

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE DEVELOPMENT AND  
PLANNING LAW (2003 REVISION) TO VARY THE COMPOSITION OF  
THE APPEALS TRIBUNAL; TO AMEND THE DEFINITION OF  
“DEVELOPMENT” FOR THE PURPOSES OF THE LEGISLATION;  
AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED  
MATTERS**



**THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 2004**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill amends the Development and Planning Law (2003 Revision).

Clause 1 of the Bill provides the short title.

Clause 2 of the Bill amends section 13 of the principal Law to extend the term “development” to include “the use of any buildings or other land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such”.

Clause 3 of the Bill amends section 46 of the principal Law to enable the appointment of not more than seven Deputy Chairmen of the Appeals Tribunal.

Clause 4 of the Bill contains savings and transitional provisions.

**THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 2004**

**ARRANGEMENT OF CLAUSES**

1. Short title.
2. Amendment of section 13 of the Development and Planning Law (2003 Revision) - provisions for development.
3. Amendment of section 46 of the principal Law - Appeals Tribunal.
4. Savings and transitional provisions.

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**A BILL FOR A LAW TO AMEND THE DEVELOPMENT AND  
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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Development and Planning (Amendment) Law, 2004. Short title
  
2. The Development and Planning Law (2003 Revision), in this Law referred to as “the principal Law”, is amended in section 13(3) by repealing paragraph (d). Amendment of section 13 of the Development and Planning Law (2003 Revision) - provisions for development
  
3. The principal Law is amended in section 46 as follows - Amendment of section 46 of the principal Law - Appeals Tribunal
  - (a) by repealing subsection (1) and substituting the following subsection -

“ (1) For the purposes of this Law there is hereby established an Appeals Tribunal which shall consist of -

    - (a) a Chairman;
    - (b) not more than seven Deputy Chairmen; and
    - (c) seven other members,

all of whom shall be appointed by and hold office at the pleasure of the Governor.”; and

(b) by inserting after subsection (1) the following subsection -

“ (1a) In the temporary absence or inability to act of the Chairman, any Deputy Chairman may act as Chairman and exercise all the powers and functions of the Chairman.”.

Savings and transitional provisions

4. (1) Every matter commenced under the former Law and partly dealt with by the Tribunal when the new Law comes into force, is to be continued and dealt with in all respects as if the new Law had not come into force.

(2) Every matter commenced under the former Law and not wholly or partly dealt with by the Tribunal when the new Law comes into force, is to be taken to be a matter commenced under the new Law and the provisions of the new Law are to apply accordingly.

(3) In the case of an appeal against any decision of the Tribunal that has been commenced under section 48(4) of the former Law but not finally determined before the new Law comes into force, the Grand Court is to continue to deal with the appeal as if the new Law had not come into force; and when the appeal is finally determined, the former Law is to apply subject to any necessary modifications as if the appeal had been finally determined before the new Law came into force.

(4) In the case of an appeal against any decision of the Grand Court that has been commenced under section 48(7) of the former Law but not finally determined before the new Law comes into force, the Court of Appeal is to continue to deal with the appeal as if the new Law had not come into force; and when the appeal is finally determined, the former Law is to apply subject to any necessary modifications as if the appeal had been finally determined before the new Law came into force.

(5) In this section -

“former Law” means the principal Law in force immediately before the date of commencement of this Law;

“new Law” means the principal Law as amended by this Law; and

“Tribunal” means the Tribunal established under section 46(1) of the former Law.

Passed by the Legislative Assembly the            day of            , 2004.

Speaker.

Clerk of the Legislative Assembly.