include

- (a) irregularity of plots or parcels;
- (b) inadequacy of streets in the vicinity;
- (c) lack of access to plots or habitable dwelling within the area;
- (d) diversity of existing use which makes development control difficult or impossible;
- (e) incompatibility with
 - (i) the existing or proposed use;
 - (ii) the spatial development framework; and
 - (iii) the structure or local plan;
- (f) adverse impact on the environment;
- (g) overcrowding leading to unhealthy population density;
- (h) lack of sanitation, drainage or appropriate service;
- (i) high incidence of crime which has been confirmed to be attributable to the type of development; and
- (j) safety or restriction to other authorised users.

(4) In pursuance of redevelopment under this Act, a District Assembly may acquire land including vacant land for the purpose of renewal or improvement of the environment.

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(5) Despite any Regulations made under this Act in respect of this section, a decision by a District Assembly to initiate re-zoning or to acquire land for purposes related to blight shall be made at a formal meeting of the District Spatial Planning Committee called for the purpose and the records and the basis of the decision shall be made available at the Public Data Room.

(6) The decision of the District Assembly shall be published in the *Gazette* and in a newspaper of national circulation for at least twenty-eight days before the decision takes effect.

(7) A person affected by the decision may appeal or lodge a complaint within twenty-eight days after the notice has been published.

Compensation and Betterment

Provisions as to compensation

105. (1) A person

- (a) whose property is adversely affected by the operation of a scheme or by the execution of a work under a scheme under this Act, or
- (b) who for the purpose of complying with a scheme or in respect of redevelopment under a scheme incurs an expenditure which is made nugatory by a revocation or modification of the scheme,

may recover as compensation from the District Assembly, the Regional Coordinating Council or the Authority, so far as is reasonable, the amount of the expenditure incurred.

(2) The Authority shall, for the purpose of ensuring compliance with this Act, make rules to provide for

- (a) claims for and payment of compensation;
- (b) recovery of compensation;
- (c) charges for betterment;
- (d) the definition of betterment;
- (e) determination of betterment;
- (f) payment of betterment charges; and
- (g) the effect of failure to pay for betterment charges.

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Claims for compensation

106. A person

- (a) whose property is adversely affected by the coming into operation or the execution of a development plan,
- (b) who for the purpose of complying with an approved development plan incurs an expense because of a subsequent revocation or
 - (i) modification of the plan, or
 - (ii) variation of a development permit granted to that person or
- (c) who is aggrieved by a decision or, an action relating to a development plan or the enforcement of a development plan,

may within six months after the date of the revocation or modification of the plan or of the revocation or variation of the permit or of the taking of the decision or action complained of, lodge a claim for redress or compensation with the District Assembly.

Compensation for detrimental effect after change in land use

107. Where a District Assembly decides to change the use of land in respect of which a person has acquired a land use right under the Town and Country Planning Act, 1945 (Cap 84) and the Towns Act, 1951 (Cap 86) or to amend a land use certificate acquired by a person after the coming into force of this Act, the District Assembly shall pay compensation at a value determined by the Land Valuation Division of the Lands Commission to

- (a) a person whose land is adversely affected or who suffers a loss as a result of the change in the already acquired land use right or by the execution of work authorised by the District Spatial Planning Committee; or
- (b) a person who incurs an expense as a result of the change in land use by complying with the directive of the District Spatial Planning Committee.

Institution of claim for compensation

108. A claim for compensation under sections 105 and 106 shall be instituted within twenty-four months after the date of commencement of the act which gave rise to the claim.

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Elimination and limitation of compensation in certain cases

109. Compensation shall not be paid in respect of damage to land
- (a) caused by the commencement of a land use scheme which
 - (i) prescribes the space for buildings;
 - (ii) fixes building lines;
 - (iii) regulates the position of buildings on each premises in relation to other buildings;
 - (iv) regulates or empowers the District Assembly or appropriate authority to regulate the character, size or height, harmony, design or external appearance of buildings, including the materials used in the construction of buildings or to secure the safety or integrity of the structure or compliance with the Building Regulations;
 - (v) limits the number of buildings which may be erected on any premises;
 - (vi) prescribes the maximum area which may be built on any premises;
 - (vii) restricts the manner in which buildings may be used;
 - (viii) regulates, in the interests of safety, the heights and position of existing and proposed walls, fences or hedges near the corners or bends of streets;
 - (ix) with a view to remove restrictions to or improve the flow of human, vehicular or other traffic or to curtail the obstruction of traffic, requires that a building should make provision for areas where vehicles can be loaded or unloaded or where persons who are employed or resident on the premises can park their vehicles;
 - (x) prohibits or restricts building operations permanently on the ground that, by the nature of the land, the erection of buildings on the land is likely to pose danger to life, cause injury, undermine good health or lead to excessive expenditure of public money in the provision of roads, required public open space or relevant pedestrian access;

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- (xi) prohibits the use of land for a purpose likely to pose danger to life, endanger health or be a detriment to the neighbourhood and restricts the use of land so far as is necessary for preventing the danger or detriment; and
 - (xii) limits the number or prescribes the sites of roads entering or exiting, the site of a proposed road or the access and egress requirements to land under the scheme;
- (b) if the claim for compensation relates to the operation of a provision of an estate or a land use scheme, and the provision could have been made and enforced under another law without liability to the District Assembly;
 - (c) that relates to the demolition or alteration of any building or works unless the building or works which the District Assembly demolished or altered was approved by the District Assembly before the estate or land use scheme came into operation;
 - (d) that relates to a building erected or a work done which is inconsistent with any provision of an estate or a land use scheme; and
 - (e) as a result of the revocation of a provision of a land use scheme by a subsequent scheme, where the claim for compensation is on the ground that the land has been injuriously affected by the later provision if that later provision is the same or substantially the same as the earlier provision revoked.

Compensation due

110. (1) Despite the provisions of section 109, compensation is payable if

- (a) by fixing a building line in terms of a provision of an estate or land use scheme, the area of the land fronting the street or the proposed street will be diminished to an extent that renders the land substantially less suitable for the erection of a building or buildings in conformity with the zoning scheme; or

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- (b) as a result of the enforcement of a provision of an estate or a land use scheme, a building is required to be used in a manner different from that which the District Assembly had approved before the date the District Assembly gave the new land use directive.

(2) Where a person is entitled to compensation under this Act in respect of a matter and that person is entitled to compensation in respect of the same matter under another law, that person is not entitled to compensation in respect of that matter or thing under both this Act and that other law, and that person is not entitled to a greater compensation under this Act than that under the other law.

(3) A claim made within the time limit provided under this Act may be enforced in the same manner as if the earlier land use scheme had continued in operation, if at the date of the revocation of the earlier provision

- (a) there is still a claim for compensation outstanding; or
- (b) the time originally limited for making the claim has not expired.

Recovery of betterment

111. (1) Where the provision of a plan, the execution of public works, or a decision or an action of a district planning authority increases the value of a land within a district, the district planning authority shall, on the advice of the body charged with the valuation of public land, determine and publish in the *Gazette*, a percentage rate to be paid as a betterment charge by a person who sells or otherwise disposes of land in the district.

(2) Financial gains from land transactions are liable to betterment charges.

(3) A sum of money recoverable under this section may be set off against a claim for compensation.

Determination of claim for compensation

112. (1) The Land Valuation Division of the Lands Commission shall prescribe the amount of compensation payable to any person under this Act or the amount to be recovered by the District Assembly under this Act.

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(2) In making a determination of an amount of compensation payable or the amount to be recovered in any matter under this Act, the Courts shall give consideration to the amount prescribed by the Land Valuation Division of the Lands Commission.

Decentralised Planning System and the General Planning Functions of District Assemblies

Permits

Planning permit

113. (1) A person shall not undertake any development of land including a change of use of land within a district if that person does not have a planning permit issued by the District Assembly within the jurisdiction in which the land is situated.

(2) A person who carries out a development without a planning permit commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

Building permit

114. (1) A person shall not build any structure or undertake a work or any other physical development on a land in a district unless that person has a planning permit issued for the purpose of the development of the land and a building permit issued for the building of the structure by the District Assembly within the jurisdiction of which the land is situated.

(2) A building permit shall not be issued to a person who does not have a planning permit.

(3) A District Assembly shall give notice in writing to a person who does not have a permit but who

- (a) is constructing a building or other structure, or is undertaking any physical development;
- (b) has constructed a building or other structure, or completed a physical development; or
- (c) is working or executing a work.

(4) The notice shall require the person responsible for the construction or who is undertaking the work or development to show cause by a statement in writing signed by that person or by an agent duly

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authorised by that person and served on the district planning authority within twenty-eight days, after the notice, why the building, structure, physical development or work should not be removed, altered or pulled down.

(5) Where the person responsible for the construction, work or development fails to show sufficient cause why the building, structure, work or physical development should not be removed, altered or pulled down, the District Assembly shall, by notice, order that person to remove, alter or pull down the building, structure, physical development or other work within sixty days at the expense of that person.

(6) Where the person responsible for the building, work or development, fails to comply with the order within the specified time, the district planning authority may carry out the removal, alteration or pulling down, and recover the expense from that person, as if it were a debt from that person to the District Assembly.

(7) Without limiting subsections (5) and (6), a person who undertakes a physical development without a permit or contrary to the conditions of the permit, commits an offence and is liable on summary conviction to

- (a) a fine of not less than three hundred penalty units and not more than five hundred penalty units; or
- (b) a term of imprisonment not less than two years and not more than three years; or
- (c) both; and
- (d) in the case of a continuing offence, a further fine of not more than fifty penalty units for each day that the contravention continues after written notice has been served on the offender.

Application for permit

115. (1) A person who intends to develop land within a district or build a structure on a land within a district shall apply to the planning authority for a planning permit or a building permit as the case may be.

- (2) The application shall be in the form set out in
 - (a) the First Schedule in the case of the planning permit, or
 - (b) the Second Schedule in the case of the building permit.

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Consideration of application for planning permit

116. (1) The planning authority shall, within sixty days of receipt of the application, notify the applicant of the decision of the planning authority.

(2) The planning authority shall, for the purpose of considering an application for a planning permit, hold a formal meeting.

(3) Where the planning authority decides to grant an application for a planning permit, the planning authority shall issue the applicant with a planning permit in the form set out in the Third Schedule.

(4) The planning authority may, in granting a planning permit, subject the permit to terms and conditions that that authority may determine.

(5) Where an applicant is not

(a) given notice of refusal of the application for a planning permit, or

(b) granted a planning permit within sixty days

after the submission of an application, the applicant may after the expiration of the sixty days proceed with the development to which the application relates.

(6) A record of the approval or rejection of applications for planning permits shall be made available for inspection at the Public Data Room.

(7) The Minister may, by legislative instrument, make Regulations to prescribe permits for the following activities:

(a) subsistence farming;

(b) farming and other activities carried out in a settlement irrespective of the population of the settlement;

(c) small-scale vegetable and flower gardening; and

(d) gardening and green areas carried out on a plot of land marked off for building purpose.

(8) A planning authority shall not charge a fee for a permit granted under subsection (3).

Consideration of application for building permit

117. (1) The planning authority shall, within sixty days of receipt of an application for a building permit, notify the applicant of its decision.

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(2) The planning authority shall for the purpose of considering an application for a building permit, hold a formal meeting.

(3) Where the planning authority decides to grant an application for a building permit, the planning authority shall issue the applicant with a building permit in the form set out in the Fourth Schedule.

(4) The planning authority may, in granting a building permit, subject the permit to terms and conditions that that authority may determine.

(5) Where an applicant is not

(a) given notice of refusal of the application for a building permit; or

(b) granted a building permit within sixty days

after the submission of an application, the applicant may after the expiration of the sixty days proceed with the development to which the application relates.

(6) A record of the approval or rejection of applications for building permits shall be made available for inspection at the public data room.

Certification of plans of special buildings

118. (1) A District Assembly may require the design or plan of specific types of buildings to be prepared or certified by a registered architect or engineer or an architectural draughtsman licensed under an enactment and the layout of the design or plan to be certified by an appropriate planning officer or planner.

(2) Despite subsection (1), a restriction shall not be imposed on a person in relation to the design or signing of the plan of a single storey traditional building with a total floor space of not more than one hundred and twenty square metres.

(3) A person shall not submit to a district planning authority the plan of a building which is required to be submitted under subsection (1) unless the plan has been prepared by or under the supervision of, and is signed by, a person registered as an architect or an engineer under an enactment.

Revocation of planning or building permit

119. (1) A planning authority may revoke a planning permit or a building permit or may impose additional conditions to a permit already granted.

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(2) The planning Authority may revoke a permit where the development does not comply with the conditions of the permit.

(3) A revocation or modification of a permit is subject to the payment of a penalty determined by the Authority on receipt of a claim.

Fee for permit

120. (1) A planning authority shall charge a fee for the grant of a permit for a physical development.

(2) Where a person applies for a permit for the change of use of an existing building for the purpose of compliance with an approved local plan, the application shall not be subject to payment of a fee but the District Assembly shall impose a time limit for compliance.

(3) Subject to further guidelines issued by the Authority and despite subsection (2), a fee may be charged if the application for a permit for the purpose of compliance is brought after the time limited for compliance has lapsed.

(4) Subject to guidelines that the Authority, in consultation with the Lands Commission, the Ministers responsible for Local Government and Finance, may issue, development charges shall be determined and collected by a District Assembly.

(5) A District Assembly shall allocate part of the funds generated by that district under this section to the performance of planning functions specified under this Act within the district.

Prohibition of development without permit

121. (1) A person shall not except as provided in section 116 (5) carry out physical development within this country unless the development is carried out in accordance with a permit issued under this Act.

(2) For the purpose of this section "physical development" includes development of land or a construction, demolition, alteration, extension, repair or renewal of a building.

(3) A person who carries out any physical development without a permit commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

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Unauthorised development

122. (1) A District Assembly shall comply with the procedure stated in section 123 where

- (a) a physical development has been or is being carried out without a permit contrary to this Act; or
- (b) the conditions of a permit are not complied with.

(2) Despite subsection (1), a District Assembly may issue an enforcement notice demanding the immediate stoppage of the execution of a development or of works carried out contrary to this Act or to the terms of an approved development plan.

Execution of district and spatial development permit

123. (1) A District Assembly may, for the purpose of enforcing this Act or any other relevant enactment,

- (a) prohibit, abate, remove, pull down or alter a physical development
 - (i) which does not conform to the approved plan, or
 - (ii) where that action is necessary for the implementation of an approved plan, so as to bring that physical development into conformity with the approved plan; or
- (b) prohibit the use of a land or building for a purpose or in a manner contrary to the provision of an approved plan; or
- (c) execute a work which is the duty of a person to execute under an approved plan, where delay in the execution of the work has occurred and the efficient operation of the approved plan has been or is likely to be prejudiced.

(2) Before taking action under subsection (1), the District Assembly shall serve notice in the prescribed form on the owner of the land in respect of which the action is proposed to be taken, and on any other person who in its opinion may be affected by the action, specifying the nature of, and the grounds on which the District Assembly proposes to take the action.

Abatement of nuisance

124. (1) Where substantial damage to the environment, public amenities, public health or the economy is caused or likely to be caused by a

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nuisance or is likely to result from the action or inaction of a person, a District Assembly may serve notice in the prescribed form on the person responsible for the nuisance, requiring that person to abate the nuisance within the time specified in the notice and in accordance with the relevant law and any relevant directives issued by the Environmental Protection Agency.

(2) A notice served under subsection (1) shall specify the nuisance and the steps required to be taken to abate the nuisance.

(3) Where a notice issued under this section is not complied with, a District Assembly may carry out the abatement and recover the costs from the person responsible for the nuisance as if it were a debt due from that person to the District Assembly.

Unauthorised development of right of space of community

125. A District Assembly may, without notice, effect or carry out instant prohibition, abatement, alteration, removal or demolition of an unauthorised development that encroaches or is likely to encroach on a community's right of space, or interferes or is likely to interfere with the use of that space.

Buildings

Building Regulations, building code and building by-laws

126. (1) The Minister responsible for Water Resources, Works and Housing shall, in consultation with building industry practitioners, publish a building code defining the scope of national building practices and shall in particular make provision for

- (a) the control of the construction of buildings, streets, hoarding, fences and signboards;
- (b) the execution of work on and in relation to existing building structures and streets;
- (c) drainage and sanitation;
- (d) the removal or abatement of obstructions and nuisance;
- and
- (e) other related matters for the guidance of district planning authorities.

(2) The Minister may, by legislative instrument, make Regulations to prescribe standards applicable to urban and non-urban land uses.

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Physical Planning Standards and Development Guidelines

Guidelines and standards

127. (1) The Authority may, by guidelines and standards issued under this Act, prescribe procedures and forms in respect of

- (a) the life cycle and update of plans;
- (b) data gathering and update of data;
- (c) the planning component of the building regulations;
- (d) planning standards;
- (e) standard zoning regulations;
- (f) spatial plans;
- (g) a permit database; and
- (h) development applications and permits.

(2) Without limiting subsection (1), the standards shall provide for

- (a) submission of application and related activities where there is an approved local plan;
- (b) processing of an application by the District Spatial Planning Committee;
- (c) submission of an application and related activities where there is an approved structure plan but no local plan;
- (d) submission of application and related activities where there is neither an approved structure plan nor a local plan;
- (e) matters related to approval and signing of development and building permits;
- (f) matters related to rejection of application;
- (g) authorised signatories of approved plans;
- (h) local plans and sector plans;
- (i) grant of a permit;
- (j) sub-division of plots;
- (k) planning permits;
- (l) building permits;
- (m) re-zoning;
- (n) information on development control;
- (o) processes related to public and private sector partnership and private sector involvement in planning;
- (p) the role and obligation of land owners and developers in the implementation process of frameworks and plans;
- (q) the role of planning tribunals and limits on ambit of decisions on planning appeals; and
- (r) approval of development generally.

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Regulatory notices

128. The Authority may issue regulatory notices in respect of
- (a) evidence of approval regarding plans;
 - (b) compliance by planning authorities with their own plans;
 - (c) approval of development of major national and regional projects;
 - (d) approval of plans in special development areas;
 - (e) approval of special projects including major stadia, resettlement schemes and dams;
 - (f) approval of development projects including educational institutions, hospitals, offices and factories;
 - (g) approval for security agencies in respect of core security exclusion zones;
 - (h) national, sub-national, regional, sub-regional and district spatial development frameworks;
 - (i) structure plans and local plans;
 - (j) consultations between planning entities and between stakeholders;
 - (k) the power of the Minister and the Authority to give directions in relation to local plans;
 - (l) local inquiry or hearing in respect of objectives of a plan or scheme;
 - (m) the procedure for the adoption of planning proposals;
 - (n) conformity between plans;
 - (o) certificate of conformity;
 - (p) alteration of structure plans;
 - (q) status of existing local plans in cases of conflict between the local plan and structure plan;
 - (r) joint structure plan and local plan;
 - (s) the power of the Minister and the Authority to order the review of plans;
 - (t) publicity;
 - (u) consultation with stakeholders and requirements in connection with preparation of plans;
 - (v) the scope of planning framework;
 - (w) adoption of local area plans;
 - (x) integration of spatial plans into development plans;
 - (y) initiation of the planning process; and
 - (z) powers of District Assemblies to require the construction, at the applicants cost, of offsite infrastructure as a condition for approval of plan.

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Provisions Relating to the Issue of Regulatory Notices and Circulars in Respect of Plans and Land Use

Matters relating to regulatory notices

129. (1) The Authority shall establish a system of numbering of notices and shall publish the notices in the *Gazette* and may in addition publish the notices in a newspaper of national circulation and at other places including public notice boards and town halls.

(2) The Authority shall, in consultation with the Survey and Mapping Division of the Lands Commission, issue guidelines in respect of gridlines and requirements for coordinates based on appropriate systems, and scales of maps for spatial development frameworks, structure plans and local plans.

Spatial Planning Matters Related to Towns, Localities, Special Development Areas and Related Matters

Continuation of towns, establishment of new town or extension of existing town

130. (1) A town may only be declared, established or extended in accordance with the provisions of this Act.

(2) A town which exists before the commencement of this Act shall continue to be a town within the meaning and scope of this Act.

(3) A District Assembly or a person that seeks to establish a new town, shall comply with the procedure prescribed in Regulations made under this Act for the establishment of towns.

(4) The Authority may issue guidelines for the purpose of this section and section 131 to 142.

(5) Where a District Assembly seeks to establish a new town or extend the boundaries of an existing town or where the President seeks to establish a special town, the following procedure shall be observed:

(a) in the case of establishment by the President, the President shall request the Authority to advise on the measures to be put in place to ensure the attainment of the objectives for the special town;

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- (b)* in the case of establishment by a District Assembly, the District Assembly shall consult the Regional Spatial Planning Committee in respect of the matter to be taken into account in implementing the decision of the District Assembly; and
- (c)* in the case of establishment by a person, that person shall comply with the provisions of section 131.

Estate scheme and private town

131. (1) A person who intends to develop an estate or create a new town shall

- (a)* submit to the District Assembly in which the development or the creation is intended to take place, an application to develop the estate or create the town, together with the location and site plans, context and local plans, public services and facilities plan, related written report and other relevant documents as prescribed;
- (b)* pay to the District Assembly the prescribed fees;
- (c)* where the land on which the estate is sought to be developed or the town is sought to be created is subject to a registered encumbrance, submit to the District Assembly the written consent of the holder of the encumbrance or show how the encumbrance is to be removed; and
- (d)* ensure that the proposed estate scheme or town conforms to the applicable spatial development framework.

(2) The District Assembly shall, after it has received the documents referred to in subsection (1)

- (a)* advertise the application in accordance with the requirement prescribed by Regulations;
- (b)* invite comments, information, representations or objections from the public in relation to the application;
- (c)* consider the need for and the desirability of the intended estate or new town; and
- (d)* consider the plans and proposed conditions of development of the new estate or creation of the new town.

(3) The District Assembly may grant or refuse an application referred to in subsection (2) and may, in the granting of an application, impose conditions that the District Assembly considers appropriate for the development of the estate or creation of the new town.

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(4) The decision of the District Assembly shall be made in accordance with Regulations that provide for the application.

(5) Where the District Assembly approves the application, the District Assembly shall

- (a) give notice to the applicant, the Director of Survey and Mapping Division of the Lands Commission and the Registrar of Lands by way of a certificate, of the decision of the Authority, including the conditions imposed by the Authority;
- (b) cause the proposed estate or town to be surveyed in accordance with the approved layout plan and a general plan to be prepared by the applicant; and
- (c) give effect to the requirements set out in this section.

(6) Where in the course of the survey, it is found that it is necessary or desirable to vary the approved layout plan, the Authority may approve the variation but where the variation is in the opinion of the Authority of a minor nature, the District Spatial Planning Committee may approve the variation and give notice of the variation to the Authority.

Extension of a town

132. A District Assembly which seeks to extend an existing town shall

- (a) publish the intention for the extension in accordance with guidelines issued by the Authority and request for any comments, representations or objections from the general public within a specified time;
- (b) publish the present and proposed extended layout plan, diagrams and other documents required; and
- (c) where the land on which the extension is to be carried out is subject to any registered encumbrance indicate that the written consent of the holder of the encumbrance has been obtained.

Extension of a town by a private entity

133. (1) Where a person applies to a District Assembly to extend a town, the procedure under sections 131 and 132 shall be observed and the District Assembly may grant or refuse the application.

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(3) The District Assembly may in granting an application under subsection (1) impose relevant conditions in relation to the extension of the town.

Information to Regional Spatial Planning Committee

134. (1) In each case of an application for the development or extension of an estate or the creation or extension of a town, the District Assembly shall inform the Regional Spatial Planning Committee of the decision of the District Assembly.

(2) There shall be a period of thirty days between the date a District Assembly communicates the decision of the District Assembly to the Regional Spatial Planning Committee and when the District Assembly communicates to the applicant.

Conflicting application

135. (1) Where a District Assembly approves an application for the development of an estate or the creation of a new town or where the President authorises the creation of a new town or special town, the District Assembly shall refer the matter to the Authority for directions and the Authority shall give the directions after consultation with the President.

(2) A District Assembly shall not in relation to an estate, a new town or a special town approve a building plan or planning permit application or any related land use application which is in conflict with the approved plans of the estate or new town or the requirements of the special town.

Failure to comply with conditions

136. (1) Where a private person who seeks to establish a new town or extend the boundaries of a town fails to comply with the condition imposed by the District Assembly within a period of twelve months from the date on which the condition was imposed, the District Assembly shall give that person notice of the failure and the application shall lapse after the notice is served on that person.

(2) A person who proceeds, after the notice is served, to establish the new town or extend the boundaries commits an offence and is liable on summary conviction, to a fine of not less than three hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both.

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(3) Where the District Assembly decides to extend the validity or review the application, a fee shall be paid for the extension or review.

Survey in case of establishment or extension

137. A private person who applies to a District Assembly for approval to establish a town or extend the boundaries of a town, shall be given notice by the Assembly to lodge the plans, diagram or documents for the purposes of survey of the land earmarked for the establishment or extension and failure by that person to submit the plans, diagram or documents within the time specified in the notice shall lead to an immediate lapse of the application.

Ownership of public place

138. The ownership of a public place in a new town or an extension to an existing town vests, from the date of approval by the District Assembly of the plans and diagrams

- (a) in the District Assembly if the land is situated within a district; or
- (b) in the owner in trust for the District Assembly if the establishment or extension of the town is by a private person.

Regulations on private town

139. The Authority may issue further guidelines for the establishment and operation of a private town.

Information to land division for the prohibition of sale

140. (1) Where a District Assembly approves the establishment or extension of a town or the President prescribes the creation of a special town, notice of the approval of the establishment or extension of the town or notice of the creation of the special town shall be given to the Lands Commission.

(2) A person shall not

- (a) enter into an agreement for the sale, trade, alienation or disposal in any other way of a plot of any size, or
- (b) grant an option to buy or to obtain land,

in a town established or extended under subsection (1), except in accordance with procedures specified in sections 131 and 132 for that purpose.

(3) Subsection (1) does not prohibit a person from buying land on which that person wants to develop a property that is in conformity with the approved layout for the new town.

(4) An agreement which is in conflict with subsection (2) is void.

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(5) A person who contravenes or fails to comply with the provisions of subsection (2), is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

Alteration, amendment or cancellation pursuant to complaint

141. (1) A person who is opposed to the establishment of a new town or wishes to have the general plan of an approved town or approved extension of a town, amended or totally or partially cancelled shall apply in writing to the District Assembly or in the event that the town cuts across two or more districts within a region, to the Regional Coordinating Council.

(2) The procedure specified in subsection (6) to (9) of section 171 for dealing with complaints applies to this section.

Extension of boundaries of approved town or approved extension

142. Where an area of land, by reason of it being contiguous,

- (a) constitutes or becomes a portion of an approved estate, town or an extension of any approved estate or town; or
- (b) adjoins an approved estate or town or an approved extension of an estate or town,

the District Assembly may, by a certificate to the Director of Survey and Mapping Division of the Lands Commission, extend the boundaries of the estate or town or extension of the estate or town to include that area.

Planning Matters Related to the Subdivision or Consolidation of Land

Application for subdivision or consolidation

143. (1) Subject to the provisions of any other relevant enactment, a person who intends to subdivide or consolidate a parcel of land shall submit an application to the District Spatial Planning Committee requesting for the subdivision or consolidation.

(2) The application shall be accompanied with

- (a) an approved layout of the parcel or parcels of land involved;
- (b) the zoning certificate of the land as evidence of compliance with the approved structure plan; and
- (c) a plan indicating access road or internal circulatory road system.

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Unique parcel number

144. The Survey and Mapping Division of the Lands Commission within the district shall provide a referenced coordinate system which the District Spatial Planning Committee shall use as the basis to provide a unique parcel number for each parcel of land.

Consideration of application for subdivision or consolidation

145. The District Spatial Planning Committee may reject or accept a request for consolidation except that before the Committee accepts a request, the Committee shall

- (a) advertise the application in the manner prescribed by Regulations and request for public comments or objections; and
- (b) on receipt of an objection to or comment on an application, submit the objections and comments to the person who made the request for a response.

Granting or refusal of application for subdivision or consolidation

146. (1) The District Spatial Planning Committee may grant or refuse an application for subdivision or consolidation.

(2) Where the District Spatial Planning Committee decides to grant the application, it may impose conditions for the subdivision or consolidation as it considers appropriate.

(3) The Authority shall by guidelines specify the conditions that have to be complied with before the grant of the application for subdivision or consolidation.

Conveyance of consolidated or subdivided land

147. A conveyance, lease or any other disposal of a subdivided or consolidated land is void unless the conveyance, lease or disposal complies with sections 148, 150 and 152.

Condition for subdivision or consolidation

148. (1) Where a District Spatial Planning Committee imposes a condition for the subdivision or consolidation of land, the applicant shall comply with the condition before conveying any part of that land.

(2) A person who subdivides or consolidates land or who acquires land which is a subdivision of a larger parcel of land or a consolidated land without complying with this section commits an offence and is liable to pay an administrative penalty specified by the Authority or Lands Commission as the context requires.

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(3) The District Spatial Planning Committee shall not approve a subdivision or a consolidation unless it has received a written report from the Survey and Mapping Division of the Lands Commission.

Ownership and use of public place

149. (1) A public place on a subdivided or consolidated land shall, from the date of approval by the District Spatial Planning Committee of the request to subdivide or consolidate,

(a) vest in the District Assembly subject to payment of the applicable compensation; or

(b) be reserved or utilised by the District Assembly for purposes prescribed by Regulations made under this Act.

(2) Where land is reserved by the District Assembly, the reservation shall be without the payment of a fee or the burden of an encumbrance but is subject to a reversion to the original owner free of charge if

(a) the District Assembly decides not to make it a public place;

(b) the District Assembly changes the zoning in relation to the land to any other use; or

(c) the period prescribed by the Regulations expires.

(3) Where the subdivision or consolidation has been approved by the Regional Spatial Planning Committee or by the Authority in the case where consolidation is in respect of land which abuts more than one Region, the land shall be assigned a unique parcel number by the District Spatial Planning Committee in accordance with the unique parcel numbering system of the Assembly and the unique parcel number shall constitute the basis of future applications to the District Spatial Planning Committee for a licence, land use certificate or permit.

Endorsement by the Lands Commission

150. After the grant of an approval for a sub-division or consolidation, the Lands Commission shall endorse or amend the records at the Lands Registry in respect of that land to reflect the subdivision or consolidation.

False or misleading information

151. A person or district planning authority that intentionally provides false or misleading information in connection with an application made under this Act commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

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Preventive and Enforcement Measures

Compliance with this Act

152. Where in the opinion of the Authority, a District Assembly fails to discharge its duties or exercise its powers satisfactorily in terms of its spatial planning, the Authority may recommend to the President through the Minister responsible for Local Government to

- (a) sanction the District Assembly in a manner that the President or the Minister considers appropriate;
- (b) instruct the District Assembly to take steps to ensure compliance with the provisions of this Act; or
- (c) recover from the District Assembly any amount spent by the Authority in connection with any matter referred to in its recommendation under this section.

Offences and penalties

153. (1) A person who

- (a) threatens, resists, hinders or obstructs, or uses foul, insulting or abusive language towards a person who is exercising a power under this Act, or
- (b) refuses or fails to answer a question put to that person in the course of the performance by an officer of a function under this Act

commits an offence and is liable on summary conviction to a fine of not less than five hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

(2) A person who is convicted of an offence under this Act and who after the conviction continues with the conduct in respect of which that person has been convicted, commits a further offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than one thousand penalty units for each day that the offence continues or to a term of imprisonment of not less than six months and not more than two years or to both.

Preventive measures

154. (1) The Planning and Building Inspectorate Unit established under this Act, shall take preventive measures to prevent a breach of the provisions of this Act or a deviation from its purposes.

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(2) The Authority shall in consultation with the Minister responsible for Local Government make further rules to guide the implementation of this section.

Outsourcing of enforcement

155. (1) Where in the opinion of a District Spatial Planning Committee, part or all of the functions of the enforcement unit is better performed by an agent, the District Assembly may take steps to engage one or more entities on a competitive basis to perform those functions.

(2) The implementation of enforcement recommendations is the sole prerogative of the District Assembly and shall not be outsourced, delegated or assigned.

Register of enforcement notices

156. (1) Each District Assembly shall maintain an enforcement register and a copy of the register shall always be available at the Public Data Room.

(2) The enforcement register shall contain each notice of enforcement in a manner prescribed in Regulations made under this Act.

Enforcement and penalties

157. Where a person or entity fails to comply with an enforcement notice within the time specified in or under this Act, that person or entity is liable to pay to the relevant District Assembly an administrative penalty of the Ghana Cedi equivalent of two hundred United States dollars for each day that the person or entity fails to comply after the date specified for compliance has lapsed.

Institutional coordination

158. In carrying out its preventive enforcement measures, the Authority, a Regional Spatial Planning Committee and District Assembly shall liaise with the relevant agencies needed to ensure compliance.

Continuous monitoring

159. The Authority shall assist District Assemblies to undertake continuous monitoring of compliance with the Act and the attainment of its objectives.

Appeal to Authority

160. A person aggrieved by an enforcement decision may appeal against the decision in accordance with sections 171 to 175.

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Intervention of the Court

161. An application to the Court for judicial review shall be in respect of matters of law and not matters of fact relating to planning.

Methods of Enforcement

Planning and Building Inspectorate Unit

162. There is established by this Act a Planning and Building Inspectorate Unit in each District Assembly.

Functions of planning and building inspector

163. (1) An officer of the Planning and Building Inspectorate Unit, whether employed by the District Assembly or engaged as an outsourced person, shall monitor physical development to ensure compliance with the approved permits and with the provisions of this Act.

(2) An officer under subsection (1) shall on request by the occupant of the land produce the identification and authorisation of the officer.

Demolition and removal procedures

164. (1) In carrying out its enforcement functions, a District Assembly may issue

- (a) enforcement notices;
- (b) stop notices;
- (c) orders for discontinuance of use;
- (d) revocation of use certificates;
- (e) certificate of approved land use; and
- (f) certificate of habitation.

(2) A person shall not give out a building for public use or use a public building unless a certificate of habitation for that building has been issued by the District Assembly.

Special Controls

Control of specific matters

165. (1) A District Assembly shall liaise with the Environmental Protection Agency and other relevant agencies on matters related to enforcement in respect of

- (a) trees, gardens and the natural environment; and
- (b) the general duty of planning authorities regarding trees.

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- (2) The Authority shall make rules regarding the following:
- (a) tree preservation orders;
 - (b) tree removal procedures;
 - (c) compensation for loss or damage caused by reason of orders made by the Authority;
 - (d) consequences of tree removal; and
 - (e) trees in conservation areas.
- (3) The Authority shall liaise with the relevant Ministry in prescribing enforcement measures regarding
- (a) matters related to highways and trunk roads as defined in the Ghana Highway Authority Act, 1997 (Act 540);
 - (b) matters related to urban roads;
 - (c) matters related to feeder roads;
 - (d) matters related to general right of way;
 - (e) waterways and planning orders made by the Water Resources Commission under the Water Resources Commission Act, 1996 (Act 522), the Community Water and Sanitation Agency and related entities;
 - (f) matters related to mining areas and the Minerals Commission;
 - (g) matters related to agriculture and agricultural areas;
 - (h) matters related to conservation areas including forestry reserves, game and wild life, sanctuaries, Ramsar sites, water catchment areas, nature reserves and coastal belts;
 - (i) standard by-laws on outdoor advertisements;
 - (j) regulations relating to advertisements;
 - (k) repayment of expenses for removal of unauthorised advertisements;
 - (l) enforcement of control over advertisements;
 - (m) acquisition and appropriation of land for planning and public purposes;
 - (n) disposal and development of land acquired for planning purposes;
 - (o) provisions relating to physical development in general public areas belonging to security agencies and areas under the control of security agencies but which are ordinarily accessible to the public and families of security personnel;

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- (p) laying of fibre optic cables and other utility service cables and lines; and
- (q) public bodies which are service providers including
 - (i) the Ghana Civil Aviation Authority;
 - (ii) the Ghana Post and various post offices;
 - (iii) the Ghana Railway Development Authority;
 - (iv) the Environmental Protection Agency;
 - (v) the Water Resources Commission;
 - (vi) the Ghana Highway Authority;
 - (vii) the Ghana Airport Company Limited;
 - (viii) the Ports and Harbours Authority;
 - (ix) the Ghana Water Company Limited;
 - (x) oil, petroleum and gas transportation entities;
 - (xi) hydro and other power generating entities;
 - (xii) authorised distributors or transmitters of electricity; and
 - (xiii) mast installers and telecommunication operators.

Rectification of contradiction

166. (1) Where a building or a part of a building has been erected or is used in contravention of this Act, the approved zoning scheme of the area or the conditions of subdivision and consolidation of land, the District Assembly shall give notice to the owner of the building directing that owner

- (a) to take the required remedial action before the date specified in the notice which date shall not be more than twelve months after the date of the notice except in exceptional circumstances where the District Assembly may extend the date pursuant to a written application by the person concerned; or
- (b) to apply to the District Spatial Planning Committee formally requesting for a rezoning or change of use before a date specified in the notice which date shall not be more than thirty days after the date of the notice.

(2) Where an owner fails to comply with the notice, the District Assembly shall take appropriate enforcement measures as prescribed by the Regulations and guidelines.

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(3) A person who is dissatisfied with an enforcement measure taken by the District Assembly under subsection (2) may appeal to the Regional Coordinating Council.

Right of entry to premises

167. (1) An authorised officer of a planning entity may enter land or a building to conduct an inspection, a survey, study, an examination or investigation necessary for the performance of the functions of the planning entity under this Act.

(2) Survey or investigation in subsection (1) includes the taking of photographs.

(3) The authorised officer of a planning entity shall, before exercising the power under subsection (1), give three days' notice to the owner or occupier.

(4) The authorised officer of a planning entity shall, on request by the occupant of the land or building, produce the authorisation.

Immunity of officer from liability

168. (1) Subject to the Constitution, an employee of a District Assembly or a person acting on the authority of a District Assembly is not personally liable for an act done in good faith in the performance of a function or the execution of a duty under this Act.

(2) In the performance of its functions under this Act, a District Assembly is, in addition to the provisions of this Act, subject to conditions imposed in regulatory notices and administrative instructions issued by the Authority in accordance with this Act.

(3) The District Chief Executive or a person to whom responsibility is delegated in accordance with this Act is responsible and accountable for an action taken in pursuance of the responsibilities under this Act.

Penalty for obstruction

169. A person who obstructs the Authority from performing its functions commits an offence and is liable on summary conviction to a fine of not less than three hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both.

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Acquisition of land

170. (1) A District Assembly may, on its own accord or at the request of the Regional Spatial Planning Committee, the District Spatial Planning Committee or the Regional Coordinating Council in the case of joint District Assemblies, negotiate with the owner of land and acquire, at the cost of the District Assembly, land or buildings where the acquisition is necessary for enforcing the provisions of this Act.

(2) Where a District Assembly is unable to purchase a land or a building required under subsection (1), the land or building may be acquired under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the district.

(3) Land or building acquired under this section shall be used only for, or in connection with the scheme for which that land or building was acquired and a failure to use the land or building for the purpose for which it was acquired entitles the original owner to be given the option to acquire the land back at a concessionary value to be determined by the Land Valuation Division of the Lands Commission.

Complaints, Appeals and Review Process

Right to review

171. (1) A person may lodge a complaint, make an appeal or seek a review under this Act if that person

- (a) has suffered or is likely to suffer a loss or damage as a result of an action taken by the Authority, Regional Spatial Planning Committee, District Assembly or an entity or person under this Act or as a result of a breach of this Act by another person or entity;
- (b) has grounds to believe that a right or privilege that that person is entitled to under this Act has been infringed on;
- (c) has reason to believe that there has been a breach of this Act by a person or entity;
- (d) seeks to enforce this Act or to compel another person or a public entity to comply with this Act; or
- (e) feels dissatisfied with a decision of a planning authority under this Act or the decision arrived at after an earlier complaint or review.

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(2) A person entitled to lodge a complaint under this Act may seek review or redress from the District Assembly or the Regional Coordinating Council as is appropriate.

(3) Where a person seeks to compel a planning authority to comply with this Act, the person may lodge a complaint to a higher planning authority or to the courts.

(4) A complaint or request for review shall not be entertained unless

- (a) the complaint or request is submitted in writing;
- (b) the particulars of the person submitting the request or complaint and the means by which that person can be reached is stated in the complaint or request;
- (c) the nature of the complaint or grievance is stated and, where applicable, the part of the planning process from which the complaint arose is specified;
- (d) the person submitting the complaint or seeking for review has supplied relevant evidence in support; and
- (e) the person aggrieved by a decision or action of a District Planning Authority lodges the appeal to the District Planning Authority within six months after receipt of the notice of decision or action.

(5) A complaint or appeal shall

- (a) in respect of complaints to the Authority, be submitted to the Chief Executive of the Authority;
- (b) in respect of complaints or appeals to the Regional Coordination Council, be submitted to the Coordinating Director of the Regional Coordinating Council; and
- (c) in respect of complaints to a District Assembly, be submitted to the District Coordinating Director of the District Assembly.

(6) Where a complaint is submitted to

- (a) the District Chief Executive, the District Chief Executive shall form a five member committee and refer the complaint to the committee;
- (b) the Regional Coordinating Council, the Regional Coordinating Council shall refer the complaint to a sub-committee of the Regional Spatial Planning Committee; and

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- (c) the District Assembly, the District Assembly shall refer the complaint to the Technical Sub-Committee of the District Spatial Planning Committee.
- (7) The findings of the Committee shall be submitted to the
 - (a) Board in the case of the Authority;
 - (b) Regional Coordinating Council in the case of the Regional Spatial Planning Committee; and
 - (c) Executive Committee of the Assembly in the case of the District Assembly.
- (8) The District Assembly shall communicate its decision not later than twenty-one days after the receipt of the complaint.
- (9) The decision shall be in writing and shall state
 - (a) the reasons for the decision;
 - (b) whether the complaint is upheld in whole or in part; and
 - (c) where applicable indicate the corrective measures that are to be taken.
- (10) A person who is not satisfied with the decision of the District Assembly may further appeal to the Regional Coordinating Council.

Suspension of planning process

172. (1) Except in the case of an emergency, a District Assembly that receives a complaint other than a request for a review of a previous decision in respect of a complaint, shall immediately suspend any decisions and investigate the complaint.

(2) The Authority may make rules to regulate complaints and reviews and the rules shall be consistent with the laws that regulate administrative procedures.

Record of all decisions

173. Each District Assembly shall keep a record of its decisions and the reasons for the decisions and a copy of the decision and the reason shall be kept and be made available at the Public Data Room of the District Assembly.

Time for complaints and appeals

174. (1) A complaint or an appeal shall be lodged not later than thirty days after the decision of the district authority concerned has been made known or otherwise brought to the notice of the complainant.

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(2) A decision arrived at on appeal is conclusive as to fact and is binding on the appellant or district authority concerned.

Appeal process

175. (1) Except as otherwise specified under this Act, a complaint or an appeal shall in the first instance be made to the body or entity against whom the complaint or appeal is made before an appeal is made in accordance with this Act.

(2) An appeal in all instances shall be lodged within thirty days after the decision being complained of was made known or was otherwise brought to the notice of the appellant.

(3) A decision of the Regional Coordinating Council or the Authority in respect of an appeal is subject to review by the High Court except that no court shall make a decision regarding a matter of fact of planning of physical development.

General Provisions

Conduct of public officials and their representatives

176. (1) A public officer who performs a planning function shall

- (a) perform that function impartially so as to ensure fairness, equity and justice and shall not use personal relationships or private grievance as the basis for any decision;
- (b) take the public interest into account and act in accordance with the object and procedures of this Act; and
- (c) avoid conflict of interest and the appearance of conflicts of interest, in the performance of that function and shall immediately disclose any conflict of interest and request to be recused in a matter that involves a conflict of interest.

(2) The Authority shall publish a code of conduct for the purposes of this Act.

Public consultation

177. (1) The procedure for public consultation conducted by a District Assembly, the District Spatial Planning Committee or Technical Sub-Committee for the purposes of this Act shall be in accordance with this section.

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(2) The District Assembly shall make the draft spatial development framework, structure and local plan available for public consultation for a period of not less than four weeks.

- (3) In furtherance of subsection (2), the District Assembly shall
- (a) make the plan available at the Public Data Room;
 - (b) publish the consultation procedure in a newspaper of wide circulation within the district and publish the procedure in the *Gazette*;
 - (c) inform the public by posting of notices at the premises of the District Assembly and by publication on the official website of the District Assembly or by any other means, where and how opinions, objections and submissions may be lodged;
 - (d) invite designated stakeholders to submit opinions and objections;
 - (e) arrange public meetings and hearings;
 - (f) arrange for poster sessions in Public Institutions; and
 - (g) receive and record opinions and objections as part of the adoption procedure.

(4) The District Assembly shall make available to the public for a period of not less than four weeks the decision of the Assembly to adopt the plan.

- (5) In furtherance of subsection (4), the District Assembly shall
- (a) make available at the Public Data Room the notice of the decision to adopt the plan and publish the decision in a newspaper of national circulation in the district and in the *Gazette*;
 - (b) provide a statement on
 - (i) how and the extent to which submissions from the public have been taken into consideration in the adoption of the plans; and
 - (ii) the degree to which the Strategic Environmental Assessment report has been taken into consideration during the adoption of the plan; and
 - (c) provide the details of

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- (i) how the significant environmental impacts of the plan will be monitored during the planning period; and
- (ii) how and to which Authority a complaint against the decision to adopt the plan may be made including the details of the deadline for submitting a complaint.

(6) The Authority may issue further guidelines in respect of public consultation.

(7) In addition to the methods for public notification specified under this section, a District Assembly may employ other methods of giving notice to the public including announcements at places that are appropriate for the purpose of giving notice.

Records

178. The Authority and each District Assembly shall keep written records of planning decisions together with supporting documents including

- (a) maps;
- (b) layouts;
- (c) minutes of meetings with a record of decisions and reasons for decisions;
- (d) records of site visits;
- (e) statistical analysis;
- (f) records of public consultation; and
- (g) other relevant records.

Public records

179. (1) Records specified in this Act to be made available to the public on demand shall be made available at the Public Data Room of the District Assembly for inspection within normal working hours by members of the general public.

(2) A public official who prevents a person from having access to public information relating to planning under this Act may be sanctioned by the appropriate authority.

(3) A person who seeks to make copies of public records on planning shall bear the cost of the copies and pay the appropriate fee prescribed by the Authority.

(4) This section is subject to any other law on access to information.

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Regulations, guidelines, manuals and detailed instructions

180. (1) The Authority may issue further guidelines, procedures, manuals and relevant documents to give effect to this Act.

(2) The Authority may recommend Regulations to be issued by the Minister for the purpose of attaining the objectives of this Act.

(3) The Authority shall ensure that any Regulations issued by the Minister or guidelines, manuals, circulars and directives issued by the Authority pursuant to this Act is consistent with the Act.

(4) For the purposes of this Act, and in furtherance of this section, the Regulations, guidelines, policies, circulars, manuals and other documents issued under this Act may provide for

- (a) permitting standards and procedures;
- (b) the preparation and submission of plans for permits;
- (c) the manner of publication of notices in relation to matters in this Act which require notice;
- (d) matters relating to zoning and depressed settlements;
- (e) matters relating to spatial organisation and management of informal economic activity and operations;
- (f) relocation of informal street activities and operations at alternative sites with extensive support services;
- (g) site requirements;
- (h) site coverage of buildings;
- (i) projections beyond building lines;
- (j) orientation, building lines and improvement lines;
- (k) boundary lines;
- (l) building at street corners;
- (m) dimensions, heights and space of rooms and areas in dwelling units;
- (n) planning standards;
- (o) zoning and re-zoning;
- (p) variation of planning standards; and
- (q) planning in respect of heritage and listed building.

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(5) The Authority may by guidelines, prescribe a revision, redraft, modification or amendment of the contents and format of

- (a) a spatial development framework;
- (b) a structure plan;
- (c) a zoning scheme; and
- (d) a local plan.

Provision of information by District Assembly to Authority

181. Each District Assembly shall, within the period stated in this Act, provide the Authority with information that the Authority may in writing require.

General offences

182. Except as otherwise specified in this Act a person who commits an offence under this Act, is liable on summary conviction to a fine of not less than three hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both.

Inter-sectoral collaboration for effective planning

183. (1) A public sector agency, whether or not, it is represented on any of the entities created under this Act, shall cooperate with the Authority, a Regional Coordinating Council or a District Assembly and other agencies for the purpose of ensuring compliance with this Act.

(2) For the purpose of subsection (1), a public sector agency includes the Ministry of Local Government, the Ghana Highway Authority, a District Assembly, the Lands Commission, the Forestry Commission, the Ministry of Environment, the Ministry of Health, the National Development Planning Commission, the Environmental Protection Agency and any other agency that plays a role in human settlement and spatial planning.

Register and index of notices

184. The Authority shall prescribe an index and a register to be kept of all notices issued by various planning authorities under this Act.

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Effect of notice

185. The issue of a notice in accordance with this Act and Regulations and guidelines made under this Act is sufficient evidence that the attention of the person affected by the notice has been drawn to the contents of the notice.

Levels of operation of the Authority

186. (1) A Physical Planning Officer at the district level is part of the staff of the District Assembly under the Local Government Service Act, 1993 (Act 656).

(2) The Regional Coordinating Council may, on the advice of the Regional Spatial Committee and for the purposes of efficient use of human or other resources, or at the request of the responsible District Assembly, set up Multi-District or Joint District Spatial Planning Committees for two or more District Assemblies.

Implementation of planning system

187. To facilitate the implementation of this Act, the Authority may prescribe a time frame for District Assemblies to comply with various requirements of this Act including

- (a) the preparation of
 - (i) a District Spatial Development Framework;
 - (ii) a structure plan;
 - (iii) a local plan;
 - (iv) utility mapping and planning; and
 - (v) street address;
- (b) the development of unique parcel numbering;
- (c) conformity with permit procedures;
- (d) regular data gathering and updates for planning purposes;
- (e) the formulation of the
 - (i) National Spatial Development Framework;
 - (ii) Regional Spatial Development Framework;
 - (iii) sub-regional and multi-regional spatial development framework; and

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- (iv) guidelines for the update of the matters provided for within this section.

Form of regulations, regulatory notices and circulars

188. The form of regulatory notices and circulars shall be prescribed by Regulations.

Regional and District Guidelines

Regional and district guidelines

189. Subject to a request by a Regional Coordinating Council, the Minister may, in consultation with the Authority, publish guidelines specific to each region and district regarding planning standards or zoning regulations and in that regard shall take account of specific variations relating to climate, established traditions or customs where appropriate.

Furnishing of comment and information

190. A person who is required to furnish a planning entity, District Spatial Planning Committee or an authorised officer, as the case may be, with a comment or information under this Act shall furnish that comment or information within a period of thirty days from the date on which the comment or other information was requested.

Immunity of officer of the Authority or the Regional Coordinating Council from liability

191. An employee of the Authority, a Regional Coordinating Council or a person acting under the authority of the Authority or a Regional Coordinating Council is not personally liable for an act done in good faith in the performance of a function or the execution of a duty under this Act.

By-laws

192. A District Assembly may make by-laws that affect physical development under this Act.

Application of Act to public entities

193. Except as may be otherwise specified in Regulations made by the Minister under this Act, this Act shall be fully complied with by public entities in respect of the matters provided for in this Act.

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Scope of the planning decisions by the court

194. (1) Despite the power of the courts to hear matters of law and procedure under the complaint process under this Act, a court shall not order the carrying out of physical development on any land or in any part of the country unless the order is for the purposes of enforcing the carrying out of physical development approved by the District Assembly, Regional Spatial Planning Committee or the Authority.

(2) A court may award damages to a person who in the view of the court has suffered a loss as a result of the decision on planning or physical development by the District Assembly, Regional Spatial Planning Committee or the Authority.

Requirement for the regular collection of development and land use data

195. The Authority shall publish guidelines requiring all District Assemblies and Regional Coordinating Councils to collect data on a regular basis to provide input for the various requirements of this Act including input for the National Spatial Development Framework, Regional Spatial Development Framework, structure plans and local plans.

Promotion and regulation of the practice of planning

196. For the purposes of ensuring that persons with adequate technical expertise perform relevant land use and spatial planning functions and to enhance the continuous development of professional knowledge related to physical development planning, the Minister shall, in consultation with relevant stakeholders promote the promulgation of an Act of Parliament for the establishment of a body to regulate the practice of the physical planning profession in particular and the profession of planning generally.

Exercise of Spatial Planning functions by District Assemblies

197. (1) Part II of the Local Government Act, 1993 (Act 462) is repealed in accordance with the Fifth Schedule.

(2) Despite subsection (1), a District Assembly shall continue to perform the spatial planning functions hitherto assigned to the District Assembly under Part II of the Local Government Act, 1993 (Act 462) but shall do so in accordance with the provisions of this Act.

Regulations

198. (1) The Minister may, by legislative instrument, make Regulations for the effective implementation of this Act.

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- (2) Without limiting subsection (1), Regulations may prescribe for
- (a) fees to be charged under this Act;
 - (b) the procedure for the preparation of a structure plan;
 - (c) the procedure for the update of a zoning scheme;
 - (d) the procedure for re-zoning;
 - (e) the forms to be used under this Act;
 - (f) the procedure for the lodging of a complaint;
 - (g) the acquisition of a conditional or unconditional permit;
 - (h) the standards applicable to urban and non-urban land use;
 - (i) spatial planning matters; and
 - (j) the procedure for subdivision or consolidation of land.

Interpretation

199. In this Act, unless the context otherwise requires,

“administrative boundaries” has the meaning as assigned in the Local Government Act, 1993 (Act 462) and refers to an area over which a specified administrative authority including a Unit Committee, Area Council, Urban Council, Sub Metro, District Assembly, Regional Coordinating Council or National Authority is vested with oversight authority;

“approved District Development Plan” has the assigned meaning in section 21 of the National Development Planning (System) Act, 1994 (Act 480);

“Authority” means the Land Use and Spatial Planning Authority;

“betterment” means the monetary compensation that in the opinion of a District Assembly is payable because of the increase in the value of land or property arising from improvements carried out by a public entity;

“blighted area or property” means an area or property that, in the opinion of the planning authority, requires development or upgrade in order to bring the area or property to the standard of surrounding or adjoining development or community in which or near which the property is located;

“Board” means the governing board of the Land Use and Spatial Planning Authority;

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- “building” means a structure or part of a structure and related drains, sewers, pipes and works regulated in this Act and the National Building Regulations;
- “building permit” means a written permission granted by a District Assembly under this Act and the applicable Building Regulations which sets out conditions for the construction of a building or a structure or the execution of works on a proposed building;
- “community” means a group of households who refer to their defined settlement or administrative area by the same name;
- “community right of space” includes a road, street, footpath, pavement, passenger terminal, parking area, any public right of way, school ground, hospital ground, open space, cemetery, playing field, square, durbar ground, market place, public place of assembly, or any space or ground or area for public or community use that exist or is so designated in an approved structure or local plan or under the provision of any law;
- “consolidation” means the joining of otherwise separate parcels of land or plots so as to incorporate the separate components in one whole property with clearly defined boundaries;
- “database” means a structured collection of records or data for the purposes prescribed under sections 4 (x) and 127 (1)(i);
- “development” means the carrying out of building, engineering, mining or other operations on, in, under or over land, or the material change in the existing use of land or building and includes sub-division of land, the disposal of waste on land including the discharge of effluent into a body of still or running water and the erection of advertisement or other hoarding;
- “development permit” means a permit authorising a person to carry out development in accordance with the conditions specified in the permit;
- “district” means the area of authority of a District Assembly, a municipality and a metropolis as defined under section 162 of the Local Government Act, 1993 (Act 462);

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- “District Assembly” includes a Municipal Assembly and a Metropolitan Assembly;
- “District Spatial Development Framework” means the spatial strategy and indicative plan for achieving defined social, economic and environmental policies and which comprises among others, the location of key components of the strategy aimed at achieving the desired development in the area of authority of a District Assembly;
- “District Development Plan” means a consolidated plan of the economic, social, spatial, environmental, sectoral and human settlement and the policies of a district in respect to them which are duly approved by the National Development Planning Commission;
- “District Spatial Planning Committee” means a committee of a District Assembly which committee is constituted in accordance with section 35 to perform the functions of preparation of district and local plans and approve development and building permits and other functions spelt out under this Act and in the Regulations;
- “Fund” means the Land Use Planning and Development Fund established under section 20;
- “infrastructure” includes transportation links and other key features for managing the effects of development;
- “joint development plan” means a detailed plan of any contiguous area whose special physical or social economic characteristics necessitate it being considered as a single unit for the purpose of development and that has been designated by the National Development Planning Commission as a joint development planning area;
- “land use management” means the system of legal requirements, regulations and guidelines that apply to the use of land in order to achieve the objectives of this Act for the built environment;
- “land use plan or planning scheme” means a plan which proposes the disposition of land by function and purpose, including land for which the purpose is yet to be defined or which is to be preserved in its present state, to meet the

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- present and future identified community needs within the time frame for which the plan is valid;
- “local plan” means a detailed plan which proposes a dimensionally accurate disposition of parcels of land by function and purpose to meet the present and future identified community needs within the time frame for which the plan is valid;
- “local planning authority” or “district planning authority” means a District Assembly;
- “Minister” means the Minister responsible for town planning;
- “National Development Plan” means a consolidated plan of the economic, social, spatial, environmental, sectoral and institutional issues and policies of this country;
- “National Spatial Development Framework” means the spatial strategy and indicative plan for achieving defined social, economic and environmental policies and which comprise the location of key components of the strategy aimed at achieving the desired development of the entire territory of this country;
- “neighbourhood” means a geographically localised community located within a larger community administrative area in the nature of a city, town or suburb;
- “parcel” means an extended area of land which can be used for several purposes;
- “physical development” means the carrying out of building, engineering, mining or other operations on, in, under or over land or the material change in the existing use of land or building comprising among others the sub-division of land, the disposal of waste on land including the discharge of effluent into a body of still or running water and the erection of advertisement or other hoarding among others;
- “planning authority” includes a district planning authority at the district level, a Regional Coordinating Council at regional level and any other body designated by the Authority to carry out a development planning function;

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- “planning entity” means the Authority, Regional Coordinating Council, Metropolitan, Municipal and District Assemblies, Ministries, Departments and Agencies and Special Development Authorities;
- “planning standards” means the standards approved by the Authority for the development of land and comprising among others, the type of permissible development, density of development, plot coverage, building heights, set backs from the road and surrounding buildings, accessibility, width of roads and open space requirements;
- “plot” means an area of land that has been measured and considered as a unit for a particular purpose;
- “public place” means any enclosed indoor area used by the general public or serving as a place of work containing two hundred and fifty or more square feet of floor space or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose;
- “region” means a specified political and administrative territory with assigned boundaries recognised under the 1992 Constitution of the Republic of Ghana or otherwise created under article 5 of the 1992 Constitution of the Republic of Ghana;
- “Regional Development Plan” means a detailed plan of the economic, social, spatial, environmental, sectoral and human settlement issues and policies of a region approved by the National Development Planning Commission;
- “Regional Spatial Development Framework” means the spatial strategy and indicative plan for achieving defined social, economic and environmental policies and which comprise among others the location of key components of the strategy aimed at achieving the desired development within a specified region of the country and where applicable a joint development framework;
- “right of way” has the same meaning as community right of space;

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- “rural area” means an area other than an urban area and which is generally characterised by low population density and does not possess the human settlement characteristics of an urban area;
- “settlement” means a permanent or temporary community in which people live, without being specific as to size, population, importance or hierarchy;
- “Spatial Development Framework” means the spatial strategy and indicative plan for achieving defined social, economic and environmental policies and which comprise among others the location of key components of the strategy aimed at achieving the desired development and where applicable a joint development framework;
- “strategic planning” means the determination of the steps required to reach an objective that makes the best use of available resources;
- “structure plan” means a statutory long term framework used to guide and define the development, redevelopment and land use patterns of a town or city or a particular area;
- bly constituted in accordance with section 37 to perform the functions spelt out under this Act and in the Regulations including the preparation of district and local plans and approved development and building permits;
- “title to land” means legal proof of ownership of real property;
- “town” means a human settlement larger than a village but smaller than a city;
- “town planning scheme” as used under the Town and Country Planning Ordinance 1945 (Cap 84) and the Towns Act, 1951 (Cap 86) has the same meaning as local plan in this Act;
- “traditional council” means a house of chiefs or a council or body established or recognised customary law;
- “Unit Area” means the smallest established administrative area within a District Assembly in accordance with the Local Government Act, 1993 (Act 462);
- “Unique Parcel Number” means the computer generated number based on a system of identifying coordinates provided by the Survey and Mapping Division of the Lands Commission, assigned to each parcel of land or consoli-

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- dated land by the District Spatial Planning Committee by virtue of its powers under section 144;
- “urban area” means an area officially declared as an urban area under this Act or generally considered a built up area characterised by higher population density and diverse human settlement;
- “urban regeneration” means a process of reviving the local economy, invigorating the community and improving the natural and urban environment through an integrated programme of restoration of building and redevelopment of land and related infrastructure as well as complementary social and economic programmes and projects;
- “wayleaves” means any right of way or other similar right over any land which permits entry onto any land for the purpose of the construction, installation and maintenance of works for a public utility in the public interest on the authority of an Executive Instrument issued by the President under the Lands (Statutory Wayleaves) Act, 1963 (Act 186);
- “zone” means an area in any region, district or town that has been prescribed as a zone pursuant to a spatial planning framework structure or local plan and has been given restrictions as building type or size, land use or permitted activity;
- “zoning map” means a map approved by the Authority that shows the various approved zoning within a structure plan or any area or a part of a territory of Ghana;
- “zoning Regulations” means Regulations passed under this Act by the Authority that relates to the use to which land within any part of the country, a region or district may be put; and
- “zoning scheme” means a systemic plan or orderly arrangement of various recommended or approved schemes within a zone.

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Repeals and savings

200. (1) The laws referred to in the Fifth Schedule to this Act, are subject to subsection (2) repealed, amended or otherwise affected to the extent referred to in the First Schedule.

(2) Anything made or prescribed or done under any law repealed by subsection (1), including regulations and having the force of law immediately before the commencement of this Act shall continue to be valid and remain in force as far as it is consistent with this Act, until it is altered or revoked under this Act.

Transitional provisions

201. (1) The Town and Country Planning Department established under the Town and Country Planning Act, 1945 (Cap 84) and in existence immediately before the coming into force of this Act, shall continue to be in existence until otherwise dissolved in accordance with subsection (2).

(2) The President shall not later than sixty days after the coming into force of this Act constitute the Board of the Authority and issue an Executive Instrument that the Town and Country Planning Department referred to under subsection (1) has ceased to exist from the date of the Executive Instrument.

(3) Staff of the Town and Country Planning Department referred to in subsection (1), except those otherwise transferred in accordance with the rules of the public service shall be deemed to have been transferred to the Authority immediately after the Executive Instrument comes into force.

(4) A planning authority that has an application for permit pending before it before the commencement of this Act shall process the application within six months after the commencement of this Act.

(5) Where the District Spatial Planning Committee is unable to process a pending application because the applicant is unable to satisfy a condition or supply relevant information, the application shall lapse at the end of the sixth months.

(6) An application which has lapsed may be processed only if an application for renewal is submitted and the applicable fee is paid.

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(7) An applicant whose application lapses may submit a fresh application.

(8) The following actions required to be taken in connection with this Act shall be taken after the commencement of this Act, within the time specified:

- (a) the establishment of Regional Spatial Planning Committee by the Regional Coordinating Council in consultation with the Minister responsible for Local Government under section 25, within one hundred and twenty days after the constitution of the Board of the Authority;
- (b) the inauguration of the District Spatial Planning Committee and the Technical Sub-Committee by the Regional Minister under section 38 (1), within sixty days;
- (c) the establishment of a permanent Public Data Room by each District Assembly under section 48 (2), within sixty days; and
- (d) the publication of register of approved or adopted zoning or local plans already in effect in districts by each Regional Coordinating Council after consultation with the Regional Spatial Committee and District Assemblies in the region under section 91 (1), within twenty-four months.

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FIRST SCHEDULE
The Land Use and Spatial Planning Authority
Application for Planning Permit
(Section 115 (2)(a))

For office use only

Appn. No.
Date Recd.
Permit No.
Refusal No.

To be filled by Applicant

THE PLANNING AUTHORITY

APPLICATION TO DEVELOP LAND/ TO CONSTRUCT OR TO CARRY OUT
WORK UPON A BUILDING/ CHANGE THE PROPOSED USE OF THE LAND/
BUILDING WITHIN A PLANNING AREA

I/We

of

being the owner(s) of the land known as/building situated at

.....

apply to the Spatial Planning Committee for permission to

and/or *1. Develop the land known as

*2. Construct a building at

for the purposes of

and/or *3. (a) Demolish

(b) Alter

(c) Extend

(d) Repair/ Renovate

(e) Renew the previous Development and Building Permit of the building

(attach previous permit) in accordance with the proposed Building Plan

of the scale of 1/1250 attached in duplicate

and/or *4. Change the use of the land/building from to

.....

in accordance with the proposed change of use plan of the scale of 1/1250

attached in duplicate.

The Land Use Certificate No. dated is attached.

Dated this day of 20.....

Signed

.....

Address

.....

To the Secretary,

..... Spatial Planning Committee

Date:.....

* to be deleted as appropriate

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SECOND SCHEDULE
The Land Use and Spatial Planning Authority
Application for Building Permit
(Section 115 (2)(b))

For office use only
Appn. No.
Date Recd.
Permit No.
Refusal No.

To be filled by Applicant

THEPLANNING AUTHORITY

APPLICATION FOR BUILDING PERMIT

TO:

Secretary Spatial Planning Committee Date.....

I, / We of

(full and current address)

hereby apply for permission to construct a building: (specify work to be executed)

.....at

.....for

.....

(state purpose for which building is to be used)

under the Land Use and Spatial Planning Act and the National Building Regulations, and in accordance with the particulars attached including the relevant drawings. The Development Permit No. is attached.

Dated this..... day of

Signature.....

(Witness to Signature of applicant if illiterate)

.....

Date

.....
(Signature and address of Agent to
be clearly furnished if application is
being submitted on behalf of applicant)

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THIRD SCHEDULE
The Land Use and Spatial Planning Authority
Planning Permit
(Section 116 (3))

For office use only

Permit No.

Date

Appn. No.....

THEPLANNING AUTHORITY
PLANNING PERMIT TO DEVELOP LAND OR TO CONSTRUCT OR CARRY
OUT WORK UPON A BUILDING WITHIN A PLANNING AREA

TheSpatial Planning Committee, in pursuance of its powers
under section 116 of the Land Use and Spatial Planning Act, hereby grants permission
toof
..... to

- 1. Development of the land known as
for the purpose of
- and/or 2. Construct a building at
for the purposes of
- and/or 3. (a) Demolish
(b) Alter
(c) Extend
(d) Repair
(e) Renew a building permit

subject to the following conditions:—

.....
.....
.....
.....

and in accordance with the attached plan

- 2. This permit does not relieve the applicant from the necessity of compliance
with any building regulations for the time being in force in the Planning Area
- 3. If development is not completed within the time, application for renewal
must be made to the Spatial Planning Committee.
- 4. This permit does not imply or confirm the right or title of the applicant to the
land or building comprised herein

Dated this.....day of.....20

.....
Secretary

.....Spatial Planning Committee

LAND USE AND SPATIAL PLANNING BILL, 2016

FOURTH SCHEDULE
The Land Use and Spatial Planning Authority
Building Permit
(Section 117(3))

THE PLANNING AUTHORITY

APPROVAL is hereby granted to

To construct/execute work, in accordance with the plans, specifications and other particulars approved by the Spatial Planning Committee on the day of and subject to the conditions endorsed hereon and the provisions of the National Building Regulations 1996.

This permit shall be valid until the day of

Signed.....
Secretary

..... Spatial Planning Committee.

ENDORSEMENT

.....
.....
.....

If development is not completed within the time, application for renewal must be made to the Spatial Planning Committee.

This permit does not imply or confirm the right or title of the applicant to the land or building comprised therein¹. This permit does not relieve the applicant from the necessity of compliance with any building or planning regulations for the time being in force in the planning area.

LAND USE AND SPATIAL PLANNING BILL, 2016

FIFTH SCHEDULE
Repeal
(Sections 197 and 200)

ENACTMENT	HOW AFFECTED
Town and Country Planning Ordinance 1945, (Cap 84)	Repealed
Local Government Act 1993, (Act 462)	Part II of the Act on planning functions repealed
Towns Act of 1892, (Cap 86)	Repealed
Town and Country Planning (Amendment) Act 1960, (Act 33)	Repealed
National Building Regulation 1996, (L.I. 1630)	Regulation 1 to 10 of L.I. 1630 repealed

Date of *Gazette* notification: 29th December, 2015.

LAND USE AND SPATIAL PLANNING BILL, 2016

MEMORANDUM

The object of the Bill is to revise and consolidate the laws on land use and spatial planning, provide for sustainable development of land and human settlements through a decentralised planning system, ensure judicious use of land in order to improve quality of life, promote health and safety in respect of human settlements, regulate national, regional, district and local spatial planning and generally provide for spatial aspects of socio economic development.

The legal framework that currently regulates planning practice and functions within the country are contained in various legislation, including the Town and Country Planning Act, 1945 (Cap 84), Town and Country Planning (Amendment) Act, 1960 (Act 33), Local Government Act, 1993 (Act 462), National Development Planning Commission Act, 1994 (Act 479), National Development Planning (System) Act, 1994 (Act 480), and National Building Regulations, 1996 (LI 1630).

The concurrent operation of these enactments is cumbersome and confusing. This is because each of the enactments has different procedures and mechanisms for the preparation, approval and implementation of plans. Moreso, the institutions established under these enactments to undertake land use planning and management end up duplicating the functions of one another. Furthermore, some of the planning standards adopted by the Town and Country Department under the Town and Country Planning Act, 1945 (Cap 84), and the Town and Country Planning (Amendment) Act, 1960 (Act 33) are outdated and out of tune with current standards.

In addition to these, the growing population in Ghana, together with inter and intra regional migration and rapid urbanisation has contributed largely to an increased demand for land and development throughout the country. This increase in demand for land has resulted in increases in the prices of land and real estate property in urban areas, land litigation and very limited security of tenure, all of which undermine local and international investor confidence. Unplanned settlements have sprung up, resulting in congestion, poor housing, and poor access to social and infrastructural services. Slums have emerged in the cities,

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aggravating the effects of natural disasters such as flooding, fire, epidemics and environmental pollution which have been on the ascendency over the years. Although urbanisation is critical to national development, it is evident that rapid urbanisation with the foregoing effects of unplanned settlements pose a major risk to the sustainable livelihood of people in the country.

It is in view of these difficulties that this Bill has been proposed with the purpose of providing a comprehensive legal framework that will consolidate, revise and harmonise existing legislation on land use and spatial planning and provide for sustainable development of land and human settlements.

Clause 1 provides for the application of the Bill and sets out the institutions and persons to whom the Bill applies. These institutions are those responsible for human settlement, spatial planning and use of land, sub-divisions of land for purposes of development, the creation and delineation of districts, special towns and special development. The persons to whom the Bill applies are persons responsible for the development of land and national spatial planning matters among others. The Bill also applies to special planning areas and matters relating to the spatial planning or development control function, the development of land by private or public institutions including physical development by entities which are exempted from planning permit compliance procedures, spatial planning and physical development issues related to preparation of plans and matters related to land use including enforcement, appeals, complaints and administrative processes within the country.

Clause 2 establishes the Land Use and Spatial Planning Authority as a body corporate in order to enable it operate with a fair measure of independence in accordance with section 24 of the Interpretation Act, 2009 (Act 792).

The objects of the Authority as set out in *clause 3* are to provide for sustainable development of land and human settlements through a decentralised planning system, ensure judicious use of land and enhance the attainment of Ghana's decentralisation agenda and in particular

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create an enabling regime for district assemblies to better perform their spatial planning and human settlements management functions.

The functions of the Authority are listed in *clause 4*. These include the performance of the spatial, land use and human settlements planning functions of the national development planning system established under the National Development Planning Commission Act, 1994 (Act 479) and the National Development Planning (System) Act, 1994 (Act 480), the preparation and provision of the technical human settlements planning component as may be required by the National Development Planning Commission for inclusion in the national development plans or infrastructure plan prepared by the Commission pursuant to Acts 479 and 480; the provision of directions, guidelines and manuals for spatial planning; the establishment of a spatial planning and land use database and the performance of any other function that may be directed by the Minister.

Clause 5 establishes the governing body of the Authority. The members of the Board are fifteen in number, consisting of a chairperson, one representative of the Ministry responsible for Local Government and Rural Development, one representative of the Ministry responsible for Environment, Science, Technology and Innovation, one representative of the Ministry responsible for Lands and Natural Resources, one representative of the Ministry responsible for Roads and Highways, one representative of the Ministry of Water Resources, Works and Housing, the Chief Executive of the Authority, the Executive Director of the Environmental Protection Agency, the Executive Secretary of the Lands Commission, the Administrator of Stool Lands, the Director-General of the National Development Planning Commission, one representative of the head of the Local Government Service, one representative of traditional authority nominated by the National House of Chiefs and two persons from the private sector.

Clause 6 sets out the responsibilities of the Board of the Authority. The tenure of office and meetings of the Board are provided in *clauses 7 and 8* of the Bill. *Clause 9* is on disclosure of interest. The Board is

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empowered under *clause 10* to establish committees. The allowances of the members of the Board and the members of a committee of the Board are to be approved by the Minister in consultation with the Minister responsible for Finance under *clause 11*. *Clause 12* empowers the Minister to give directives to the Board on matters of policy.

Under *clause 13*, the Authority has the mandate to establish divisions and units staffed by persons who have the requisite knowledge, skill and experience. The appointment of the staff of the division is required to be in accordance with article 195 of the Constitution. Likewise the President is mandated in accordance with article 195 of the Constitution to appoint the Chief Executive Officer who is the administrative head of the Authority and the Secretary to the Board under *clause 14*.

Clause 15 provides for the finances of the Authority. The activities of the Authority are to be financed through moneys approved by Parliament for the purpose of the Authority, grants, gifts, and donations made to the Authority other than grants, gifts and donations designated for the Land Use and Spatial Planning Development Fund set up under *clause 20* and other sources of income for the Authority as approved by the Minister for Finance.

Clause 16 deals with accounts and audit. *Clause 17* provides that the financial year of the Authority is the same as the financial year of the Government. The Board has a responsibility under *clause 18* to submit an annual report covering the activities and operations of the Authority to the Minister within one month after receipt of the audit report. The Board is also obliged to submit to the Minister any other report that the Minister may request in writing. *Clause 19* provides that the finances of the Authority and the Fund are to be subject to the control procedures within the Public Service including rules regulating internal audit and use of public funds.

Clause 20 establishes the Land Use and Spatial Planning Development Fund. The objects of the Fund are set out in *clause 21*. These include the provision of financial resources to finance research into planning

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issues and capacity building and to assist planning entities in the performance of their functions under the Act. The Fund is also to be used to defray the cost and expenses incurred by the Authority in preparing spatial development frameworks, plans, reports, documents and other materials related to the objects of the Authority. The sources of money for the Fund are indicated in *clause 22*. These consist of moneys provided for the Fund by the Minister responsible for Finance with the approval of Parliament; proceeds received by the Authority from any investments; moneys ceded to the Fund from the District Assemblies Common Fund; funding from development partners and donations; income from other sources received for the purpose of the Fund; and grants and gifts to the Fund.

Clause 23 provides for the management of the Fund. The Fund is to be managed by a Fund Committee consisting of one representative of the Ministry responsible for Local Government and Rural Development as chairperson, the Director of Finance of the Authority, two representatives of the Board, one representative of the Controller and Accountant-General and one representative of the Ministry responsible for Finance. They are to make recommendations to the Board regarding the disbursement of the Fund. Furthermore, *clause 24* mandates the Minister responsible for the Authority to make provisions in relation to further financial resources that are to be allocated or ceded to the Authority in consultation with the Minister responsible for Finance.

Clause 25 deals with the Regional Spatial Planning Committee and requires the Regional Coordinating Council of each region, in consultation with the Minister responsible for Local Government to establish a Regional Spatial Planning Committee as a technical committee of the Regional Planning Coordinating Unit in each region. *Clause 26* specifies the membership of the Regional Spatial Planning Committee.

The functions of the Regional Spatial Planning Committee are set out in *clause 27*. These include the development of a Regional Spatial Development Framework for each region in consultation with the district assemblies and adjudicate on appeals or complaints resulting from decisions, actions or inactions of the District Spatial Planning Committee.

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The standard provisions on meetings, disclosure of interest, establishment of committees and allowances are applicable to the Regional Spatial Planning Committee. However, the Minister has power, in consultation with the Authority and the Regional Coordinating Council, to make rules regarding the Regional Spatial Planning Committee, *clause 28*.

Clause 29 mandates the Regional Spatial Planning Committee to perform functions under the Bill on behalf of the Regional Planning Coordinating Unit and exercise oversight responsibility over the spatial planning functions of the District Spatial Planning Committee established under *clause 35*. The Regional Spatial Planning Committee is subject to the oversight supervision of the Regional Coordinating Council.

Clause 30 deals with spatial planning in districts and provides that the existing administrative districts shall serve as districts for the purpose of the Bill. Newly established districts or districts arising from the consolidation of existing districts shall also serve as the planning authority for their areas of jurisdiction, *clause 31*.

Clause 32 decentralises the operations of the Land Use and Spatial Planning Authority established under *clause 2* of the Bill. In view of this, a District Assembly or a special planning authority is for the purpose of the Bill, the spatial, human settlement and planning authority for its area of authority. Thus the District Spatial Planning Committee or the Technical Sub-Committee of a district is required to generally perform the functions of the District Assembly under the Act, in accordance with the Local Government Act, 1993 (Act 462).

The Bill, in *clause 33*, prohibits a District Assembly from delegating its functions under the Act to any entity other than the District Spatial Planning Committee or the Technical Sub-Committee. *Clause 34* outlines the manner in which decisions are to be taken by a District Assembly in respect of its functions under the Bill. The head of the District Spatial Planning Committee has responsibility to ensure compliance with the Bill.

Clause 35 establishes a District Spatial Planning Committee. The Committee is chaired by the District Chief Executive of the district.

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The head of the Physical Planning Department of the district is the secretary to the Committee. Other members of the Committee include the District Coordinating Director, the District Development Planning Officer, the head of the Works Department and the head of the Urban Roads Unit of the District Assembly. The functions of the District Spatial Planning Committee are outlined in *clause 36*. A Technical Sub-Committee of the District Spatial Planning Committee of each district is established under *clause 37*. The Regional Minister is to inaugurate the District Spatial Planning Committee and the Technical Sub-Committee, *clause 38*.

The functions of the Technical Sub-Committee are enumerated in *clause 39* and these include the preparation and review of the District Spatial Development Framework, Structure Plans, Local Plans and Rezoning Plans, the review of applications for physical development and the making of recommendations to the District Spatial Planning Committee in respect of applications. *Clause 40* provides for the meetings of the District Spatial Planning Committee and the Technical Sub-Committee. The Physical Planning Department of the district is the secretariat of the District Spatial Planning Committee, *clause 41*.

Clause 42 makes provision for the creation of Joint District or Multi-District planning entities by a Regional Coordinating Council if a Regional Coordinating Council is of the view that a District Assembly does not have qualified and experienced staff to perform the functions of the District Assembly. The formation of Joint District or Multi-District Technical Sub-Committees is provided for in *clause 43*.

Clause 44 mandates a planning entity to require a person to provide information in the form and manner and within the time specified in a notice, where the planning entity considers the information necessary for the purposes of ensuring compliance with the Bill or for the determination of a matter under the Bill. The planning entity may also interview any person and request that person to provide particulars that the planning entity requires. However, an official of the Authority, the Regional Spatial Planning Committee, the District Spatial Planning Committee

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or any other planning entity commits an offence under *clause 45* if that officer discloses any data or information obtained under *clause 44* to a person not authorised to receive the information or if that officer uses data or information obtained under *clause 44* for commercial purposes including speculating in any stock, bond or other security or any goods or services.

Clauses 46 to 47 provide for the planning area and levels of planning in the country. *Clause 46* defines the territory of Ghana to include the land mass, air space, sub-terrain territory, territorial waters and reclaimed lands. These constitute planning areas which are subject to the planning system set out in the Bill and other relevant laws. *Clause 47* sets out the framework for spatial planning in Ghana comprising the National Spatial Development Framework, the Regional Spatial Development Framework, or Joint-Regional Spatial Development Framework, where appropriate, and the District Spatial Development Framework for each district, or a Joint or Multi-District Spatial Development Framework.

Clause 48 makes provision for the public and key stakeholders to participate in the preparation of a plan. The *clause* also mandates a District Assembly to set up a permanent Public Data Room, whether virtual or physical, at an accessible place. The Data Room is to be open to the public during normal working hours and manned by staff of the District Assembly.

Clauses 49 to 51 deal with the National Spatial Development Framework. Under *clause 49*, the Authority is required, after consultation with the National Development Planning Commission and on the basis of the approved or planned National Spatial Development Framework as stipulated in the National Development Planning (System) Act, 1993 (Act 480), to prepare a National Spatial Development Framework covering the entire territory of Ghana. The Authority has the responsibility to submit the National Spatial Development Framework to the President for approval. The statutory content of the National Spatial Development Framework is set out in *clause 50*. On approval of the National Spatial

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Development Framework by the President, the Chief Executive Officer has to give notice of the approval by publication in the *Gazette* and in a daily newspaper of national circulation, *clause 51*.

Clause 52 mandates the Regional Coordinating Council to ensure the preparation of a Regional Spatial Development Framework not later than twelve months after the President has approved the National Development Framework. The content of the Regional Spatial Development Framework is required to be in accordance with the provisions of *clause 53*. The Regional Coordinating Director has a duty under *clause 54* to give notice to the public on the approval of the Regional Spatial Development Framework.

The spatial component of a development plan required by section 2 of the National Development Planning (System) Act, 1994(Act 480) is to be prepared in accordance with the Act, *clause 55*. The preparation, objectives and contents of a District Spatial Development Framework are provided for under *clauses 56 to 58*.

Clause 59 clarifies that a reference to a Regional Spatial Development Framework and a District Spatial Development Framework includes a reference to a Joint Regional Spatial Development Framework or a Joint-District Spatial Development Framework. *Clause 59* further requires that action be taken in each district where the action relates to a Joint-District Spatial Development Framework. The Authority may make Regulations regarding Joint-District Spatial Development Framework. *Clause 60* requires a person who carries out any physical development to comply with the District Spatial Development Framework, relevant structure plan and local plan.

In respect of structure plans, *clause 61* requires each Technical Sub-Committee within twelve months after the District Spatial Development Framework approves the structure plan, to notify the public of the structural plan. The Sub-Committee is also required to complete the structure plan within thirty-six months after the approval. The structure plan is to be prepared for each part of the district.

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The objectives and scope of structure plans are enumerated in *clause 62* and include the judicious use of land. A sub-urban structure plan may be prepared under *clause 63* to cover an entire urban area or part of an urban area which falls within an administrative authority and may include adjoining towns and villages. However if the urban area falls under different district assemblies, the urban structure plan should not be prepared to cover multiple urban areas without the approval of the Regional Spatial Planning Committee.

Under *clause 64*, responsibility for the preparation of the structure plan lies on the Technical Sub-Committee. However, a District Assembly may engage the services of a private sector entity through a competitive selection process to prepare the structure plan.

Clause 65 places an obligation on the District Chief Executive to give notice to the public in accordance with Regulations, of the opportunity to inspect the approved structure plan in the public data room of the District Assembly and submit a copy of the plan to the Regional Spatial Planning Committee for comments. Based on the comments or objections received from the public, the District Spatial Planning Committee may direct the Technical Sub-Committee to revise the structure plan for approval. The Technical Sub-Committee is obliged to draw the attention of the District Spatial Planning Committee to how the comments or objections received from the public have been accounted for in the revised structure plan, *clause 66*. The structure plan of each district is to be reviewed within six months after the fifth anniversary of the commencement of the plan, except where the Authority gives a contrary directive, *clause 67*.

The procedure for approval and the effect of an approved structure plan is set out in *clauses 68 and 69*. *Clause 70* provides a District Assembly with the power to authorise a District Spatial Planning Committee to amend an existing zone scheme to ensure that there is conformity with the approved structure plan. Any such amendment is to be carried out in accordance with laid down guidelines.

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Clause 71 underscores the need for a Local Plan for each physical development and the Local Plan to have as its key goal, the judicious use of land to achieve a sound and natural built environment and a high living standard. The objective and scope of the local plan must include a spatial arrangement and contain provisions for the orderly and coordinated sound development and proper use of land in the district, *clause 72*. *Clause 73* requires a person or entity seeking to set up an estate scheme or develop a town for which a local plan is required or a person who seeks to dispose of plots in a large tract of land for which a local plan is required to prepare a local plan. The *clause* also requires the Technical Sub-Committee to prepare a local plan for an area affected by blight, where it is determined that that area requires a detailed local plan. The District Spatial Planning Committee also has the duty to give public notice in the manner prescribed by Regulations that an approved plan is open for inspection at the Public Data Room of the District Assembly to allow for objections or complaints, *clause 74*.

Clause 75 mandates the District Spatial Planning Committee to issue a notice indicating the approval of the local plan in the absence of any objections or complaints. The approval may include conditions. *Clause 76* requires the local plan to conform to the structure plan of the area within which the local plan falls. Where an approved structure plan has not yet been implemented, the District Spatial Planning Committee may prepare a local plan but the local plan will need to be amended to conform to the structure plan if it deviates from a subsequently approved structure plan, *clause 77*.

Clause 78 requires a physical development that is to be carried out in an area approved by the District Spatial Planning Committee to be carried out in accordance with the details of the local plan.

Clause 79 provides for the enforcement of a local plan. *Clause 80* provides for the procedure to be adopted by a Regional Spatial Planning Committee where a local plan conforms to the Structure Plan. The confirmation of a Regional Spatial Planning Committee is to be published by the Regional Coordinating Council or the District Assembly

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in the *Gazette* and in a daily newspaper of national circulation, *clause 81*. *Clause 82* obliges a District Assembly to maintain a computerised street addressing system.

Clause 83 provides for the enforcement by the District Assembly of zoning schemes pursuant to an approved structure plan. The zoning scheme is to be updated periodically in accordance with Regulations or guidelines made under the Act and shall cover among others, the orientation of building, accessibility and floor area ratio.

Clause 84 mandates the Authority to coordinate with the Regional Coordinating Council to assist a District Assembly to prepare an approved structure plan or to enable the District Assembly to appoint an independent entity to prepare a zoning scheme for the district, pending the completion of the structure plan by the District Assembly. This may be necessary where a District Assembly is unable to prepare or cause to be prepared a zoning scheme for the district within the time frame required by the Bill or set by the Authority. Where in spite of the assistance provided, a District Assembly is unable to prepare a zoning scheme for the district within the time frame required by the Bill or set by the Authority, *clause 85* permits the Authority to request the Regional Coordinating Council to provide assistance for the preparation of the zoning scheme. The cost of the preparation of the zoning scheme is to be borne by the District Assembly.

Clause 86 requires an approved zoning scheme to be used as the basis for determining the user right of persons to land within the district. *Clause 87* obliges a person responsible for the adoption of a zoning scheme to comply with the procedure specified in the Bill.

An existing zoning scheme which was prepared in accordance with the Towns Act, 1951 (Cap 86) and approved by the head office of the Town and Country Planning Department in accordance with the Town and Country Planning Act, 1945 (Cap. 84) is the applicable zoning scheme for a period of five years after the commencement of the Act, *clause 88*. *Clauses 89* and *90* deal with interpretation and conflict with provisions of other laws.

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The Regional Coordinating Council has a duty under *clause 91* to publish a register showing an up-to-date list of districts in respect of which approved zoning or local plans are already in effect or have been approved or otherwise adopted under the Bill. The publication of the register is to be made within twenty-four months after the commencement of the Act. A variation of the zoning scheme or local plan is to be published in accordance with *clause 92*.

Application for change of use or request for re-zoning is provided in *clause 93*. This request is to be accompanied with a report prepared by a professionally certified planner. If there is a need to change the land use or to re-zone land, the Physical Planning Officer is required to publish the proposed change in a daily newspaper of national circulation, *clause 94*.

Clause 95 on existing use rights provides for the continued land use if the land use was first obtained in accordance with the zoning scheme existing at the time of the physical development or at the time the use right commenced or accrued. However, the land use lapses if it is not exercised at the time the zoning scheme is implemented. *Clause 96* makes provision for a person who has suffered a loss as a result of a zoning scheme to apply to the relevant District Assembly for redress.

Cause 97 requires that after the commencement of the Act, a person must not dispose of or let land or property for any purpose unless that person can demonstrate to the prospective buyer or tenant that the land or property has been zoned or re-zoned for the purpose for which it is being let, acquired or otherwise disposed of.

Clause 98 provides for a land use certificate. The Authority is to prescribe the form of the land use certificate. Issuance of a land use certificate for land situated in multiple districts is provided in *clause 99*. Complaints for non-compliance with the zoning scheme is provided for in *clause 100*. Furthermore, a District Assembly is mandated in *clause 101* to annotate the scheme and the applicable zoning map and give notice to the land title agencies of a zoning scheme after the commencement of the zoning scheme. *Clause 102* allows a person to lodge a complaint to the

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District Spatial Planning Committee, Regional Spatial Planning Committee or the Authority to force the District Assembly to comply with the approved zoning scheme. The penalty for the contravention of a zoning scheme is provided for in *clause 103*.

Provisions in relation to blighted areas are in *clause 104*. The Act makes provision for the award of compensation to a person whose property is adversely affected by the operation of a scheme or by the execution of a work under a scheme under the Act or who for the purpose of complying with a scheme, or in respect of compensation or betterment under a scheme incurs an expenditure which is made nugatory by a revocation or modification of the scheme, *clause 105*. A claim for compensation under *clause 106* is to be made within six months after the date of the revocation or modification of the plan or of the revocation or variation of the permit or of the taking of the decision or action complained of.

Clause 107 places an obligation on a District Assembly to pay compensation to a person where the Assembly decides to change the use of land in respect of which a person has acquired a land use right under the Town and Country Planning Act, 1945 (Cap 84) and the Towns Act, 1951 (Cap 86) or to amend a land use certificate acquired by a person after the commencement of the Act. A person who seeks to make a claim for compensation has to do so within twenty- four months after the date of the commencement of the act which gave rise to the claim, *clause 108*.

Clause 109 provides for the elimination and limitation of compensation of a person whose property is adversely affected by the operation of a land use scheme which, among others, prescribes the space for buildings, fixes building lines and regulates the position of a building on premises in relation to other buildings. *Clause 110* specifies circumstances under which compensation may be payable. These include the enforcement of a provision of an estate or land use scheme which requires a building to be used in a manner different from that which the District Assembly had approved before the date the District Assembly gave the new land use directive.

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Clause 111 provides for situations where the provision of a plan, the execution of public works, or a decision or an action of a district planning authority increases the value of a land within a district. This *clause* empowers the district to claim a betterment charge from a person who disposes of the land.

The amount payable to a person as compensation under the Bill or an amount recoverable by a District Assembly under the Bill is to be determined by the Land Valuation Division of the Lands Commission, *clause 112*.

Clauses 113 to 125 deal with permits. *Clause 113* prohibits a person from carrying out any development of land in a district without a planning permit issued by the District Assembly. A penalty is attached to induce compliance.

Clause 114 prohibits a person from building a structure on a land in a district without a building permit issued by the District Assembly for the purpose of the building. Under the *clause*, a planning permit is a requirement for the issuance of a building permit. The procedure for the application for and the grant of a planning and a building permit are provided in *clauses 115 to 117*. *Clause 115* requires the application to be made in a prescribed form.

The consideration of the application for a planning permit is provided for in *clause 116* whilst the consideration of the application for a building permit is provided for in *clause 117*. A building permit or planning permit may be granted subject to terms and conditions.

Clause 118 empowers a District Assembly to require the design or plan of specific types of buildings to be prepared or certified by a registered architect, engineer or a licensed architectural draughtsman. Provision has been made for the revocation of a planning or building permit in *clause 119*. A permit may be modified subject to the payment of a penalty. *Clause 120* provides for the payment of fees in respect of the grant of a permit.

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The prohibition of physical development without a permit is provided for in *clause 121*. Physical development under this *clause* includes development of land or a construction, demolition, alteration, extension, repair or renewal of a building. Breach of the prohibition is an offence for which a person who is found liable on summary conviction for the offence, may be fined or imprisoned.

Unauthorised development is dealt with in *clause 122* whilst execution of district plans by a district planning authority is provided for in *clause 123*. *Clause 124* deals with abatement of nuisance. The *clause* provides for situations where the actions or inactions of a person cause or are likely to cause substantial damage to the environment, basic amenities, public health or the economy.

Clause 125 mandates a district planning authority to effect or carry out without notice, instant prohibition, abatement, alteration, removal or demolition of an unauthorised development that encroaches or is likely to encroach on a community's right of space, or interferes or is likely to interfere with the use of that space.

Clause 126 requires the Minister for Water Resources, Works and Housing, in consultation with the Authority and the Minister for Local Government to publish a building code which defines, among others, the scope of national building practices. *Clauses 127* and *128* empower the Authority to issue guidelines and standards and regulatory notices respectively. Provisions relating to the issue of regulatory notices and circulars in respect of plans and land use are provided for in *clause 129*.

The continuation of a town, establishment of a new town or extension of an existing town is provided for in *clause 130*. *Clauses 131, 132 and 133* deal with estate schemes and private towns, extension of a town and extension of a town by a private entity respectively. In each case of an application for the development or extension of an estate or the creation or extension of a town, the District Assembly shall inform the Regional Spatial Planning Committee of the decision of the District Assembly in respect of the application for the development or extension, *clause 134*.

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Clause 135 deals with conflicting applications and *clause 136* provides a sanction for failure to comply with conditions. *Clauses 137* and *138* deal with a survey in case of establishment or extension and ownership of public place respectively. The Authority may issue further guidelines for the establishment and operation of private towns under *clause 139*. *Clause 140* mandates a District Assembly to notify the Lands Commission of the approval of the establishment or extension of a town or of the creation of a special town. *Clause 141* deals with alteration, amendment or cancellation of a general plan pursuant to a complaint. The extension of boundaries of an approved town or an approved extension is dealt with in *clause 142*.

Planning matters related to the subdivision or consolidation of land is set out in *clauses 143 to 151*. *Clause 143* provides for an application for subdivision or consolidation and *clause 144* deals with a unique parcel number. The consideration of an application for subdivision or consolidation and the grant or refusal of application for subdivision or consolidation are dealt with in *clauses 145* and *146* respectively. *Clause 147* deals with a conveyance of consolidated or subdivided land and *clause 148* deals with conditions for subdivision or consolidation. The ownership and use of public places, endorsement by the Lands Commission and the provision of false or misleading information are dealt with in *clauses 149 to 151*.

Clauses 152 to 162 provide for the preventive and enforcement measures that may be undertaken to ensure compliance with the Bill. *Clause 152* empowers the Authority to ensure that District Assemblies comply with the provisions of the Bill. Thus where, in the opinion of the Authority, a District Assembly fails to discharge its duties or powers under the Bill, the Authority may, recommend to the President to sanction the District Assembly, instruct the District Assembly to take steps to ensure compliance with the provisions of the Bill and recover from the District Assembly any amount spent by the Authority in connection with any matter referred to in its recommendation under this *clause*. Offences and penalties are provided for under *clause 153*. The Planning and Building Inspectorate Unit established under *clause 162* is required to take preventive measures to prevent a breach of the provisions of the Bill or a deviation from the purpose of the Bill, *clause 154*.

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Clause 155 prohibits a District Assembly from outsourcing the implementation of enforcement recommendation although the District Assembly may engage an agent to perform enforcement functions on behalf of the Assembly. *Clause 156* is on register of enforcement notices. The *clause* mandates each District Assembly to maintain an enforcement register which is required to contain notices of enforcement in a manner prescribed in Regulations.

Clause 157 spells out the administrative penalty for failure to comply with an enforcement notice within the time specified under the Bill. The penalty is the payment of the Ghana Cedi equivalent of two hundred United States Dollars for each day the non-compliance continues.

Clause 158 obliges the Authority, a Regional Spatial Planning Committee and a District Assembly to liaise with the relevant agencies in order to ensure compliance with the Bill. The Authority is mandated under *clause 159* to assist District Assemblies to undertake continuous monitoring of compliance with the Bill and the attainment of its objectives.

Clause 160 affords a person aggrieved by an enforcement decision, the opportunity to appeal against the decision. An appeal to a court is required to be in respect of matters of law and not matters of fact relating to planning, *clause 161*.

Clause 162 establishes a Planning and Building Inspectorate Unit in each District Assembly.

Clauses 163 and 164 provide for the methods of enforcement of the provisions of the Bill. *Clause 163* mandates officers of the Planning and Building Inspectorate Unit to enforce compliance with approved permits and the provisions of the Bill. A District Assembly has power to carry out its enforcement functions by issuing enforcement notices, stop notices, orders for discontinuance of use, revocation of use certificates and certificate of approved land use, *clause 164*.

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Clauses 165 to 170 provide for special controls. A District Assembly is obliged under *clause 165* to liaise with the Environmental Protection Agency and any other relevant agencies on matters related to enforcement in respect of trees, gardens and the natural environment and other general duties of planning authorities regarding trees. The Authority, in collaboration with the relevant institutions, is also obliged to make rules regarding tree preservation, tree removal procedures, compensation for loss or damage caused by reason of orders made by the Authority, consequences of tree removal and trees in conservation areas.

In *clause 166*, the District Assembly is granted power to issue a notice to an owner of a building which has been erected in contravention of the Bill, the approved zoning scheme of the area or the condition of subdivision and consolidation of land. The notice is to direct the owner to take the required remedial action before the date specified in the notice lapses or to apply to the District Spatial Planning Committee requesting for a rezoning or change of use.

Clause 167 empowers an authorised officer of a planning entity to enter land or a building to conduct an inspection, survey, study, an examination or investigation, which is necessary for the performance of the functions of the planning entity. Such activities may include the taking of photographs. By virtue of *clause 168*, an employee of a District Assembly or a person acting on the authority of a District Assembly is not to be held personally liable for any act carried out in good faith in the exercise of a duty under the Bill, but the District Chief Executive or a person to whom responsibility is delegated is responsible and accountable for action taken in pursuance of the responsibilities under the Bill.

Clause 169 provides the penalty to be imposed on a person who obstructs the Authority from performing its functions. Acquisition of land by a District Assembly is provided for in *clause 170* to enable the Assembly enforce the provisions of the Act.

Complaints, appeals and the review process are provided for in *clauses 171 to 175*. The right to review is dealt with under *clause 171*. The *clause* spells out the circumstances under which a person may lodge a complaint, make an appeal or seek a review and the procedure to be followed in lodging the complaint or seeking for an appeal or review.

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Clause 172 relates to suspension of planning process and the *clause* provides for a District Assembly that receives a complaint other than a request for a review of a previous decision in respect of the complaint to suspend any decision on the matter and investigate the complaint. The *clause* also empowers the Authority to make rules regulating complaints and reviews which are consistent with the laws that regulate administrative procedures.

Clause 173 obliges each District Assembly to keep a record of its decisions and the reasons for the decisions arrived at. A copy of the decision is also required to be kept and made available at the Public Data Room of the District Assembly.

Clause 174 deals with time for complaints and appeals while *clause 175* outlines the appeal process.

Clauses 176 to 188 are on general provisions. *Clause 176* spells out the obligations of a public officer in performing a planning function.

In *clause 177*, the Authority has the mandate to make a draft spatial development framework, structure and local plan available for public consultation for a period of not less than four weeks. The Authority is also permitted to issue further guidelines in respect of public consultation.

Clause 178 requires the Authority and each District Assembly to keep written records of planning decisions. The *clause* further enumerates supporting documents required to be kept together with the records of planning decisions while *clause 179* provides that the records specified in the Bill are to be made available at the Public Data Room of the District Assembly for inspection by members of the general public.

With a view to giving effect to the Bill, the Authority is permitted by *clause 180* to issue further guidelines, procedures, manuals and relevant documents as well as to recommend Regulations to be issued by the Minister for the purpose of attaining the objectives of the Bill.

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Clause 181 provides for each District Assembly to provide the Authority with information that the Authority may request in writing. *Clause 182* is on general offences and expressly states that a person who commits an offence under the Bill is liable to a fine of not less than three hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both the fine and imprisonment.

Clause 183 deals with inter-sectoral collaboration for effective planning. Under the *clause*, a public sector agency is mandated to cooperate with the Authority, a Regional Coordinating Council or a District Assembly and other agencies for the purpose of ensuring compliance with the Bill. The *clause* also defines a public sector agency.

Clause 184 requires the Authority to prescribe an index and a register of all notices issued by planning authorities under the Bill.

A notice issued in accordance with the Bill and Regulations and guidelines made under the Bill is sufficient evidence that the attention of the person affected by the notice has been drawn to the contents of the notice, *clause 185*.

Clause 186 provides for a Physical Planning Officer at the district level to be part of the staff of the District Assembly under the Local Government Service Act, 1993 (Act 656). Subclause (2) empowers the Regional Coordinating Council on the advice of the Regional Spatial Committee or at the request of the responsible District Assembly to set up multi-district or joint district Spatial Planning Committees for two or more District Assemblies.

Clause 187 permits the Authority to prescribe a time frame for District Assemblies to comply with various requirements of the Bill. The requirements include the development of unique parcel numbering, conformity with permit procedures and regular data gathering and updates for planning purposes.

Clause 188 provides for the form of regulatory notices and circulars to be prescribed by Regulations.

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Clauses 189 to 201 relate to regional and district guidelines. In *clause 189*, the Minister may, subject to a request by a Regional Co-ordinating Council and in consultation with the Authority, publish guidelines specific to each region and district regarding planning standards or zoning regulations, taking into account the specific variations relating to climate, established traditions or customs where appropriate.

Clause 190 stipulates the time within which a person required to furnish a planning entity, District Spatial Planning Committee or an authorised officer with a comment or information under the Bill may do so while *clause 191* absolves an employee of the Authority, a Regional Coordinating Council or a person acting under the authority of the Authority or a Regional Coordinating Council from liability in respect of an act done in good faith in the performance of a function or in the execution of a duty under the Bill.

A District Assembly is empowered under *clause 192* to make by-laws that affect physical development under the Bill and *clause 193* deals with application of the Bill to public entities.

Clause 194 requires that a court should not order the carrying out of physical development on any land or in any part of the country unless the order is for the purpose of enforcing the carrying out of physical development approved by the District Assembly, Regional Spatial Planning Committee or the Authority. The court may, however, award damages to a person who in the view of the court has suffered a loss as a result of a decision on planning or physical development of the District Assembly, Regional Spatial Planning Committee or the Authority.

The Authority is required under *clause 195* to publish guidelines requiring all District Assemblies and Regional Coordinating Councils to collect data on a regular basis in order to provide input for the National Spatial Development Framework, Regional Spatial Development Framework, structure plans and local plans.

Clause 196 empowers the Minister, in consultation with relevant stakeholders, to promote the promulgation of an Act of Parliament for

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the establishment of a body which will regulate the practice of the physical planning profession in particular and the profession of planning generally. The purpose is to ensure that persons with the adequate technical expertise perform relevant land use and spatial planning functions and also enhance the continuous development of professional knowledge related to physical development planning.

The exercise of spatial planning functions by District Assemblies is provided for in *clause 197*. *Clause 198* empowers the Minister responsible for the implementation of the Bill to enact Regulations for the effective implementation of the Bill while *clause 199* provides for interpretation of words used in the Bill.

Clause 200 provides for the repeal, amendment or saving of legislation indicated in the Fifth Schedule to the Bill while transitional provisions are dealt with under *clause 201*.

HON. MAHAMA AYARIGA (MP)
Minister responsible for Environment, Science, Technology and Innovation

Date: 18th December, 2015.