L.N. 7 of 1993

DEVELOPMENT PLANNING ACT, 1992

(ACT NO. I OF 1992)

Planning Appeals (Fees) Regulations, 1993

IN virtue of the powers conferred by section 60 of the Devlopment Planning Act, 1992, the Minister for the Environment, on the recommendation of the Planning Authority and with the concurrence of the Minister of Finance, has made the following regulations:

Title and commencement.

1. (1) These regulations may be cited as the Planning Appeals (Fees) Regulations, 1993.

(2) These regulations shall be deemed to have come into force on the 1st January, 1993.

Definitions.

2. (1) In these regulations, unless the context otherwise requires —

"the Act" means the development planning act, 1992;

"appeal" means an appeal made to the Planning Appeals Board established by section 14 of the Act;

"request for reconsideration" means a request made to the Authority to reconsider its decision under section 37 of the act.

(2) In these regulations any expression defined by the Act shall have the same meaning as it has in the Act.

Fees.

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 application or request shall be accompanied by —

(a) the appropriate fee as set out in regulation 5 of these regulations, and

(b) the receipts showing the payment of any building levy due in respect of the application from the refusal of which the appeal is made or the reconsideration of which is requested, or which relates to the development in respect of which the appeal is made; or

(c) the amount of the building levy which would have been due had the necessary application been submitted in the case of an appeal against an enforcement notice served under section 52 of the Act.

Invalid appeals etc.

4. An appeal or a request for reconsideration which is not accompanied as provided in regulation 3 of these regulations shall be null and void.

Rate of fees.

5. The fees to be paid as provided in regulation 3 of these regulations are the following:

(a) in respect of appeals against a decision of the Authority .	5% of the Development Permit fee subject to a minimum of Lm80
(b) in respect of appeals against an enforcement notice	Lm25
(c) in respect of requests for reconsideration	3% of the Development Permit Fee subject to minimum of Lm30.

Refunds.

6. Where an appeal or a request for reconsideration is upheld or approved, the appeals Board or the Authority may order that the fee paid according to these regulations, or part thereof, shall be refunded to the applicant, after taking in consideration the administrative costs involved in the appeals procedure.

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