

THE TOWN AND COUNTRY PLANNING ACT

ORDERS

*(under section 3)*THE TOWN AND COUNTRY PLANNING AUTHORITY (COMPOSITION, POWERS
AND DUTIES) ORDER, 1988*(Made by the Minister on the 15th day of August, 1988)*

L.N. 90/88

1. This Order may be cited as the Town and Country Planning Authority (Composition, Powers and Duties) Order, 1988.

Citation.

2. In this Order—

Interpre-
tation.

“appointed member” means a member appointed pursuant to paragraph 3(2);

“Authority” means the Town and Country Planning Authority.

3.—(1) The Authority shall consist of—

Constitu-
tion of
Authority.

(a) the Government Town Planner who shall be a member *ex officio*; and

(b) not less than six appointed members.

(2) The appointed members shall be appointed by instrument in writing by the Minister.

(3) The Minister shall appoint a member to be chairman.

(4) A member who is directly or indirectly interested in any matter which is being dealt with by the Authority—

(a) shall disclose the nature of his interest at a meeting of the Authority; and

(b) shall not take part in any deliberation or decision of the Authority with respect to that matter.

(5) In the case of the absence or inability to act of the chairman, the Minister may appoint some other person to act temporarily in the place of the chairman.

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Tenure of office.

4. An appointed member shall, subject to the provisions of this Order, hold office for a period not exceeding two years from the date of his appointment or for such lesser period as the Minister may specify at the time of appointment and every such member shall be eligible for reappointment.

Temporary appointment.

5. Subject to sub-paragraph (5) of paragraph 3, the Minister may, in the case of the absence or inability to act of an appointed member, appoint any person to act temporarily in the place of that appointed member.

Resignations.

6.—(1) The chairman, where the chairman is not the member *ex officio*, may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such resignation by the Minister.

(2) An appointed member, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Authority.

Revocation of appointments.

7. The Minister may at any time revoke the appointment of any appointed member.

Filling of vacancies.

8. If any vacancy occurs in the appointed membership of the Authority such vacancy shall be filled by the appointment of another person as appointed member who shall, subject to the provisions of this Order, hold office for the remainder of the period for which the previous appointed member was appointed.

Gazetting of appointed members.

9. The names of all appointed members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Leave.

10. The Minister may, on the application of any appointed member, grant leave of absence to such member.

Seal and execution of documents.

11.—(1) The seal of the Authority shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Authority in the presence of the chairman or any member authorized to act in that behalf, and the secretary thereof.

(2) The seal of the Authority shall be authenticated by the signatures of the chairman or any member authorized to act in that behalf and the secretary.

(3) All documents other than those required by law to be under seal, made by and all decisions of the Authority, may be signified under the hand of the chairman or the secretary or any member authorized to act in that behalf.

12.—(1) The Authority shall meet as often as may be necessary or expedient for the prompt transaction of its business and such meetings shall be held at such places and times and on such days as the Authority may determine.

Procedure
and
meetings.

(2) The chairman shall preside at meetings of the Authority and if the chairman is absent from a meeting the members present shall elect one of their number to preside at the meeting.

(3) The quorum of the Authority shall be five.

(4) The decisions of the Authority shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

13.—(1) Subject to sub-paragraph (2), the Authority may, if it thinks fit for the purpose of carrying into effect its powers and duties, co-opt any person who is a member or officer of a local planning authority to participate in any proceedings of the Authority either generally or in relation to any particular matter.

Power of
Authority
to co-opt.

(2) Any person co-opted pursuant to sub-paragraph (1), shall not be entitled to vote in any proceedings of the Authority.

14. No act done or proceeding taken by the Authority shall be questioned on the ground—

Protection
of Author-
ity

- (a) of the existence of any vacancy in the membership of, or any defect in, the constitution of the Authority; or
- (b) of any omission, defect or irregularity not affecting the merits of the case.

- Protection of members.** 15. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member in respect of any act done *bona fide* in the execution or intended execution of the relevant provisions of the Town and Country Planning Act.
- Remuneration of members.** 16. There shall be paid to the chairman and members and to persons co-opted by the Authority under paragraph 13 such remuneration by way of honorarium, travelling or other allowances as the Minister may determine.
- Officers and servants.** 17. The Minister shall make such arrangements in relation to the provision and remuneration of the secretary and other officers and servants of the Authority as may from time to time be necessary.
- Savings.** 18. Any appointment of members made by the Minister or any decision made or act done by the Authority pursuant to the Town and Country Planning Authority (Composition, Powers and Duties) Order, 1977 (now revoked) and which had effect immediately before the 18th of August, 1988, shall, until other provision is made pursuant to this Order, continue to have effect as if made or done pursuant to this Order.
- Transitional.** 19. As and from the 18th of August, 1988, any matter pending before, by or against the Authority, as constituted immediately prior to the abovementioned date may be continued before, by or against the Authority as constituted under this Order.