

JAMAICA

No.29- 2010

I assent.

[L.S.]

(sgd.) P. L. Allen
Governor-General.

31st August, 2010

AN ACT to Validate and Confirm the exercise of functions as the local planning authority for the Negril and Green Island area carried out, in good faith, by the body known as the Negril and Green Island Area Local Planning Authority during the period March 24, 1984 to the date of commencement of this Act; to indemnify that body, its members, employees and other persons against liability arising out of the carrying out of those functions; and for connected matters.

WHEREAS under section 5(1) of the Town and Country Planning Act (hereinafter referred to as the Act) the Town and Country Planning Authority may, after consultation with any local authority concerned, prepare such provisional development orders as the Authority may consider necessary in relation to any land, in any urban or rural area, with the general object, *inter alia*, of controlling the development of the land comprised in the area to which the respective order applies:

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AND WHEREAS section 7 of the Act provides that the Authority shall, after the expiration of a specified period, transmit the provisional development order, any objection made thereto and the comments of the Authority upon such objection (if any) to the Minister who may, thereafter by notification published in the *Gazette*, confirm the order, with or without modification; and thereupon the order shall come into operation as a confirmed development order:

AND WHEREAS section 10(1) of the Act provides that every confirmed development order shall provide for the grant of permission by the local planning authority, for the development of land in the area to which the development order applies, in accordance with the provisions of the development order:

AND WHEREAS, for controlling the development of the Negril and Green Island area, situate in the parishes of Westmoreland and Hanover, respectively, the Town and Country Planning (Negril and Green Island Area) Provisional Development Order, 1981, (hereinafter called the Provisional Development Order) was published in the *Jamaica Gazette Supplement Proclamations, Rules and Regulations* as Legal Notice No. 121 dated Thursday, October 1, 1981:

AND WHEREAS the Minister, being satisfied that the implementation of the Provisional Development Order was likely to be in the public interest, by the Town and Country Planning (Negril and Green Island Area) Provisional Development Order (Confirmation) Notification, 1984, published in the *Jamaica Gazette Supplement Proclamations, Rules and Regulations* as Legal Notice No. 57 dated Tuesday, March 24, 1984, confirmed the Provisional Development Order with modification (hereinafter referred to as the Confirmed Development Order):

AND WHEREAS section 2 of the Act defines the local planning authority in relation to any area situated within two or more parishes as the person or body that the Minister may in writing appoint:

AND WHEREAS a person or body known as the Negril and Green Island Area Local Planning Authority (hereinafter called the NGIALPA) began on March 24, 1984 to perform the functions of the local planning

authority for the Negril and Green Island areas but without the Minister having properly appointed any person or body to perform such functions:

AND WHEREAS, in good faith, but without lawful authority, the NGIALPA assumed responsibility for the administration of, and purported to act pursuant to, the Confirmed Development Order:

AND WHEREAS the Minister on November 21, 2005 appointed the NGIALPA to be the local planning authority for the Negril and Green Island areas but incorrectly referred to the designation as being in the Provisional Development Order instead of the Confirmed Development Order, notification of which was published in the *Jamaica Gazette* as General Notice No. 215 dated Thursday, December 8, 2005:

AND WHEREAS it is desirable to validate and confirm the functions carried out, in good faith, by the NGIALPA during the period March 24, 1984 to the date of commencement of this Act:

[September 1, 2010]

NOW, THEREFORE, BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Town and Country Planning (Negril and Green Island Area Local Planning Authority)(Validation and Indemnity) Act, 2010. Short title

2.—(1) Notwithstanding anything to the contrary, the grant of permission for the development of land and other acts done, in good faith, by the Negril and Green Island Area Local Planning Authority during the period from the 24th day of March, 1984 to the date of commencement of this Act, without being lawfully constituted to so act, are hereby declared to have been validly, properly and lawfully granted and carried out to all intents and purposes and with the effect as if done under lawful authority. Validation and indemnity

(2) Every person liable to be legally proceeded against on the ground of any illegality in relation to the grant of permission for the development of land and other acts mentioned in subsection (1), which

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were done, in good faith, without lawful authority, is hereby freed, acquitted, discharged and indemnified against The Queen's Most Excellent Majesty, Her Heirs and Successors as well as against all other persons whatsoever from such liability.

Amendment
of General
Notice No
215

3. General Notice No. 215, which was published in the *Jamaica Gazette* dated Thursday, December 8, 2005, shall apply with effect from its date of publication as if instead of there being a reference therein to "the Town and Country Planning (Negril and Green Island Area) Provisional Development Order, 1981" there was substituted therefor a reference to "the Town and Country Planning (Negril and Green Island Area) Provisional Development Order (Confirmation) Notification, 1984".

Passed in the House of Representatives this 28th day of July, 2010.

DELROY H. CHUCK
Speaker.

Passed in the Senate this 30th day of July, 2010.

DENNIS MEADOWS
Acting President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.