

THE LOCAL IMPROVEMENTS ACT

NOTICE
(under section 2)

The Local Improvements (Corporate Area) Notice, 1969

G.N. 107/69

Similar directions made in respect of the parish of—

<i>St. Catherine</i>	—	G.N. 712/30
<i>St. James</i>	—	39/31
<i>Trelawny</i>	—	1092/39
<i>Portland</i>	—	1153/39
<i>St. Mary</i>	—	1247/39
<i>St. Thomas</i>	—	489/40
<i>Hanover</i>	—	490/40
<i>St. Elizabeth</i>	—	555/40
<i>Westmoreland</i>	—	887/40
<i>St. Ann</i>	—	925/40
<i>Clarendon</i>	—	990/40
<i>Manchester</i>	—	1141/40

ORDER
(under section 6)

The Local Improvements (Fees for Subdivision Approval) (St. Thomas Parish Council) Order, 1993 L.N. 10A²/93

Similar orders made in respect of the parish of—

<i>Portland</i>	—	L.N. 10A ³ /93
<i>St. Mary</i>	—	L.N. 10A ⁴ /93
<i>St. Ann</i>	—	L.N. 10A ⁵ /93
<i>Trelawny</i>	—	L.N. 10A ⁶ /93
<i>St. James</i>	—	L.N. 10A ⁷ /93
<i>Hanover</i>	—	L.N. 10A ⁸ /93
<i>Westmoreland</i>	—	L.N. 10A ⁹ /93

L.N. 10A ¹⁰ /93	<i>St. Catherine</i>	—
L.N. 10A ¹¹ /93	* <i>Kingston and St. Andrew</i>	—
L.N. 10A ¹² /93	<i>Clarendon</i>	—
L.N. 10A ¹³ /93	<i>Manchester</i>	—
L.N. 10A ¹⁴ /93	<i>St. Elizabeth</i>	—

ORDERS

*(under section 7)**(Omitted)*

REGULATIONS

(under section 11)

G.N. 434/41 The Local Improvements (Manchester) Regulations, 1941
 897/45

Similar Regulations made in respect of—

G.N. 234/41	<i>St. James</i>
214/41	<i>Clarendon</i>
213/41 62/46	<i>Westmoreland</i>
1161/40 61/46	<i>St. Ann</i>
1042/40 63/46	<i>St. Elizabeth</i>
926/40 748/45	<i>St. Thomas</i>
719/40 749/45	<i>Hanover</i>
45/40 747/45	<i>St. Mary</i>
1277/39 264/46	<i>Trelawny</i>
1276/39 798/45	<i>Portland</i>
978/39 64/46	<i>St. Catherine</i>

L.N. 49/68 The Local Improvements (Kingston and St. Andrew) Regulations, 1968

RULES

(under section 15(2))

L.N. 157/59 The Local Improvements (Appeal) Rules, 1959

*The Local Improvements (Fees for Subdivision Approval) (Kingston and St. Andrew Corporation) Order, 1993 rescinded the Kingston and St. Andrew Corporation Local Improvements (Imposition of Fees) Order, 1962.

THE LOCAL IMPROVEMENTS ACT

NOTICE
(under section 2)

THE LOCAL IMPROVEMENTS (CORPORATE AREA) NOTICE, 1969

(Made by the Minister on the 4th day of February, 1969)

G.N. 107/69

[13th February, 1969.]

- 1. This Notice may be cited as the Local Improvements (Corporate Area) Notice, 1969.**
- 2. It is hereby directed that the provisions of the Act shall apply to the Corporate Area.**

THE LOCAL IMPROVEMENTS ACT

ORDER
(under section 6)

THE LOCAL IMPROVEMENTS (FEES FOR SUBDIVISION APPROVAL)
(ST. THOMAS PARISH COUNCIL) ORDER, 1993

(Made by the Minister on the 2nd day of March, 1993)

L.N. 10A²/93

1. This Order may be cited as the Local Improvements (Fees for Subdivision Approval) (St. Thomas Parish Council) Order, 1993.

2. In this Order—

“agricultural subdivision” means a subdivision of land where the lots are to be used for agricultural purposes;

“commercial subdivision” means a subdivision of land where the lots are to be used for commercial or business purposes;

“development works” means construction and installation of roads, water mains, street lights and other infrastructure;

“industrial” includes manufacturing, fabricating, processing and mining;

“industrial subdivision” means a subdivision where the lots are to be used for industrial plants;

“residential subdivision” means a subdivision where the lots are to be used for residential households.

3.—(1) The fees payable in respect of any subdivision application shall be assessed as a percentage of—

(a) the value of the land as determined by the Commissioner of Land Valuations, in addition to

(b) the cost of development of the infrastructure in relation to that subdivision.

(2) The percentages which shall apply to the various categories of subdivision shall be as specified in the Schedule.

Schedule.

*THE LOCAL IMPROVEMENTS (FEES FOR SUBDIVISION APPROVAL)
(ST. THOMAS PARISH COUNCIL) ORDER, 1993*

4.—(1) The fees specified in paragraph 3 shall be paid to the secretary of the Parish Council as follows—

on submission of the application	...	...	50%
on approval of the application	...	...	50%

(2) Where the subdivision is part of a development which will require more than eighteen months for completion, the Council may accept payment of the fees as follows—

on submission of the application	...	...	30%
on approval of the application	...	...	30%
6 months after the commencement of work on the development	...	...	40%

(3) Where the subdivision combines agricultural and residential or residential and commercial purposes, the fee shall be calculated proportionately.

(4) Where the Council refuses a subdivision application the Secretary shall refund to the applicant an amount not exceeding fifty *per centum* (50%) of the total fees payable in respect of that application.

5.—(1) The Superintendent of the Parish Council shall, after consultation with such persons, organizations or agencies as he may deem necessary, recommend to the Council a schedule of costs for development works for the various categories of subdivision.

(2) The Parish Council shall, after considering the recommendations of the Superintendent, by resolution establish a schedule of costs for development works which may be used as the basis for estimating the cost of development works and assessing the fees to be paid in respect of any subdivision for which approval is sought.

6.—(1) The Parish Council may require an applicant for subdivision approval to submit to the Council estimates, prepared by a qualified quantity surveyor, in respect of the cost of any development works in connection with any subdivision of eleven lots or more.

(2) The Council is not bound to accept any estimate submitted in accordance with sub-paragraph (1).

7. Where the Council is satisfied—

- (a) that a subdivision of five lots or less is not being undertaken for financial gain and that payment of the normal fee would impose hardship on the parties concerned; or
- (b) that the subdivision is being undertaken as a development in respect of leased land; or
- (c) that the subdivision is for the purpose of regularizing a squatter settlement,

the Council may waive the fee or may impose a special fee of not less than five hundred dollars.

	SCHEDULE				(Paragraph 3 (2))
1. Residential Subdivisions					
10 lots or less	0.50%
11 - 25 lots	0.47%
26 - 50 lots	0.450%
51 - 100 lots	0.425%
Over 100 lots	0.400%
2. Agricultural Subdivisions					
10 lots or less	0.50%
11 - 50 lots	0.45%
Over 50 lots	0.40%
51 - 100 lots	0.425%
Over 100 lots	0.400%
3. Commercial Subdivisions ...					
	1.0%
4. Industrial Subdivisions ...					
	1.0%

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REGULATIONS
(under section 11)

THE LOCAL IMPROVEMENTS (MANCHESTER) REGULATIONS, 1941

(Made by the Parish Council of Manchester on the 3rd day of April, 1941 and approved by the Governor in Privy Council on the 26th day of June, 1941)

G.N. 434/41
Amd:
G.N. 107/48

1. These Regulations may be cited as the Local Improvements (Manchester) Regulations, 1941.

2. In these Regulations—

“the Council” means the Parish Council of the parish of Manchester;

“the secretary” means the secretary of the Council.

3. The map required by subsection (1) of section 5 of the Act shall be drawn to the appropriate scale provided in the Land Surveyors Regulations, 1971, and every person depositing such map shall show thereon the following particulars in addition to these specifically mentioned in the said section—

- (a) the intended name of each way or street to be formed and laid out;
- (b) the intended position of each way or street in relation to the existing ways or streets nearest thereto;
- (c) the size and number of the intended building lots;
- (d) the intended class and nature of buildings to be erected thereon.

4. The full name, residence, postal address and occupation of the person depositing such map shall be stated thereon and every such map shall be signed by the owner of the lands described therein, or by his agent authorized in writing.

5. Whenever required by the secretary so to do, the person depositing the map shall record thereon the full name, residence and postal address of the person in charge of, or to be entrusted with, the execution of the contemplated work.

6. Every person depositing with the Council the specification required by paragraph (a) of subsection (2) of section 5 shall deposit therewith plans and sections drawn to a scale of not less than one inch to every fifty feet and shall show on every such plan and section the following details in respect of each way or street, that is to say—

- (a) the levels of the present surface of the ground above some known datum;
- (b) the intended level and the intended rate or rates of inclination of the intended way or street and the level and inclinations of the streets or roads with which it is intended that such way or street shall be connected;
- (c) the intended mode of construction and the class and description of material with which it is intended to construct such way or street;
- (d) the intended class, size and mode of construction of all kerbs, channels, culverts, bridges, water tables and sidewalks;
- (e) the description, size and location of all intended street lamps;
- (f) the intended height, class, and construction of the street-fences or walls;
- (g) the intended class, size and construction of all water mains, services and hydrants with which it is intended that such way or street shall be served and their connection to the existing services.

7. Every person depositing such plans, sections and specifications as aforesaid in respect of intended ways or streets shall cause the said plans, sections and specifications to be prepared so as to comply with the following requirements—

- (a) each way or street shall be not less than forty feet wide, including sidewalks, and water tables and the carriage way of each such way or street shall not be less than twenty-five feet;
- (b) the surface of the carriage way shall curve or fall from the centre or crown of such carriage way to the channel at the sides thereof, the height of the crown of such carriage way above the levels of the side channels being calculated at the rate of not more than three-eighths of an inch for every foot of the width of such carriage way;
- (c) on each side of such carriage way there shall be a footway or sidewalk of a width of not less than one-sixth of the entire width of such way or street;

- (d) each footway or sidewalk in such way or street shall slope or fall towards the kerb or outer edge at the rate of not less than one-fourth inch and not more than one-half of an inch in every foot of width;
- (e) every footway or sidewalk in such way or street shall be constructed so that the height of the kerb or outer edge of such footway above the channel of the carriage way shall be not less than four inches at the highest part of such channel and not less than six inches at the lowest part of such channel;
- (f) at each side of the carriage way and adjoining the kerb of the footway or sidewalk there shall be water tables not less than eighteen inches broad and four inches thick to be constructed of cement concrete in the proportions of one part of cement to three parts of sand and six parts of broken stones with kerbs six inches high and six inches thick;
- (g) every way or street shall be laid out at such level as will afford the easiest practicable gradient throughout its entire length of such way or street for the purpose of securing easy and convenient means of communication with the drainage to any other street or intended street with which such new streets may be intended to be connected and as will allow of compliance with the provision of any enactment or by-law in force for the regulation of new streets and buildings;
- (h) in the case of any street or road fence there shall be shown the level of such street or road fence with the way or street.

8. If the drains or water tables of any main road or parochial road with which it is proposed to connect the intended street or way shall not be constructed of cement concrete and the map required by subsection (1) of section 5 of the Act shall show that the land is to be subdivided into lots of not less than fifty feet by eighty feet each, the Council may approve of such map and dispense with the provisions of regulation 7 (f).

9.—(1) On the recommendation of the Superintendent of Roads and Works, the Council may reduce the width of any intended road or way and/or the carriage way to such width as may be approved by the Council.

(2) The Council may also waive any other requirement under these Regulations which in its discretion is unnecessary in any particular case:

Provided, however, that the waiver of any requirement by the Council shall be subject to the approval of the Minister.

10. It shall be the duty of every owner, engineer, contractor and foreman engaged in the execution of any street work sanctioned by the Council under the Act to make himself acquainted with and to carry into execution such street work in accordance with the map, specifications, plans and sections sanctioned by the Council, and every such owner, engineer, contractor and foreman, who in the execution of such street work fails to enforce the requirements of these Regulations or of the map, specifications, plans or sections as approved by the Council for such work shall be guilty of a breach of these Regulations.

11. All notices, orders or any other document required or authorized by these Regulations or by the said Act to be given to or served upon any person, partnership or company may be given or served in any one of the following ways—

- (a) by delivering the same at the residence or office of the party or parties to whom the notice, order or other document is addressed; or
- (b) where the notice, order or other document is addressed to the owner or occupier of the land to be laid out or sub-divided, by delivering such notice, order or other document to an adult person on such land or by affixing such notice, order or other document to some conspicuous part of such land; or
- (c) by prepaid registered post, and such notice, order or other document shall be deemed to have been given or served at the time when the letter containing the same would, in the ordinary course of post be delivered to the party or parties to whom it is addressed.

THE LOCAL IMPROVEMENTS ACT

REGULATIONS
(under section 11)

THE LOCAL IMPROVEMENTS (KINGSTON AND ST. ANDREW) REGULATIONS,
1968

(Made by the Kingston and St. Andrew Corporation and approved by L.N. 49/69
the Minister on the 4th day of February, 1969)

1. These Regulations may be cited as the Local Improvements (Kingston and St. Andrew) Regulations, 1968.

2. In these Regulations "Council" means the Council of the Kingston and St. Andrew Corporation.

3. The map required by subsection (1) of section 5 of the Act shall be drawn to a scale of not less than one inch to every one hundred feet and every person depositing such map shall show thereon the particulars specifically mentioned in the said section, and also the following particulars—

- (a) the intended name of each street or way to be formed and laid out;
- (b) the intended position of such street or way in relation to the existing streets or ways nearest thereto;
- (c) the size and number of the intended building lots;
- (d) the intended sites, height, class and nature of the buildings to be erected thereon;
- (e) the intended height of the division and fence walls thereon.

4.—(1) The full name, residence, postal address and occupation of the person depositing such map shall be stated thereon, and every such map shall be signed by the person depositing the same or his duly authorized agent.

(2) Whenever required by the Town Clerk so to do, the person depositing the map shall record thereon the full name, residence and postal address of the person in charge of, or to be entrusted with, the execution of the contemplated work.

5. Every person depositing with the Council the specification required by paragraph (a) of subsection (2) of section 5 of the Act shall deposit therewith plans and sections drawn to a scale of not less than one inch to every fifty feet and shall show on every such plan and section the following details in respect of each intended street or way, that is to say—

- (a) the levels of the present surface of the ground above some known datum;
- (b) the intended level and the intended rate or rates of inclination of the intended street or way and the level and inclinations of streets or roads with which it is intended that such street or way shall be connected;
- (c) the intended mode of construction and the class and description of material with which it is intended to construct the same;
- (d) the intended class, size and mode of construction of all kerbs, channels, culverts, bridges, water tables and sidewalks;
- (e) the description, class, size and location of all intended street lamps;
- (f) the intended height, class and construction of the street-fences or walls;
- (g) the intended class, size and construction of all water mains, services and hydrants with which it is intended that such way or street shall be served, and their connection to the existing services.

6. Every person depositing such plans, sections and specifications as aforesaid in respect of intended streets or ways shall cause the said plans, sections and specifications to be prepared so as to comply with the following requirements—

- (a) for the carriage way of each street to be not less than thirty feet;
- (b) for the surface of the carriage way to curve or fall from the centre or crown of such carriage way to the channels at the sides thereof; the height of the crown of such carriage way above the levels of the side-channels being calculated at the rate of not less than three-eighths of an inch and not more than three-fourths of an inch for every foot of the width of such carriage way;
- (c) on each side of such carriage way for a footway or sidewalk

of a width not less than one-sixth of the entire width of such street or way;

- (d) for each footway or sidewalk in such street or way to slope or fall towards the kerb or outer edge at the rate of not less than one-fourth of an inch nor more than one-half of an inch in every foot of width;
- (e) for every footway or sidewalk in such street or way to be constructed so that the height of the kerb or outer edge of such footway above the channel of the carriage way shall be not less than three inches at the highest part of such channel and not more than seven inches at the lowest part of such channel;
- (f) on each side of the carriage way and adjoining the kerb of the footway or sidewalk for water tables not less than eighteen inches broad and four inches thick to be constructed of cement concrete in the proportions of one part of cement to three parts of sand and six parts of broken stone;
- (g) for every street or way to be laid out at such level as will afford the easiest practicable gradients throughout the entire length of such street or way for the purpose of securing easy and convenient means of communication with and drainage to any other street or intended street with which such new street may be intended to be connected and as will allow of compliance with the provisions of any enactment or by-law in force for the regulation of new streets and buildings;
- (h) in the case of any street or road-fence to show the level of such street or road-fence with the street or way.

7. So long as the drains or water tables of any main road or parochial road with which the intended street or way is intended to be connected shall not be constructed of cement concrete and the map required by subsection (1) of section 5 of the Act shall show that the lands are to be sub-divided into lots containing not less than half an acre each it shall be lawful for the Council to approve of such map and to dispense with the requirements of paragraph (f) of regulation 6 upon the person depositing such map entering into covenants with the Council which shall be a charge upon and run with the land—

- (a) to provide to the satisfaction of the Council absorption pits on the several lots of land and for the disposal on each lot of the sewage, sullage, waste or rain water therefrom, and

**THE LOCAL IMPROVEMENTS (KINGSTON AND ST. ANDREW)
REGULATIONS, 1968**

(b) to pay to the Council on demand the cost of constructing cement concrete water tables in accordance with the provisions of paragraph (f) of regulation 6, as and when such water tables are constructed by the Council.

8. Every person depositing a map, plans, sections and specifications with the Council under section 5 of the Act shall also deposit such particulars of the title to all the land shown on the said plan as a purchaser thereof would under the Act for the time being be entitled to require of his vendor and the Council may refuse to sanction such map, plans, sections and specifications if not satisfied with the title of the depositor.

9. Unless in and by the resolution of the Council sanctioning the subdivision of the lands and approving of the map, plans, sections and specifications there be prescribed any other time within which the street works shall be completed, six months from the date of such resolution shall be deemed to be the time prescribed.

10. All notices, orders, summonses and any other documents and proceedings required or authorized by these Regulations or by the Act to be served upon any person, may be served by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some adult person on the premises, or if there is no person on the premises, who can be so served by fixing the same on some conspicuous part of the premises; they may also be served by sending the same by post by a prepaid registered letter; and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, summons or other document or proceeding was properly addressed and put in the post.

11. It shall be the duty of every owner, engineer, contractor and foreman, engaged in the execution of any street works sanctioned by the Council under the Act to make himself acquainted with and to carry into execution such street works in accordance with the map, specifications, plans and sections so sanctioned by the Council, and every such owner, engineer, contractor and foreman, who in the execu-

tion of such street works causes or acquiesces in any deviation from such map, specifications, plans and sections shall commit a breach of these Regulations.

THE LOCAL IMPROVEMENTS ACT

RULES
(under section 15(2))

THE LOCAL IMPROVEMENTS (APPEAL) RULES, 1959

(Made by the Minister on the 28th day of May, 1959)

L.N. 157/59

1. These Rules may be cited as the Local Improvements (Appeal) Rules, 1959.

2.—(1) With respect to every appeal to the Minister the following provisions shall apply—

(a) Every appeal shall be commenced by notice of appeal addressed to the Permanent Secretary to the Minister. Such notice shall be delivered to the said Permanent Secretary within twenty-one days from the decision appealed against:

Provided that where the appellant is not present when the decision is announced, time for delivering a notice of appeal shall not commence to run until the date on which a letter or other communication is posted by registered post to the appellant informing him of the decision.

- (b) Such notice may be in the form of an ordinary letter and shall set forth clearly the grounds of appeal and the date or dates when the subject matter of such appeal arose. Copies of correspondence or other documents (if any) or statements verified by statutory declaration of facts relating to the dispute shall be attached to the notice of appeal.
- (c) A copy of the notice of appeal, together with a copy of the correspondence or other documents mentioned in sub-paragraph (b) shall be served on the Board by appellant.
- (d) The Minister may decline to hear any appeal which does not comply with the foregoing conditions or which may be considered frivolous; or if satisfied that the omission to comply with such conditions has arisen from inadvertence, ignorance or necessity, and if the justice of the case so appears to require, may admit the appellant to impeach the decision appealed from.

(2) On the hearing of any appeal the Minister may adjourn the consideration thereof if of the opinion that it is desirable so to do.

(3) The Minister may in his discretion order that such books, papers or other documents as are in the possession of any party to the appeal shall be produced by such party for his information.

(4) On every appeal to the Minister the appellant shall deposit into the Treasury an amount of two dollars and ten cents for such appeal and the receipt therefor shall accompany his notice of appeal.

(5) The amount deposited by the appellant under this rule shall be refunded if the appeal is sustained and the Minister so directs but shall be forfeited to the Consolidated Fund if the appeal fails or in the event of the appellant failing to prosecute the appeal.

(6) Subject to the provisions of these Rules the Minister may regulate his own procedure.