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FIRST SCHEDULE.

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CHAPTER 81.

TOWN AND COUNTRY PLANNING.

(COLONY.)

An Ordinance to Make Provision for Town and Country Planning. 19 of 1946.

[27TH JUNE, 1946.]

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the Town and Country Planning Ordinance. Short title.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

“ building ” means any building, erection, structure or any other building erected on or made on, in or under any lands and includes the land in or under which the building is situate;

“ building operations ” include any road or other works preliminary or incidental to the erection of buildings;

“ Colony ” means the Colony of Sierra Leone, including the Sherbro Judicial District;

“ development ” in relation to any land includes any building or re-building operations and any use of the land or any building thereon for a purpose which is different from the purpose for which the land or building was being used until immediately before the date of the Order declaring a Planning Area under section 6 of this Ordinance:

Provided that the laying down by the occupier of farmland to fallow, or any change of crops grown or to be grown or in the method of their cultivation by the said occupier shall not be deemed to be development save in so far as the Governor or the Board may determine;

“ existing building ” means a building erected or constructed before the date of the Order declaring a Planning Area under section 6 of this Ordinance;

“ fence ” includes any hoarding or paling used as such, and also banks and walls;

“ hedge ” includes any tree or shrub forming a part of a hedge;

“ land ” includes land covered with water and also includes incorporeal as well as corporeal hereditaments of every tenure or description, and any interest therein, and also an undivided share of land;

“ Municipal Area ” means the area within the authority of the City Council of Freetown or within the authority of the Council of any city or town now or hereafter established;

“ owner ” includes joint owner, lessee, tenant for life, and any other person in the actual possession of premises or entitled to receive the rents of premises of any tenure or description, and the agent or attorney of such persons or any of them, and any other person who has an interest in or draws the rents;

“ road ” means any road whether public or private and includes any street, square, court, alley, lane, bridge, foot-way, trace, bridle path, passage or highway, whether a thoroughfare or not;

“ scheme ” means a scheme made under this Ordinance;

“ site ” in relation to any buildings includes offices, out-buildings, yards, courts or gardens occupied or intended to be occupied therewith;

“Town Council” means the City Council of Freetown or the Council of any town now or hereafter established.

(2) For the purposes of this Ordinance the placing or keeping on any land of any shed, tent or other object, whether fixed or removable or movable or collapsible, which is not a building, shall be a use of such land.

PART II.—TOWN AND COUNTRY PLANNING BOARD.

3. (1) There shall be established a Board to be known as the Town and Country Planning Board (hereinafter referred to as the Board) consisting of a President to be appointed by the Governor, a representative of the Medical, Public Works and Surveys and Lands Departments, respectively, and not less than two and not more than four other members (one of whom shall be an Elected Member of the Freetown City Council), to be appointed by the Governor for such periods or period as he shall determine, provided that any one of the Heads of the Medical, Public Works and Surveys and Lands Departments may, for good cause, appoint a person to take the place of the representative of his department at any meeting of the Board.

Town and
Country
Planning
Board
established.

(2) Notwithstanding the provisions of the immediately preceding sub-section, the Governor may appoint the representative of any one of the departments therein referred to, to be President of the Board and in any such event it shall be lawful for the Governor to appoint an additional member to the Board.

(3) The Board shall be the authority for town and country planning in the Colony and shall be a body corporate and shall have perpetual succession and a common seal, which shall be officially and judicially noticed and the seal shall be authenticated by the signature of the President, or the member appointed under the provisions of section 4 of this Ordinance to preside, and one other member of the Board.

(4) Any member of the Board, who has any financial or other interest in any matter before it for determination, shall disclose such interest to the Board and shall take no part in the discussion on any such matter, nor vote thereon.

(5) The Board may sue and be sued in its corporate name.

(6) The Board with the approval of the Governor may appoint a suitable person to be Secretary to the Board, and may with the like approval appoint such other officers as may be necessary for carrying out the duties and functions of the Board.

Majority
decision.

4. All acts whatsoever authorised or required by this Ordinance to be done by the Board, and all questions that may come before the Board, shall be done and decided by the majority of votes:

Quorum.

Provided that the Board shall not be competent to act in any case unless there be present at and throughout the meeting four members at least, of whom one shall be either the President or one of the members appointed in writing by the President to preside.

Casting vote.

5. The President or member presiding shall have an original vote in common with the other members, and also a casting vote, if upon any question the votes shall be equal.

PART III.—DECLARATION OF PLANNING AREAS AND POWERS OF BOARD.

Declaration
of Planning
Area.

6. (1) If the Board, after consultation in the case of Free-town with the City Council, in the case of any town hereafter established with the Council of such town, in the case of the Sherbro Urban District with the Sherbro Urban District Council, and in the case of other parts of the Colony with the Rural Area Council, is of the opinion that a scheme should be made for any area and makes representations to that effect (such representations to be accompanied by a plan) to the Governor in Council, the Governor in Council may by order declare that the area specified in such representations shall be a Planning Area:

Provided that the Governor in Council shall have power before approving to modify the area specified by the Board's representations by adding thereto or omitting therefrom any portion or portions of land.

(2) Such order shall come into operation upon the day of its publication in the *Gazette* and shall cease to have effect if within three years from such date no scheme in respect of the Planning Area or any part thereof has been approved under the provisions of section 17 of this Ordinance.

(3) A copy of the order shall also be posted at such places within the Planning Area as the Board shall direct.

(4) When an area has been declared a Planning Area under the provisions of this section, the value of any building or land in such area shall, for the purposes of determining the amount of compensation or betterment payable under the provisions of this Ordinance, be deemed to be the value of the building or land at the date of such declaration.

(5) The Governor in Council may make rules prescribing the manner in which compensation shall be assessed and such rules may provide for the appointment by the Governor of Committees to advise the Board as to the compensation which should be paid in planning areas, and the Board may either award compensation in accordance with such advice or award such other compensation as to the Board seems fit.

Rules.

(6) (a) If the person to whom compensation is payable is dissatisfied with any compensation awarded as aforesaid, the Board or such person may apply to the Supreme Court to determine the amount of compensation which should be paid.

Applications to Supreme Court.

(b) Any final judgment in any such case as aforesaid shall be subject to the like appeal to which other final judgments of the Court are subject, including appeal to the West African Court of Appeal and to Her Majesty's Privy Council where such appeal is allowed by law.

Appeals.

7. (1) When an order declaring a Planning Area has been published under section 6 of this Ordinance, no person shall within the Planning Area carry out any development of land or any construction, demolition, alteration, extension, repair or renewal of any building until a detailed scheme is approved under section 17 of this Ordinance for the area containing such land or building:

Prohibition of development.

Provided that the Board may grant to any person applying in writing therefor permission in writing, subject to such conditions, one of which may be that in respect thereof, no compensation shall be payable, as it may deem necessary to impose, to develop land or to construct, demolish, alter, extend, repair or renew a particular building lying within the Planning Area:

And provided further that no such permission shall be necessary in respect of minor repairs the total cost or value of which does not exceed the sum of ten pounds in any one year.

(2) Every person who otherwise than under a final scheme proceeds with or does any work in a Planning Area without such permission as aforesaid shall be liable, on summary conviction, to a fine of ten pounds together with, in the case of a continuing offence, a further fine of one pound for every day during which the offence continues after conviction.

8. (1) When an order declaring a Planning Area in respect of an area lying wholly or partly within a municipal area has been published under section 6 of this Ordinance—

Vesting of powers in the Board.

(a) the powers to undertake any of the matters described in the First Schedule to this Ordinance, which are or may be vested in the Town Council by virtue of the Ordinance establishing the Town Council, shall, if the Governor so directs, be transferred to and become vested in the Board, and shall, subject to any exercise by the Board of its powers under section 9 of this Ordinance, be exercised and performed exclusively by the Board in respect of the municipal area contained in the Planning Area:

Provided that any power vested in the Town Council to undertake road transport services or public utility services within the municipal area shall remain vested in the Town Council;

(b) the Board shall, subject to any exercise by the Board of its powers under section 9 of this Ordinance, be empowered exclusively to administer any regulations relating to town planning and building operations made by the Town Council;

(c) in respect of that part of the Planning Area which lies wholly outside the municipal area, the powers and duties relating to buildings, roads or open spaces, conferred or imposed upon any person under any Ordinance shall become vested in the Board and shall, subject to any exercise by such Board of its powers under section 9 of this Ordinance, be exercised exclusively by the Board.

(2) When an Order declaring a Planning Area in respect of an area lying wholly outside a municipal area is published under section 6 of this Ordinance, the powers and duties relating to buildings, roads or open spaces, conferred to imposed upon any person under any Ordinance, shall become vested in the Board and shall, subject to any exercise by the Board of its powers under section 9 of this Ordinance, be exercised and performed exclusively by the Board.

Power of
Board to
delegate
authority.

9. The Board may delegate to a Committee appointed under section 10 of this Ordinance or to any other person, all or any of the powers and duties conferred upon it by this Ordinance, and in so doing may impose upon the Committee or upon such person or body of persons such conditions, exceptions and qualifications in the exercise of any powers so delegated as to the Board may seem fit:

Provided that nothing herein contained shall authorise the the Board to delegate the power to make regulations under section 33 of this Ordinance.

10. (1) When an order declaring a Planning Area has been published under section 6 of this Ordinance, the Board shall appoint a committee to be called the Planning Committee.

Planning Committee.

(2) The Planning Committee shall consist of not less than five persons appointed by the Board for such period or periods as the Board may determine:

Provided that where the Planning Area lies wholly or in part within a municipal area, the Planning Committee shall include among its members the Medical Officer of Health of the Town Council concerned or if there is no such Medical Officer, then a Medical Officer appointed by the Director of Medical Services, the Town Engineer of such Council, or if there be no such Town Engineer, the Provincial or Executive Engineer, and not less than two members of such Council to be nominated by the Town Council.

(3) The chairman of any Planning Committee shall be appointed by the Board from among the members of such Committee and he or the member presiding at any meeting of the Committee shall have an original vote in common with the other members, and also a casting vote if upon any question the votes shall be equal.

(4) All acts whatsoever authorised or required to be done by the Planning Committee shall be done and decided by the majority of votes:

Provided that the Planning Committee shall not be competent to act in any case unless there be present at and throughout the meeting three members at least, of whom one shall be either the chairman or one of the members appointed in writing by the chairman to preside.

(5) Any member of a Planning Committee who has any financial or other interest in any matter coming before the Committee for determination, or who is financially or otherwise personally interested in any recommendation which the Committee may wish to make to the Board, shall disclose such interest to the Committee and if it is any matter on which a vote is to be taken by the Committee, he shall not vote on such matter.

11. (1) (a) The Planning Committee shall furnish to the Board such particulars and information as the Board may require with regard to the present and future planning needs and the probable direction and nature of the development of its area.

Duties and powers of Committee.

(b) The Committee shall keep proper minutes of all its meetings, and on confirmation by the Committee, copies of such minutes shall be sent to the Board.

(2) The Planning Committee shall exercise such of the powers of the Board as may be delegated to it under the provisions of section 9 of this Ordinance.

PART IV.—PLANNING SCHEMES.

Outline
planning
schemes.

12. (1) (a) Every Planning Committee shall, at the request of the Board, submit to the Board within such time as may be prescribed by the Board, an outline planning scheme in respect of all lands within the Planning Area, with the general object of securing proper conditions of health, sanitation and communication and amenity and convenience in connection with the laying out and use of the land.

(b) Any outline scheme submitted by a Planning Committee may be adopted by the Board with or without such modifications or alterations as to the Board seems fit.

(2) Without prejudice to the powers of the Planning Committee under this Ordinance, every scheme to which this section applies shall make provision for all or any of the following matters, as may be prescribed by the Board—

(a) construction, diversion or alteration of streets, main roads and communications and general building lines;

(b) drainage, including sewerage;

(c) water supply;

(d) the limitation of zones within which special trades and industries may be carried on or which are reserved exclusively for residential or other purposes;

(e) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings and the particular height and character of buildings to be allowed in specified areas.

(3) If a Planning Committee fails or neglects to submit within the time prescribed such outline planning scheme as aforesaid, the Board may prepare an outline scheme and such scheme shall for all the purposes of this Ordinance be deemed to be an outline planning scheme prepared by the Planning Committee.

(4) An outline planning scheme shall in all cases be accompanied by a plan or plans of the area.

(5) Any law relating to development, road construction or building operations inconsistent with the provisions of a scheme the application of which would tend to hinder the carrying out of the scheme shall not apply to the area to which the scheme relates.

13. (1) (a) When an outline scheme has been prepared the Planning Committee may at any time prepare for submission to the Board a detailed planning scheme with reference to any land within the planning area, or may adopt, with or without modifications for submission to the Board, any planning scheme proposed by all or any of the owners of such land:

Detailed
planning
schemes.

Provided that if no such scheme as aforesaid is submitted and the Board is satisfied that a detailed planning scheme ought to be made by the Planning Committee as regards any land within the planning area, the Board may require the Planning Committee to prepare and submit a detailed planning scheme within such time as the Board shall prescribe.

(b) Any detailed scheme submitted by a Planning Committee may be adopted by the Board with or without such modifications or alterations as to the Board seems fit.

(2) A detailed planning scheme shall in all cases be accompanied by a plan or plans of the area.

(3) If the Planning Committee fails to submit a detailed planning scheme within the time prescribed by the Board, the Board may prepare a detailed scheme and such scheme shall, for all purposes of this Ordinance, be deemed to be a detailed planning scheme prepared by the Planning Committee.

(4) A detailed planning scheme prepared or adopted under this section shall deal with the matters prescribed in section 12 (2) and, in addition, may make provision for any of the matters mentioned in the First Schedule to this Ordinance.

(5) A detailed planning scheme may provide for the re-distribution of lands or for the readjustment of the boundaries and areas of such lands.

(6) Any law relating to development, road construction, or building operations inconsistent with the provisions of a scheme the application of which would tend to hinder the carrying out of the scheme shall not apply to the area to which the scheme relates.

14. (1) The Board may, for any purpose arising in relation to the making, enforcement or carrying out of a scheme, by notice in writing require the owner of any land or building in

Obligation
to give
information
to Board.

the area to which such scheme relates or is intended to relate, to state in writing and deliver or forward by registered post to the Board within thirty days of the date of the notice, particulars of his estate, interest in or right over or in respect of, such land or building, and the name and address, and the estate, interest or right (so far as they are known to him) of every person who to his knowledge has any estate or interest in or right over or in respect of such land or building.

(2) Every person required to make and deliver or forward a statement under this section who shall wilfully make and deliver or forward any false statement, or fail without reasonable cause or refuse to make and deliver or forward a statement, shall be liable, on summary conviction, to a fine of twenty-five pounds.

Entry,
examination
and survey.

15. (1) The Board may at any time cause the whole or any part of any land to be entered upon, examined and surveyed and the circumstances and requirements thereof to be investigated for the purpose of deciding whether or not a scheme should be made in respect of any such land or any part thereof and of making such scheme if decided upon.

(2) Any person authorised in that behalf in writing by the Board may, for the purpose of any entry, examination, survey or investigation which the Board is authorised by this section to cause to be made, and on production of such written authority, enter and there do anything which such person shall reasonably consider to be necessary for the said purpose.

Deposit of
scheme.

16. (1) When a scheme has been framed or adopted it shall be deposited in such place as the Board shall decide.

Notice.

(2) Notice of such deposit and of the period in which any person may inspect and make representations respecting the scheme shall be published by the Board in the *Gazette* and in local papers circulating in the Colony, and by exhibiting public notices in such other places in the Colony, as the Board may direct.

(3) Any person may within two months of the date of the notice of such deposit inspect, and make representations to the Board respecting the scheme, and upon the expiration of such period the Board shall forthwith submit the scheme, together with any such representations and any recommendations thereon by the Board, for consideration by the Governor.

Approval by
the
Governor.

17. A scheme in respect of the whole or part of a Planning Area shall not have effect unless and until it is approved by

order of the Governor, and before giving his approval the Governor may make such modifications thereof as he thinks fit:

Provided that a scheme though approved may, subject to the provisions of section 31 of this Ordinance, be modified or revoked.

18. When a scheme has been approved by the Governor in respect of the whole or part of a Planning Area, a copy of it shall be deposited for inspection in such place within the Planning Area as the Board shall direct.

Deposit of approved scheme.

PART V.—EXECUTION OF SCHEMES.

19. Where a scheme has been approved in respect of a Planning Area, the Board shall be the authority responsible for executing and enforcing the scheme.

Execution of scheme by Board.

20. (1) Subject to the provisions of this section the Board may at any time—

Power to carry out scheme.

(a) remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any building or other work which does not conform to those provisions, or the removal, demolition or alteration of which is necessary for carrying the scheme into effect, or in the erection or carrying out of which any provision of the scheme has not been complied with;

(b) where any building or land is being used in such manner as to contravene any provision of the scheme, prohibit it from being so used;

(c) where any land has been, since the date when the order declaring a Planning Area under section 6 of this Ordinance has been published, put to any use which contravenes any provision of the scheme, reinstate the land;

(d) execute any work which it is the duty of any person to execute under the scheme in any case where delay in the execution of the work has occurred and the efficient operation of the scheme has been or is likely to be thereby prejudiced.

(2) Before taking any action under this section the Board shall serve a notice on the owner and on the occupier of the building or land in respect of which the action is proposed to be taken and on any other person who, in its opinion, may be affected thereby, specifying the nature of and the grounds upon which it proposes to take such action.

Notice.

(3) The date stated in a notice served under this section as the date on or after which the intended exercise of the power therein mentioned is intended to be begun shall be not less than three months when any building is affected, and in any other case not less than one month after the date of service of such notice, and the Board shall not do any act or thing in exercise of such power in relation to the building or land mentioned in the notice before such date.

Penalty.

(4) Every such person who uses any building or land in a manner prohibited under this section shall, in addition to any civil liability, be guilty of an offence and liable, on summary conviction, to a fine of twenty-five pounds.

Entry on land.

21. Any person authorised in that behalf in writing by the Board may, on production of such written authority, enter on any land in a Planning Area to which a scheme relates and there make such inspection, survey, examination and investigation and there carry out such work as may be necessary for the purposes of the enforcement or carrying out of a scheme.

Obstruction.

22. Every person who wilfully obstructs or interferes with any person in the lawful exercise of any power conferred by this Ordinance shall be liable, on summary conviction, to a fine of twenty-five pounds.

Penalty for contravention of a scheme.

23. Any person who wilfully does any act which is a contravention of a provision contained in a scheme or who wilfully fails to comply with a provision in a scheme shall be liable, on summary conviction, to a fine of fifty pounds and in the case of a continuing offence, to a further fine of five pounds for every day during which the offence continues after conviction.

Acquisition of land by Board.

24. (1) The Board may acquire such land or buildings as may be necessary or expedient for carrying into effect the provisions of a scheme.

Compulsory acquisition.

(2) Where the Board is unable to purchase by agreement any land or building required for carrying into effect the provisions of a scheme, the Governor in Council, upon the application of the Board and after consideration of any representation which may be submitted by the owner, and after such enquiry as he may think proper, may declare that any land or building shall be acquired for town or country planning purposes as the case may be and the Governor may thereupon by warrant under his hand and the public seal of the

Colony direct that such land or building shall be acquired for town or country planning purposes as the case may be.

Every such warrant may be in the Form A in the Second Schedule hereto and shall be published in the *Gazette*.

(3) Whenever by any such warrant as in the immediately preceding sub-section mentioned it is directed that any land or building shall be acquired for town or country planning purposes as the case may be the Board shall cause to be served personally on the person or persons entitled to sell or interested in any land or building specified in such warrant, or if he or they cannot be found shall cause to be left at his or their last usual place or places of abode or business with some inmate thereof, to be given to such person or persons, and in case no such person can be ascertained or found, shall cause to be left with the occupier of such land or building or if there be no such occupier, shall cause to be fixed on some conspicuous part of such land or building within fourteen days from the date of such warrant, a notice, in the Form B in the Second Schedule hereto, or as near thereto as possible.

Notice to owner, etc.

(4) After the lapse of twenty-one days from the publication of any such warrant in the *Gazette* it shall be lawful for the Board with all necessary workmen and other servants, to enter upon such land or building and also to set out, appropriate and take so much of such land or building, as is specified in the said warrant.

Entry.

(5) When the Board shall appropriate and take any land or building as aforesaid, the Board shall cause a notice to be posted in some conspicuous part of such land or on such building as the case may be, and such notice shall be in the following words, viz.:—"Taken for Town Planning Purposes" or "Taken for Country Planning Purposes" as the case may be and shall be signed by the President of the Board. Any land or building so appropriated and taken shall thereupon vest in the Board, free from all other interests, liens, rights, charges and encumbrances whatsoever.

Land to be marked out.

(6) Within twenty-one days of any appropriation of any land as aforesaid, the Board shall cause a plan of the land so appropriated and taken together with a certificate under the hand of the President of the Board that the land has been appropriated and taken for town or country planning purposes as the case may be, to be registered in the office of the Registrar General and the registration of such plan and certificate shall be conclusive evidence that such land has been appropriated for town or country planning purposes as the case may be.

Plan and certificate to be registered.

Compensation.

(7) The provisions of this Ordinance relating to compensation shall apply to any land or building appropriated in accordance with this section.

Delivery of possession by Sheriff.

(8) (a) If in any case in which, according to the provisions of this Ordinance, the Board is authorised to enter upon and take any land or building, and the owner or occupier of any such land or building, or any other person, refuse to give up possession thereof, or hinder the Board, their workmen or servants from entering upon or taking possession of the same, it shall be lawful for the Governor to issue his warrant in the Form C in the Second Schedule hereto, or as near thereto as possible, directed to the Sheriff, ordering him to deliver possession of the same to the Board and upon receipt of such warrant the Sheriff shall deliver possession of any such land or building accordingly.

Costs.

(b) The costs accruing by reason of the execution of such warrant, to be taxed by the Master of the Supreme Court in accordance with the Rules of the Supreme Court subject to review by the Chief Justice, shall be paid by the person refusing to give possession or hindering the Board, their workmen or servants as aforesaid; and the amount of such costs shall be deducted and retained by the Governor from the compensation, if any, then payable by him to such person, and if no compensation be payable to such person, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to a magistrate for that purpose he shall issue his warrant accordingly:

Provided that no costs shall be taxed under this section unless due notice has been given to the owner or occupier or any other person who has refused to give up possession to the Board, or who has in any way hindered the Board, their workmen or servants from taking possession or entering upon any land or building.

Land, etc. to be used solely for scheme.

(9) Subject to the provisions of the immediately succeeding sub-section all lands and buildings acquired under this section for carrying into effect the provisions of a scheme shall be used only for or in connection with the scheme for which they were so acquired:

Provided that nothing in this sub-section contained shall be taken to preclude the Board, in furtherance of any scheme, from selling or otherwise disposing of any land acquired.

Sale of land, etc.

(10) When any scheme is revoked or abandoned, it shall be lawful for the Board to sell or otherwise dispose of any

land or building acquired under this Ordinance, provided that the Board shall, in the first place, offer the land or building to the person from whom it was acquired before selling it to any other person.

PART VI.—COMPENSATION AND BETTERMENT.

25. Subject to the provisions of this Ordinance, any person—

Compensation for loss, etc.

(a) whose property is injuriously affected by the coming into operation of any provision contained in a scheme or by the execution of any work under a scheme, or

(b) who, for the purpose of complying with any provision contained in a scheme or in making or resisting a claim under the provisions of this Ordinance relating to compensation and betterment, has incurred expenditure which is rendered abortive by a subsequent revocation or modification of the scheme,

shall, if he makes a claim within the time limited for the purpose by this Ordinance, be entitled to recover as compensation from the Board the amount by which his property is decreased in value, or, so far as it was reasonably incurred, the amount of the abortive expenditure, as the case may be.

26. (1) No compensation shall be payable in respect of the prohibition imposed by sub-section (1) of section 7 of this Ordinance upon development of land or construction, demolition, alteration, extension, repair or renewal of buildings.

No compensation in certain classes of cases.

(2) No compensation shall be payable in respect of any building the erection of which was begun after the date of the publication of the order declaring a Planning Area under section 6 of this Ordinance, unless such erection was begun under and erected in accordance with the permission of the Board.

(3) No compensation shall be payable in respect of any of the following provisions in a scheme, namely, any provision which—

(a) prescribes the location of buildings, the extent of the yards, gardens and curtilage of buildings;

(b) imposes any health conditions in connection with buildings;

(c) limits the number of buildings or the number of buildings of a specified class which may be constructed, erected on or made in or under any area;

(d) prohibits or regulates the sub-division of land;

(e) regulates or empowers the Board to regulate the size, height, spacing, design, colour and materials of buildings;

(f) controls, restricts or prohibits the objects which may be affixed to buildings;

(g) prohibits or restricts building operations permanently on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services;

(h) prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger or injury to health, or detriment to the neighbourhood, or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury or detriment;

(j) restricts the purposes for and the manner in which land or buildings may be used or occupied, or reserves or allocates any particular land or all land in any particular area for buildings of a specified class or classes or to be used for a specified purpose;

(k) in the interests of safety, regulates, or empowers the Board to regulate the height and position of proposed walls, fences or hedges near the corners or bends of roads or at a railway level-crossing;

(l) limits the number or prescribes the sites of new roads entering a road or the site of a proposed road;

(m) fixes in relation to any road or intended road a line beyond which no building in that road or intended road may project unless, within a period of two years immediately preceding the publication of an Order under section 6 of this Ordinance declaring the Planning Area within which the scheme lies, the land was or formed the site of a building;

(n) in the case of the erection of any building intended to be used for purposes of business or industry, requires the provision of accommodation for parking, loading, unloading or fuelling vehicles, with a view to preventing obstruction of traffic on any road;

(o) prohibits, restricts or controls, either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection, or on any vehicle, boat, aircraft or other movable object (whether on land or on

or in water or in the air), of all or any particular forms of advertisements or other public notices; or

(p) prevents, remedies or removes injury to amenities arising from the ruinous or neglected condition of any building or by the objectionable or neglected condition of any land attached to a building or abutting on a road or situate in a residential area.

(4) Where any provision of a scheme is revoked or modified by a later scheme, no compensation shall be payable in respect of any property on the ground that it has been injuriously affected by any provision contained in the later scheme if and in so far as that later provision is the same, or substantially the same, as the earlier provision so revoked or modified; but if at the date when the revocation or modification of that earlier provision becomes operative—

(a) there is still outstanding any claim for compensation duly made thereunder; or

(b) the time originally limited for making such a claim has not expired,

any such outstanding claim and any such claim made within the time so limited shall be entertained and determined, and may be enforced, in the same manner in all respects as if all the provisions of the earlier scheme had continued in operation, unless the claim is in respect of a restriction removed by the later scheme.

(5) Nothing contained in sub-section (3) of this section shall preclude an owner from claiming compensation for loss or injury arising from—

(a) being prevented by the operation of a scheme from maintaining a building which was in existence on the date of the publication of an order declaring a Planning Area under section 6 of this Ordinance or from continuing to use any such building for the purpose for which it was used on such date; or

(b) where a permanent building which was in existence at the time within two years immediately before the date of the publication of an order declaring a Planning Area under section 6 of this Ordinance has been demolished or been destroyed by fire or otherwise, being prevented by the operation of a detailed scheme from erecting on the site of such demolished or destroyed building a new building which substantially replaces such demolished or destroyed building or from using such new building for the purpose for which such demolished or destroyed building was last used.

Claims for compensation.

27. (1) A claim for compensation shall be made by serving upon the Board a notice in writing stating the grounds of the claim and the amount claimed.

(2) Subject to the provisions of sub-section (3) of this section, no claim for compensation shall be entertained unless the written notice has been served on the Board within six months after the date on which the provision giving rise to the claim came into operation or within such longer period as may be specified in the scheme or, in respect of expenditure rendered abortive by the revocation or modification of a scheme, within six months after the date on which the revocation or modification of the scheme became operative:

Provided that on cause being shown to the satisfaction of the Board, the period of six months hereinbefore referred to may be extended, but only to the extent that the time in which notice may be given shall not exceed twelve months from the dates in this sub-section specified.

(3) Where it is alleged that property has been injuriously affected by the execution of any work, the period, within which a claim in respect of that injurious affection may be made, shall be a period of one year after completion of the work.

Recovery of betterment by Board.

28. (1) Where by the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme, any property within the area to which the scheme applies is increased in value, the Board, if it makes a claim for the purpose within two years after the date on which the provision came into operation, or within two years after the completion of the work, as the case may be, shall be entitled to recover from any person whose property is so increased in value 75 per cent. of the amount of that increase.

(2) A claim in respect of an increase in the value of any property shall be made by serving upon the person from whom the amount alleged to be payable is claimed a notice in writing stating the grounds of the claim and the amount claimed.

(3) Any sum recoverable under this section may be set off against any claim to compensation.

(4) Where any provision of a scheme is revoked or modified by a later scheme, no property shall be deemed to be increased in value by any provision contained in the later scheme if and in so far as that provision is the same, or substantially the same, as a provision contained in the scheme so revoked or modified:

Provided that, if at the date when the revocation or modification of such scheme becomes operative, there is still outstanding

any claim in respect of an increase in the value of any property duly made thereunder, or the time originally limited for making such a claim has not expired, any such outstanding claim, and any such claim within the time so limited, shall be entertained and determined and may be enforced in the like manner in all respects as if all the provisions of the earlier scheme had continued in operation.

29. (1) Any dispute arising under this Ordinance as to—

Disputes.

(a) the right of a claimant to recover compensation, or

(b) the right of the Board to recover betterment, shall, upon application of any party concerned, be heard and determined by the Supreme Court.

(2) Any final judgment in any such case as aforesaid shall be subject to the like appeal to which other final judgments of the Court are subject, including appeal to the West African Court of Appeal and to Her Majesty's Privy Council where such appeal is allowed by law.

(3) Any dispute referred to the Court under the provisions of sub-section (1) of this section shall be by way of a suit by or against the Board.

30. (1) All such sums received by the Board in respect of betterment or otherwise shall, unless the Governor otherwise directs, be paid into the general revenue of Sierra Leone.

Receipts and expenses of Board.

(2) All expenses incurred by the Board in the discharge of its functions and all amounts due by it under this Ordinance shall, unless the Governor otherwise directs, be defrayed from the general revenue of Sierra Leone.

PART VII.—MISCELLANEOUS.

31. (1) The Board may at any time apply to the Governor for the revocation or modification of a scheme which has been approved under section 17 of this Ordinance on any of the following grounds—

Revocation or modification of scheme at request of Board.

(a) on account of the amount of the compensation which has been awarded or is likely to be awarded in respect of provisions contained in the scheme;

(b) on account of practical difficulties in the execution or enforcement of the scheme;

(c) on account of events which have occurred since the making of the scheme.

(2) When an application has been made under sub-section (1) of this section, the Governor may either revoke or modify such scheme or refuse the application.

(3) When the Governor modifies or revokes such scheme, the Board shall, within one month of the date of such modification or revocation, give notice thereof to the owner of any property affected, and thereupon any compensation already agreed upon or awarded by the Supreme Court or the Court of Appeal as the case may be shall be discharged, but without prejudice to the right of the owner to make a further claim for compensation in respect of a later scheme, but subject nevertheless to the provisions of sub-section (3) of section 26 of this Ordinance.

Service of
notices, etc.

32. (1) Any notice, summons, writ or other proceeding at law or otherwise required to be served on the Board for any of the purposes of this Ordinance may be served by delivering it to the President of the Board, or by sending it by post in a registered letter addressed to the President at the office of the Board.

(2) Subject to the provisions of sub-section (1) of this section any notice, order or other document required or authorised to be served under this Ordinance may be served either—

(a) by delivering it to the person on whom it is to be served;

(b) by leaving it at the usual or last known place of abode of that person;

(c) by sending it by post in a registered letter addressed to that person at his usual or last known place of abode;

(d) in the case of a company or body incorporated in the Colony, by delivering it to the secretary of the company or body at its registered or principal office or sending it by post in a registered letter addressed to the company or body at such office;

(e) in the case of a company or body incorporated outside the Colony, by delivering it to the individual resident in the Colony in charge of the operations of the company or body in the Colony or sending it by post in a registered letter addressed to such individual at the principal office of the company or body in the Colony;

(f) in the case of a partnership, by delivering it to one of the partners at the principal place of business of the partnership, or to any person having at the time of service the control or management of the partnership business at such

place, or by sending it by post in a registered letter addressed to one or more of the partners, or to the person having the management and control of the partnership, at the principal place of business of the partnership; or

(g) if it is not practicable after reasonable enquiry to ascertain the name or address of any person on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

33. (1) It shall be lawful for the Board to make regulations with respect to any or all of the following matters—

Power of Board to make regulations.

(a) the determination and adjustments of the limits of plots or estates within planning areas;

(b) the procedure generally in connection with the Board and schemes, and in particular (but not so as to exclude others) with respect to the following matters—

(i) the submission of claims for compensation; and

(ii) permission to develop an area and to carry out building operations between the date of the publication of an order declaring a Planning Area under section 6 of this Ordinance and the coming into operation of the scheme for that area;

(c) the preparation, deposit, publication and submission of schemes;

(d) the grant and exercise of all necessary powers in connection with schemes and with the preparation of schemes;

(e) the further, better or more convenient effectuation of the provisions and purposes of schemes or of any particular scheme;

(f) the modification and revocation of schemes;

(g) for obtaining without charge information which may be required for the purposes of or in connection with the preparation or making or carrying into effect of schemes by inspection of or obtaining copies from Assessment Rolls, Valuation Rolls, Rate Books and other similar documents and to search, without the payment of any fees, the registers and documents in the custody of the Registrar General.

(2) Such regulations may impose a fine not exceeding twenty-five pounds or in default of payment imprisonment not

exceeding two months for the breach of any such regulations, and in the case of a continuing offence, a further penalty not exceeding one pound for each day after written notice of the offence has been served on the offender.

(3) Regulations made under sub-section (1) of this section shall be subject to the approval of the Governor in Council, who before approving, may amend or alter them.

(4) All regulations made under sub-section (1) of this section shall, after approval by the Governor in Council, be published in the *Gazette* and shall thereupon have the same force and effect as if they had been enacted in this Ordinance, either immediately or on and from such later date as may therein or in their regard be provided.

Section 8
and 13 (4).

FIRST SCHEDULE.

PART I.—ROADS.

1. Providing for the reservation of land for roads, the construction of new roads, improvement of existing roads, establishment of public rights of way.

2. Providing for the closing or diversion of existing roads and public and private rights of way and traces.

3. Restricting and controlling the construction of new roads and the alteration of existing roads whether by the Board or owners.

4. Regulating the line, width, level, construction and general dimensions and character of roads whether new or existing.

5. Enabling the Board to require an owner of land as a condition of his developing such land in any manner—

(a) to reserve land for such roads as it may think necessary;

(b) to contribute to the cost of the construction of new roads or the improvement of existing roads by the Board.

6. Providing for and generally regulating the construction or execution whether by the Board, or by owners, of works incidental to the making or improvement of any road including the erection of shelters, provision of seats, planting or protecting of grass, trees and shrubs on or adjoining such road.

PART II.—BUILDINGS AND OTHER STRUCTURES.

1. Regulating and controlling, either generally or in particular areas, all or any of the following matters—

(a) the size, height, spacing and building line of buildings;

(b) the objects which may be affixed to buildings;

(c) the location of buildings, the extent of yards, gardens and curtilage of buildings;

(d) the purposes for and the manner in which buildings may be used or occupied including in the case of dwelling-houses, the letting thereof in separate tenements;

(e) the prohibition of building operations on any land, or regulating such operations.

2. Regulating and controlling or enabling the Board to regulate and control the design, external colour and materials of buildings and fences.

3. Reserving or allocating any particular land or all land in any particular area for buildings of a specified class or classes, or prohibiting or restricting, either permanently or temporarily, the making of any buildings or any particular class or classes of buildings on any specified land.

4. Reserving or allocating any particular land or all land in any particular area for the purpose of any industrial or trade purpose or for any specified undertaking.

5. Limiting the number of buildings or the number of buildings of a specified class which may be constructed, erected or made on, in or under any area.

6. Providing for the removal, demolition or alteration of buildings or works which are inconsistent with or obstruct the operation of a scheme.

7. Providing for the reservation of sites for places of religious worship, schools and public buildings and for places required for public services.

8. Providing for health conditions.

9. Providing for the reservation of sites for housing schemes.

10. Providing for slum clearance in specified areas.

PART III.—AMENITIES.

1. Providing for the reservation of lands as open spaces, whether public or private, and for burial grounds.

2. Providing for the preservation of views and prospects and of the amenities of places and features of natural beauty or interest.

3. Providing for the reservation of buildings and objects of artistic, architectural, archaeological or historical interest.

4. Providing for the preservation or protection of forests, woods, trees, shrubs, plants and flowers.

5. Prohibiting, restricting or controlling either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection, on any vehicle, boat, aircraft or other movable object, whether on land, or on or in water or in the air, of all or any particular forms of advertisement or other public notices.

6. Preventing, remedying or removing injury to amenities arising from the ruinous or neglected condition of any building or fence, or by the objectionable or neglected condition of any land attached to a building or fence or abutting on a road or situate in a Planning Area.

7. The prohibition, regulation and control of the deposit or disposal of waste materials and refuse.

PART IV.—PUBLIC UTILITY SERVICES.

Facilitating the construction of works in relation to lighting, water supply, sewerage, drainage, sewage disposal and refuse disposal or other public utility services.



PART V.—TRANSPORT AND COMMUNICATION.

1. Facilitating the establishment, extension or improvement of systems of transport whether by land, water or air.
2. Allocating sites for use in relation to transport and providing for the reservation of land for that purpose.
3. Providing for the establishment, extension and improvement of telegraphic, telephonic or wireless communication, allocating sites for use in relation to such communication and providing for the reservation of land for that purpose.

PART VI.—MISCELLANEOUS.

1. Declaring the persons by whom and the manner in which the cost of the execution of works (whether of construction, demolition, removal or alteration) in pursuance of the scheme are to be borne.
 2. Subject to the provisions of this Ordinance, declaring the notices to be served for the purposes of the scheme by the Board and the persons on whom, the manner in which and the times at or within which such notices are to be served.
 3. Subject to the provisions of this Ordinance, declaring the manner in which and the times at or within which notice for the purposes of the scheme may be served on the Board by other persons.
 4. Providing for and regulating the making of agreements for the purpose of a scheme by the Board with owners and other persons and by such persons with one another.
 5. Dealing with the use or disposal of land acquired under the provisions of this Ordinance.
 6. Prohibiting the sub-division of land until a plan showing the sub-division and proposed access to the land has been approved.
 7. Making any provisions necessary for—
 - (a) adjusting and altering the boundaries and areas of any lands, roads, rights of way or traces;
 - (b) effecting such exchanges of land or cancellation of existing sub-divisions as may be necessary or convenient for the purposes aforesaid.
 8. Providing for and regulating the construction, alteration, removal and use of railways, pipe lines, telegraph and telephone lines, electric current transmission lines, drainage or irrigation channels, aerial cable ways and their ancillary structures.
 9. Preventing the pollution of streams, water courses, rivers, wells, lagoons and harbours.
 10. Works ancillary to or consequent on a scheme.
 11. Any other matter (not hereinbefore mentioned) necessary or incidental to a scheme or its administration.
- The mention of particular matters in this Schedule shall not be held to prejudice or affect the generality of any other matter.

SECOND SCHEDULE.

FORM A.

WARRANT THAT LAND [AND/OR BUILDINGS] SHALL BE ACQUIRED FOR TOWN PLANNING PURPOSES.

Sec. 24 (2).

SIERRA LEONE. (L.S.)

By His Excellency,

..... Governor.

WHEREAS on the.....day of.....19....., the Governor in Council declared that the land [and/or buildings] hereinafter described, that is to say.....(insert description of land [and/or buildings]), should be acquired for Town Planning purposes:

Now, therefore, I do hereby, under the provisions of the Town and Country Planning Ordinance, by this my warrant under my hand and the Public Seal of the Colony, direct that the said land [and/or buildings] shall be acquired for Town Planning purposes.

Dated this.....day of.....19.....

By His Excellency's Command,

..... Minister.

FORM B.

Sec. 24 (3).

NOTICE.

Notice is hereby given that the following land [and/or buildings]..... (describe land [and/or buildings] denoting the boundaries of the land by physical marks wherever practicable) is [are] to be acquired for Town Planning purposes.

Any person claiming to be possessed of, or to have any right title or interest in, the said land [and/or buildings] or to be injuriously affected by any such acquisition, is required, on or before the day of (twenty-one days after the date of publication of warrant in the Gazette), to forward to the Board a statement of his right or interest, and the evidence thereof, and of any claim made by him in respect of the value of such land [and/or buildings] or of his interest therein.

Dated this.....day of.....19.....

..... President, Town and Country Planning Board.

Sec. 24 (8).

FORM C.

WARRANT TO THE SHERIFF.

To—THE SHERIFF OF THE COLONY OF SIERRA LEONE.

WHEREAS by a warrant dated the.....day of.....19....., under the hand of the Governor and the Public Seal of the Colony, it was directed that the following land [and/or buildings](describe land [and/or buildings]) should be acquired for Town Planning purposes.

And whereas twenty-one days have elapsed since the publication of the said warrant in the *Gazette*.

These are therefore to command you to put the Board or any person authorised by them in that behalf, in possession of the said land [and/or buildings].

Dated the.....day of.....19.....

By His Excellency's Command,

.....
Minister.
