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**CAP. 85.**

**THE LAWS OF ZANZIBAR**

**CHAPTER 85**

**TOWN AND COUNTRY PLANNING**

**(PRINCIPAL LEGISLATION)**

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## CHAPTER 85

## TOWN AND COUNTRY PLANNING

24 of 1955. **A Decree to make provision for the orderly and progressive development of land in urban and rural areas; for the grant of permission to develop such land and for other powers of control over its use; for conferring powers to expropriate and to acquire such land for development and other purposes; and for matters connected therewith and incidental thereto**

[26TH NOVEMBER, 1955.]

## PART I

## PRELIMINARY

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

Interpretation. 2. In this Decree, unless the context otherwise requires—  
 “building” includes any structure or erection and any part of a building as so defined but does not include plant or machinery comprised in a building;  
 “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land, or the deposit of waste materials on land, or the sub-division of any land:  
 Provided that the following operations or uses of land shall not be deemed to involve development:—  
 (a) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building, or which do not affect the external appearance of the building;  
 (b) the use of any building or other land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;  
 (c) the use of any land for the purposes of agriculture or arboriculture, and the use for any of these purposes of any building occupied together with land so used;  
 “erection” in relation to buildings includes extension, alteration and re-erection;  
 “functions” includes powers and duties;  
 “land” means any corporeal hereditament, including a building as defined by this section, and in relation to the acquisition of land under this Decree, includes any interest or right in or over land;  
 “local authority” means the Zanzibar Township Council or any local council established under the Local Government Decree;

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- “planning area” means an area declared as such under section 3;
- “planning authority” means a body of persons appointed as such under section 3;
- “planning scheme” has the meaning assigned to it by section 4 and includes a scheme prepared and submitted under subsection (3) of that section.

## PART II

### PLANNING SCHEMES

3. The British Resident may by order published in the *Gazette* declare any area within the Protectorate to be a planning area and may by such order or by any subsequent order published in the *Gazette* appoint an authority (hereinafter called a “planning authority”) to prepare, on behalf of the Government, a planning scheme relating to the planning area for which it is appointed.

Declaration of planning areas and appointment of planning authorities.

4.—(1) As soon as may be after the date of publication of an order appointing a planning authority under section 3, the planning authority named therein shall carry out a survey of the planning area for which it has been appointed and shall prepare, and shall, not later than two years after that date or within such extended period as the British Resident may in any particular case allow, submit to the British Resident a scheme (hereinafter called a “planning scheme”) indicating the manner in which the planning authority proposes that the land in the area should be used (whether by the carrying out of development or otherwise) and the stages by which any development shall be carried out.

Surveys of planning areas and preparation, contents and submission of planning schemes.

(2) Every planning scheme shall include such maps and descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate to different parts of the area and any such scheme may in particular make provision for all or any of the matters set out in the First Schedule:

First Schedule.

Provided that no such scheme shall make provision for the demolition of a place appropriated to public religious worship or prohibit the rebuilding of any such place or make provision for the alteration of the boundaries of any appointed cemetery.

(3) At any time before a planning scheme with respect to the whole of the area of a planning authority has been approved under this section, that planning authority may, with the consent of the British Resident, and shall, if so required by directions of the British Resident, prepare and submit to him a planning scheme relating to any part of the area, and the foregoing provisions of this section shall apply in relation to any such scheme as they apply in relation to a scheme relating to the whole of the area.

Publication  
of planning  
schemes.

5.—(1) At the time when a planning scheme is submitted to the British Resident under section 4, copies thereof together with the maps included therein shall be deposited and be open to inspection in the office of the planning authority which prepared it or in such other place in the area to which the scheme relates as the British Resident may direct.

(2) Notice of the submission of the scheme and of such deposit shall be published in the *Gazette* and posted in the office of the District Commissioner of the district in which the area to which the scheme relates is situate and at every office of an administrative or municipal officer in the said area.

Objections  
to planning  
schemes.

6.—(1) Any person interested as owner or otherwise in land, buildings or other property affected by any planning scheme deposited in accordance with the provisions of section 5 may lodge objection thereto at the office of the planning authority which prepared the scheme or, if the scheme was deposited at some other place, then at such place in such form and within such period as may be prescribed.

(2) Every objection shall be considered by the British Resident and an answer thereto intimating its rejection or any modification made in the scheme in consequence of the objection shall be notified to the person by whom the objection was made.

Putting  
planning  
schemes into  
force and  
notification.

7.—(1) After a period of not less than two months from the date of the publication of the notice of deposit of any planning scheme given in accordance with the provisions of section 5, the British Resident may direct that the scheme shall be put into force from such date and with or without such modification as he may authorise in his absolute discretion.

(2) Where the British Resident directs that a planning scheme shall be put into force, notification of such direction shall be published in the *Gazette* and notice thereof shall be posted in the office of the District Commissioner of the district in which the area to which the scheme relates is situate and at every office of an administrative or municipal officer in the said area. Copies of the scheme as approved by the British Resident shall be deposited and be open to inspection in the office of the planning authority which prepared it or in such other place in the area to which the scheme relates as the British Resident may direct.

(3) If any person aggrieved by a planning scheme put into force under this section desires to question the validity thereof or of any provision contained therein on the ground that it is not within the powers of this Decree or on the ground that any requirement of this Decree has not been complied with in relation to the approval or making of the scheme, he may, within six weeks from the date on which the

notification required by subsection (2) is published in the *Gazette*, make an application to the High Court, and on any such application the Court—

- (a) may by *interim* order suspend the operation of the scheme, or any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that the scheme, or any provision contained therein, is not within the powers of this Decree or that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid, may quash the scheme, or any provision contained therein, either generally or in so far as it affects any property of the applicant.

(4) Subject to the provisions of subsection (3), a planning scheme shall not, either before or after it has been put into force, be questioned in any legal proceedings whatsoever, and shall become operative from the date authorised by the British Resident.

8.—(1) Any planning authority may at any time, and shall if so required by the British Resident, submit to the British Resident proposals for such alterations or additions to the planning scheme relating to the planning area for which it has been appointed or any part thereof as appear to it to be expedient, or as may be required by those directions, as the case may be.

Amendment,  
suspension  
or annulment  
of planning  
schemes.

(2) The foregoing provisions of this Part shall, so far as applicable, apply to the submission, publication and putting into force of and objections to proposals for alterations and additions under this section as they apply to the submission, publication and putting into force of and objections to planning schemes under those provisions.

(3) The British Resident may at any time suspend or annul any planning scheme and thereupon notification of such suspension or annulment, as the case may be, shall be published in the *Gazette* and notice thereof shall be posted in the office of the District Commissioner of the district in which the area to which the scheme relates is situate and at every office of an administrative or municipal officer in the said area.

9.—(1) Where a planning authority fails to submit a planning scheme in accordance with the provisions of section 4 or proposals for alterations or additions to a planning scheme in accordance with the provisions of section 8 or where the British Resident is satisfied that a planning authority is not taking the steps necessary to enable it to comply with the said provisions, the British Resident may by order published in the *Gazette* revoke the appointment of such authority and thereupon the functions of such authority under this Decree shall no longer be performed by such authority and may by such order or by any subsequent order so published appoint another planning authority to submit such

Default of  
planning  
authority,  
etc.

a scheme to him for approval or, as the case may be, to submit to him proposals for alterations or additions to the scheme, and to carry out any survey of the land which appears to him to be expedient for the purpose, and may approve any scheme so submitted either without modification or subject to such modifications as he considers expedient, or, as the case may be, may amend the plan to such extent as he considers expedient having regard to the proposals so submitted and to any other material considerations.

(2) The foregoing provisions of this Part shall, so far as applicable, apply to the submission, amendment, publication and putting into force of and objections to planning schemes under this section as they apply to the submission, amendment, publication and putting into force of and objections to planning schemes under those provisions.

(3) Any expenses incurred by the planning authority appointed under subsection (1) in the making or amendment of the scheme shall be paid in the first instance out of the general revenue, but so much of those expenses as may be certified by the British Resident to have been incurred in the performance of functions of the defaulting authority shall on demand be repaid by that authority to the Government and be paid into the general revenue.

Planning authorities to consult local authorities in certain cases.

10. A planning authority, not being itself a local authority, shall, before preparing a planning scheme relating to any land comprised in the area of a local authority or making proposals for alterations or additions to any such scheme, consult with the local authority and shall, before submitting such scheme or proposals to the British Resident, give to the local authority an opportunity to make representations with respect thereto and consider any representations so made.

Supplementary provisions as to planning schemes.

11. The British Resident may give directions to any planning authority or to planning authorities generally—

- (a) formulating the procedure for the carrying out of its or their functions under the foregoing provisions of this Part; and
- (b) requiring it or them to furnish to him such information as he may require for the purpose of the exercise of any of his functions under those provisions.

### PART III

#### CONTROL OF DEVELOPMENT

Obligation to obtain permission for development.

12. From the date of the publication in the *Gazette* of an order under section 3 declaring an area to be a planning area permission from the planning authority appointed for such area shall be required under this Part in respect of any development of land before it is carried out within such area:

Provided that the British Resident may, in any particular case or generally, issue directions excluding certain forms of development from the necessity for permission.

13.—(1) Subject to the provisions of this section, where application is made to a planning authority for permission to carry out development of land within the area for which that authority has been appointed, that authority may grant permission either unconditionally or subject to such conditions as it thinks fit, or may refuse permission; and in dealing with any such application the planning authority shall have regard to the provisions of the planning scheme relating to the area, so far as material thereto, and to any other material considerations.

Application for and grant of permission to carry out development.

(2) An application for permission to carry out development of land shall be deemed to be refused if permission has not been granted within two months from the date when the application was received by the planning authority unless by agreement in writing between the authority and the applicant the period of two months is extended.

(3) Without prejudice to the generality of subsection (1), there may be imposed, on the grant of permission thereunder to develop land, conditions requiring the removal of any building or works authorised by the permission, or the discontinuance of any use of land so authorised, at the expiration of a specified period, and the carrying out of any works required for the reinstatement of land at the expiration of that period.

(4) Subject to the provisions of subsection (2), the British Resident may issue directions regulating the manner in which applications for permission to carry out development of land are to be made and dealt with by planning authorities and may authorise any planning authority to delegate the exercise of all or any of the powers vested in it by this section to any person and, upon such authorisation, such planning authority may delegate the exercise of such powers to such person.

(5) Notwithstanding anything heretofore in this section contained, permission granted by a planning authority to carry out development of land which development includes the erection or structural alteration of any building shall be of no effect unless such other permission as may be required by the provisions of any other Decree regulating the erection or structural alteration of buildings is also granted.

(6) Permission granted by a planning authority to carry out development of land shall be of no effect unless such development has been commenced within twelve months, and completed within two years or such longer period as the planning authority may, having regard to the nature of the development, decide, from the date on which such permission was granted.

(7) References in this section to a planning authority shall be deemed to include a person to whom a planning authority has delegated its powers.

14.—(1) The British Resident may give directions to any planning authority, or to planning authorities generally, requiring that any application for permission to carry out development of land, or all such applications of any class specified in the directions, shall be referred to

References to British Resident of development applications.

him instead of being dealt with by the planning authority or by planning authorities generally, as the case may be, and any such application shall be so referred accordingly.

(2) Any planning authority may, where it appears desirable so to do, refer any application for permission to carry out development of land which has been made to it to the British Resident for his decision.

(3) Where an application for permission to carry out development of land is referred to the British Resident under this section, the provisions of subsections (1) and (2) of section 13 shall apply, subject to any necessary modifications, in relation to the determination of the application by the British Resident as they apply to the determination of such application by a planning authority:

Provided that before determining any such application the British Resident shall, if either the applicant or the planning authority so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the British Resident for the purpose.

(4) The decision of the British Resident on any application referred to him under this section shall be final.

Appeals with reference to development applications.

**15.**—(1) An applicant for permission to carry out development of land who is aggrieved by the decision of a planning authority may, within twenty-eight days from the receipt by him of a notification of the decision, appeal to the British Resident whose decision shall be final.

(2) An applicant for permission to carry out development of and whose application is deemed to have been refused under the provisions of subsection (2) of section 13 and who is aggrieved thereby may at any time (until the receipt by him of a notification of the decision of the planning authority when the provisions of subsection (1) of this section shall apply) appeal to the British Resident whose decision shall be final.

(3) Reference in this section to a planning authority shall be deemed to include a person to whom a planning authority has delegated its powers.

Revocation and modification of permission to carry out development.

**16.**—(1) Subject to the provisions of this section, if it appears to a planning authority that it is expedient, having regard to the planning scheme relating to the area for which it has been appointed and to any other material considerations, that any permission to carry out development of land should be revoked or modified, it may by order revoke or modify the permission to such extent as appears to be expedient:

Provided that no such order shall take effect unless it is confirmed by the British Resident, and the British Resident may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a planning authority submits an order to the British Resident for his confirmation under this section, the planning authority shall serve notice on the owner and on the occupier of the land affected and on any other person who in its opinion will be affected by the order; and if within such period as may be prescribed in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the British Resident shall, before confirming the order, afford to him, and to the planning authority, an opportunity of appearing before and being heard by a person appointed by the British Resident for the purpose.

17.—(1) Where permission to carry out development of land is revoked or modified by an order made under section 16, then if, on a claim made to the planning authority within the time prescribed by the notice, it is shown that any person interested in the land has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, that person shall be entitled to obtain compensation in respect of that expenditure, loss or damage.

Compensation for abortive expenditure, etc., on revocation, etc., of permission to carry out development.

(2) If any question arises as to whether any such person has sustained loss or damage within the meaning of this section it shall, unless the parties agree to some other method of determination when such determination shall be final, be determined by a Judge of the High Court whose decision shall be final.

(3) Where any such person has sustained loss or damage within the meaning of this section the authority and the person entitled thereto may, by agreement in writing, agree the amount of the compensation to be paid; and any such agreement shall be final and binding on the parties thereto. In default of such agreement as aforesaid as to the amount of the compensation to be paid, the amount of compensation to be paid shall be determined by a Judge of the High Court whose decision shall be final.

18.—(1) A planning authority may, with the approval of the British Resident, enter into an agreement with any person interested in land situate in the area for which that authority has been appointed for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be provided in the agreement, and any such agreement may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the planning authority to be necessary or expedient for the purposes of the agreement.

Agreements regulating development or use of land.

(2) An agreement made under this section with any person interested in land may be enforced by the planning authority against persons deriving title under that person in respect of that land as if the planning authority were possessed of adjacent land and as if the agreement had been expressed to be made for the benefit of such land.

(3) Nothing in this section or in any agreement made thereunder shall be construed as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by the British Resident or any planning authority under this Decree so long as those powers are exercised in accordance with the provisions of a planning scheme or in accordance with any directions which may have been given by the British Resident under section 19, or as requiring the exercise of any such powers otherwise than as aforesaid.

Temporary provisions pending putting into force of planning schemes.

19. Where, under the foregoing provisions of this Part, a planning authority is required to have regard to the provisions of the planning scheme relating to the area for which it has been appointed in relation to the exercise of any of its functions, then, in relation to the exercise of those functions during any period before the scheme has been put into force, the authority shall have regard to any directions which may be given by the British Resident as to the provisions to be included in the scheme, and subject to any such directions shall have regard to the provisions which in its opinion will be required to be so included for securing the proper planning of the area.

#### PART IV

##### ADDITIONAL POWERS OF CONTROL

Preservation of trees and woodlands.

20.—(1) If it appears to a planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in the area for which it has been appointed, it may for that purpose make an order (in this Decree referred to as a “tree preservation order”) which shall be published in the *Gazette* with respect to such trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order for—

- (a) prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the planning authority and for enabling the authority to give its consent subject to conditions;
- (b) securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations by or under the order;
- (c) applying, in relation to any consent under the order, and to applications therefor, any of the provisions of Part III relating to permission to carry out development of land, and to applications for such permission, subject to such adaptations and modifications as may be specified in the order;
- (d) the payment by the planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.

(2) A tree preservation order shall not be made in relation to a land which has been declared a forest reserve under the provisions of the Forest Reserves Decree.

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(3) Objections to a tree preservation order may be made within a period of one month from the date of the publication of the order and if any objection is made the provisions of section 6 shall, so far as applicable, apply thereto.

(4) A tree preservation order shall not take effect until it is confirmed by the British Resident who shall not confirm any such order until after the said period of one month but may thereafter confirm any such order either without modification or subject to such modifications as he considers expedient. Notice of confirmation of an order shall be published in the *Gazette*.

(5) Without prejudice to any other exemption for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous or the cutting down, topping or lopping of any trees so far as may be necessary for the prevention or abatement of a nuisance or of the spread of a disease.

(6) If any person contravenes any of the provisions of a tree preservation order he shall be guilty of an offence and shall be liable to a fine not exceeding two hundred and fifty shillings; and if in the case of a continuing offence the contravention is continued after conviction he shall be guilty of a further offence and liable to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

**21.—**(1) If it appears to a planning authority that it is expedient to make provision for the preservation of any building of special architectural or historic interest in the area for which the authority has been appointed, it may for that purpose make an order (in this Decree referred to as a "building preservation order") which shall be published in the *Gazette* restricting the demolition, alteration or extension of the building.

Preservation of buildings of special architectural or historic interest.

(2) Provision may be made by a building preservation order for—

- (a) requiring the consent of the planning authority to be obtained for the execution of works of any description specified in the order, and for applying, in relation to such consent, and to applications therefor, any of the provisions of Part III relating to permission to carry out development of land, and to applications for such permission, subject to such adaptations and modifications as may be specified in the order;
- (b) the payment by the planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or the grant of any such consent subject to conditions.

(3) Objections to a building preservation order may be made within a period of one month from the date of the publication of the order and if any objection is made the provisions of section 6 shall, so far as applicable, apply thereto.

(4) A building preservation order shall not take effect until it is confirmed by the British Resident who shall not confirm any such order until after the said period of one month but may thereafter confirm any such order either without modification or subject to such modifications as he considers expedient. Notice of confirmation of an order shall be published in the *Gazette*:

Provided that no such order shall be made by a planning authority or confirmed by the British Resident, unless the authority and the British Resident are satisfied that the execution of the works specified in the orders would seriously affect the character of the building.

(5) Nothing in this section or in any order made thereunder shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the preservation of the building or of neighbouring property, so long as notice in writing of the proposed execution of the works is given as soon as may be after the necessity for the works arises to the authority by whom the order was made.

Cap. 102. (6) The provisions of this section shall be in addition to and not in derogation of the provisions of the Ancient Monuments Preservation Decree.

Control of advertisements.

22.—(1) Subject to the provisions of this section, provision may be made by Regulations under this Decree for prohibiting, restricting or regulating the display of advertisements so far as appears to the British Resident to be expedient in the interests of amenity or public safety and, without prejudice to the generality of the foregoing, such Regulations may provide—

- (a) for regulating the dimensions, appearance and position of advertisements which may be displayed and the manner in which they are to be fixed to land;
- (b) for requiring the consent of a planning authority to be obtained for the display of advertisements or of advertisements of any class specified in the Regulations;
- (c) for applying, in relation to any such consent, and to applications therefor, any of the provisions of Part III relating to permission to carry out development of land, and to applications for such permission, subject to such adaptations and modifications as may be specified in the Regulations;
- (d) for enabling a planning authority to require the removal of any advertisement which is being displayed in contravention of the Regulations, or the discontinuance of the use for the display of advertisements of any site which is being used for that purpose in contravention of the Regulations.

(2) Without prejudice to the generality of the powers conferred by paragraph (c) of subsection (1), Regulations made for the purpose of this section may provide that any appeal from the decision of a planning authority on an application for its consent under the Regulations shall lie to an independent tribunal constituted in accordance with the Regulations and not to the British Resident.

(3) Subject as hereinafter provided, Regulations made for the purposes of this section may be made so as to apply to advertisements which are being displayed on the date on which the Regulations come into force or to the use for the display of advertisements of any site which was being used for that purpose on that date:

Provided that any such Regulations shall provide for exempting therefrom—

- (a) the continued display of any such advertisement as aforesaid; and
- (b) the continued use for the display of advertisements of any such site as aforesaid,

during such period as may be prescribed in that behalf by the Regulations, and different periods may be so prescribed for the purposes of different provisions of the Regulations.

(4) If any person displays an advertisement in contravention of the provisions of any Regulations made for the purposes of this section, he shall be guilty of an offence and shall be liable to a fine of such amount as may be prescribed by the Regulations.

(5) For the purposes of subsection (4) and without prejudice to the generality thereof, a person shall be deemed to display an advertisement if—

- (a) the advertisement is displayed on land of which he is the owner or occupier; or
- (b) the advertisement gives publicity to his goods, trade, business or other interests:

Provided that a person shall not be guilty of an offence under the said subsection by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other interests are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

23.—(1) From the date of the publication in the *Gazette* of an order under section 3 declaring an area to be a planning area, no person shall lay-out or construct or close or attempt to lay-out or construct or close any road or street without the consent of the planning authority which has been appointed for that area.

Control of roads, etc.

(2) The provisions of Part III relating to permission to carry out development of land, and to applications for such permission, shall, subject to such adaptations and modifications as may be necessary, apply to the grant of consent and application therefor under this section.

(3) If any person contravenes the provisions of subsection (1) he shall be guilty of an offence and shall be liable to a fine not exceeding one thousand shillings; and the planning authority shall be entitled to sue for and recover the amount of the cost of any works necessary for the reinstatement of the land to its former condition as if such amount were a civil debt and a certificate signed by the British Resident shall be conclusive proof of such amount.

## PART V

### SUPPLEMENTAL

Parcellation. **24.**—(1) Where a planning scheme has been put into force under section 7, the planning authority appointed for the planning area to which the scheme relates may, with the approval of the British Resident, carry out a parcellation of the whole or any part of the area by adjusting the boundaries, extent, shape and position of any land in the area or any part thereof in the manner following:—

- (a) the total area of roads, streets and other ways, open spaces, parks and pleasure and recreation grounds, designed for public use provided for in the planning scheme shall be computed;
- (b) the total area of plots or holdings of land which has been designated in the planning scheme as included in the area referred to in paragraph (a) shall be computed;
- (c) the area referred to in paragraph (a) shall, when the parcellation has been approved by the British Resident, become and thenceforth be the property of the Government free from all charges, liens or any other claim whatsoever whether by way of compensation or otherwise:

Provided that any building being wholly or partly within such area shall be acquired by the planning authority in accordance with the provisions of this Decree;

- (d) the area remaining after deduction of the area referred to in paragraph (a) from the area referred to in paragraph (b) shall be divided by the planning authority into as many plots or holdings as existed before the parcellation;
- (e) the area of every plot or holding as reconstituted under paragraph (d) shall, so far as possible, bear to the area of the original plot or holding the same ratio as the area remaining after the deduction of the area referred to in paragraph (a) from the area referred to in paragraph (b) bears to the said area referred to in paragraph (b);
- (f) the owner of every plot and the holder of every holding shall receive a new plot or holding so far as possible on the same site as that on which his original plot or holding was situate;
- (g) unless the value of each reconstituted plot or holding is equal to the value of the original plot or holding, the owner or holder thereof, as the case may be, and, if the plot or holding is subject

to a mortgage, the mortgagee may claim and shall be paid by the planning authority compensation equal to the difference or, where the plot or holding is subject to a mortgage, a proportionate part of the difference in such values;

- (h) if the value of any reconstituted plot or holding is greater than the value of the original plot or holding, the owner or holder thereof, as the case may be, may be required to pay to the planning authority an amount equal to the difference of such values and the planning authority may sue for and recover such amount as if it were a civil debt and a certificate signed by the British Resident shall be conclusive proof of the amount of such difference;
  - (i) every reconstituted plot or holding shall have a frontage on a road of access and, notwithstanding the provisions of paragraph (e), the planning authority, in considering the value of a plot or holding, may take into consideration the value given to a reconstituted plot or holding by reason of its position in relation to the other plots or holding in the area.
- (2) When a parcellation has been approved by the British Resident—
- (a) each reconstituted plot or holding shall vest in the owner or holder of the original plot or holding and the title of such owner or holder to the original plot or holding shall thereupon be deemed to be his title to the reconstituted plot or holding;
  - (b) where the original plot or holding is at the time of the parcellation subject to a mortgage, the reconstituted plot or holding shall become subject to such mortgage and any land which is at the said time subject to such mortgage but is not part of any reconstituted plot or holding which becomes subject to a mortgage by virtue of the provisions of this paragraph shall be deemed to be released and discharged from such mortgage;
  - (c) the planning authority shall arrange for the survey free of charge of the boundaries of each reconstituted plot or holding and for the issue free of charge to the owner or holder of each such plot or holding of an appropriate document in evidence of his title thereto.

(3) The Land Officer is hereby authorised to issue under his hand free of charge documents of title to plots or holdings reconstituted under this section and every such document of title shall, until the contrary is proved, be deemed to be a valid and effective document of title.

(4) Every document issued under the provisions of subsection (3) shall be exempt from duty under the Stamp Duty Decree and the Registrar of Documents is hereby authorised to register every such document free of charge. Cap. 144.

(5) Any compensation payable under the provisions of paragraph (g) of subsection (1) shall be payable in accordance with the provisions of this Decree.

(6) Where a planning authority intends to carry out parcellation of any area under this section, the relevant part of the planning area shall be demarcated on a copy of the planning scheme deposited in the office of such planning authority or, if the scheme was deposited in some other place, then such place and notice thereof shall be posted in the office of the *District Commissioner* of the district in which the planning area to which the scheme relates is situate and at every office of an administrative or municipal officer in such planning area.

(7) The British Resident shall not give his approval to any parcellation under this section until after the expiration of two months from the date upon which all the provisions of subsection (6) have been complied with.

Expropriation of land for roads, etc.

25. Notwithstanding anything in this or in any other Decree contained, where a planning scheme has been put into force under section 7, the planning authority appointed for the planning area to which the scheme relates may, with the approval of the British Resident, expropriate without compensation any land in the area which is required for the purpose of constructing, diverting or widening any road, street or other way or any park or pleasure or recreation ground designed for public use provided for in the planning scheme:

Provided that—

- (i) not more than one-fifth part of the area of any one plot or holding of any one owner or holder, as the case may be, is so expropriated;
- (ii) the British Resident may, if he is satisfied that hardship would in any particular case be caused if no compensation were paid, direct that compensation, of such amount as he in his absolute discretion thinks fit, be paid by the planning authority to the owner or holder, as the case may be;
- (iii) any building being wholly or partly on the land so expropriated shall be acquired by the planning authority under the provisions of this Decree.

Power to acquire land by agreement or compulsorily.

26.—(1) Without prejudice to the provisions of sections 24 and 25 or either of them, where a planning scheme has been put into force under section 7, the planning authority appointed for the planning area to which the scheme relates may, with the approval of the British Resident, purchase any land in the area by agreement with the owner thereof or may compulsorily acquire any such land in accordance with the provisions of this section.

Cap. 95.

(2) Subject to the provisions of subsection (3), the provisions of the Land Acquisition Decree relating to land to be acquired for a public purpose shall apply to compulsory acquisition of land under this section.

(3) Notwithstanding anything contained in the Land Acquisition Decree, the British Resident may delay the issue under section 7 thereof of the order for acquisition in respect of the whole or any part of the land to be compulsorily acquired under this section for such period as he thinks fit.

(4) Where a building used as a dwelling-house is acquired under this section and under the provisions of the planning scheme it is intended to demolish it, the building shall not be demolished nor shall the occupants thereof nor the movable property therein of the occupants be removed therefrom until suitable alternative accommodation is made available to the occupants.

27.—(1) Land which has been expropriated or acquired (whether by agreement or compulsorily) for the purposes of a planning scheme shall be dealt with in accordance with the provisions of such scheme: Utilisation  
of land  
expropriated  
or acquired.

Provided that any land so expropriated or acquired may, subject to the provisions of subsection (2), with the approval of the British Resident, be sold, leased, exchanged or otherwise disposed of by the planning authority.

(2) Where a planning authority proposes to sell land expropriated or acquired for the purposes of a planning scheme, the planning authority shall first offer to sell the land to the person from whom it was expropriated or acquired, or the heirs of such person, at a price not greater than the amount paid by the authority when the land was expropriated or acquired together with any additional amount representing the increased value thereof as a result of the scheme. The authority and such person may, by agreement in writing, agree the amount of the price to be paid; and any such agreement shall be final and binding on the parties thereto. In default of such agreement as aforesaid as to the price to be paid, the amount of the price shall be determined by a Judge of the High Court whose decision shall be final.

(3) An offer to sell land under subsection (2) shall remain open for a period of six months from the date when it is made.

28.—(1) Where a building line is demarcated on a planning scheme in respect of any existing street or road or any proposed street or road, no building other than a boundary wall or fence or a temporary structure erected in connection with building operations shall be erected or set up nearer to the street or road than such building line. Building  
lines.

(2) A planning authority may, as to a building in the planning area for which it has been appointed, by notice in writing to the owner of any such building which is erected or set up in contravention of the provisions of this section, require the owner of the building, within a time specified in the notice and not being less than two months after the date thereof, to remove the building or re-erect it in such a manner that it shall no longer be nearer to the street or road than such building line.

(3) If any person fails to comply with a notice lawfully requiring him to remove or re-erect a building as provided in subsection (2) he shall be guilty of an offence and shall be liable to a fine not exceeding one thousand shillings; and the planning authority may remove any such

building and shall be entitled to sue for and recover the amount of the cost of such removal as if such amount were a civil debt and a certificate signed by the British Resident shall be conclusive proof of such amount.

Compensation, etc.

29.—(1) Subject to the provisions of this section, any person whose land is injuriously affected by a planning scheme or anything done thereunder by virtue of the provisions of this Decree shall, if he makes a claim thereto within three months of the date upon which the planning scheme relating to the planning area in which such land is situate has been put into force under section 7 or within one month of the date upon which the thing is done, whichever is the later, be entitled to compensation in respect thereof.

Second Schedule.

(2) Land shall not be deemed to be injuriously affected by a planning scheme or anything done thereunder by reason of the inclusion of the provisions set out in the Second Schedule:

Provided that if the British Resident, having regard to the nature and situation thereof, considers that the land is so injuriously affected and that compensation should be paid in respect thereof, he may so direct; and thereupon the provisions of this section shall apply accordingly.

(3) A person shall not be entitled to compensation under this section on account of the erection or alteration of any building or works on land so affected nor on account of any contract made or other thing first done with respect to such land or any building or works thereon if the erection or alteration of such building or works were commenced or continued or the contract made or thing first done after publication of an order under section 3 declaring the area in which such land is situate to be a planning area.

(4) Where land is increased in value by a planning scheme or anything done thereunder by virtue of the provisions of this Decree, the owner of such land shall pay to the planning authority appointed for the planning area in which such land is situate the amount of the increase in the value of the land and the planning authority may sue for and recover such amount as if it were a civil debt.

(5) If any question arises whether any land is injuriously affected or increased in value within the meaning of this section it shall, unless the parties agree to some other method of determination when such determination shall be final, be determined by a Judge of the High Court whose decision shall be final.

(6) Where land is injuriously affected within the meaning of this section, the authority and the person entitled thereto may, by agreement in writing, agree the amount of the compensation to be paid; and any such agreement shall be final and binding on the parties thereto. In default of such agreement as aforesaid as to the amount of the compensation to be paid, the amount of compensation to be paid shall be determined by a Judge of the High Court whose decision shall be final.

(7) Where land is increased in value within the meaning of this section, the authority and the owner of the land may, by agreement in writing, agree the amount of such increase in the value thereof to be paid by the owner; and any such agreement shall be final and binding on the parties thereto. In default of such agreement as aforesaid as to the amount to be paid, the amount of the increase in the value shall be determined by a Judge of the High Court whose decision shall be final.

(8) Where land is alleged to be injuriously affected by a planning scheme or anything done thereunder, no compensation shall be payable under this Decree if and so far as compensation is payable therefor under the provisions of any other Decree.

(9) The provisions of this section shall not apply to compensation payable under sections 20 and 21.

**30.—**(1) Where a planning scheme has been put into force under section 7, the planning authority appointed for the planning area to which the scheme relates may, subject to the provisions of this Decree and, in particular, to the provisions of subsection (4) of section 26, with the approval of the British Resident—

Enforcement  
of planning  
schemes, etc.

- (a) remove, demolish or alter any building or other works in the planning area if the scheme requires such removal, demolition or alteration, as the case may be, or if the building or works has or have been erected or set up in contravention of the provisions of this Decree or the scheme and may remove therefrom any person or thing therein;
- (b) execute any work which it is the duty of any person to execute under the provisions of the scheme if such person fails to execute it and it appears that delay in its execution would prejudice the scheme.

(2) A planning authority shall be entitled to recover the amount of any expenses incurred by it under this section as if such amount were a civil debt and a certificate signed by the British Resident shall be conclusive proof of such amount.

(3) If any question arises whether the removal, demolition or alteration of any building or other works is required under the scheme or whether it or they has or have been erected or set up in contravention of the provisions of this Decree or the scheme or whether it is the duty of a person to execute any work under the provisions of the scheme, it shall, unless the parties agree to some other method of determination when such determination shall be final, be determined by a Judge of the High Court whose decision shall be final.

(4) Where under the provisions of this Decree other than those contained in Part IV, any use of land is required to be discontinued or any conditions are required to be complied with in respect of any use of land or in respect of the carrying out of any operations thereon, if any person without the grant of permission in that behalf uses the land

or causes or permits the land to be used or carries out or causes or permits to be carried out those operations, then, subject to the provisions of subsection (5), he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings; and, if the use is continued after conviction, he shall be guilty of a further offence and liable to a fine not exceeding four hundred shillings for every day on which the use is continued.

(5) A person shall not be convicted of an offence under subsection (4) unless it is proved that he had been served with a notice requiring him to discontinue so using the land or to comply with such conditions and that he has not complied with the terms of such notice.

## PART VI

### GENERAL PROVISIONS

Power of  
entry.

31.—(1) Any person duly authorised in writing by the British Resident or by a planning authority in relation to land in the area for which it has been appointed may, at any reasonable time enter upon land for the purposes of inspection, measurement or survey or the doing of any act or thing authorised by or under this Decree.

(2) A person authorised under this section to enter upon land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land or building which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(3) Any person who wilfully obstructs a person acting in the exercise of his functions under this section shall be guilty of an offence and liable to a fine not exceeding four hundred shillings.

Service of  
notices.

32.—(1) Subject to the provisions of this section any notice or other document required or authorised to be served or given under this Decree may be served or given either—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person or, in a case in which an address for service has been furnished by that person, at that address; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode or, in a case in which an address for service has been furnished by that person, at that address; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice shall be deemed to be duly served if—

- (a) being addressed to him either by name or by the description of “the owner” or “the occupier”, as the case may be, of the premises (describing them) it is delivered or sent in the manner prescribed by paragraph (a), (b) or (c) of subsection (1); or
- (b) being addressed as aforesaid and marked in such manner as may be prescribed by regulations under this Decree for securing that it shall be plainly identifiable as a communication of importance, it is sent in a prepaid registered letter to the premises and is not returned to the authority sending it or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land and it appears to the authority required or authorised to serve or give the notice or other documents that any part of that land is unoccupied, the notice shall be deemed to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has furnished that authority with an address for the service of the notice on him) if it is addressed to “the owners and any occupiers” of that part of the land (describing it), and is affixed conspicuously to some object on the land.

33. The British Resident or a planning authority in relation to land in the area for which it has been appointed may, for the purposes of this Decree, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, lessee, mortgagee or otherwise; and any person who, having been required in pursuance of this section to give information, fails to give that information or knowingly makes any mis-statement in respect thereof shall be guilty of an offence and liable to a fine not exceeding one hundred shillings.

Power to require information as to ownership of land.

34. A planning authority may accept any money or property or assistance for the furtherance of any objects of this Decree or the planning scheme relating to the area for which the authority has been appointed.

Power of planning authorities to accept property, etc.

Power of  
planning  
authorities  
to appoint  
officers, etc.

35. A planning authority may, with the approval of the British Resident, and if the British Resident so directs shall, engage or employ, with proper remuneration, officers and servants for the performance of functions under this Decree.

Default  
powers of  
British  
Resident.

36. If it appears to the British Resident that it is expedient that a planning authority should issue any notice or make or serve any order provided for in this Decree he may direct such authority accordingly or may himself issue any such notice or make or serve any such order.

Power to  
make  
Regulations.  
G.N.  
74 of 1956.

37. The Resident in Council may make Regulations prescribing anything which is to be, or may be, prescribed under the provisions of this Decree and generally for the better carrying into effect of the purposes and provisions of this Decree.

Power of  
High Court  
to make  
Rules of  
Court.

38. The High Court may make Rules of Court providing for the manner in which any applications or references to the Court of questions or matters to be determined by it shall be made and the procedure which shall be followed on the hearing thereof and for the fees and costs payable in respect thereof.

This Decree  
to prevail.  
Cap. 134.

39. Where there is any conflict or inconsistency between the provisions of this Decree and the Roads Decree, the provisions of this Decree shall prevail.

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## FIRST SCHEDULE

(Section 4(2) )

### MATTERS TO BE PROVIDED FOR IN PLANNING SCHEMES

#### Part I

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

2. Providing for the closing or diversion of existing streets, or roads and public and private rights of way and the elimination of through traffic on specified streets or roads.

3. Restricting and controlling the construction of new streets or roads and the alteration of existing streets or roads.

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

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

- (a) to reserve land for such streets or roads as the planning authority may think necessary;
- (b) to contribute to the cost of the construction of new streets or roads or the improvement of existing streets or roads;
- (c) to make provision of accommodation for parking, loading, unloading or fuelling vehicles;
- (d) to surrender a portion of land for streets or roads to provide sufficient space for traffic likely to arise from the use to which land is put or the increased floor space to be provided.

6. Providing for and generally regulating the construction or execution of works incidental to the making or improvement of any street or road including the erection of shelters, the provision of seats, and the planting or protection of grass, trees and shrubs on or adjoining such streets or roads.

## Part II

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

- (a) building lines and set-backs;
- (b) size, density, site coverage, height, spacing, design and external appearance including the colour and materials used in the construction of buildings;
- (c) the location of buildings, the extent of the yards, gardens and curtilage of buildings;
- (d) the number of buildings or the number of buildings of a specified class which may be constructed, erected or made in any designated area;
- (e) the minimum outlay in the cost of erection of buildings or stages of building within designated areas;
- (f) the objects which may be affixed to buildings;
- (g) the purpose 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;
- (h) the nature and position of the means of access to any land or buildings;
- (i) the stages at which development is to be carried out.

2. Reserving or allocating any particular land or all land in any particular area for building 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, including the determination of the situation of buildings designed for specific use and the demarcation of areas subject to other restrictive conditions.

3. Reserving and allocating any particular land or all land in a designated area for the purpose of any industrial or trade purpose or for any specified undertaking including the mining of minerals or mineral oil.

4. Providing for the removal, demolition or alteration of buildings or works which are inconsistent with or obstruct the operation of a planning scheme, including the abolition and reconstruction of overcrowded and congested areas and providing for sanitary conditions generally.

5. Providing for the reservation of sites for housing schemes, including the plotting-out of land as building areas and sites.

6. Providing for the reconstruction of plots by the alteration of their boundaries or by combining, with the consent of the owners, two or more plots held in separate ownership or in common.

7. The allocation of plots to any owner dispossessed of land in furtherance of the scheme.

8. Providing for the subdivision of land.

9. Controlling the use of land generally.

### Part III

1. Providing for the reservation of lands as open spaces, whether public or private, and for nature reserves and 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 preservation 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, or on any vehicle, boat, aircraft or other movable object, whether on land or in or on water or in the air, of all or any particular forms of advertisement or other public notices.

6. Prevention, remedying or removing injury to amenities arising from the ruinous or neglected condition of any building or fence, or from the objectionable or neglected condition of any land attached to a building or fence or of any land abutting on a street or road.

7. The prohibition, regulation and control of the deposit or disposal of waste or scrap materials and refuse, disused vehicles, furniture and other articles.

Part IV

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

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 postal, telegraphic, telephonic and wireless communication, allocating sites for the same in relation to such communication and providing for the reservation of land for that purpose.

Part VI

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 a planning scheme is to be borne.

2. Providing for and regulating the construction, siting and alignment, 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.

3. Preventing the pollution of streams, watercourses, rivers, wells, boreholes, lagoons, lakes and harbours.

4. Providing works ancillary to or consequent on a town-planning scheme.

5. Providing for the dedication of roads or open spaces to the public.

6. Vesting special powers to be vested in the planning authority for the purpose of carrying out the general objects of a planning scheme, including any special conditions for the exercise of such powers as regards notice or otherwise.

7. Declaring the cost of a planning scheme and any provision with regard to the recovery of the amount due to the planning authority on any property of which the value will be increased by the execution of the scheme.

8. Providing for any other matter, not hereinbefore mentioned, necessary or incidental to a planning 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

(Section 29 (2) )

## PROVISIONS EXCLUDED FROM COMPENSATION

Any provision which—

- (a) prescribes the location of buildings and the extent of the yards gardens or curtilages of buildings;
- (b) imposes any sanitary conditions in connection with buildings including the demolition of buildings which by reason of their condition are injurious to health;
- (c) limits the number of buildings or the number of buildings of a specified class which may be constructed, erected or made on any designated area;
- (d) prohibits or regulates the subdivision of any land;
- (e) regulates, or empowers the planning authority to regulate, the size, density, site coverage, height, spacing, design, colour and materials of buildings;
- (f) controls, restricts or prohibits the objects which may be affixed to buildings;
- (g) permanently prohibits or restricts building operations 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;
- (i) 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 specified classes of buildings or uses; including the winning of minerals or mineral oil;
- (j) in the interests of safety, regulates or empowers the planning authority to regulate the height and position of proposed walls, fences or hedges near the corners or bends of streets or roads;
- (k) limits the number, or prescribes the sites, of new streets or roads entering a street or road or the site of a proposed street or road;
- (l) fixes in relation to any street or road or intended street or road a line beyond which no new building in that street or road or intended street or road shall project;

- (m) in the case of the use of land or the erection of any building, requires the provision of accommodation for parking, loading, unloading or fuelling of vehicles or requires a portion of land to be surrendered for streets or roads to provide sufficient space for traffic likely to arise from the use to which that land is to be put or the increased floor space to be provided;
  - (n) 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 in or on water or in the air, of all or any particular forms of advertisements or other public notices; or
  - (o) prevents, remedies or removes injury to amenities arising from the ruinous or neglected condition of any building or fence or from the objectionable or neglected condition of any land attached to a building or fence or on any land abutting on a street or road.
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**CAP. 85.**

**THE LAWS OF ZANZIBAR**

**CHAPTER 85**

**TOWN AND COUNTRY PLANNING**

**(SUBSIDIARY LEGISLATION)**

**PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, ZANZIBAR**

[Subsidiary]

## CHAPTER 85

## TOWN AND COUNTRY PLANNING

## REGULATIONS

*Under sections 22 and 37*

G.N. 14 of 1957.	<b>The Town and Country Planning (Control of Advertisements) Regulations</b>
Title and application.	<p>1. These Regulations may be cited as the Town and Country Planning (Control of Advertisements) Regulations and shall apply to the whole of the Protectorate except planning areas declared by order under section 3 of the Decree.</p>
Interpreta- tion.	<p>2. In these Regulations— “advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of advertisement, announcement, or direction (excluding any such thing employed wholly as a memorial or authorised traffic signal) and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and reference to the display of advertisements shall be construed accordingly.</p>
Permitted advertisements.	<p>3. The following advertisements may be erected without the approval of the Senior Commissioner:—</p> <ul style="list-style-type: none"> <li>(a) professional and business name plates and signs giving traders’ names erected on premises belonging to or occupied by the person to whose profession, business or trade publicity is given by the advertisement and indicating merely the name of the person and the type of profession, business or trade carried on;</li> <li>(b) notices published by Government, or by order of the court;</li> <li>(c) advertisements carried on a vehicle;</li> <li>(d) advertisements relating to any event or other matter of a temporary nature in connection with an activity promoted for non-commercial purposes by or on behalf of any organisation of a religious, educational, cultural, social or recreational character;</li> <li>(e) any advertisement relating specifically to a pending election of a member or members to a council established by law.</li> </ul>
Restriction on posting of advertise- ments.	<p>4. No person shall erect any advertisement other than those specified in regulation 3 without the prior approval of the Senior Commissioner or of such officer or local council as he may appoint, who may grant such approval for a definite or indefinite period and subject to such conditions as he considers necessary.</p>

[Subsidiary]

5. There shall be implied in any approval granted under regulation 4 a condition that the advertisement in respect of which the approval is granted shall at all times be maintained in a sightly, safe and proper condition. Implied conditions and indemnity by licensees.
6. No advertisement other than an advertisement mentioned in paragraph (a) of regulation 3 shall be painted directly on the walls of a building. Painting of advertisements on walls, etc., prohibited.
7. The Senior Commissioner may require the removal of any advertisement which is being displayed in contravention of these Regulations. Removal of unauthorised advertisements.
8. If any person contravenes these Regulations he shall be guilty of an offence and liable to a fine of twenty shillings and five shillings a day for each day that the offence continues. Penalty for offences.

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### ORDERS

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#### *Under section 3*

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#### **The Planning Area (Zanzibar) Establishment Order**

G.N.  
79 of 1956.

1. This Order may be cited as the Planning Area (Zanzibar) Establishment Order.
2. A planning area is hereby established in respect of the area described and set forth in the Schedule.

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### SCHEDULE

All that area in the vicinity of Zanzibar Township in the island of Zanzibar bounded as follows:—

Starting from the control tower of the Kisauni Airport building and proceeding in a straight line in a north easterly direction to boundary mark T.P.B. B situated at the track junction in Tomondo village; thence in a straight line in a northerly direction to boundary mark T.P.B. C situated on the Zanzibar-Chwaka road; thence in a straight line in a northerly direction to boundary mark T.P.B. D situated in the Mbuzini area; thence due west to a point 200 yards to the seaward side of the high water mark on the coast; thence in a general southerly direction parallel to and 200 yards to the seaward of the high water mark to a point due west of the control tower of the Kisauni Airport building; thence due east to the control tower of the Kisauni Airport building. The area thus demarcated is delineated on and more particularly described by plan No. 3002 and thereon edged in blue.

A copy of the said plan can be seen at the offices of the Land Surveyor, Zanzibar, the District Commissioner of the Urban of Zanzibar, and the Town Planning Officer, Zanzibar, during office hours.

[Subsidiary]

G.N.  
80 of 1956.**The Planning Area (Wete) Establishment Order**

1. This Order may be cited as the Planning Area (Wete) Establishment Order.
2. A planning area is hereby established in respect of the area described and set forth in the Schedule.

**SCHEDULE**

All that area in the vicinity of Wete Town in the District of Pemba bounded as follows:—

Starting from the mouth of the Minyenyeni river and proceeding in an easterly direction along the river to boundary mark T.P.B. 1 on the Wete-Bondeni road; thence continuing in an easterly direction along the river to boundary mark T.P.B. 2 situated on the Wete-Konde road; thence in a general south easterly direction along the river bed running to the north of Chasasa to boundary mark T.P.B. 3 at Weni bridge on the Wete-Chake Chake road; thence in a southerly direction to boundary mark T.P.B. 4 on the coast; thence following the coast to the north of the Minyenyeni river. The area thus demarcated is delineated on and more particularly described by Plan No. 2990 and thereon edged green.

A copy of the said plan can be seen at the office of the District Commissioner, Pemba, during office hours.

G.N.  
81 of 1956.**The Planning Area (Chake Chake) Establishment Order**

1. This Order may be cited as the Planning Area (Chake Chake) Establishment Order.
2. A planning area is hereby established in respect of the area described and set forth in the Schedule.

**SCHEDULE**

All that area in the vicinity of Chake Chake Town in the District of Pemba bounded as follows:—

Starting from the boundary mark T.P.B. 1 situated on the main Chake Chake-Wete road approximately 1,500 yards from the junction of this road with the aerodrome road on the Wete side of the junction and proceeding due east to a point two hundred yards from the road; thence in a general south easterly direction parallel to the main road to the aerodrome to a point due north of boundary mark T.P.B. 2 situated on the road to the aerodrome some 1,500 yards from its junction with the main Wete-Chake Chake road; thence due south to boundary mark T.P.B. 2; thence in a general southerly direction along the bottom of the valley skirting Chanjani to boundary

mark T.P.B. 3 situated on the main Chake Chake-Mkoani road approximately 1,100 yards from the Mwanamashungi bridge; thence in a direction slightly north of west and in a straight line to boundary mark T.P.B. 4 situated on the coast to the south of Boma and Kopole; thence following the coast in a general northerly direction to boundary mark T.P.B. 5 situated on the old Wesh-Chake Chake road bridge; thence in a general easterly direction following the valley skirting Mchangani through Pagali and Uwani to boundary mark T.P.B. 1. The area thus demarcated is delineated on and more particularly described by plan No. 2994 and thereon edged in yellow.

A copy of the said plan can be seen at the office of the District Commissioner, Pemba and in the office of the District Officer, Chake Chake during office hours.

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#### The Planning Area (Mkoani) Establishment Order

G.N.  
82 of 1956.

1. This Order may be cited as the Planning Area (Mkoani) Establishment Order.
2. A planning area is hereby established in respect of the area described and set forth in the Schedule.

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#### SCHEDULE

All that area in the vicinity of Mkoani Town in the District of Pemba bounded as follows:—

Starting from the boundary mark T.P.B. 1, situated near the first milestone from Mkoani on the Mkoani-Chake Chake road and proceeding in a general south westerly direction along the river bed south of Uweleni to boundary mark T.P.B. 2 situated on the sea shore at the mouth of the river; thence in a general westerly and northerly direction following the sea shore to boundary mark T.P.B. 3 situated at the junction of the river to the west of Jondeni and the sea; thence in an easterly direction along the river bed Msije to boundary mark T.P.B. 4 situated on the Mkoani-Makumbeni road; thence in a general easterly and southerly direction along the river bed skirting Jondeni and Tongoni to the starting point boundary mark T.P.B. 1 on the Mkoani-Chake Chake road. The area thus demarcated is delineated on and more particularly described by plan No. 2995 and thereon edged in yellow.

A copy of the said plan can be seen at the office of the District Commissioner, Pemba and at the office of the District Officer, Mkoani during office hours.