



# OFFICIAL GAZETTE

## REPUBLIC OF SEYCHELLES

### EXTRAORDINARY

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#### TABLE OF CONTENTS

##### GENERAL NOTICES

Gazette Notices No. 390 of 2022 - 391 of 2022 are published by Order.

##### GAZETTE SUPPLEMENTS

Gazette	Description	Price
23	Physical Planning Act, 2021 (Commencement) Notice, 2022. (S.I. 43 of 2022)	4.00
	Physical Planning (Appeals Rules of Procedure) Regulations, 2022. (S.I. 44 of 2022)	32.00
	Physical Planning (Rules and Procedure of Board Meetings) Regulations, 2022. (S.I. 45 of 2022)	24.00

##### GENERAL NOTICES

No. 390 of 2022

#### PHYSICAL PLANNING ACT, 2021

*(Act 55 of 2021)*

#### Physical Planning Appeals Board

In exercise of the powers conferred by section 40(2) of the Physical Planning Act, 2021 the President hereby appoints the following persons to the Physical Planning Appeals Board —

<b>Mr. Patrick Nanty</b>	—	<b>Chairperson</b>
<b>Ms. Rightny Amade</b>	—	<b>Member</b>
<b>Mr. Ashley Pothin</b>	—	<b>Member</b>

for a period of 3 years with effect from 15<sup>th</sup> April, 2022.

Dated this 12<sup>th</sup> day of April, 2022.

**WAVEL RAMKALAWAN**  
**PRESIDENT**

No. 391 of 2022

**PHYSICAL PLANNING ACT, 2021***(Act 55 of 2021)***Board of the Planning Authority**

In exercise of the powers conferred by section 9(2) of the Physical Planning Act, 2021 the President hereby appoints the following persons to the Board of the Planning Authority —

<b>Mr. Cyril Bonnelame</b>	—	<b>Chairperson</b>
<b>Ms. Angela Servina</b>	—	<b>Member</b> ( <i>Ex Officio</i> )
<b>Mr. Patrick Lablache</b>	—	<b>Member</b>
<b>Mrs. Nanette Laure</b>	—	<b>Member</b>
<b>Dr. Jude Gedeon</b>	—	<b>Member</b>
<b>Mr. Patrick Andre</b>	—	<b>Member</b>
<b>Mr. Wilson Nancy</b>	—	<b>Member</b>
<b>Mr. Steve Mussard</b>	—	<b>Member</b>
<b>Mr. Barry Assary</b>	—	<b>Member</b>

for a period of 3 years with effect from 15<sup>th</sup> April, 2022.

**Dated this 12<sup>th</sup> day of April, 2022.**

**WAVEL RAMKALAWAN**  
**PRESIDENT**

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**S.I. 43 of 2022**

**PHYSICAL PLANNING ACT, 2021**

*(Act 55 of 2021)*

**Physical Planning Act, 2021 (Commencement) Notice, 2022**

In exercise of the powers conferred by section 1 of the Physical Planning Act, 2021 the Minister responsible for land use planning and development matters hereby makes the following notice —

**Citation**

1. This notice may be cited as the Physical Planning Act, 2021 (Commencement) Notice, 2022.

**Commencement of Act 55 of 2021**

2. The Physical Planning Act, 2021 shall come into operation on 15<sup>th</sup> April, 2022.

**MADE this 05<sup>th</sup> day of April, 2022.**

**BILLY RANGASAMY**  
**MINISTER OF LANDS AND HOUSING**

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**S.I. 44 of 2022**

**PHYSICAL PLANNING ACT, 2021**

*(Act 55 of 2021)*

**PHYSICAL PLANNING (APPEALS RULES OF PROCEDURE)  
REGULATIONS, 2022**

**ARRANGEMENT OF REGULATIONS**

**Regulations**

1. Citation
2. Interpretation
3. Appeal
4. Secretary to the Appeals Board
5. Lodgement of appeals
6. Commencement of proceedings
7. Hearings before the Appeals Board
8. Evidence rules
9. Arguments or submissions before the Appeals Board
10. Proceedings in absence of a party
11. Minutes and records of proceedings
12. Decisions of the Appeals Boards
13. Offences
14. Disclosure of interest

**SCHEDULES**

- Schedule 1- Form of Notice of Appeal
- Schedule 2- Fees for filing of Notice of Appeal
- Schedule 3- The Appeals Board of the Physical Planning Authority  
Notice of Mention



**S.I. 44 of 2022**

## PHYSICAL PLANNING ACT, 2021

*(Act 55 of 2021)***Physical Planning (Appeals Rules of Procedure) Regulations, 2022**

In exercise of the powers conferred by section 40 and 70 read with section 82 of the Physical Planning Act, the Minister responsible for land use planning and development matters hereby makes the following Regulations —

**Citation**

1. These Regulations may be cited as the Physical Planning (Appeals Rules of Procedure) Regulations, 2022.

**Interpretation**

2. In these Regulations unless the context otherwise requires —

“Appeals Board” means the Appeals Board established by section 40 of the Act;

“Secretary” means the Secretary to the Appeals Board appointed under regulation 4;

“standard scale” means the standard scale of fines for offences established under the Criminal Offences (Standard Scale of Fines) Act, 2021.

**Appeals**

3. A person aggrieved by a decision of the Authority may lodge a notice of appeal to the Authority within one month from receipt of the decision of the Authority.

**Secretary to the Appeals Board**

4. The Authority shall appoint a Secretary to the Appeals Board who shall be responsible for —

- (a) ensuring the overall smooth running of the Appeals Board;
- (b) convening the sittings of the Appeals Board after consultation with the Chairperson and members;
- (c) the implementation of decisions made by the Appeals Board; and
- (d) such other duties as the Chairperson may direct.

### **Lodgement of appeals**

5.(1) A notice of appeal under regulation 3 shall as far as practicable be made in the form specified in the First Schedule.

(2) The appellant shall upon filing his or her notice of appeal pay a non-refundable fee as specified in Schedule 2.

(3) The application under subregulation (2) shall be filed with the Authority.

(4) The Authority shall register the appeal and deliver the notice of appeal to the Chairperson of the Appeals Board.

(5) The Secretary shall cause a copy of the notice of appeal to be served on the Authority and shall notify the Authority to compile the record and to send a copy of the record to the appellant.

### **Commencement of proceedings**

6.(1) The Chairperson shall, upon examination of the application cause the Secretary to issue to the parties in the application a Notice of Mention in the form specified in Schedule 3.

(2) At the hearing of the mention the parties shall make appropriate disclosure of documents they wish to rely upon at the hearing.

(3) The Secretary shall record the date set for hearing and shall ensure that all parties have notice of the date set for hearing.

### **Hearings before the Appeals Board**

7.(1) At a hearing before the Appeals Board, the Chairperson shall take evidence on oath and for that purpose shall administer oaths.

(2) A hearing before the Appeals Board shall be open to the public but, may be heard in private if —

- (a) the circumstances so warrant; or
- (b) the Appeals Board considers it appropriate.

### **Evidence rules**

8. The rules of evidence which apply in civil cases before the Supreme Court shall apply in all matters before the Appeals Board.

### **Arguments or submissions before the Appeals Board**

9.(1) Any party to proceedings before the Appeals Board, or the authorised representative of that party shall declare to the Appeals Board at the earliest opportunity whether he or she intends to make oral or written submissions during the course of the proceedings.

(2) Where a party to the proceedings or his or her authorised representatives opts to file written submissions, he or she shall arrange to submit copies of the submissions to the Secretary of the Appeals Board at least 14 working days before the date fixed for consideration of the matter by the Appeals Board.

### **Proceedings in absence of a party**

10. Where on a date fixed for any particular matter before the Appeals Board, any party to the proceedings who was present when the date was fixed does not appear, the proceedings may be continued in the absence of that party or the Chairperson may issue an order, direction or notice as he or she shall consider appropriate.

### **Minutes and records of proceedings**

11.(1) The Secretary shall keep a record of any oral evidence given at



the hearing before the Appeals Board and the record shall be signed by the Chairperson.

### **Decisions of the Appeals Board**

**12.(1)** Section 40(11) shall apply to a decision of the Appeals Board.

(2) A decision of the appeals board shall be by a majority.

(3) Every decision of the Appeals Board shall be signed and dated by the Chairperson and the members who heard the matter.

(4) The Appeals Board shall treat an application with the urgency that it requires and as far as practicable a decision shall be issued within 14 days from the date of conclusion of the final arguments.

(5) A certified copy of the decision shall be served on the parties to the proceedings within 14 days from date that the decision is made.

### **Offences**

**13.** A person who —

- (a) willfully insults or obstructs a member or any officer of the Appeals Board in the course of any proceedings of the Board;
- (b) willfully insults or obstructs a witness or other person in attendance at any proceedings of the Appeals Board;
- (c) willfully interrupts or disrupts, or otherwise misbehaves at, any proceedings of the Appeals Board,

commits an offence and shall be liable upon conviction to a fine of level 3 on the standard scale.

### **Disclosure of interest**

**14.** Where a member is present at proceedings before the Appeals Board and that member or a close relative of that member, has direct or

indirect interest in a matter being dealt with in those proceedings, the member shall, before or as soon as practicable after the commencement of the proceedings, disclose that interest and shall not take part in any consideration or discussion of, or vote on any question relating to, the matter under consideration.

**SCHEDULE 1**

*(Regulation 5(1))*

**Form of Notice of Appeal**

**Before the Appeals Board established under section 40 of the Physical Planning Act, 2022**

Appellant:

Respondent: The Planning Authority

Case No:

**NOTICE OF APPEAL**

Take Notice that the Appellant appeals to the Appeals Board against the decision of the Planning Authority dated ..... (copy attached) on the following grounds

- 1. ....
- 2. ....
- 3. ....

Dated this ..... day of ....., 20 .....

Signed ..... (Appellant)

The address for service of the Appellant is .....

\_\_\_\_\_

**SCHEDULE 2***(Regulation 5(2))***Fees for filing of Notice of Appeal**

<b>Appeals</b>		
1.	All Private dwelling/Residential projects, including Boundary Wall/Fencing and Retaining Wall & storage	SR500.00
2.	Small commercial projects below 250 sq metres including apartment buildings & tourism projects of less than 30 rooms	SR1000.00
3.	Large commercial projects above 250 sq metres including apartment buildings & tourism projects and hotels above 30 rooms	SR5000.00
4.	Appeal against revocation or modification of permission to develop land	SR750.00
5.	Appeal against determination of Authority with respect to Preservation Order	SR750.00
6.	Appeal against determination of Authority on objections and representations made with respect to Land Use Plans	SR750.00
7.	All other Planning Refusals	SR1000.00

**SCHEDULE 3**

*[Regulation 6(1)]*

**The Appeals Board of the Physical Planning Authority**  
**Notice of Mention**

..... **Applicant**

**Versus**

..... **Respondent**

**Cs No.....**

**TAKE NOTICE** that the above case will be mentioned on the .....  
at ..... am/pm.

You are hereby required to appear before the Physical Planning Authority  
Appeals Board, located at the ..... building at Victoria on the above  
mentioned date and time.

Dated this ..... day of 20 .....

**SECRETATRY OF THE APPEALS BOARD**

To be served on: 1. XXXX

**MADE this 29<sup>th</sup> day of March, 2022.**

**BILLY RANGASAMY**  
**MINISTER OF LANDS AND HOUSING**

**S.I. 45 of 2022**

**PHYSICAL PLANNING ACT, 2021**

*(Act 55 of 2021)*

**PHYSICAL PLANNING (RULES AND PROCEDURE OF BOARD MEETINGS) REGULATIONS**

**ARRANGEMENT OF REGULATION**

**Regulations**

1. Citation
2. Interpretation
3. Application
4. Agenda
5. Circulation of agenda
6. Chairman
7. Disclosure of interest
8. Conduct of meetings
9. Invitation to attend and address meetings
10. Site visits
11. Minutes
12. Validity of proceedings
13. Board to regulate its own procedures



**S.I. 45 of 2022****PHYSICAL PLANNING ACT, 2021***(Act 55 of 2021)***Physical Planning (Rules and Procedure of Board Meetings)  
Regulations, 2022**

In exercise of the powers conferred by section 40 and 70 read with section 82 of the Physical Planning Act, the Minister responsible for land use planning and development matters hereby makes the following Regulations —

**Citation**

1. These Regulations may be cited as the Physical Planning (Rules and Procedure of Board Meetings) Regulations, 2022.

**Interpretation**

2. In these Regulations, unless the context otherwise requires —

“Board” means the Board established under section 9(1);

“Secretary” means the Secretary to the Board appointed pursuant to section 10;

“standard scale” means the standard scale of fines for offences established under the Criminal Offences (Standard Scale of Fines) Act, 2021.

**Application**

3. These Regulations shall apply to the conduct of business at all meetings of the Board.

**Agenda**

4. The agenda for a meeting shall be prepared by the Secretary to the Board.

**Circulation of agenda**

5.(1) The Secretary to the Board shall circulate the agenda together with all the necessary papers for discussion prior to the meeting.

(2) The circulation of agenda and papers shall be made as much as possible within reasonable time to allow members to have time to review the papers.

**Chairperson**

6.(1) The Chairperson, shall preside at all meetings of the Board.

(2) Where the Chairperson is absent, the Board members shall elect from amongst themselves one member to preside.

(3) Where the Chairperson enters a meeting after it has commenced, the member who has taken the chair shall vacate it for the Chairperson at the conclusion of the item of business under discussion at the time of the entry of the Chairperson.

**Disclosure of interest**

7. There shall be an item of business as a preliminary item on the agenda of each meeting of the Board which shall be named “disclosure of interest” and under this item the Board shall proceed as per section 19 of the Act.

**Conduct of meetings**

8.(1) The names of all Board members present and absent at a meeting or part of a meeting shall be recorded in the minutes.

(2) A quorum of the Board shall be 3 members.

(3) The decisions of the Board shall be by a majority of votes of the members present and voting and, in situation of a tie the Chairperson shall have a casting vote.



(4) A Board member may request that his or her vote on any item of business be personally recorded by name in the minutes and that request shall be complied with.

### **Invitation to attend and address meetings**

9.(1) The Board may, in respect of any item of business at a meeting, invite a person not being a public officer associated with that item of business to attend, address the meeting and answer questions from the Board members on that item of business.

(2) When a person referred to in sub-regulation (1) has completed his or her representation to the satisfaction of the Board, that person shall withdraw from the meeting.

(3) Where an item of business at a meeting is —

- (a) a consideration and review of development plans or land use plan;
- (b) an application for a grant of development permission;
- (c) a proposal to revoke or modify a grant of development permission;
- (d) a reconsideration of an enforcement notice;
- (e) a draft or interim building preservation order;
- (f) a draft or interim plant preservation order;
- (g) a draft amenity order; or
- (h) any other relevant notices and orders,

and a person associated with that item of business is invited to and has addressed the meeting on that item of business, the Chief Executive Officer or an officer of the Authority shall be given an opportunity to address the

meeting on that item of business in the presence of and by way of reply to that person.

(4) The Board may invite any public officer to attend meetings of the Board in an ex-officio, capacity.

(5) A public officer invited under subregulation (4) may with the Chairperson's approval, authorise any other public officer to attend in his or her absence.

### **Site visits**

**10.(1)** The Board may in connection with any item of business determine to make a visit to the site to which that item of business refers.

(2) The Board may constitute a committee of not less than three Board members to make a site visit, on its behalf.

(3) The Secretary to the Board shall as far as practicable inform the occupier, owner, agent or person responsible for the site and the applicant, if any, of the date and time of the proposed site visit.

(4) The Chief Executive Officer or the officer authorised by the Chief Executive Officer shall accompany the Board members on a site visit.

(5) The Secretary to the Board accompanying the members on a site visit shall make a record of the visit and any discussions between the Board members and the applicant, if any, or his or her representatives if any, and any other persons, who make representations on the matter in respect of which the site visit is taking place and shall report on the visit at a meeting next following the site visit.

(6) The Board may in considering an item of business in respect of which a site visit has taken place, take into account the report referred to in sub-regulation (5) and the opinions of the Board members who made the site visit on behalf of the Board.

**Minutes**

11.(1) The Secretary to the Board shall be responsible for ensuring that an accurate record of the proceedings of every meeting is taken at every meeting, and for the preparation of the minutes.

(2) The minutes adopted by the Board shall be kept by the Secretary to the Board.

(3) Upon the adoption of minutes of the meeting, the Chairperson shall sign a copy of the approved minutes and shall leave the signed minutes with the Secretary who shall keep and maintain such copies as records of all past minutes of meetings of the Board.

**Validity of proceedings**

12. The validity of any proceeding at a meeting of the Board shall not be affected by any vacancy amongst the Board members, by any defect in the appointment of a member or by any failure by any Board member to comply with these Regulations.

**Board to regulate its own procedures**

13. Any matter that may arise which is not provided for under these Regulations shall be dealt with by the Board after having agreed by a majority of the members present on the way for which that matter shall be dealt with and such decision on the manner and form of adoption of procedure shall be recorded in the minutes.

**MADE this 18<sup>th</sup> day of March, 2022.**

**BILLY RANGASAMY**  
**MINISTER OF LANDS AND HOUSING**

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