

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE DEVELOPMENT AND  
PLANNING LAW (2003 REVISION) TO ENABLE THE EXTENSION OF  
PLANNING PERMISSION BEYOND ONE YEAR IN CASES  
FOLLOWING A NATIONAL DISASTER; TO GRANT A REDUCTION  
IN INFRASTRUCTURE FUND FEES FOR THE PURPOSE OF  
ASSISTING RESTORATION FOLLOWING A NATIONAL DISASTER;  
AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED  
MATTERS**



**THE DEVELOPMENT AND PLANNING (AMENDMENT) (NO. 2) 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 2 of the principal Law to insert definitions of the terms “national disaster”, “recovery period” and “temporary development”.

Clause 3 of the Bill amends section 15 of the principal Law to enable the Central Planning Authority to extend planning permission beyond one year, in any case where the Authority is of the opinion that the extension is necessary due to the occurrence of a national disaster. The clause also enables “temporary development” without requiring adjacent landowners to be notified of the application for planning permission.

Clause 4 of the Bill amends section 38 of the principal Law to grant a reduction in infrastructure fund fees, in any case where the Authority is of the opinion that the development (including a temporary development) is necessary for the purpose of restoration following a national disaster.

Clause 5 of the Bill amends section 49 of the principal Law in order to refer correctly to the Cayman Brac and Little Cayman Appeals Tribunal.

Clause 6 of the Bill contains savings and transitional provisions.

**THE DEVELOPMENT AND PLANNING (AMENDMENT) (NO. 2) BILL,  
2004**

**ARRANGEMENT OF CLAUSES**

1. Short title.
2. Amendment of section 2 of the Development and Planning Law (2003 Revision) - definitions.
3. Amendment of section 15 of the principal Law – application for planning permission.
4. Amendment of section 38 of the principal Law – infrastructure fund.
5. Amendment of section 49 of the principal Law – appeals against decisions of Board.
6. Savings and transitional provisions.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Development and Planning (Amendment) (No. 2) 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 2(1) by inserting the following definitions in their appropriate alphabetical order - Amendment of section 2  
of the Development and  
Planning Law (2003  
Revision) - definitions

“national disaster” includes hurricane, fire, flood, earthquake, outbreak of pestilence, outbreak of infectious disease or any other calamity whether similar to the foregoing or not;

“recovery period” means such period (as may be specified by the Governor in Cabinet by order) immediately following a national disaster;

“temporary development” means –

- (a) the carrying out of building, engineering or other operations in, on, over or under any land, including the clearing of land; or
- (b) the making of any material change in the use of any building or other land,

at any time during a recovery period, for the purpose of the restoration of the Islands following a national disaster;”.

Amendment of section 15 of the principal Law – application for planning permission

3. The principal Law is amended in section 15 as follows -

- (a) by repealing subsection (3) and substituting the following subsection -

“ (3) Approval granted by the Authority remains effective for one year only from the date of promulgation thereof; but any such approval may be extended for a further period of six months, in any case where the Authority is of the opinion that the extension is necessary due to the occurrence of a national disaster.”; and

- (b) in subsection (4) by repealing the words “semi-detached house or duplex” and substituting the words “a semi-detached house, a duplex or any temporary development”.

Amendment of section 38 of the principal Law – infrastructure fund

4. The principal Law is amended in section 38(4) as follows

- (a) by repealing the word “or” appearing at the end of subparagraph (ii);
- (b) in subparagraph (iii) by repealing the words “the development.” and substituting the words “the development; or”; and
- (c) by inserting after subparagraph (iii) the following subparagraph –

“(iv) in any case where the Authority is of the opinion that the development (including a temporary development) is necessary for the purpose of restoration following a national disaster, fifty percent of the respective amounts prescribed in subparagraphs (i), (ii) and (iii)”.

Amendment of section 49 of the principal Law – appeals against decisions of Board

5. The principal Law is amended in section 49(1) by inserting the word “Appeals” before the word “Tribunal” wherever it appears.

6. (1) Every application for outline planning permission or permission to develop land made to the Authority under the former Law and partly dealt with by the Authority when the new Law comes into force, is to be continued and dealt with in all respects under the new Law and the provisions of the new Law are to apply accordingly. Savings and transitional provisions

(2) Every application for outline planning or permission to develop land made to the Authority under the former Law and not wholly or partly dealt with by the Authority 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 Authority that has been commenced under 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 in all respects under the new Law and the provisions of the new Law are to apply accordingly.

(4) In the case of an appeal against any decision of the Grand Court that has been commenced under 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 in all respects under the new Law and the provisions of the new Law are to apply accordingly.

(5) In this section -

“Authority” means the Central Planning Authority established under section 3(1) of the principal Law;

“develop” has the meaning assigned to it by section 2(1) of the principal Law;

“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

“outline planning permission” has the meaning assigned to it by section 2(1) of the principal Law.

Passed by the Legislative Assembly the                      day of                      , 2004.

Speaker.

Clerk of the Legislative Assembly.