

L.N. 109 of 2020

**DEVELOPMENT PLANNING ACT
(CAP. 552)**

**Development Planning Act (Amendment to the First and Second
Schedule) Regulations, 2020**

IN EXERCISE of the powers conferred by articles 84(2) and 85 (2)(i) of the Development Planning Act, the Minister responsible for the Planning Authority, after consultation with the Planning Authority, Executive Council, the Planning Commissions and the Planning Board, has made the following urgent regulations:-

1. The title of these regulations is the Development Planning Act (Amendment to the First and Second Schedule) Regulations, 2020 and these regulations shall be read and construed as one with the First and Second Schedule of the Development Planning Act. hereinafter referred to as "the principal Act".

Citation.

Cap. 552

2. The First Schedule to the principal Act shall be amended as follows:

Amends the First
Schedule to the
principal Act.

(a) in item 2 thereof, immediately after the word "procedure." there shall be added the words "It may also convene and conduct meetings using such electronic or other viable means of communication as it deems appropriate, in which case any reference in this Schedule to a quorum or any reference made to presence of or voting by the member of the Executive Council at the meeting, shall be construed accordingly, and any such meeting held by using electronic or other viable means of communication shall have the same effect at law as a meeting held without such means.";

(b) in paragraph (f) of item 3 thereof, the words "may deem appropriate." shall be substituted by the words "may deem appropriate:" and immediately thereafter there shall be added the following new provisos:

"Provided that for such meetings in which the Executive Council is to consider a planning control application in terms of article 54(1), (2) and (3), descheduling or a request for reconsideration of scheduling in terms of article 57(10), the Executive Chairperson may, where he deems appropriate, convene and conduct the meeting of the Executive Council through such electronic or other viable means of communication as he deems appropriate. In such case, and subject to the powers of the Executive Chairperson in accordance with the

B 754

foregoing paragraph, the applicant or the owner (in the case of requests for reconsideration from scheduling) and his representative, or any one of them, any interested third party who made representations in accordance with the provisions of any regulations made under article 54(3), or any member of the public who, in the absolute discretion of the Executive Chairperson, is allowed to make submissions, shall be allowed to make submissions through such electronic or other viable means. The Executive Chairperson may take all such measures, deemed appropriate in his discretion, to ensure the proper conduct of the meeting by electronic or other viable means:

Provided further that, in order to allow a member of the public to participate in any such meeting held through electronic or other viable means of communication as aforesaid, the Executive Chairperson may, through a notice posted on the electronic portal of the Planning Authority, require that anyone interested in participating in the said meeting, to register such interest, in the manner therein indicated, at least one working day before the date of the meeting, in order to enable the Executive Chairperson to take any measure he deems appropriate to allow the participation of the member of the public. Nothing in this paragraph shall be interpreted as voiding or annulling the procedure or parts thereof, including any decision taken by the Executive Council, should any member of the public fail to participate in the proceedings, wherever allowed to do so, due to the failure of the electronic or other means used to conduct the meeting or his inability to do so:

Provided further that in the event that the Executive Council conducts any such meeting of the Executive Council through such electronic or other viable means of communication, any reference in this Schedule to a quorum or any reference made to presence of or voting by the members of the Executive Council at the meeting shall be construed accordingly:

Provided further that any such meeting of the Executive Council held through electronic or other viable means of communication in accordance with this paragraph shall have the same effect at law as if the said meeting was not held through such means."

Amends the
Second
Schedule to the
principal Act.

3. In item 9 of the Second Schedule to the principal Act, the words "may deem appropriate." shall be substituted by the words "may deem appropriate:" and immediately thereafter there shall be added the following new provisos:

"Provided that the Chairperson may, where he deems appropriate, convene and conduct the meeting of the Planning Board through such electronic or other viable means of communication as he

deems appropriate, in which case, the applicant and his representative, or any of them, and an interested third party who made representations in accordance with the provisions of article 71(6), and any member of the public who, in the absolute discretion of the Chairperson, is allowed to make submissions, shall be allowed to make submissions through such electronic or other viable means. The Chairperson may take all such measures, deemed appropriate in his discretion, to ensure the proper conduct of the meeting by electronic or other viable means:

Provided further that, in order to allow a member of the public to participate in the meeting held through electronic or other viable means of communication as aforesaid, the Chairperson may, through a notice posted on the electronic portal of the Planning Authority, require that anyone interested in participating in the said meeting, to register such interest, in the manner therein indicated, at least one working day before the date of the meeting, in order to enable the Chairperson to take any measure he deems appropriate to allow the participation of the member of the public. Nothing in this paragraph shall be interpreted as voiding or annulling the procedure or parts thereof, including any decision taken by the Planning Board, should any member of the public fail to participate in the proceedings, wherever allowed to do so, due to the failure of the electronic or other viable means used to conduct the meeting or his inability to do so:

Provided further that in the event that the Planning Board conducts the meeting of the Planning Board through electronic or other viable means of communication, any reference in this Schedule to a quorum or any reference made to presence of or voting by the members of the Planning Board at the meeting shall be construed accordingly:

Provided further that meetings of the Planning Board held through electronic or other viable means of communication in accordance with this paragraph shall have the same effect at law as if the said meetings were not held through such means."
