

ACT NO. 18 OF 2022

I assent.

W. KATONIVERE
President

[25 March 2022]

AN ACT**TO AMEND THE TOWN PLANNING ACT 1946**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Town Planning (Revised Budget Amendment) Act 2022.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Town Planning Act 1946 is referred to as the “Principal Act”.

Section 5 amended

2. Section 5(2) of the Principal Act is amended by deleting paragraph (d).

Section 19 amended

3. Section 19 of the Principal Act is amended by deleting subsection (2) and substituting the following—

“(2) As soon as a scheme has been provisionally approved by the Director, the local authority shall, in the manner prescribed by regulations, publicly notify the scheme.”.

*Section 20 amended***4.** Section 20 of the Principal Act is amended by—

- (a) after “local authority”, inserting “and the Director”; and
- (b) deleting “, at any time within 3 months after the first public notification of the scheme as required by this section” and substituting “in the manner prescribed by regulations”.

*Sections 21 and 22 deleted***5.** The Principal Act is amended by deleting sections 21 and 22.*Section 23 amended***6.** Section 23 of the Principal Act is amended after “dismiss the objection” by inserting “in the manner prescribed by regulations”.*Section 23A inserted***7.** The Principal Act is amended after section 23 by inserting the following new section—*“Appeal*

23A.—(1) Every owner or occupier of land within the area covered by a scheme may, by notice in writing to the permanent secretary responsible for town planning, appeal the determination of the objection by the Director.

(2) The notice of appeal must be submitted to the permanent secretary responsible for town planning and the determination of the appeal by the permanent secretary responsible for town planning must be conveyed to the owner or occupier of land in the manner prescribed by regulations.”.

*Section 24 amended***8.** Section 24 of the Act is amended by—

- (a) in subsection (1)—
 - (i) after “objections”, inserting “or appeals”;
 - (ii) after “requirements of the Director”, inserting “or the determination of the permanent secretary responsible for town planning pursuant to section 23A”; and
 - (iii) after “approve the scheme”, inserting “in the manner prescribed by regulations”; and

(b) deleting subsection (3) and substituting the following—

“(3) The approved scheme and a copy of all maps, plans and other particulars comprised therein shall be exhibited in the manner prescribed by regulations.”.

Section 26 amended

9. Section 26(2) of the Principal Act is amended by deleting “one month” and substituting “21 days”.

Section 26A inserted

10. The Principal Act is amended after section 26 by inserting the following new section—

“Modification or alteration of an approved scheme

26A. Notwithstanding section 26, the permanent secretary responsible for town planning may, in consultation with the Director, declare by notification in the Gazette the modification or alteration of the provisions of an approved scheme provided that the permanent secretary responsible for town planning is satisfied with the conditions prescribed by regulations.”.

Section 27 amended

11. Section 27(4) of the Principal Act is amended by deleting “same manner as is provided in sections 21, 22 and 23” and substituting “manner prescribed by regulations”.

Passed by the Parliament of the Republic of Fiji this 25th day of March 2022.