

CHAPTER 159.

TOWN PLANNING (GEORGETOWN FIRE AREA).

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CHAPTER 159.

TOWN PLANNING (GEORGETOWN FIRE AREA).

18 of 1945.
40 of 1950.

An Ordinance to provide for the re-planning of that part of the City of Georgetown destroyed by fire on the 23rd February, 1945; to restrict the height and use of premises in the said area; to finance the replanning scheme and for purposes connected with the matters aforesaid.

[31ST DECEMBER, 1945].

Short title.

1. This Ordinance may be cited as the Town Planning (Georgetown Fire Area) Ordinance.

Interpretation.

2. In this Ordinance—
“ the Town Council ” means the Mayor and Town Council of the City of Georgetown;
“ Town Clerk ” means the Town Clerk of the City of Georgetown.

Application of Ordinance. Schedule.

3. This Ordinance shall apply to the area of land situate in the City of Georgetown which is described in the schedule hereto (hereinafter referred to as “ the Area ”).

4. (1) For the purposes of this Ordinance, the plan dated the 6th October, 1945, of the development of a portion of the City of Georgetown destroyed by fire on the 23rd February, 1945, prepared by the Office of the Town Planning Adviser to the Comptroller for Development and Welfare (hereinafter in this Ordinance referred to as "the development plan") is hereby approved as, and shall be, the development plan of the Area.

Approval of development plan, re-planning scheme, re-distribution of land and building lines.

(2) There shall be a re-planning scheme in respect of the Area, and for the purposes of this Ordinance the re-planning scheme which is marked or otherwise indicated on the development plan is hereby approved as, and shall be, the re-planning scheme in respect of the Area.

(3) The several parcels of land within the Area shall be re-distributed by the Commissioners, appointed as hereinafter provided, and the Commissioners shall re-distribute the said parcels of land in accordance with the particulars of re-distribution as shown on the development plan among such of the proprietors of land within the Area as are indicated on the plan.

(4) The lines (hereinafter in this Ordinance referred to as "building lines") which are marked or otherwise indicated on the development plan, defining the limits of the areas wherein the erection of buildings shall be permitted under this Ordinance are hereby approved as, and shall be, building lines for the purposes of this Ordinance.

(5) The development plan shall be authenticated by the signature of the Clerk of the Legislative Council.

(6) The Clerk of the Legislative Council shall keep the development plan in his custody, and he shall certify and transmit copies thereof, to the Commissioners, the Town Council and the Commissioner of Lands and Mines.

(7) The Governor in Council may, after such inquiry as he thinks fit, from time to time vary the building lines on the development plan, and in such case the development plan shall be altered accordingly and copies of such plan as altered shall be certified by the Clerk to the Executive Council and transmitted by him to the Commissioners, the Town Council and the Commissioner of Lands and Mines.

APPOINTMENT OF COMMISSIONERS.

5. (1) The Governor shall have power to appoint five fit and proper persons to be Commissioners for the purposes of this Ordinance.

Appointment of the Georgetown Planning Commissioners.

(2) The Commissioners shall be a body corporate under the name and style of the Georgetown Planning Commissioners (hereinafter referred to as "the Commissioners") and they may sue and be sued in their corporate name.

(3) The Governor shall appoint a Commissioner to be the Chairman of the Commissioners.

(4) The Chairman shall preside at all meetings of the Commissioners which he attends and, in his absence, the Commissioners present shall elect one of their number to preside at the meeting.

(5) The Chairman or, in the absence of the Chairman, the Commissioner presiding shall have an original and a casting vote.

(6) At any meeting of the Commissioners three members, including the presiding member, shall form a quorum.

(7) Subject to the provisions of subsection (6) of this section, the Commissioners may act notwithstanding any vacancy in their number.

(8) A Commissioner may, by writing under his hand addressed to the Chief Secretary, resign his office as such.

40 of 1950,
s. 2.

(9) Where a Commissioner without the leave of the Governor, or without good excuse fails to attend three consecutive meetings of the Commissioners, he shall be deemed to have resigned.

(10) The Governor may, at any time, revoke the appointment of a Commissioner.

(11) Where a Commissioner dies, or resigns, or is deemed to have resigned, or where the appointment of a Commissioner is revoked, the Governor may appoint a fit and proper person to fill his place.

(12) The Governor shall appoint a fit and proper person to be technical adviser to the Commissioners at such remuneration as may be approved by the Governor in Council. The technical adviser shall be entitled to be present, and to speak, at all deliberations of the Commissioners, but he shall not be entitled to vote thereat. The remuneration of the technical adviser shall be paid by the Commissioners.

Power of
Commission-
ers to
appoint
officers.

6. (1) The Commissioners may appoint a secretary at such remuneration as may be approved by the Governor in Council.

(2) The Commissioners may from time to time employ such other officers, agents and servants as may be necessary for the due execution of the provisions of this Ordinance and may provide for their remuneration.

7. The Commissioners shall have the power, and shall be deemed to have always had the power, subject to the approval of the Governor in Council, to alter or amend the development plan from time to time in the light of experience gained in the administration of the re-planning scheme.

Power of Commissioners to alter or amend the development plan.

40 of 1950, s. 3.

POWERS AND DUTIES OF COMMISSIONERS.

8. (1) The Commissioners shall cause a plan to be prepared, after survey, by a Sworn Land Surveyor whereon the several parcels of land within the Area, as marked or otherwise indicated on the development plan (including any amended or altered development plan), are defined and delineated, and copies of such plan shall be recorded in the office of the Commissioner of Lands and Mines and deposited in the Deeds Registry and in the office of the Town Clerk.

Re-distribution of land by Commissioners.

40 of 1950, s. 4.

(2) Upon the deposit of such copy of the plan in the Deeds Registry the land within the Area, not being land directed to be re-distributed to the Crown under subsection (3) of section 4 of this Ordinance, shall, for the purposes of this Ordinance, forthwith vest in the Commissioners free of encumbrances.

(3) The Commissioners shall, subject to the provisions of section 11 of this Ordinance, transport to the proprietors specified on the development plan and at the expense of the proprietors the parcels of land respectively indicated on such plan.

(4) Where the value of the land so transported by the Commissioners to a proprietor exceeds the value of the land, which was owned within the Area by the proprietor immediately prior to the commencement of this Ordinance, duty under paragraph (1) of section 11 of the Tax Ordinance and transport fees, shall be collected on the amount of such excess in value. Except as is otherwise provided in this subsection, no duty or transport fees shall be collected on any transport passed by the Commissioners under subsection (3) of this section.

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9. (1) Where a proprietor (other than the Crown, the Colony or the Town Council) has, by virtue of the re-distribution under subsection (3) of section 4 of this Ordinance, been deprived of any land within the Area, the Commissioners shall pay to such proprietor as compensation—

Compensation to proprietors injuriously affected by re-distribution under section 4 (3).

- (a) the amount of the fair market value of such land; and
- (b) damages in respect of the disturbance of such proprietor and any loss (not including loss of goodwill) or injury flowing from such disturbance; and

(c) damages in respect of any loss of goodwill, where the proprietor has, by virtue of the notice—

- (i) been deprived of all of his land within the Area; or
- (ii) been deprived of part of his land within the Area, if no building on the land of the proprietor was destroyed by fire on the 23rd February, 1945.

(2) Where the buildings on the land were destroyed by fire on the 23rd February, 1945, the fair market value of the land under paragraph (a) of subsection (1) of this section shall be the fair market value of the land on the 22nd February, 1945, and in computing such value, no regard shall be had to any buildings or other erections of any kind which were on the land on the 22nd February as aforesaid.

(3) Where no building on the land was destroyed by fire on the 23rd February, 1945, the fair market value of the land under paragraph (a) of subsection (1) of this section shall be the fair market value of the land and of the buildings and erections thereon on the date of the commencement of this Ordinance.

Protection of rights of creditors for liquidated demands.

10. Where any person has, on the date of the commencement of this Ordinance, a claim based on a liquidated demand against a proprietor who has been deprived of land by virtue of subsection (3) of section 4 of this Ordinance, he may give notice in writing to the Commissioners of such claim, and if he issues, within fourteen days after the date of the commencement as aforesaid, a writ to enforce such claim, the Commissioners shall deposit, in the Registry of the Supreme Court to abide the order of the Court, the amount of the compensation (when assessed or ascertained under section 12 of this Ordinance) payable to the proprietor under section 9 of this Ordinance:

Provided that where the action brought by the creditor is withdrawn, discontinued, or deserted and abandoned, the Commissioners shall, if they are satisfied that the action has been so disposed of, pay to the proprietor the amount of the compensation as aforesaid.

Where proprietor acquires land under the re-distribution which he did not own before.

11. (1) Where, through any re-distribution of land made under subsection (3) of section 4 of this Ordinance, a proprietor of land within the Area acquires any land which he did not own at the time of such re-distribution, the Commissioners shall be entitled to recover from such proprietor the value of such additional land.

(2) For the purposes of this section the value of any land shall be deemed to be the fair market value of such land on the

22nd February, 1945, and in computing such value no regard shall be had to any buildings or erections of any kind which were on the land on the date aforesaid.

(3) Any sum due to the Commissioners under this section shall be a preferent charge over and above any mortgage on any land in the Area owned by the proprietor and shall be recoverable by the Commissioners by parate execution against all or any of the parcels of land in the Area owned by such proprietor.

(4) Any sum recovered by the Commissioners under this section shall be applied in reduction of such portion of the cost of the re-planning scheme as is to be borne by the Town Council under subsection (4) of section 27 of this Ordinance.

12. (1) Every application by a proprietor for compensation under section 9 of this Ordinance shall be in writing, and shall specify particulars of the sums respectively claimed by him as fair market value, for disturbance, for loss or injury flowing from the disturbance, and for loss of goodwill as the case may be.

Assessment
or ascertain-
ment of
amount pay-
able by or to
the Commis-
sioners under
section 9 or
11.

(2) The Commissioners shall, upon receipt of a claim under subsection (1) of this section, forthwith fix a day, hour and place for the hearing of the claim and may cancel such fixture and fix another day, hour and place for the hearing. Seven clear days' notice of every fixture under this subsection shall be given to the proprietor.

(3) The claimant may give evidence before the Commissioners and may call and examine witnesses on his behalf. The Commissioners may ask questions of the claimant and his witnesses. The evidence of the claimant, and of his witnesses, shall be given on oath, and such oath shall be administered by the Chairman. The hearing of the claim may be adjourned from time to time by or by order of the Chairman, and where the hearing is adjourned to a date not fixed the hearing shall be resumed on a date appointed by the Chairman and three clear days' notice of such date shall be given to the proprietor.

(4) The claimant may, in writing, request the Commissioners to issue a summons for the attendance of a person as a witness at any hearing before the Commissioners, and the Commissioners shall have power to issue such a summons. The summons shall be transmitted to the clerk of court of the Georgetown Judicial District, and such clerk of court shall cause the summons to be promptly served. The service, and the return of service, shall be made in the same manner as if the summons was issued by a

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magistrate acting in the exercise of his civil jurisdiction. The fees for the witness summons, the fees for service thereof, and the remuneration of the witness shall be those respectively in force from time to time under section 58 of the Summary Jurisdiction (Magistrates) Ordinance. Sections 15 and 16 of the Summary Jurisdiction (Petty Debt) Ordinance shall, *mutatis mutandis*, apply to a witness summons, and to a witness not appearing or refusing to testify, before the Commissioners in the same manner and to the same extent as if—

(a) the claim were an action in the matter;

(b) the Secretary to the Commissioners were a clerk of court, and

(c) the Commissioners were a court or a magistrate.

(5) (a) The Commissioners may, if they think fit, appoint any fit and proper person to be a valuer to inquire into the particulars of the claim, or any of them, and to report thereon to the Commissioners. A copy of the report shall be furnished to the claimant. The Commissioners shall have the power to act upon the report of the valuer or such portion thereof as the Commissioners may think fit, and they may, if they think fit, decline to act upon the report or any portion thereof.

(b) The Commissioners, and any valuer appointed under this subsection, shall have access, free of charge, to the returns and assessments made under the Georgetown (Valuation and Rating) Ordinance in respect of land and buildings in the Area.

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(6) If the claimant calls the valuer as a witness, he shall have the power to cross-examine him on his report.

(7) The Chairman shall take notes of the proceedings of the Commissioners at the hearing of any claim by a proprietor under subsection (1) of this section.

(8) The hearing of any claim under subsection (1) of this section shall take place in open court before not less than three Commissioners.

(9) The Commissioners shall, as soon as possible after the conclusion of the hearing, give their decision on the claim assessing the compensation to be paid to the proprietor, and thereupon the Commissioners shall, subject to the provisions of sections 10 and 11 of this Ordinance, pay to the proprietor the sum assessed as aforesaid. The decision of the Commissioners shall be the decision of the majority, and in the case of an equality of votes, the Chairman shall have a casting vote.

The decision on the claim shall be given by three or more Commissioners who were present throughout the hearing.

(10) Any proprietor may, on proceedings instituted by way of originating summons, appeal from a decision of the Commissioners under subsection (9) of this section to a judge of the Supreme Court in Chambers, and the provisions of subsections (17) and (18) of this section shall, *mutatis mutandis*, apply to such originating summons.

(11) The Commissioners shall have power, by resolution, to enter into an agreement in writing with a proprietor for the payment to such proprietor by the Commissioners of a specified sum as compensation under section 9 of this Ordinance.

(12) Where the Commissioners are, under section 11 of this Ordinance, entitled to recover from a proprietor the value of additional land, the Commissioners shall deliver a claim in writing to the proprietor specifying the sum which the Commissioners claim to so recover.

(13) The proprietor may, within seven clear days after the delivery to him of a claim under subsection (12) of this section, serve on the Commissioners a notice of objection to the sum claimed and specify in the said notice the sum to which he thinks the Commissioners are entitled.

(14) Where the proprietor does not, within the time limited by subsection (13) of this section, serve a notice of objection as aforesaid, the proprietor shall be deemed to have admitted the claim of the Commissioners, and the Commissioners shall thereupon be entitled to recover from the proprietor the value of the additional land as set out by them in their claim under subsection (12) of this section.

(15) Where the proprietor serves upon the Commissioners a notice of objection within the time limited by subsection (13) of this section specifying the sum to which he thinks the Commissioners are entitled, the Commissioners shall have power, by resolution, to enter into an agreement in writing with the proprietor as to the sum which the Commissioners are entitled to recover from the proprietor under section 11 of this Ordinance.

(16) If within fourteen days after the date of service on the Commissioners of the notice of objection under subsection (13) of this section there is no such agreement as aforesaid the Commissioners or the proprietor may, on proceedings instituted by way of originating summons, apply to a judge of the Supreme Court in Chambers to ascertain and determine the amount which the Commissioners are entitled to recover from the proprietor under section 11 of this Ordinance.

(17) The judge shall cause the Commissioners and the proprietor to appear before him, and it shall be lawful for him to hear and determine the application under subsection (16) of this section in a summary manner, and for that purpose to examine the parties or any of them and their witnesses.

(18) In any proceedings under subsection (16) of this section the judge may allow such costs as he may think fit.

(19) Where the Commissioners have entered into an agreement in writing with a proprietor under subsections (11) or (15) of this section, the amount so agreed upon shall, subject to the provisions of sections 10 and 11 of this Ordinance, be paid by the Commissioners to the proprietor, or recovered by the Commissioners from the proprietor, as the case may be.

(20) Any claim under subsections (1) or (12) of this section shall be made within three months after the commencement of this Ordinance or within such further period as the Governor in Council may for special reasons direct in any particular case.

Powers of
Commissioners.

13. (1) The Commissioners shall have full power to give effect to, and to enforce compliance with, the provisions of this Ordinance.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection the Commissioners shall, for the purpose of giving effect to the replanning scheme, have power to—

(a) construct streets and parking places;

(b) lay out gardens;

(c) construct drains and culverts;

(d) take up and re-lay any water or sewerage pipes;

(e) move any electric power transmission lines or telephone or telegraphic lines and;

(f) subject to the provisions of sections 8, 11, 26 and 30 of this Ordinance, transport any land vested in them under subsection (2) of section 8 of this Ordinance.

(3) The Commissioners shall have power to make arrangements with any person or authority for the performance by such person or authority of any of the powers of the Commissioners under paragraphs (a), (b), (c), (d) and (e) of subsection (2) of this section.

(4) Where the exercise by the Commissioners of any power conferred by this section will or may affect in any manner any

service in any other part of the City of Georgetown, or elsewhere they shall give adequate notice of their intention to exercise the power to the person or authority responsible for the care and maintenance of such service in the said City.

(5) The Governor in Council may, by order published in the Gazette, transfer to the Town Council all the powers, duties and functions of the Commissioners under paragraphs (a), (b), (c), (d) and (e) of subsection (2) of this section, and such transfer shall have effect as from the date specified in the order.

14. For the due exercise of the powers conferred by section 13 of this Ordinance, the Commissioners, and the officers, servants and agents of the Commissioners, may enter into and upon any land within the Area.

Power of Commissioners to enter upon land within the Area.

15. The Commissioners shall have power to arrange with the Town Council, and to execute all acts necessary, for the extinguishment of the perpetual right of drainage for all time coming, by means of a brick tunnel, through the western parts of lots twenty-two and twenty-three and the eastern parts of lots twenty and twenty-one South Cummingsburg, Georgetown and also of the right of access, ingress and egress into and from and upon the said parts of lots twenty, twenty-one, twenty-two and twenty-three for the purpose of inspecting, cleaning or repairing the said tunnel and securing good and sufficient drainage through the same at the sole expense and for the benefit of the City of Georgetown, the said rights having been conveyed to the Town Council by transport passed on the 14th November, 1857, and registered as number two hundred and fifteen of the said year.

Power of Commissioners to arrange with the Council for the extinguishment of a certain servitude in favour of the council.

16. It shall be the duty of the Commissioners to ensure that the Area is developed in accordance with the re-planning scheme shown on the development plan (including any amendments or alterations thereto) and with the provisions of this Ordinance.

Duty of Commissioners.
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s. 5.

CONTROL OF BUILDING OPERATIONS WITHIN THE AREA.

17. (1) No person shall erect or start to erect or alter any building of any kind whatever in the Area unless the plan of such building or alteration has been approved by the Commissioners.

All building plans to be approved by Commissioners.

(2) Approval under subsection (1) of this section may be granted in respect of the plan of a temporary building, and such

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approval shall in every case be subject to the right of the Commissioners, under section 21 of this Ordinance, to require the building to be dismantled and removed from the site on which it is erected.

(3) Every plan under subsection (1) of this section shall be submitted to the Commissioners for approval within twelve months after the date of the commencement of this Ordinance or within such further time as the Governor in Council may for special reasons direct in any particular case, and building operations under the plan shall be commenced within twelve months after the date of the approval of the plan or within such further time as the Governor in Council may for special reasons direct in any particular case.

Power of Commissioners to control the general design of front elevations of buildings.

18. For the removal of doubt it is hereby declared that the Commissioners may decline to approve any building plan submitted to them if the elevations of the buildings shown thereon are not in general harmony with the elevations of the other buildings within or adjacent to the Area. Such harmony shall not be construed as confining any building to any specific size, height, cost or type of construction other than as provided in this Ordinance, but shall include and relate to the erection and design of permanent signs, name plates, advertisements and posters on the elevations of such buildings.

No part of any building to project beyond the building lines.

19. (1) Subject to the provisions of this section, no part of any building in the Area shall project beyond the limits indicated by the building lines on the development plan.

(2) In any case where it is so indicated on the development plan the prohibition contained in subsection (1) of this section shall apply to the ground floor of such building only, and any floors above that floor may project up to the limits shown on the said plan in respect of such upper floors and the columns supporting such floors shall be erected on the line also marked on the said plan.

Limitation of height of buildings within the Area.

20. (1) Except with the written permission of the Commissioners, no building shall be erected in the Area which has a frontage exceeding in height the distance between the building lines on the opposite sides of the street it faces.

(2) Where a building projects to the limits shown on the development plan in respect of any upper floors as defined in subsection (3) of this section, the distance between building lines shall be taken from the projection building line as marked on the said plan.

(3) Any storey or superstructure recessed from the frontage of any building in the Area shall be constructed within the limits of an imaginary line drawn from the building line or the projection building referred to in subsection (1) or subsection (2) of this section, as the case may be, on the opposite side of the street at an angle of forty-five degrees with the horizontal.

(4) The provisions of this section shall apply only to frontages on main thoroughfares in the Area.

21. (1) Except with the written permission of the Commissioners, the building line of any separate building constructed within the areas defined by the general building lines on the development plan shall be not less than ten feet from the property line of that building.

Building
lines and
party walls.

(2) It shall be lawful for the Commissioners to permit—

(a) the building line of any separate building to be not less than five feet from the property line of such building, where the Commissioners are satisfied that the wall of the building to which wall the building line relates, will be wholly constructed with fire-resisting material and will have no windows, doors or other openings throughout their height or will have only such windows, doors or other openings as are specified in the written permission of the Commissioners;

(b) the building line of any building to be on the property line of such building, where the Commissioners are satisfied that the building is to be constructed as a continuous building in relation to the building on the adjacent parcel of land, and that the buildings will be divided from each other only by fully fire-resisting party-walls with no inter-connecting openings;

(c) the building line of any building to be on the property line of such building, where the Commissioners are satisfied that the building is to be constructed as a continuous building in relation to the building on the adjacent parcel of land, and that the buildings and the parcels of land on which they are or are to be constructed are or are to be owned by one and the same person.

(3) Where permission is granted under paragraph (a) of subsection (2) of this section and the wall of the building to which the permission relates is not wholly constructed with fire-resisting material or does not comply with the terms of the permission in respect of windows, doors or other openings in the wall, the permission shall be deemed to have been revoked.

(4) Where permission is granted under paragraph (b) of subsection (2) of this section and the building to which the permission relates is not constructed as a continuous building in relation to the building on the adjacent parcel of land, or is not divided from such building by a fully fire resisting party-wall or where such party-wall contains inter-connecting openings, the permission shall be deemed to have been revoked.

(5) Where permission is granted under paragraph (c) of subsection (2) of this section and the building to which the permission relates is not constructed as a continuous building in relation to the building on the adjacent parcel of land or is not owned by the proprietor of the adjacent building or of the parcel of land on which it is constructed, the permission shall have effect as if it were granted under paragraph (b) of subsection (2) of this section.

Power of Commissioners to require temporary buildings to be dismantled and removed.

22. (1) The Commissioners shall have the right to require the owner of any building in the Area, by notice served upon him, to dismantle and remove such building from the site on which it is so erected, or to cause it to be dismantled and so removed, within the time specified in the notice,—

(a) where such building was erected in the Area between the 23rd February, 1945, and the date of the commencement of this Ordinance; or

(b) where the building is of a temporary nature and the plan thereof is approved as such by the Commissioners under subsection (2) of section 17 of this Ordinance,

(c) where the building was in the Area on the 23rd February, 1945, and was not destroyed by fire on that day.

(2) Three months' notice of the intention to serve a notice under subsection (1) of this section shall be given by the Commissioners to the owner of the building.

Transfer to the Town Council of the powers of Commissioners under sections 17, 18, 19, 20, 21 and 22.

23. The Governor in Council may, by order published in the Gazette, transfer to the Town Council all the powers, duties and functions of the Commissioners under sections 17, 18, 19, 20, 21 and 22 of this Ordinance, and such transfer shall have effect as from the date specified in the order.

Prohibition of use for certain purposes of buildings or land in the Area.

24. (1) Anything to the contrary contained in any statute notwithstanding no land or building in the Area shall be used for the purposes of—

(a) a petrol filling station; or

(b) a service station for motor vehicles; or

- (c) a garage for the letting of motor vehicles; or
- (d) licensed premises as defined in section 2 of the Licensed Premises Ordinance; or Cap. 317.
- (e) the manufacture of sweets and compounds as defined in section 2 of the Bitters and Cordials Ordinance; or Cap. 318.
- (f) the distillation of spirits under the Spirits Ordinance; or Cap. 319.
- or
- (g) the manufacture of any articles or goods or for the carrying on of an industrial process; or
- (h) any noxious or offensive trade, business or manufacture within the meaning of section 95 of the Public Health Ordinance, Cap. 145.

and no licence or consent shall be issued or given for the use of any building or land in the Area for any of the purposes aforesaid.

(2) Subject to the provisions of subsection (1) of this section, no land or building in the Area shall be used for the purposes of any trade or business without the written permission of the Commissioners, and no licence or consent shall be issued or given for the use of any building or land in the Area for such purposes in contravention of the provisions of this subsection. 40 of 1950,
s. 7.

STREETS IN THE AREA.

25. (1) Anything contained in any statute or in any document of title or in the common law of the Colony to the contrary notwithstanding all public and private rights of way over any existing street, or part thereof, in the Area shall cease and be extinguished with effect from the date the Commissioners shall, by notice published in the Gazette, prescribe. Extinction
and re-grant
of rights
of way over
streets in
the Area.

(2) The Commissioners shall, by notices from time to time published in the Gazette, prescribe the dates upon which the proposed streets shown on the development plan shall be open to members of the public and, with effect from such prescribed dates, all members of the public shall thereupon enjoy rights of way over the said streets.

26. (1) The Governor in Council shall have power at any time, by order published in the Gazette, to transfer the control and maintenance of—

- (a) all the streets in the Area; or
- (b) any specified street or any specified part of any such street,

Power of
Governor in
Council to
direct that
control of
streets in
the Area
be trans-
ferred to
Council.

to the Town Council and any such transfer shall have effect from the date specified in the order (hereinafter in this section referred to as the "specified date").

(2) With effect from the specified date the Town Council shall provide for the proper upkeep and maintenance of the said streets, and it shall be the duty of the said Town Council to ensure that the streets shall continue to conform in all respects with those demarcated on the development plan.

(3) The Commissioners may, on or after the specified date, with the approval of the Governor in Council pass transport in favour of the Council in respect of any street, or part thereof, referred to or specified in an order made under subsection (1) of this section.

FINANCIAL PROVISIONS.

Payment of
cost of
re-planning
scheme.

27. (1) The Financial Secretary shall, on the warrant of the Governor, advance to the Commissioners such sums of money as may from time to time be necessary to enable them to carry into effect their powers, duties and functions in relation to the re-planning scheme.

(2) The sums of money so advanced shall be provided and charged in the accounts of the Colony in such manner as the Legislative Council may by resolution approve.

(3) Interest at the rate of three and one-half *per centum per annum* shall be charged by the Financial Secretary, and paid, on the amount of every such advance, and the interest so charged shall, for the purposes of subsection (5) of this section, form part of the sums of money advanced.

(4) The cost of the re-planning scheme shall be borne by the Town Council subject to a contribution of an amount of two hundred thousand dollars to be made by the Government as a free grant to the Town Council for this purpose.

(5) The aggregate of the sums advanced to the Commissioners as aforesaid, reduced by the amount of two hundred thousand dollars to be contributed as a free grant by the Government, shall be a debt due by the Town Council to the Government repayable with interest at the rate of three and one-half *per centum per annum* in the manner hereinafter in this section provided.

(6) The debt due under subsection (5) of this section by the Town Council to the Government and the interest thereon as aforesaid shall be repaid in forty fixed equated annuities covering

both principal and interest, and such annuities are hereby charged on and shall be repayable out of the revenues of the Town Council.

(7) The annuities required to be paid under this section shall be paid to the Financial Secretary and the first annuity shall be payable on the first day of such year as is appointed by the Governor in Council.

28. The cost of connecting any parcel of land, or any building thereon, in the Area to any sewer main or to any water main shall be borne by the proprietor of the parcel of land or building as the case may be.

Sewerage and water connections.

GENERAL.

29. (1) No land in the Area which is occupied by the Commissioners shall be liable to pay any rate or tax under section 28 of the Georgetown (Valuation and Rating) Ordinance.

Land occupied or controlled by Commissioners exempted from City taxation and rating.

Cap. 154.

(2) Land in the Area shall not, for the purposes of subsection (1) of this section, be deemed to be occupied by the Commissioners, merely because such land vests in the Commissioners by virtue of subsection (2) of section 8 of this Ordinance, and such land shall be liable to assessment for rates and taxes under section 28 of the Georgetown (Valuation and Rating) Ordinance.

30. The Governor in Council shall have power at any time, by order, to transfer the control and maintenance of any property of any kind whatsoever from the Commissioners to the Town Council or to any appropriate authority or person.

Power of Governor in Council to transfer control of property from Commissioners to the appropriate authority.

31. Anything to the contrary contained in section 131 of the Georgetown Town Council Ordinance notwithstanding no transport shall be passed, whether by the Commissioners or by any other person, for any sub-division of any parcel of land defined on the plan made under section 8 of this Ordinance except with the prior approval of the Governor in Council.

Sub-division of land in the Area.
Cap. 152.

32. Every person acting under the provisions of this Ordinance shall be entitled to the protection afforded by the Justices Protection Ordinance.

Protection of persons acting under the Ordinance.
Cap. 18.

Offences
and penalties.

33. (1) Any person who—

(a) erects, or starts to erect any building in the Area before the plan of such building has been approved by the Commissioners; or

(b) erects any building which is not in accordance with the design of the said building on a plan as approved by the Commissioners; or

(c) erects, or starts to erect any building which projects beyond the building line applicable to that building; or

(d) fails to dismantle and remove any temporary building from the Area after having been given due notice so to do under section 22 of this Ordinance; or

(e) uses any land or building, or permits any land or building to be used, for any purpose prohibited by section 24 of this Ordinance; or

(f) fails to comply with any order made by a magistrate under subsection (2) of this section; or

(g) fails, within twelve months after the plan of a building not being a temporary building has been approved under subsection (1) of section 17 of this Ordinance or within such further time as the Governor in Council may for special reasons allow in any particular case, to commence building operations in respect of the erection of any such building,— shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty not exceeding five hundred dollars.

(2) In addition to any penalty imposed under subsection (1) of this section, in the case of any contravention of paragraphs (a) or (b) of the aforesaid subsection, the magistrate may, and in case of any contravention of paragraphs (c) or (d) the magistrate shall, order such building or such part of such building, as the case may be, to be dismantled and removed.

Report and
accounts to
be forwarded
every half-
year to
Governor
and Town
Council.

34. (1) The Commissioners shall, as soon as possible after the expiration of every half year, transmit to the Governor and to the Town Council a report upon the administration of the re-planning scheme together with a statement of the receipts and expenditure of the Commissioners duly audited by the Director of Audit or such other auditor as may be approved by the Governor in Council.

(2) The report shall be laid before the Legislative Council.

SCHEDULE.

DESCRIPTION OF THE AREA.

s. 3.

(As amended by 40 of 1950.)

Those portions of the City of Georgetown, situate in South Cummingsburg, Robbstown and Lacytown, and contained within the following boundaries—

1. Commencing at the south-west corner of lot No. 19, Water Street, South Cummingsburg, and proceeding thence in an easterly direction along the southern boundary of the said lot No. 19 to its eastern extremity; thence across Queen Street to the north-west corner of lot No. 23, Main Street, thence along the northern boundary of the said lot No. 23 to the north-west corner of the east half of lot No. 23; thence in a southerly direction along the western boundary of the said east half of lot No. 23 to its junction with the northern boundary of lot No. 22; thence in an easterly direction along the northern boundary of lot No. 22 to its eastern extremity, and continuing thence in the same direction across Main Street to its eastern edge; thence southward along the eastern edge of Main Street and eastward along the northern edge of Church Street, to a point opposite the eastern fence of the Municipal Garden on Company Path; thence across Church Street to the north-east corner of the said garden; thence in a southerly direction along the eastern fence of the said garden and continuing in the same direction across North Street to the southern boundary of lot No. 3, Lacytown; thence in a westerly direction along the southern boundaries of lots Nos. 3, 2 and 1, Lacytown, to the south-western boundary of lot No. 1, Lacytown, thence in a northerly direction along High Street, to the north-western boundary of lot No. 1, Lacytown, and continuing in a westerly direction across High Street to lot No. 1, High Street, Robbstown, Ward No. 4; thence in a southerly direction along the western boundaries of lots Nos. 1, 2, 3 and 4 High Street, to the south-western corner of lot No. 4 and continuing in the same direction across Robb Street to the southern edge of Robb Street; thence in a westerly direction along the southern edge of Robb Street and across Hincks Street to the north-western corner of lot No. 27 Hincks Street; thence in a southerly direction along the western boundaries of lots Nos. 27 and 28 Hincks Street to the south-west corner of lot No. 28; thence in a westerly direction across the alleyway to the south-east corner of lot No. 39 and along the southern boundary of lot No. 39 to its western extremity; thence northwards along the western boundaries of lots 38 and 39 and continuing in the same direction across Robb Street to the south-west corner of lot No. 37; thence in a westerly direction across Water Street to the south-east corner of lot No. 48; thence along the eastern boundary of lot No. 48 to the south-east corner of lot No. 47; thence in a westerly direction along the southern boundary of the said lot No. 47, a distance of one hundred and fifty feet; thence in a northerly direction in a straight line to a point on the northern boundary of Mud Lot A, Company Path, Robbstown, a distance of ninety feet west of the north-east corner of the said Mud Lot A, Robbstown; thence along the northern boundary of the said Mud Lot A, Robbstown, in an easterly direction to its junction with the eastern boundary of the Municipal Stone Depot; thence in a northerly direction along the eastern boundaries of the Municipal Stone Depot and Mud Lot No. 21, Water Street, to the north-east corner of the said Mud Lot No. 21; thence in a north-easterly direction across Water Street to the point of commencement.

2. The lands of the premises known as the Municipal Stone Depot, bounded on the north by Mud Lot No. 21, South Cumminsburg, the property of The Demerara Meat Company, Limited, on the south by Mud Lot A, Robbstown, the property of Sandbach, Parker & Co. Ltd., on the east by Water Street, and on the west by the Demerara River,—

the said portions of land being enclosed within red lines on a plan by A. Lee-Own, Government Surveyor, dated the 12th March, 1945, and recorded in the Office of the Department of Lands and Mines as Plan No. 4771.
