

BERMUDA STATUTORY INSTRUMENT

BR 22/1992

**DEVELOPMENT AND PLANNING (TRIBUNAL PROCEDURE)
RULES 1992**

*[made under section 78 of the Development and Planning Act 1974 [title 20
item 1] and brought into operation on 15 May 1992]*

ARRANGEMENT OF RULES

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Citation

1 These Rules may be cited as the Development and Planning (Tribunal Procedure) Rules 1992.

Interpretation

2 In these Regulations, unless the context otherwise requires—
"the Act" means the Development and Planning Act 1974 [*title 20
item 1*];
"location plan" means a plan drawn in accordance with rule 3;
"land" means any land in relation to which an objection is made;

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objection" means an objection or representation with respect to a development plan or proposals for alterations or additions

to any such plan and "objector" shall be construed accordingly;

"public enquiry" means a public enquiry into an objection held in accordance with section 11(3) of the Act;

"the form" means such form as the Minister may from time to time determine under rule 5 for the purpose of making an objection;

"tribunal" means a tribunal appointed by the Minister pursuant to section 11(3) of the Act to hold a public enquiry.

Location plan

3 A location plan shall be drawn to a scale of 1:2500 and shall show —

- (a) the precise location and boundaries of the land, edged in red, in relation to the surrounding area;
- (b) any property, in the vicinity of the land, owned by the objector, edged in blue;
- (c) the location of buildings on all adjoining properties as shown on the most recent ordnance survey map; and
- (d) the location line and name of at least two public roads in the vicinity.

Form and content of objection

4 (1) An objection shall be made on the form which shall be completed in full, signed by the objector and submitted to the Minister together with —

- (a) the location plan;
- (b) a statement specifying the zonings and the paragraphs in the planning statement in respect of which the objection is being made and also specifying any amendments to such zonings or paragraphs recommended by the objector;
- (c) a statement indicating the nature of the objector's estate or interest in the land; and
- (d) a certificate signed by or on behalf of the objector stating that the objector has given notice of the objection to all persons who are owners of the land and specifying —
 - (i) the names of those persons;

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- (ii) the address at which notice of the objection was given to them respectively; and
- (ii) the date of service of each such notice.

(2) A tribunal may, in addition to the matters specified in paragraph (1), require an objector to provide further specified drawings, plans or other information of such quality and legibility, as the tribunal may consider necessary to enable the tribunal to make a report to the Minister upon the objection.

(3) The tribunal may require an objector to notify any other person of the objection and such notification shall be in such form as the Minister may from time to time determine.

(4) Subject to paragraph (5), where an objection does not comply with the requirements of this rule, a tribunal —

- (a) may, in writing, notify an objector that it intends to disregard his objection; and
- (b) if it does so, shall give that objector an opportunity to comment on its intention.

(5) Nothing contained in paragraph (4) shall be construed as prohibiting a tribunal from considering an objection that does not comply with the requirements of this rule.

(6) In this rule, "planning statement" means the written statement included in a development plan pursuant to section 6(3)(a) of the Act.

Minister may determine form

5 The Minister may from time to time determine such form as he considers appropriate for the purpose of making an objection under rule 4.

Fixing date of hearing

6 (1) As soon as may be practicable after the receipt of an objection or the appointment of a tribunal, whichever is the later, the Minister shall —

- (a) send to each member of the tribunal —
 - (i) a copy of the relevant development plan or proposal;
 - (ii) a copy of the objection; and

(iii) a statement setting out the submissions which the Director will make to the tribunal for accepting or rejecting the objection, as the case may be; and

(b) send to the objector and other persons referred to in rule 7(1)(d), if any, a copy of the statement referred to in subparagraph (a)(iii) hereof.

(2) The tribunal on receipt of an objection shall fix a date, time and place to hold the inquiry into the objection and shall give notice of the date time and place so fixed to the objector, the Director and the persons, if any, referred to in rule 7(1)(d).

(3) Where, either—

(a) the Director will submit that the tribunal should accept the objection; or

(b) the tribunal, at any stage, is of the opinion that it is desirable that the objection should be advertised,

the tribunal shall, at least seven days before the date fixed under paragraph (2), cause to be published in the Gazette in such form and upon such date or dates as the tribunal considers likely to result in the notice coming to the attention of any person who may be interested in the result of the public inquiry, a notice specifying—

(c) the nature of the objection;

(d) the date, time and place fixed under paragraph (2); and

(e) where applicable, that the Director will submit that the tribunal should accept the objection, [sic]

(4) The tribunal may, where it appears to the tribunal convenient to do so, of its own motion or upon application by a person entitled to appear at a public inquiry enquire into more than one objection at a public inquiry.

(5) In this rule "relevant development plan" means a development plan or proposal in relation to which an objection has been made.

Appearance at public inquiry

7 (1) The following persons shall be entitled to appear at a public inquiry—

(a) the owner of the land;

(b) any objector;

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(c) the Director; and

(d) any person who, in the opinion of the tribunal, has an interest in the report of the tribunal.

(2) A person entitled to appear at a public enquiry may be represented by any person whom the tribunal considers to be a proper person to represent him.

(3) The tribunal may, at the request of the objector or the Minister by notice summon any person to appear before the tribunal to be examined.

Regulation of proceedings

8 Subject to the provisions of these Rules, a tribunal may regulate its own proceedings and has the power to examine witnesses on oath.

Revocation

9 The Development Plan (Public Enquiries) Regulations 1967 are revoked.

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