

L.N. 25 of 2002

**DEVELOPMENT PLANNING ACT
(CAP. 356)**

Planning Appeals (Fees) (Amendment) Regulations, 2002

IN virtue of the powers conferred by article 60 of the Development Planning Act, the Minister for Home Affairs, after consultation with the Planning Authority and the Planning Appeals Board, and with the concurrence of the Minister of Finance, has made the following regulations:

1. (1) The title of these regulations is the Planning Appeals (Fees) (Amendment) Regulations, 2002 and shall be read and construed as one with the Planning Appeals (Fees) Regulations, 1993, hereinafter referred to as "the principal regulations".

Title and
commencement.
L.N. 7 of 1993.

(2) These regulations shall come into force on the 1st February, 2002.

2. Regulation 3 of the principal regulations shall be substituted by the following:—

Substitutes
regulation 3 of the
principal
regulations.

"3. Where an appeal, or a request for reconsideration is made, in respect of a decision of the Authority from which an appeal lies under any provision of the Act, or in respect of which the Authority may be requested to reconsider its decision, the appeal or request shall be accompanied by the appropriate fee as set out in regulation 5 of these regulations."

3. Regulation 4 of the principal regulations shall be substituted by the following:—

Substitutes
regulation 4 of the
principal
regulations.

"4. An appeal or a request for reconsideration which is not accompanied by the appropriate fee as provided in regulation 3 of these regulations shall be null and void only in those cases where the appellant or the applicant, as the case may be, fails to pay such fee within such time, following the lodging of an appeal or a request for reconsideration, as the Appeals Board or the Authority, as the case may be, may establish."

4. Regulation 5 of the principal regulations shall be amended as follows:—

Amends regulation
5 of the principal
regulations.

(a) paragraphs (b) and (c) thereof shall be respectively renumbered as paragraphs (d) and (e) thereof;

(b) paragraph (a) thereof shall be substituted by the following paragraphs:

“(a) in respect of appeals against a decision of the Authority not entered by an interested third party 5% of the Development Permit Fee subject to a minimum of Lm80;

(b) in respect of appeals against a decision of the Authority by an interested third party being a local council 5% of the Development Permission Fee subject to a minimum of Lm80 and a maximum of Lm2,000;

(c) in respect of appeals against a decision of the Authority by an interested third party, not being a local council 5% of the Development Permission Fee subject to a minimum of Lm80;”.

Addition of new regulation to the principal regulations.

5. The following new regulation shall be added after regulation 6 of the principal regulations:-

“Reimbursement of appeal fee by parties cast in case of an interested third party appeal.

“7. When an interested third party has lodged an appeal before the Appeals Board and the Appeals Board finds in favour of such interested third party, the appeal fee paid by the said third party shall be reimbursed to the said third party in equal proportions by the parties cast and, for the purposes of this regulation, the Appeals Board decision shall be an executive title in like manner as if it were an award of arbitrators referred to in paragraph (d) of article 253 of the Code of Organization and Civil Procedure for all purposes of that Code.”.