

THE LOCAL IMPROVEMENTS ACT

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THE LOCAL IMPROVEMENTS ACT

Cap. 227.
Laws
64 of 1955,
22 of 1956,
11 of 1959.
Acts
17 of 1965,
36 of 1968,
26 of 1987.

[19th May, 1914.]

1. This Act may be cited as the Local Improvements Act. Short title.

2. This Act shall apply to the parish of Kingston and to such other parishes as the Minister may by notice published in the *Gazette* from time to time direct. Act to apply to Kingston and such other parish as Minister may direct.

3. Where any land, with or without buildings thereon, consisting of not less than half an acre nor more than ten acres is intended primarily for cultivation or pasturage, nothing in this Act shall apply to any laying out or sub-division of such land pursuant to a contract, express or implied, creating a tenancy or licence in respect of such land. Act not applicable to certain agricultural tenancies. 11/1959 S. 2.

4. In this Act "the Council" means in the parishes of Kingston and St. Andrew the Council of the Kingston and St. Andrew Corporation and in any other parish the Parish Council of such parish. Meaning of "Council".

Government Town
Planner to
exercise
functions.
26/1987
S. 2.

4A.—(1) On and after the appointed day, the functions exercisable under this Act by the Council of the Kingston and St. Andrew Corporation shall be exercisable by the Government Town Planner and accordingly—

- (a) notwithstanding section 4, any reference in section 5 (3) to the Council of the Kingston and St. Andrew Corporation or to the Mayor and any reference in section 8 (3) or 14 (1) to the Council of the Kingston and St. Andrew Corporation and any other references in this Act to the Council in relation to the parishes of Kingston and St. Andrew shall, with such modifications as may be necessary, be construed as references to the Government Town Planner;
- (b) any references in sections 7 and 8, respectively, to a resolution of the Council shall, with such modifications as are necessary, be construed as a reference to a decision of the Government Town Planner by instrument in writing;
- (c) the power to make regulations conferred by section 11 shall, in relation to the parishes of Kingston and St. Andrew, be vested in the Government Town Planner instead of the Council of the Kingston and St. Andrew Corporation.

(2) In this section “appointed day” means the 23rd day of December, 1987.

5.—(1) Every person shall, before laying out or subdividing land for the purpose of building thereon or for sale, deposit with the Council a map of such land; such map shall be drawn to such scale and shall set forth all such particulars as the Council may by regulations prescribe and especially shall exhibit, distinctly delineated, all streets and ways to be formed and laid out and also all lots into which the said land may be divided, marked with distinct numbers, and shall also show the areas and shall if required by the Council be declared to be accurate by a statutory declaration of a Commissioned Surveyor.

Deposit of
map with
Council.
11/1959
S. 3(a).

(2) Every such person shall also deposit with the Council as respects each street and way as shown on the said map—

Deposit of
specifica-
tion.

- (a) a specification showing how such street or way is to be constructed and the nature, location and dimensions of the sewers, water pipes, gas pipes, and lighting mains, hereinafter called street works, to be laid within the boundaries thereof whether for the purposes of the street or way itself or for the use of the buildings adjoining. Such specification shall, if the Council by regulations so prescribe, be accompanied by plans and sections giving such details and drawn to such scales as may be fixed in the regulations;
- (b) an estimate of the probable expenses of the street works being done.

Such specifications, plans, sections and estimates shall comprise the particulars required by regulations made by the Council.

Specifica-
tions to
bear certifi-
cate if
land is in
Kingston
or St.
Andrew.

(3) If the land is situated in the parish of Kingston or in the parish of St. Andrew the specifications for sewers, water pipes and lighting shall bear a certificate signed by the Mayor to the effect that such specifications have received the approval of the Council of the Kingston and St. Andrew Corporation.

When a
person is to
be deemed
to lay out
or sub-
divide
land for the
purposes of
building,
etc.
11/1959
S. 3 (a).

(4) For the purposes of this Act a person shall be deemed to lay out or sub-divide land for the purposes of building thereon or of sale, if he sells or offers for sale any part of such land whereon a house or other building may be erected, or if he shall form the foundations of a house or other building thereon in such manner and in such position so that such house or other building will or may become one of two or more houses or other buildings erected on such land.

11/1959
S. 3 (b).

(5) For the purpose of this section "sale" includes exchange, gift or other disposition affecting the fee simple, and lease for any term (including renewals thereunder) or any letting or any licence whereby the land may be used for building purposes; and also includes any disposition affecting the leasehold interest under any such lease as aforesaid.

Fees.
11/1959
S. 4.

6. The Minister may, after consultation with the Council, in respect of any area within a parish, by order prescribe the fees which shall be payable to the Council for the consideration and approval of any maps, specifications, plans, sections and estimates deposited pursuant to section

5 and for the inspection of any land represented on such maps; and regulations made by the Council under section 11 may provide for the collection of such fees.

7.—(1) Notwithstanding anything to the contrary, the Council, subject to the provisions of subsection (2), may by resolution exclude from the application of this Act and of any regulations made under this Act any area specified in such resolution.

Power of Council to exclude areas from operation of Act.

(2) No resolution under subsection (1) shall come into force unless and until it has been approved by the Minister and published in the *Gazette*.

8.—(1) Subject to the provisions of section 9, the Council shall on such deposit as prescribed in section 5 consider the said map, specifications, plans and sections and estimates and shall, by resolution within a reasonable time after the receipt of the same, refuse to sanction or sanction subject to such conditions as they may by such resolution prescribe, the sub-division of the said land and the formation and laying out of the said streets and ways, and may approve of the map, specification and estimates of the said street works or may alter or amend the same as to them may seem fit and may prescribe the time within which the said street works shall be completed.

Council may sanction or refuse sanction. 64/1955 S. 2.

22/1958 S. 2.

(2) The Council shall in case of refusal to sanction state the reasons for refusal and shall where conditions are prescribed or alterations made in maps, plans, specifications, sections or estimates state the reasons for prescribing such conditions or making such alterations.

Council may state reasons for refusal or the imposition of conditions.

Approval
of Kingston
and Saint
Andrew
Corpora-
tion if
lands in
Kingston
or St.
Andrew.

(3) If the land is situated in the parish of Kingston or in the parish of St. Andrew no sanction hereunder shall be valid unless the specifications and plans for sewers, water pipes and lighting shall have received the approval of the Council of the Kingston and St. Andrew Corporation.

17/1965
S. 2.

(4) Where under subsection (1) the Council sanction a sub-division, whether subject to conditions or not, they shall report their decision and the reasons therefor to the Minister.

(5) The Minister may confirm or disallow the decision of the Council under subsection (1) or confirm such decision subject to such modifications as he may think fit.

(6) Before making a decision under subsection (5) the Minister shall, unless he proposes to confirm a decision of the Council to sanction a sub-division without imposing conditions, afford to the Council and to the person who will be affected by such decision an opportunity of being heard.

17/1965
S. 2.

(7) The Minister shall inform the Council of his decision under subsection (5) and such decision shall be binding on the Council.

(8) The Council shall alter or modify their decision, if necessary, so as to be in conformity with the decision of the Minister.

(9) The Council shall, after being informed of the decision of the Minister, notify their decision (altered or modified, if necessary, in accordance with subsection (8)) to the person affected by such decision.

(10) The decision of the Minister under this section shall be final and not subject to any right of appeal.

9.—(1) The Council may refuse to sanction or may sanction subject to such special conditions as they may prescribe, the sub-division of any land adjoining or adjacent to any part of the foreshore of this Island on the ground that it would be contrary to the public interest to sanction such sub-division or to sanction such sub-division without prescribing such special conditions, as the case may be.

Prohibition in public interest of sub-division of land adjoining foreshore. 64/1955 S. 3.

(2) Where under subsection (1) the Council refuse to sanction a sub-division, or sanction a sub-division subject to special conditions, they shall report their decision and the reasons therefor to the Minister.

(3) The Minister may confirm or disallow the decision of the Council under subsection (1) or may confirm such decision subject to such modifications as he may think fit.

(4) Before making a decision under subsection (3) the Minister shall afford to the Council and to the person who will be affected by such decision an opportunity of being heard.

17/1965 S. 3.

(5) The Minister shall inform the Council of his decision under subsection (3) and such decision shall be binding on the Council.

LOCAL IMPROVEMENTS

(6) The Council shall alter or modify their decision, if necessary, so as to be in conformity with the decision of the Minister.

(7) The Council shall, after being informed of the decision of the Minister, notify their decision (altered or modified, if necessary, in accordance with subsection (5)) to the person affected by such decision.

(8) The decision of the Minister under this section shall be final and not subject to any further right of appeal.

Owner
failing
to comply
with
specifica-
tions, etc.

10. If the owner shall fail to execute the street works shewn in the specifications, plans and sections (if any) or as the same may have been altered or amended by the Council or any part thereof within the time prescribed by the Council as provided in section 8, the Council may execute the said works or such part thereof as shall not have been executed in accordance with the said specifications, plans and sections and the expenses incurred by the Council in executing such works, together with a commission not exceeding six *per centum* in addition to the actual cost, shall be recoverable from the owner as a debt due to the Council and shall until payment thereof be a charge on the land shewn in the map deposited as provided in section 8 in priority to all mortgages, charges, estate and interest created subsequent to the deposit of such map.

Council may
make
regulations.

11. It shall be lawful for the Council to make regulations for carrying this Act into effect and any regulations so made shall when approved by the Minister have effect as if enacted in this Act.

12. (a) Every person who shall lay out or sub-divide land for the purpose of building thereon or for sale within the meaning of section 5 before depositing with the Council a map of such land provided by this Act;

Failure to deposit map with Council and sub-dividing before sanction. 11/1959 S. 5.

(b) every person who shall proceed with or aid or assist in the laying out or sub-dividing of any land before the Council shall have sanctioned the map deposited as provided in this Act;

(c) every person who shall proceed with or aid or assist in the laying out or sub-dividing of land or building otherwise than in accordance with the sanction of the Council;

(d) every person depositing a map and obtaining the sanction of the Council and who shall neglect or fail to perform the street works within the time prescribed by the Council;

(e) every person who shall contravene or fail to comply with any condition prescribed by the Council under section 8 or 9; and

64/1955 S. 4.

(f) every person who shall commit a breach of any regulation made under this Act,

shall be guilty of an offence against this Act and shall on summary conviction be liable to a penalty not exceeding four hundred dollars, or in default of payment, to be imprisoned with or without hard labour for a term not exceeding twelve months, and in the case of a continuing offence to a further penalty not exceeding forty dollars for each day during which the offence continues, and in default of payment of such penalty to be imprisoned with or without hard labour for a term not exceeding twenty-eight days.

36/1968 S. 2 (a).

36/1968 S. 2 (b).

36/1968 S. 2 (c).

36/1968 S. 2 (d).

13.—(1) The validity of any sub-division contract shall not be affected by reason only of failure, prior to the making of such contract, to comply with any requirement

Contracts, legal proceedings, etc. 36/1968 S. 3 (1).

of subsections (1), (2) and (3) of section 5 or to obtain any sanction of the Council under section 8 or section 9, as the case may be, but such contract shall not be executed by the transfer or conveyance of the land concerned unless and until the sanction of the Council hereinbefore referred to, has been obtained.

(2) Where a sub-division contract cannot be executed because any relevant sanction of the Council is not obtained by the sub-divider of the land, the other party to the contract or any person succeeding to the rights of that other party under the contract may, after the expiration of such time as may be reasonable in the circumstances of each case, withdraw therefrom and recover from the sub-divider of the land any moneys paid to him under the contract, together with interest thereon at the rate of seven *per centum* per annum from the date on which such moneys were paid.

(3) In this section—

“sale” has the meaning ascribed to it in subsection (5) of section 5;

“a sub-divider”, in relation to any land, means any person laying out or sub-dividing that land for the purpose of building thereon or for sale and any person deemed, pursuant to section 5, to be laying out or sub-dividing that land for the purpose of building thereon or for sale;

“sub-division contract” means any contract of sale involving, or made in relation to, the laying out or sub-division of land.

(4) In relation to any sub-division contract made before application is made to the Council for any sanction required by this Act the provisions of section 10 shall apply as if there were substituted for the words “created subsequent to the deposit of such map” the words “except those existing immediately prior to the sub-division of the land”.

(5) Nothing in this section shall affect the operation of section 12.

14.—(1) Every Council other than the Council of the Kingston and St. Andrew Corporation shall submit all maps, specifications, plans, sections and estimates deposited with the Council to the Chief Technical Director and the Chief Technical Director shall give the Council such advice and assistance with respect to the same as may appear to him necessary.

Council for parishes other than Kingston to submit maps, etc., to Chief Technical Director.
11/1959
S. 6 (a).

(2) Where the Council proposes to reject the advice given or overrule any objections made by the Chief Technical Director the Council shall before making a final decision afford the Chief Technical Director an opportunity to be heard.

11/1959
S. 6 (b).

(3) For the purposes of this section any reference to the Chief Technical Director shall be deemed to include a reference to the Government Town Planner and the section shall be construed accordingly.

11/1959
S. 6 (b).

15.—(1) Where any person deems himself aggrieved by the refusal of the Council to sanction the sub-division of any land, such person may appeal to the Minister.

Appeal.
11/1959
S. 7 (a)
& (b).
17/1965
S. 4.

(2) The Minister may make rules prescribing the procedure to be followed upon appeal to him under subsection (1).

11/1959
S. 7 (c).