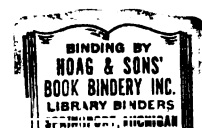


A MODEL NATIONAL TOWN AND COUNTRY
PLANNING ACT FOR THE
REPUBLIC OF IRAQ

Thesis for the Degree of M. U. P.
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NAMIR YUSUF ZAINAL
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THESIS



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REPUBLIC OF IRAQ

By

Namir Yusuf Zainal

National planning and planning for settlements in Iraq are both functions of government and should continue so. Based on this premise, the Model Act provides for the creation of a central governmental planning unit to function as a staff agency to the President of the Republic in matters related to town and country planning and to exercise regulatory powers, establish procedures, and provide essential services.

The organizational structure of the national planning body is composed of a director, a planning staff, and an advisory commission. The Model Act provides for the appointment and establishes functions and duties of each element of this national planning body. In addition, this planning body is authorized to prepare a National Development Plan whose purpose and scope, and procedures for its preparation, adoption and amendment, and legal effect are provided.

The Model Act recognizes that regional planning offers the framework within which development projects of national as well as local importance can find their place and hence guides urban and rural growth which might cause physical and social blight. The national planning body is authorized to delineate, within the country, workable planning regions based on such criteria as geographical identity, cultural unity, and natural resources. A regional planning body composed of a regional officer, a planning staff, and an advisory board is created to carry out functions and duties as provided. The Act establishes the functions, duties and responsibilities of each element of this planning body. Among such functions, the regional planning body is authorized to prepare a Regional Plan whose purpose and scope, and procedures for its adoption and amendment, and legal effect are provided for.

At the local level of government, the legislation designates all provincial capitals and municipalities as Local Planning Areas. It provides for the creation of a local planning body composed of a planning officer, a planning staff, and an advisory local council to assume responsibilities and carry out functions as provided. Among those, the preparation of an Interim Development Plan and Master Plan are emphasized.

The Model Act, also, provides measures and regulations in relation to control of development and use of land. In addition, it provides general supplemental and miscellaneous provisions.

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A THESIS

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DEDICATION

To my father and mother,
To Amal and Omar,
To the "Land between the river," the Euphrates
and the Tigris,
with love, gratitude, and esteem.

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INTRODUCTION

Short History

The need for comprehensive planning legislation at the National Level has been evident for a long time. The United Nations publications and the studies done by several International Consultants seem to agree that, comprehensive national, regional, and local planning and the execution of urban development policies cannot be carried out without an adequate legislation. To deal with the huge urban development problems, a special organization is often required for the task of planning, and co-ordination of development policies covering all related fields of Town and Country Planning on a national, regional and on a more detailed local scale, as well as to provide technical assistance to municipalities in all fields of Town Planning.

In order to formulate suggestions in connection with changes and modifications of existing town planning legislation, it is necessary to become acquainted with the existing situation.

Control of physical planning problems in cities, towns, and municipalities, the relevant institutions, procedures, and connected administrative actions of municipal authorities, have their formal and legal framework in two basic documents:

- a. The Law of Municipal Administration.
- b. The Regulations related to Roads and Buildings.

The Law of Municipal Administration/No. 165 of 1964/ is the basic legal regulation, controlling all problems connected with municipalities and their activity. Among others, it incorporates the procedure for organizing such units, appointment or election of authorities, also scope of activities, duties and rights, means and ways to effect their tasks, and several other problems. In addition, within articles 43-47, are very generalized indications, referring to object and scope of plans for physical development within cities, towns and municipalities. In other words, these articles deal with master plans, the way they are implemented, the degree of their obligation, the procedure of their approval, and the introduction of revisions and changes.

Among problems dealt with by articles 48-51, are also statements referring to municipal administration, also supervision of investment and building activity, both closely connected with the implementation of the plan's provisions.

The problems of land economy, also closely connected with problems of plan's implementation, are included in articles 52-55, 60-63 and 70. They deal with the disposition of public land areas, land areas registered in the name of the public as a result of subdivision activities and from rights of way of streets, and with ways of disposing of these areas.

Regulations related to Roads and Buildings/No. 44 of 1935/, together with several later revisions, changes and additions, controls several different problems. They incorporate:

1. Regulations related to physical planning/ residential zones, as elements of master plan; their division into particular classes, conditions for development, and also design of roads and streets in separate classes.

2. Regulations covering building bylaws and the supervision of buildings which refer solely to design and construction of buildings, roads and streets, to building licenses, to maintenance and repair of streets.

Besides the above mentioned Law and regulations, there are several others such as the Amended Law of Appropriation No. 57 of 1960, which controls the problem of land acquisition, conditions for its application and principles for assessing recompensation.

Finally, on the one hand, from the incompleteness of the relevant regulations, or from the lack of them; and on the other hand, from the fact that they do not provide the legal framework or answer the requirements of effective town planning activity, there is an urgent need for developing a formal and legal basis for such activity in the form of a complete system of regulations incorporating all relevant factors and elements.

National Town and Country Planning Act

This Act is the first step toward comprehensive planning legislation in Iraq. Further studies and elaborations in regard to national regional and municipal planning should be pursued. The provisions of the Act should be considered necessarily tentative. Further research and investigation to find the formulae and turn them into finished legal products, is the real challenge that lies ahead for the Iraqi planners.

Basic Structure of the Act

The National Town and Country Planning Act provides for the constitution by the President of a Directorate of National Town and Country Planning, and a National Town and Country Planning Commission for the purpose of advising the President and for co-ordinating and implementing general policies on the national level, regional level, and the local level, the constitution

of a Regional Planning Agency and a Regional Planning Board for the purpose of carrying out a regional planning program, advising, co-ordinating and implementing regional policies on the regional and local level, and the setting up of a number of Local Planning Authorities and Local Planning Councils for different urban and rural areas within the Republic to undertake preparation of master plans and to enforce them.

The Act provides for several steps at different levels in the administration of the Act. First, at the national level, there will be the preparation of a National Development Plan and its enforcement. At the regional level there will be the preparation of a Regional Plan and its enforcement. At the local level there will be the preparation of the Interim Development Plan and its enforcement. Last, the preparation of the Master Plan and its enforcement.

Application Stage by Stage

The application of the Act will extend to the entire Republic of Iraw immediately the Act comes into force; this necessitates planning control to be exercised all over the Republic by the respective planning authorities. Considering the administrative difficulties which such a provision will involve; it is thought better to empower the President, upon recommendation of the Director of the Directorate of National Town and Country Planning

and the National Town and Country Planning Commission, to define the areas to which the Act will apply stage by stage and to extend the application of the Act to other areas as and when the necessary machinery is set up to shoulder the responsibilities. This provision will enable priority areas to be brought under planning control immediately the Act comes into force, and other areas to be brought gradually under planning control, thus providing for a stage by stage development of planning administration within the Republic. The said statement applies to regional and local planning areas.

National Town and Country
Planning Commission, Regional
Planning Board, and the Local
Planning Council

The functions of the said Commission, Board or Council as defined in the Act are to advise the planning officer, be it the Director of the Directorate of National Town and Country Planning, the Regional Planning Officer or the Town Planning Officer to co-ordinate developmental activities at the national, regional and local levels. They are advisory in character and all the powers vest in the President. In exercising its functions the Commission, Board or Council will be required to advise, coordinate and direct not only the work of the Directorate of National Town and Country Planning, the Regional Planning Agency or the Local Planning Authority, but also the work of the

different national regional and local governmental departments and agencies who will be promoting and pursuing developments in their respective fields. Effective co-ordination of the developments in different fields is absolutely essential if maximum benefits are to accrue. To achieve effective co-ordination, the Commission, Board or Council will need to have sufficient authority and has to be so constituted as to be above an individual department but at the same time all departments should have their fullest say before any decision is taken by the Commission, Board or Council.

The Director of the Directorate
of National Town and Country
Planning, the Regional Planning
Officer and the Town Planning
Officer

The role of the Director, the Regional or Town Planning Officer is dual. First as the secretary to the National Town and Country Planning Commission, Regional Planning Board or the Local Planning Council he assists the Commission, Board or Council in preparing and promulgating planning policies through the various channels of governmental machinery and in effect he acts as an executive officer to the said Commission, Board or Council. Second, as the technical head of a governmental department, he is responsible to the Government in carrying out its orders, enforcing rules and regulations and discharging responsibilities under the Act. Thus he plays a key role

in both helping the planning policy to be formed and promulgated as well as supervising its implementation of such policy at the national, regional or local level through the planning authorities and where required directly with the help of his own staff.

Rules and Regulations

The Act confines itself to the important provisions and leaves details to be covered by the rules and regulations to be framed under this Act. This flexibility is essential for any planning legislation which is very wide in its scope and where it is not possible to foresee all the situations that may arise. Until sufficient experience has been gained, it is desirable to leave all detailed matters to be covered by the rules and regulations over which the Republic legislature has sufficient control as also the right to amend, if considered necessary or unjust.

It appears necessary to reiterate that Planning Laws all the world over are still in a trial stage and have to be amended, revised and changed as experience is gained. The different Model Acts do provide a good guide in parts but local conditions and systems vary considerably. Iraq's experience still does not extend over any length of time. One cannot therefore dogmatise over any particular set of laws. One feature must, however, be common to all

of them--the law must serve the long term interests of the community and region as a whole within the general framework of national goals and objectives.

CHAPTER I

PRELIMINARY

Section 1 TITLE, EXTENT AND COMMENCEMENT OF ACT

(1) This Act shall be called the "National Town and Country Planning Act," 19__.

(2) It extends to the whole of the Republic of Iraq.

(3) It shall come into force on such date as the President may designate by notification in the Official Gazette.

Section 2 OBJECTS OF ACT

(1) To grant fundamental powers to regulate the development of land in public interest, that is in the interest of general welfare, safety, morals, order and convenience.

(2) To organize the planning functions at various levels of government and to the types of legislation required to establish such organizational structures and functions, to

pursue effective operation of planning functions at different levels of government, be it on the national, regional or local level.

(3) To establish the necessary channels for stimulating, assisting and coordinating local and regional planning activities as an integral part of national development planning, to ensure a continuing interaction and communication between and among various governmental activities for the development of individual areas of the Republic, taking into account their mutual bonds and the interest of the entire Republic.

(4) To provide a system of checks and balances designed to give opportunity to the public to make representation; to safeguard, without prejudice to the paramountcy of the general public interest, the rights of individuals; and to ensure justice in the exercise of planning powers.

(5) To provide the means, as opposed to the power, whereby planning policy can be implemented.

Section 3 DEFINITIONS

In this Act, unless there is anything repugnant in the subject or context, the following meaning of words shall prevail:

(1) "Agency" means the Regional Planning Agency constituted under Section 19 of this Act.

(2) "Agriculture" includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, trees or any kind of cultivation of soil; heeding and keeping of livestock; the use of land which is ancillary to the farming of land or any other agricultural purpose, but shall not include the use of any land attached to a building for the purposes of a garden to be used along with such building; "Agricultural" shall be construed accordingly.

(3) "Amendment" includes revision, addition or extension.

(4) "Amenities" include roads and streets, open spaces, parks, recreational grounds, playgrounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences.

(5) "Board" means the Regional Planning Board constituted under Section 25 of this Act.

(6) "Capital Improvement Program" means a program of public works involving capital expenditure which is to be carried out in stages.

(7) "Chief Executive" means the chief appointed official of a province, city or municipality; usually the governor of a province, the mayor of a city or municipality.

(8) "Citizen Member" means any member of a planning commission, planning board or planning council who is not an appointed official or employee of the national or local government.

(9) "Commerce" means carrying on any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to make profit, hospitals, nursing homes, educational institutions, and also includes hotels, restaurants, boarding houses not attached to any educational institution; and "Commercial" shall be construed accordingly.

(10) "Commercial Use" includes the use of any land or building or part thereof for purposes of commerce as defined or for storage of goods, or as an office, whether attached to industry or otherwise.

(11) "Commission" means the National Town and Country Planning Commission constituted under Section 10 of this Act.

(12) "Development" means the carrying out of building, engineering, mining or other operations in, on, over or under land; or the making of any material change by erection, construction, or reconstruction of any building or structure, or the redevelopment of any area and maintaining, improving, or altering the use of any building or land, including subdivision of land.

(13) "Director" means the person appointed by the President under Section 6 as head of the Directorate of National Town and Country Planning.

(14) "Directorate" means the Directorate of National Town and Country Planning constituted under Section 4 of this Act.

(15) "Governor" means the chief appointed official of a province.

(16) "Local Newspaper" means any newspaper published or circulated within the local planning area.

(17) "Mayor" means the chief appointed official of a city or municipality.

(18) "Occupier" includes:

(a) a tenant;

(b) an owner in occupation of, or otherwise using his land;

(c) a rent-free tenant of any land;

(d) a licensee in occupation of any land; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land.

(19) "Planning Area" means any area declared to be a local planning area under this Act.

(20) "Prescribed" means prescribed by rules or regulations made under this Act.

(21) "President" means the President of the Republic of Iraq.

(22) "Subdivision" means the division of any holding of land into two or more parts whether

the subdivision is effected for purposes of immediate or future conveyance, transfer, sale, gift, lease, mortgage or any other purpose; it includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

(23) "Use" means the principal purpose for which a parcel of land or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

CHAPTER II

NATIONAL TOWN AND COUNTRY PLANNING

Section 4 CREATION OF DIRECTORATE

(1) For proper functioning of this Act there shall be a central governmental unit to be known as the Directorate of National Town and Country Planning. It shall be the sole function of the Directorate to carry out the aims, purposes, powers and functions of this Act, and in doing so serve the President of the Republic of Iraq as the staff agency in town and country planning matters, and as a technical staff of the National Town and Country Planning Commission. In the execution of its purposes, the Directorate shall function as an advisory, consultative, and co-ordinating unit, harmonizing its planning activities with the planning activities of Departments and Agencies of Government as they relate to the physical development of urban and rural areas.

(2) The Directorate of the National Town and Country Planning shall consist of the following:

(a) a Director of National Town and Country Planning;

(b) a National Town and Country Planning Staff.

Section 5 DUTIES OF DIRECTORATE

The Directorate of National Town and Country Planning shall have the power to do everything which may be necessary or expedient for the purpose of carrying out its duties under this Act, and such powers shall include the power to:

(1) Provide the President with recommendations and assistance in developing and shaping a balanced, coordinated set of policies and programs concerning the physical development of the Republic.

(2) Fulfill duties connected with the National Development Plan as given in Section 12.

(3) From time to time revise, amend, extend or add to a plan or plans for the overall physical development of the Republic, which plan or plans collectively shall be known as the National Development Plan. In carrying this function,

the Directorate may seek the cooperation and advice of the appropriate Ministries, Departments, research organizations, institutions, whether public or private, civic groups, and private persons and organizations, and establish close working relationships with governmental departments both from the standpoint of collating national development plans, and coordinating these plans at the regional and local levels.

(4) Receive, review, comment upon, and recommend concerning proposals, plans, bylaws, or projects of regional and local bodies, when such proposals, plans, bylaws, or projects relate to town and country planning.

(5) Conduct surveys, studies, and researches of agricultural, industrial, commercial, recreational, physical and human resources, and other resources which affect the town and country planning and development activities of the Republic.

(6) Coordinate nationwide public works planning by requiring departments and agencies with public works and development planning program responsibilities to submit these to the Directorate of National Town and Country Planning Agency for review on their

relationships to the National Development Plan, and preparation of works priority list based on need and other factors or urgency such as public health, local catastrophe or similar considerations. Nothing in this provision however, shall affect town and country planning and development activities of those regional and local bodies which are able to perform these functions with their resources.

(7) Review in close cooperation with the Ministry of Finance, the capital improvement program of all national departments and agencies and assist in preparing a coordinated annual capital budget and a longer range, five-year capital and public works program.

(8) Prepare, within its financial and staff capabilities, special planning studies at the request of other governmental departments and agencies.

(9) Publish and distribute information related to its activities, plans, works schedule and other relevant functions or projects in order to foster public awareness and understanding of planning objectives, and of the functioning of national, regional and local planning and to stimulate public interest and participation in the development of the Republic.

Section 6 APPOINTMENT OF DIRECTOR

(1) For proper functioning of this Act, the President, shall, by notification in the Official Gazette, appoint for the purpose of carrying out functions assigned to him under this Act, a town and country planner, to be called the Director of the Directorate of National Town and Country Planning, and to be the chief executive and administrative officer and head of the Directorate of National Town and Country Planning and shall function under the direct control and supervision of the President of the Republic. The Director shall be an ex-officio member, secretary, and technical adviser of the National Town and Country Planning Commission. The Director shall be a person qualified by special training, experience, and demonstrated ability in the field of Planning.

(2) The Director of the Directorate of National Town and Country Planning shall serve and hold office at the pleasure of the President and shall receive such salary as provided by law.

Section 7 DUTIES OF DIRECTOR

The Director of the Directorate of National Town and Country Planning shall perform all duties,

exercise all powers and carry out all functions assigned to him under this Act, which shall include among others the following:

(1) Assume principle technical and administrative responsibilities for overall organization and management of the Directorate of National Town and Country Planning and the national planning program.

(2) Appoint, subject to the provisions in Section 8 of this act, officers and employees whose services are necessary for the efficient performance of the Directorate and which are competent for the work by reason of training or experience.

(3) Represent the Directorate of National Town and Country Planning at official meetings and technical or professional conferences.

(4) Submit the National Development Plan or parts thereof to the National Town and Country Planning Commission for review, evaluation and recommendation prior to its submission to the President. After review by the Commission, the Director shall thereafter submit the National Development Plan to the President for final

approval and subsequent adoption and by action of the Council of Ministers.

(5) Prepare and submit an annual report to the President and the Council of Ministers, and to furnish such report to the National Town and Country Planning Commission, the Director Generals of national departments and agencies, and the public.

(6) Exercise all other powers and functions outlined in the civil law as a Director of a national governmental directorate.

Section 8 APPOINTMENT OF STAFF

(1) The National Town and Country Planning Staff shall be appointed, on the basis of special training, experience, ability and fitness, by the Director of the Directorate of National Town and Country Planning subject to the approval of the President and the Director General of the Civil Service and in accordance with Civil Service Rules and Regulations.

(2) Employees of the Directorate of National Town and Country Planning may be transferred temporarily to other national departments and agencies, local governments and planning

agencies; or employees of departments, agencies, local governments or planning agencies may be transferred temporarily to the Directorate of National Town and Country Planning. Such temporary exchange of employees shall be arranged according to Civil Service Rules and Regulations.

Section 9 DUTIES OF STAFF

The National Town and Country Planning Staff, under the direct control and supervision of the Director shall perform all duties, and exercise all such powers, as may be necessary or expedient for the purposes of carrying out its functions under this Act, which shall include among others the following:

(1) Operate the internal functions of the Directorate of National Town and Country Planning and perform its administrative and technical duties and services.

(2) Prepare, keep up-to-date, review, and from time to time revise, and add to the National Development Plan.

(3) Prepare studies, carry on researches and investigations on matters related to the National Development Plan and participate in the

development of the national town and country planning program.

(4) Render consultive planning services to regional planning units for the actual preparation of their regional plans, upon their request.

(5) Undertake, assist and encourage the collection, maintenance, and publication of statistics on resources and economic activity, bulletins and monographs on planning and its methodology.

(6) Perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Section 10 CREATION OF COMMISSION

(1) For the purpose of this Act, the President, shall, by notification in the Official Gazette, constitute a National Town and Country Planning Commission which shall be an advisory planning body administratively attached to the Directorate of National Town and Country Planning for advising and assisting the Director of the said Directorate, and for carrying out the functions and duties assigned to it under this Act.

(2) The Commission shall consist of not less than six no more than twelve members, out of which at least six shall be officials of the national government, its departments and agencies, and out of which at least three shall be experts in certain phases of the National Development Program.

(3) The President shall appoint the chairman from among the members of the Commission.

(4) The term of office and conditions of services of the Chairman, and other members of the Commission shall be such as may be prescribed; and they shall be entitled to receive such salaries or allowances or both as may be fixed by the Civil Service Laws and Regulations.

(5) The term of office of the citizen members shall be four years and until their successors are appointed except that of the members first appointed one-half shall be appointed for a two-year term and the remainder for four years.

(6) The President may terminate the services of the Chairman or any government employee member of the Commission at any time. The President may also terminate the services of any citizen member for non-fulfillment of his duties.

(7) The Chairman or any member may resign his membership of the Commission by giving notice in writing to the President and on such resignation being accepted by the President, he shall cease to be a member of the Commission.

(8) Vacancy by reason of resignation, death, or termination shall be filled by the President appointing a successor for the unexpired term.

(9) The proceedings of the Commission shall not be invalidated by reason of any vacancy in the membership of the Commission or any defect in the appointment of any member.

(10) The National Town and County Planning Commission shall meet at such times and places as it deems necessary for the transaction of its business at such meetings, but at intervals of not more than three months. The Chairman of the Commission shall convene within fifteen days a meeting on request by the Director of the Directorate of National Town and Country Planning or by a majority number of the members of the Commission.

(11) The Chairman or in his absence the Vice-Chairman if any, or in the absence of the

Chairman and of the Vice-Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of the Commission.

(12) The National Town and Country Planning Commission shall adopt its own rules of procedure and keep minutes of its meetings and actions which shall be filed as public records.

(13) The Commission may from time to time organize itself into sub-committees and delegate such of its functions to the sub-committees as it may deem necessary. The Chairman of the Commission may appoint to such sub-committees non-members of the National Town and Country Planning Commission, who, because of their expertise are qualified to serve in such sub-committees. A regular member of the Commission shall preside at meetings of such sub-committees as Chairman.

Section 11 DUTIES OF COMMISSION

Subject to the provisions of this Act, and the rules framed thereunder, the National Town and Country Planning Commission shall perform all duties, and exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act, which include among others the following:

(1) Advise the Director of the Directorate of National Town and Country Planning in matters relating to planning the development and use of rural and urban land in the Republic.

(2) Review and evaluate the National Development Plan or any major parts thereof, including revisions and amendments, as prepared by the Directorate of National Town and Country Planning, prior to its submission to the President. The Commission shall submit a written report of its evaluations and recommendations to the President and the Director of the Directorate of National Town and Country Planning.

(3) Prepare and furnish reports relating to the working of this Act, and shall submit written recommendations to the President and the Director of the Directorate of National Town and Country Planning for revisions and amendments to this Act for the purpose of assuring maximum effectiveness of planning activities and organization.

(4) Promote the public interest, awareness, understanding and participation in the planning process.

(5) Prepare and submit an annual report to the President and the Director of the Directorate of National Town and Country Planning, on its activities and actions.

(6) Perform any other function, which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed by the President.

Section 12 NATIONAL DEVELOPMENT PLAN

The Directorate of National Town and Country Planning shall prepare, recommend, and regularly review and from time to time revise, a balanced, orderly, integrated and comprehensive long-range general plan for the physical, social and economic development of the Republic in order to promote the health, safety, morals and general welfare of the citizens.

Section 13 PURPOSE OF PLAN

(1) To provide the general framework for a coordinated physical, social and economic development of the Republic within a unified policy framework. Such development shall be based on factual materials, sound data and comprehensive surveys and studies of physical, social, economic and governmental conditions and trends,

researches, analyses and realistic projections of actual factors affecting future growth, for the purpose of promoting health, safety, morals and general welfare of the people.

(2) To serve as a general guide for policy formulation and policy implementation by the President on matters relating to National Town and Country Planning.

(3) To serve as a coordinating document for a nationwide physical development program of governmental operating departments and agencies.

(4) To serve as a general guideline and basis for more detailed regional and local plans.

Section 14 CONTENTS OF PLAN

The National Development Plan shall be presented as a unified document or documents containing statements in written and graphic forms. The plan shall consist of, but not be limited to:

(1) A statement of national policies, long and short-range goals and objectives, standards, principles sought to be expressed in the plan, identification of problems including economic problems, social problems, resource development problems, national localization, national

transportation development, and administrative problems, and delineation of the Republic's potentialities regarding the Republic's physical growth, development and redevelopment, and socio-economic well being.

(2) Proposals for an orderly, compatible and harmonious pattern of land use throughout the Republic. It shall show in a generalized form the proposed location, extent, distribution, character and interrelationship of land use at specified reasonable and predictable periods of time. The area of the Republic shall be divided into land use districts designated as urban, rural, conservation, natural resource development and public use.

(3) Proposals for an efficient national transportation network. It shall show in a general outline the proposed location, character, capacity and interrelationship of facilities for the transportation of goods and people at specified, reasonable and predictable periods of time. Such a national transportation proposal shall be correlated with the land use element.

(4) Proposals for the most efficient and desirable major public works and facilities including; utilities, flood control works, irrigation works, national parks and recreation and major public building locations. It shall show in a general outline the proposed location, extent, distribution and interrelationships of such public facilities at specified, reasonable and predictable periods of time.

(5) The National Development Plan may include proposals for such other additional elements which in the judgement of the Director and Commission will further serve the purposes of the plan.

Section 15 ADOPTION OF PLAN

(1) Upon the preparation of the National Development plan, or any part thereof, or on the preparation of an amendment or revision or addition to the plan or any part thereof, the Director of the Directorate of National Town and Country Planning shall first submit the plan or functional part, amendment, revision, or extension thereof, or addition thereto, to the National Town and Country Planning Commission for its consideration and recommendations. The Director

shall evaluate the recommendations of the Commission and may incorporate such recommendations or parts thereof in the proposed National Development Plan.

(2) After the preparation of the National Development Plan, the Director of the Directorate of National Town and Country Planning shall publish a public notice of the preparation of the plan and designate the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the plan within such period as may be specified in the notice. Provided, that such period shall not be less than two months from the date the notice has been published in the Official Gazette.

(3) After the expiry of the period mentioned in sub-section (2), a Committee consisting of the Director and not more than two members of the National Town and Country Planning Commission elected by the Commission, shall consider the objections filed under sub-section (2) and report to the Directorate of National Town and Country Planning on these within such time as may be fixed by the Commission.

(4) The Committee so constituted shall have power to co-opt with any other person whose assistance and advice it may desire in performing its functions.

(5) Such Committee shall allow a reasonable opportunity of being heard, to any person, including representatives of governmental departments, who has filed any objection, and who has made request for being so heard.

(6) As soon as may be, after the receipt of the report from the Committee, the Directorate of National Town and Country Planning shall consider the report and make such amendments in the National Development Plan as it considers proper and the Director shall submit the National Development Plan with or without modifications together with the written report of the Committee to the President for final approval.

(7) Upon approval by the President, the plan shall be filed with the Council of Ministers for adoption and action. Certified copies of the plan shall be distributed amongst all national ministries, departments, agencies and to all Regional Planning Agencies for their information and guidance.

Section 16 AMENDMENT OF PLAN

At any time after the date on which the National Development Plan comes into operation, and at least once every five years after that date, the plan shall be reviewed and subsequent amendments, alterations or additions considered necessary by the Directorate and the Commission shall be adopted by the same procedure as in the original adoption.

Section 17 LEGAL EFFECT

From and after the adoption of the National Development Plan, no plan or program for national public works or development shall be adopted unless it is in line with and is pursuant to the National Development Plan. The Directorate of National Town and Country Planning shall review all such plans as they relate to the National Development Plan, and the Director of the afore-said Directorate shall inform the appropriate agency or authority his recommendations in a written report.

CHAPTER III

REGIONAL PLANNING

Section 18 DECLARATION OF A REGIONAL PLANNING AREA

(1) The National Town and Country Planning Commission shall divide the territory of the Republic of Iraq into functional and workable areas and designate them as regions. The regions shall be delineated and identified by name or number. Such action shall be based on criteria, such as "Geographical Identity," where natural features are used for boundaries like river basins, mountains, or vast deserts; "Cultural Unity," where indicators like language, religion, attitudes values, and needs are basic for a common culture; and "Natural Resources" where the development of natural resources, either specialized like oil or diversified like oil and agricultural land, requires coordinated effort. Based on such criteria, the aforesaid regions shall be unified by common geographic, economic, social and cultural features, to enable them to practice planning within a circumscribed practical area.

Such decision shall be made only after receiving recommendations from the Director of the Directorate of National Town and Country Planning.

(2) The President, thereafter, may, by notification declare such areas, as delineated and identified by the Commission and recommended by the Director of the Directorate of National Town and Country Planning, as Regional Planning Areas, for the purposes of this Act, and on such declaration this Act shall apply to such area.

(3) Every such notification shall define the boundaries and limits of the Regional Planning Area to which it relates.

(4) The Directorate of National Town and Country Planning shall review the boundaries and the planning jurisdiction of each Regional Planning Area at least once in every five years. A written report, concerning the alterations of such boundaries and planning jurisdictions, shall be submitted by the Director of the Directorate of National Town and Country Planning to the National Town and Country Planning Commission for review and recommendations. Approval of new boundaries or jurisdictions shall follow the same procedure for adoption as in the original.

Section 19 CREATION OF REGIONAL PLANNING AGENCY

(1) As soon as may be, after declaration of a Regional Planning Area, the President in consultation with the Director of the Directorate of National Town and Country Planning and the National Town and Country Planning Commission, shall, by notification in the Official Gazette, constitute for the purposes of the performance of the functions assigned to it under this Act, an administrative and technical planning agency to be called the "Regional Planning Agency" of that region, having jurisdiction over that region as declared by the President and as provided in Section 18, sub-sections (2) and (3) of this Act. Such Regional Planning Agency shall be a field administrative and technical unit of the Directorate of National Town and Country Planning and also serve as the technical staff of the Regional Planning Board.

(2) Every Regional Planning Agency shall consist of the following:

(a) a Regional Planning Officer;

(b) a Regional Planning Staff.

Section 20 DUTIES OF AGENCY

The Regional Planning Agency shall have the power to do everything which may be necessary or expedient for the purpose of carrying out its duties under this Act, and such power shall include the power to:

(1) Prepare, recommend, keep up-to-date, and from time to time revise, amend, extend or add to a plan or plans for the overall development of the region, which plan or plans collectively shall be called a Regional Plan.

(2) Collect information about the region, which shall include collecting, compiling, collating, and processing, such as, mapping and mathematical processing of all existing data and studies, in addition to carrying out further surveys and studies on a continuing basis. It also shall include recommendations from time to time of future censuses, other surveys to gather other information about the region.

(3) Study the human ecology of the region. Processed data shall be used to prepare diagrams and maps to show spatial relationships, past and present development, and future trends of the

development of the basic regional elements:
human beings and natural resources.

(4) Analyze the problems of the region, related to growth or decline of population, natural resources, relationships between regions and others.

(5) Propose alternative solutions for these problems.

(6) Seek the cooperation and assistance of the Directorate of National Town and Country Planning, and other departments and agencies of national and local governments, institutions, research organizations, private persons and organizations, in the preparation of the regional plan which shall offer the framework within which development projects of national as well as local importance can find their place.

(7) Establish close working relationships with the individual local governments and appropriate agencies for relating the regional plan to their operations and areas of responsibility and to aid in the effectuation of the Regional Plan.

(8) Render consultive and technical planning services to local planning units for the actual preparation of their comprehensive and detailed plan, upon their request.

(9) Publish and distribute information related to its activities, plans and other relevant functions or projects in order to promote public awareness and understanding of planning objectives and to stimulate public interest and participation in the planning process.

(10) Perform any other function, which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Section 21 APPOINTMENT OF REGIONAL PLANNING OFFICER

(1) For every Regional Planning Agency, as described in Section 19 of this Act, the Director of the Directorate of National Town and Country Planning, after consultation with the appropriate Regional Planning Board, shall recommend to the President and the Director General of Civil Service for their approval, a town and country planner, to be appointed as the Regional Planning Officer for that region for the purpose of carrying out functions assigned to him under this Act. The Regional Planning Officer shall be the chief executive and administrative officer and head of Regional Planning Agency, shall function under the supervision, and shall be administratively responsible to the Director of the

Directorate of National Town and Country Planning. The Regional Planning Officer shall be an ex-officio member, secretary, and technical advisor of the Regional Planning Board.

(2) The Regional Planning Officer shall serve, hold office and receive a salary, subject to the provisions of Civil Service Rules and Regulations.

Section 22 DUTIES OF REGIONAL PLANNING OFFICER

The Regional Planning Officer shall perform all duties, exercise all powers and carry out all functions assigned to him under this Act, which shall include among others the following:

(1) Assume principle technical and administrative responsibilities for overall organization and management of the Regional Planning Agency and the regional planning program.

(2) Submit his recommendations to the Director of the Directorate of National Town and Country Planning, concerning the appointment of those officers and employees whose services are necessary for the efficient performance of the Agency.

(3) Represent the Regional Planning Agency at official meetings and technical or professional conferences.

(4) Submit the Regional Plan or parts thereof to the Regional Planning Board for review, evaluation and recommendation prior to its submission to the Director of the Directorate of National Town and Country Planning. After review by the Board, the Regional Planning Officer, shall, thereafter, submit the Regional Plan to the Director of the Directorate of National Town and Country Planning for review, approval and incorporation into the National Development Plan.

(5) Convey the Regional Plan to local authorities and departments and agencies of national government operating within the region.

(6) Prepare and submit an annual report to the Director of the Directorate of National Town and Country Planning and the Regional Planning Board, and to furnish such report to the governors of provinces, mayors of cities, chiefs of municipalities, and representatives of the national government within the region.

(7) Perform any other function, which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Section 23 APPOINTMENT OF REGIONAL PLANNING STAFF

(1) The Regional Planning Staff shall be appointed by the Director of the Directorate of National Town and Country Planning, upon recommendation by the Regional Planning Officer and subject to the approval of the Director General of Civil Service on the basis of special training, experience, ability and fitness and in accordance with Civil Service Rules and Regulations.

(2) Employees of the Regional Planning Agency may be transferred temporarily to other local governments, planning agencies and departments in the region; or employees of such departments, local governments and planning agencies, may be transferred temporarily to the Regional Planning Agency. Such temporary transfer of employees shall be arranged according to Civil Service Laws and Regulations.

Section 24 DUTIES OF REGIONAL PLANNING STAFF

The Regional Planning Staff, under the direct control and supervision of the Regional Planning Officer shall perform all duties, and exercise all such powers, as may be necessary and expedient for the purposes of carrying out its functions under this Act, which shall include among others the following:

(1) Operate the internal activities of the Regional Planning Agency and perform its administrative and technical duties and functions.

(2) Prepare, keep up-to-date, review and from time to time revise, and add to the Regional Plan.

(3) Prepare studies and researches on matters related to the Regional Plan and participate in the development of the regional planning program.

(4) Undertake, assist and encourage the collection, maintenance, and publication of statistics, bulletins and monographs on regional planning and its methodology.

(5) Perform any other function, which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Section 25 CREATION OF REGIONAL PLANNING BOARD

(1) For the performance of this Act, after the declaration of a Regional Planning Area, the President in consultation with the Director of the Directorate of National Town and Country Planning and the National Town and Country Planning Commission, shall, by notification in

the Official Gazette, constitute for the purpose of carrying out the functions assigned to it under this Act, an advisory planning body administratively attached to the Regional Planning Agency and having jurisdiction over that area to be called the "Regional Planning Board" of that area.

(2) The provincial governor, the city mayor and the chief of municipalities of each province and Local Planning Area located within the region shall serve in the Regional Planning Board as ex-officio members with voting rights.

(3) The Director of the Directorate of National Town and Country Planning in consultation with the National Town and Country Planning Commission, shall recommend to the President additional members, which number shall be no less than four nor more than twelve members. The members so recommended for appointment shall be either as private citizens living with the region or officials of the national and local government, their departments, and agencies operating within the region. In such appointment, consideration shall be given to the size and population of the area and to the urgency and complexity of its economic, social and physical problems.

(4) The President, shall, upon recommendation of the Director of the Directorate of National Town and Country Planning, appoint the members of the Regional Planning Board. The chairman and other officers of the aforesaid Board shall be elected from among its members.

(5) The term of office and conditions of services of the members of the Board; salaries or allowances or both to which they may be entitled shall be fixed by the Civil Service Laws and Regulations.

(6) The term of office of the citizen members shall be four years. Although their term may be expired, the members of the Board shall continue to serve until their successors are appointed.

(7) The President may terminate the services of any government employee member of the Board at any time. The President may also terminate the services of any citizen member for non-fulfillment of his duties.

(8) Any member may resign his membership of the Board by giving notice in writing to the Director of National Town and Country Planning Agency

and on such resignation being accepted by the President, he shall cease to be a member of the Board.

(9) Vacancy by reason of resignation, death, or termination shall be filled by the President appointing a successor for the unexpired term.

(10) The proceedings of the Board shall not be invalidated by reason of any vacancy in the membership of the Board or any defect in the appointment of any member.

(11) The Regional Planning Board shall meet at intervals of not more than two months for the transaction of its business. The Chairman of the Board shall convene within fifteen days, a meeting on request by the Regional Planning Officer or by a majority number of the members.

(12) The Regional Planning Board shall adopt its own rules of procedure and keep minutes of its meetings and actions which shall be filed as public records.

(13) The Board may from time to time organize itself into sub-committees and delegate such of its functions to the sub-committees as it may deem necessary. The Board may appoint to such

sub-committee non-members of the Board, who, because of their expertise, are qualified to serve in such sub-committees. A regular member of the Board shall preside at meetings of such sub-committees as chairman.

Section 26 DUTIES OF REGIONAL PLANNING BOARD

The Regional Planning Board shall perform all duties and exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act, which shall include among others the following:

(1) Advise and assist the Regional Planning Officer in matters related to the planning and development of the Regional Plan.

(2) Review and evaluate the Regional Plan or any major parts thereof, including revisions and amendments, as prepared by the Regional Planning Agency, prior to its submission to the Director of the Directorate of National Town and Country Planning.

(3) Function as a clearinghouse where all disagreements, problems and conflicts in planning shall be reconciled, along or across municipal,

city, or provincial boundary lines within the region.

(4) Coordinate the activities of governmental agencies and departments within the region, directly associated with regional development, and the Regional Planning Agency.

(5) Become a continual mixed-membership official resource body to aid the Regional Planning Agency in implementing regional plans and programs such as highway and housing construction, and in pollution control.

(6) Assist in the development of a general work program for regional planning.

(7) Promote the public interest, awareness, understanding and participation in the regional planning program in all provinces, cities and municipalities within the region.

(8) Prepare and submit an annual report to the Director of the Directorate of National Town and Country Planning and furnish such report to the governors of provinces, Local Planning Areas, and heads of national agencies operating within the region.

(9) Perform any other function, which is supplemental, incidental or consequential to any of the functions aforesaid or may be prescribed.

Section 27 REGIONAL PLAN

The Regional Planning Agency shall prepare, maintain, and keep up-to-date a balanced, orderly, integrated and comprehensive long-range general plan for the physical, social and economic development of the region.

Section 28 PURPOSE OF PLAN

The Regional Plan shall be developed:

(1) To provide the general framework for a coordinated physical, social and economic development of the region, such development plan shall be based on comprehensive surveys and studies, researches and analyses of physical, social, economic and governmental conditions and trends for the purpose of promoting health, safety, morals and general welfare of the people, and shall show the manner and stages of its implementation, principles for the allocation of production forces and service facilities, the shaping of the settlement network, the distribution of the population and the designation of areas for definite purposes.

(2) To serve and offer a suitable framework for national town and country planning action and to provide the opportunity to mobilize human, natural, and physical resources throughout the Regional Planning Area.

(3) To serve as a general framework and guide for more detailed comprehensive plans for local units of government.

Section 29 CONTENTS OF PLAN

The Regional Plan shall be presented as a unified document or documents containing statements in written and graphic forms. The plan shall consist of, but not be limited to:

(1) A statement of regional policies, long and short-range goals and objectives, principles, standards, priorities sought to be expressed in the plan, identification of problems including economic problems, social problems, resource development problems, natural localization, regional transportation development, and administrative problems, and delineation of the potentialities of the region, regarding the region's physical growth and socio-economic well being, considering both the urban and rural sectors of

the region as complementary rather than competing to maintain a more balanced urban rural relationship. Such statement shall stress that rural development is required to supply more food for the increasing urban population, to replace imported farm products, to supply raw materials for rapidly increasing industries, to increase the Republic's exports, and to allow for rural-urban migration without decreasing farm production; and that urban development is required to construct more urban amenities and develop direct productive activities which are designed to create job opportunities.

(2) Recommendations for the most desirable and compatible patterns of rural and urban land use within the region. It shall show the proposed location, extent, distribution, character, and interrelationship of land use at specified, reasonable and predictable periods of time in light of the best available information concerning topography, soil, climate and underground conditions, water courses and bodies of water, and other natural or environmental factors, as well as in the light of the best available information concerning the present and prospective economic bases of the regional area, trends of

industrial, population or other developments, the habits and standards of the people of the region, and the relation of land use within the region to land use in adjoining areas. Such recommendations shall, insofar as appropriate, indicate areas for residential use and maximum recommended densities therein; areas for farming and forestry, mining and other extractive industries; areas for manufacturing and industrial uses, with classification of such areas in accordance with their compatibility with land use in adjoining areas; areas for commercial uses; areas for recreational uses, and for open spaces, and areas of mixed uses.

(3) Proposals for an efficient regional transportation network. It shall show the proposed location, character, capacity and interrelationships of facilities for the transportation of goods and people at specified reasonable and predictable periods of time. Such regional transportation proposals shall be correlated with the land use element and their relationships with other regional transportation networks according to the general framework of the National Development Plan and consideration should also be given to the local transportation networks.

(4) Proposals for the most efficient and desirable regional public works and facilities. In the urban sector, they shall include the construction of urban amenities such as housing, community services and community facilities, and in the rural sector, they shall include the construction of village amenities, irrigation and drainage works. Such proposals shall also include regional flood control works and regional parks.

(5) The Regional Plan may include proposals for such other additional elements concerning current and impending problems as may affect the region as a whole which in the judgement of the Regional Planning Officer and the Regional Planning Board will further serve the purposes of the plan.

Section 30 ADOPTION OF PLAN

(1) Upon the preparation of the Regional Plan, or any part thereof, or on the preparation of an amendment or revision or addition to the plan or any part thereof, the Regional Planning Officer shall first submit the plan, or functional part, amendment, revision or extension thereof, or addition thereto, to the Regional Planning Board

for its consideration and recommendations. The Regional Planning Officer shall evaluate the recommendations of the Board and may incorporate such recommendations or parts thereof in the proposed Regional Plan. The Regional Planning Officer shall, thereafter, submit the reviewed or adjusted proposed Regional Plan to the Director of the Directorate of National Town and Country Planning for further review and evaluation in case it agrees with the National Development Plan.

(2) As soon as may be, after the Director of the Directorate of National Town and Country Planning has reviewed the Regional Plan, the Regional Planning Officer shall receive back the plan with a written report and the consent of the Director to the publication of a public notice. Upon receipt of such consent the Regional Planning Officer shall publish a notice in the Official Gazette and local newspapers, of the preparation of the Regional Plan and the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the Regional Plan within such periods as may be specified in the notice. Provided that such period shall not be less than

two months from the date the notice is published in the Official Gazette.

(3) After the expiry of the period mentioned in sub-section (2), a Committee consisting of the Regional Planning Officer and not more than two members of the Regional Planning Board elected by the Board, shall consider the objections filed under sub-section (2) and report on them within such time as may be specified.

(4) The Committee so constituted shall have power to co-opt with any other person whose assistance and advice it may desire in performing its functions.

(5) Such a Committee shall allow a reasonable opportunity of being heard, to any person, who has filed any objection, and who has made request for being so heard.

(6) As soon as may be, after the receipt of the report from the Committee, the Regional Planning Agency shall consider the report and make such amendments in the Regional Plan as it considers proper, and the Regional Planning Officer shall submit the Regional Plan with or without modifications together with the written report of the

Committee to the Director of the Directorate of National Town and Country Planning for final approval.

(7) The Regional Plan, thereafter, shall be filed with the Directorate of National Town and Country Planning. Certified copies of the plan shall be distributed amongst all national agencies operating within the region and transmitted to the governors of provinces and Local Planning Areas within the region for their information and guidance.

Section 31 AMENDMENT OF PLAN

At any time after the date on which the Regional Plan comes into operation, and at least once every five years after that, the plan shall be reviewed and subsequent amendments, alterations or additions considered necessary by the Regional Planning Agency and Board shall follow the same procedure as in the original preparation and adoption.

Section 32 LEGAL EFFECT

From and after the adoption of the Regional Plan, no plan or program for regional development shall be adopted unless it is in line with and is pursuant to the Regional Plan. The Regional Planning

Agency shall review all such plans as they relate to the Regional Plan, and the Regional Planning Officer shall inform the appropriate agency or authority his recommendations in a written report. To facilitate effective and harmonious planning of the region, all Local Planning Authorities shall file with the appropriate Regional Planning Agency, for its information, all local plans, official maps, or amendments or revisions of any of them, as well as copies of their regular and special reports dealing in whole or in part with planning matters. All Local Planning Authorities may also submit proposals for such plans, maps, amendments or revisions prior to their adoption, in order to afford an opportunity to the Regional Planning Officer to study such proposals and to render his advice thereon.

CHAPTER IV

LOCAL PLANNING

Section 33 DECLARATION OF LOCAL PLANNING AREA

(1) The President may by notification declare areas with an urban core in the Republic to be a Local Planning Area for the purposes of this Act, and on such declaration this Act shall apply to such area. Such declaration shall be based on the recommendation of the Regional Planning Officer, and the Director of the Directorate of National Town and Country Planning after the preparation of preliminary reports based on investigation and decision to proceed, in the matter of designating of any provincial capitals, municipality, town, district or area or parts or combination thereof, as a Local Planning area. Provided that no military cantonment or part of a military cantonment shall be included in any such area.

(2) Every such notification shall define the limits of the area to which it relates.

(3) The President may, after consultation with the Regional Planning Officer, and the Director of the Directorate of National Town and Country Planning amalgamate two or more planning areas into one Local Planning Area, sub-divide a Local Planning Area into different Local Planning Areas, and include such divided areas in any other Local Planning Area.

(4) When the President amalgamates or divides Local Planning Areas according to above subsections (1) and (3), he may by notification direct that all or any of the rules, regulations, orders, directions or powers made, issued, conferred and in force in any other Local Planning Area at the time, with such exceptions and adaptations and modifications as may be considered necessary by the President, shall apply to the area declared as, amalgamated with or included in, a Local Planning Area under this section and such rules, regulations, bylaws, orders, directions and powers shall forthwith apply to such Local Planning Area without further publication.

(5) The President may, by notification withdraw from the operation of this Act the whole or part of any Local Planning Area declared thereunder. When such notification is issued, this Act and all notifications, rules, regulations, orders, directions and powers issued, made, or conferred under this Act, shall cease to apply to the said area.

Section 34 CREATION OF LOCAL PLANNING AUTHORITY

(1) As soon as may be, after declaration of a Local Planning Area, the President in consultation with the Regional Planning Officer, and the Director of the Directorate of National Town and Country Planning, shall, by notification in the Official Gazette, constitute for the purposes of the performance of the functions assigned to it, an authority to be called the "Local Planning Authority" of that area, having jurisdiction over that area as declared by the President and as provided in Section 33 of this Act. Such an Authority shall be a staff organization of the Local Chief Executive on planning matters and also serve as the technical staff of the Local Planning Council.

(2) Every Local Planning Authority shall consist of the following:

(a) a Town Planning Officer;

(b) a Town Planning Staff.

Section 35 DUTIES OF LOCAL PLANNING AUTHORITY

The Local Planning Authority shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

(1) Preparation, review and maintenance of the local Master Plan including data collection, mapping and analysis.

(2) Projection, evaluation, goal formulation, design of policies and plan.

(3) Devising a program for carrying out the local master plan into effect.

(4) Participation in regional long-range studies and planning.

(5) Preparation, review and maintenance of master plans for special areas, neighborhoods, or communities.

(6) Preparation, review and maintenance of area-wide plans for special functions, in greater detail than the master plan, such as, but not limited to, a system of fire stations, or of off-street parking.

(7) Promotion of public participation in neighborhood of area-wide planning.

(8) Promotion of public education and information on planning problems, needs, aims, and long-range proposals, ranging from newsletters and displays on current programs to staff participation in civic affairs.

(9) Review and assist in the preparation of a long-range capital improvements program and an annual capital budget.

(10) Undertake zoning studies, including periodic comprehensive revision of the regulations and map, also recommend amendments to the text of the regulations and, if so designated, administer and enforce such regulations. Such procedure shall apply to subdivision regulations and mapped improvement regulations.

(11) Undertake renewal studies, specifically participating in community renewal program preparation, which shall include but not be limited to: identification of renewal areas, determination of development standards and use changes.

(12) Initiating or participating in the framing of other programs or systems of community action, whether governmental, civic and private sector, such as, a comprehensive housing program an economic development program, or a community action program related to poverty.

(13) Occasionally, advise and, if so designated, regulate controls over the architecture of public and private buildings and design of street structures.

(14) Seek the cooperation and assistance of other national and regional departments and agencies, institutions, research organizations, private persons and organizations in the preparation of the master plan which shall offer the framework within which development projects of local importance can find their place.

(15) Establish close working relationships with the appropriate agencies and departments for

relating the master plan to their operations and programs and to aid in the effectuation of the master plan.

Section 36 TRANSFER OF FUNCTION

Where a municipality, town, district or area or parts or combination thereof, has been declared as a Local Planning Area and is incapable or unable to establish a Local Planning Authority due to limited financial and/or technical resources, the Regional Planning Agency shall assume the duties and powers of the Local Planning Authority as provided by this Act.

Section 37 APPOINTMENT OF TOWN PLANNING OFFICER

(1) For every Local Planning Authority, as described in Section 34 of this Act, the chief executive of the Local Planning Area shall appoint, a town and country planner to be called the Town Planning Officer of that area subject to the approval of the Director General of Civil Service and for the purpose of carrying out functions assigned to him under this Act according to the Civil Service Laws and Regulations. The Town Planning Officer shall be the chief

administrative and technical officer and head of Local Planning Authority, and shall be administratively responsible to the chief executive of the said area. The Town Planning Officer shall be an ex-officio member, secretary, and technical advisor of the Local Planning Council. (See Section 41)

(2) The Town Planning Officer shall serve, hold office, and shall receive a salary subject to the Civil Service Law.

Section 38 DUTIES OF TOWN PLANNING OFFICER

The Town Planning Officer, subject to the supervision and direct control of the chief executive of the Local Planning Area, shall perform all duties, exercise all powers and carry out all functions assigned to him under this Act, which shall include among others the following:

(1) Assume principle administrative and technical responsibilities for overall organization and management of the Local Planning Authority and the local planning program.

(2) Submit his recommendation to the chief executive of the Local Planning Area, concerning the appointment of those officers and employees whose

services are necessary for the continuous and efficient performance of the Authority.

(3) Represent the Local Planning Authority at Official meetings and technical or professional conferences.

(4) Submit the Master Plan or parts thereof to the Local Planning Council for review, evaluation and recommendations prior to its submission to the chief executive of the Local Planning Area. After review by the Council, the Town Planning Officer shall, thereafter, submit the Master Plan to the chief executive of the Local Planning Area.

(5) Prepare and submit an annual report to the chief executive and the Local Planning Council of the Local Planning Area and furnish such report to the Regional Planning Officer and the Director of the Directorate of National Town and Country Planning and to all local departments and national agencies operating within the Local Planning Area.

(6) Perform any other function, which is supplemental, incidental or consequential to any of the functions aforesaid or may be prescribed.

Section 39 APPOINTMENT OF TOWN PLANNING STAFF

(1) The Town Planning Staff shall be appointed by the chief executive of the Local Planning Area, upon recommendation by the Town Planning Officer and subject to the approval of the Director General of Civil Service on the basis of special training, experience and ability in accordance with the Civil Service Rules and Regulations.

(2) Employees of the Local Planning Authority may be transferred temporarily to the Regional Planning Agency, the Directorate of National Town and Country Planning, other local departments and national agencies for a specified period of time for the purpose of special training and education. Such temporary transfer of employees shall be arranged according to Civil Service Laws and Regulations.

Section 40 DUTIES OF TOWN PLANNING STAFF

The Town Planning Staff, under the direct control and supervision of the Town Planning Officer shall perform all duties, and exercise all such powers, as may be necessary or expedient for the purposes of carrying out its functions under this Act, which shall include among others the following:

- (1) Operate the internal activities of the Local Planning Authority and perform its administrative and technical duties and functions.
- (2) Prepare, keep up-to-date, review and from time to time revise, and add to the Master Plan.
- (3) Prepare studies and researches on matters related to the Master Plan and participate in the development of the local planning program.
- (4) Undertake the collection, maintenance, and publication of statistics, bulletings and monographs on community Planning and its methodology.
- (5) Provide technical service to other governmental agencies and private groups operating within the area.
- (6) Administer and enforce land use controls such as zoning and subdivision regulations.
- (7) Perform any other function, which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Section 41 CREATION OF LOCAL PLANNING COUNCIL

- (1) After the declaration of a Local Planning Area, and for the performance of this Act, there

shall be an advisory planning body administratively attached to the Local Planning Authority to be called the "Local Planning Council" of that area, having jurisdiction over that area.

(2) The number of members of Local Planning Council shall be no less than four nor more than nine members and whose composition shall be as follows:

(a) the heads of national agencies operating within the Local Planning Area, in addition to the Town Planning Officer, shall serve in the Local Planning Council as ex-officio members with voting rights:

(b) the chief executive of the Local Planning Area shall select additional members to the council from citizens living within the area, to be appointed because of their knowledge of, experience, training, contributions, or active interest in planning and concern for the public welfare, provided that the number of additional members shall be a majority of the total membership of the council.

(3) The chairman and other officers of the Local Planning Council shall be elected from among its members, provided that the Town Planning

Officer shall be designated secretary of the council.

(4) The term of office and conditions of services of the members of the Council shall be such as may be prescribed, and they shall be entitled to receive such salaries or allowances or both as may be fixed by the Civil Service Laws and Regulations.

(5) The term of office of the citizen members shall be four years. Although their terms may be expired, the members of the Council shall continue to serve until their successors are appointed.

(6) The services of any government employee member of the Local Planning Council may be terminated by the appointing authority for inefficiency, neglect of duty and conflict of interest according to the Civil Service Laws and Regulations. The services of the citizen member may also be terminated for non-fulfillment of his duties.

(7) Vacancy by reason of resignation, death, or termination shall be filled by the appropriate authority appointing a successor for the unexpired term.

(8) The proceedings of the council shall not be invalidated by reason of any vacancy in the membership of the council or any defect in the appointment of any member.

(9) The Local Planning Council shall meet at intervals of not more than a month for the transaction of its business. The Chairman of the Council shall convene within seven days, a meeting on request by the Town Planning Officer or by a majority number of the members.

(10) The Local Planning Council shall adopt its own rules of procedure and keep minutes of its meetings and actions which shall be filed as public records.

(11) The Local Planning Council may associate with itself in such manner and for such purposes as may be prescribed by rules any person whose assistance or advice it may desire in performing any of its functions under this Act.

(12) Any person associated with it by the council under sub-section (11) for any purpose shall have a right to take part in the discussions of the

council relevant to that purpose but shall not have a right to vote at a meeting and shall not be a member for any other purpose.

Section 42 DUTIES OF LOCAL PLANNING COUNCIL

The Local Planning Council shall perform all duties and exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act, which shall include among others the following:

(1) Advise and assist the Town Planning Officer in matters related to the planning and development of the Master Plan.

(2) Review and evaluate the Master Plan or any major parts thereof, including revisions and amendments, as prepared by the Local Planning Authority, prior to its submission to the chief executive, the Regional Planning Officer and the Director of the Directorate of National Town and Country Planning.

(3) Coordinate the activities of governmental agencies and departments within the region, directly associated with local development, and the Local Planning Authority.

(4) Hear and determine appeals from the decisions of administrative officers in respect to the enforcement and application of specific ordinances, regulatory measures, and administrative rules relative to implementation and effectuation of the Master Plan or parts thereof.

Section 43 INTERIM DEVELOPMENT PLAN, PURPOSE AND CONTENT

(1) As soon as may be, but not later than one year, after the declaration of a Local Planning Area, the Local Planning Authority shall prepare, after consultation with the Regional Planning Agency, and the local authorities concerned, and submit to the Local Planning Council and the chief executive of the Local Planning Area, a plan (herein after called the "Interim Development Plan") for the Local Planning Area or any of its parts.

(2) The Interim Development Plan shall:

(a) include a broad statement of policies goals and objectives, principles, standards, identification of problems and delineation of the potentialities of the area, regarding

the area's physical growth, development and redevelopment and socio-economic well being;

(b) indicate broadly the manner in which the proposals for the uses of land in such area shall be set;

(c) allocate areas or zones of land for use:

(i) for residential, commercial, industrial and agricultural purposes;

(ii) for public and semi-public open spaces, parks and playgrounds;

(iii) for such other purposes as the Local Planning Authority may think fit.

(d) indicate, define and provide:

(i) for existing and proposed national and regional highways, arterial roads, ring roads, and major streets;

(ii) the existing and proposed other lines of communication, including railways, airports.

(e) include zoning regulations to regulate within each zone the location, height, number of stories and size of buildings and other

structures, the size of yards, courts and other open spaces, and the use of buildings, structures, and land, and the density of population.

(3) The Interim Development Plan may indicate, define and provide for:

(a) the existing and proposed public and semi-public buildings; and

(b) all or any of the purposes and matters as may be indicated, defined and provided for in the Master Plan under Section 44.

(4) Subject to provisions of the rules made under this Act for regulating the form and contents of the Interim Development Plan any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the Interim Development Plan.

(5) Promote the public interest, awareness, understanding and participation in the local planning program in the Local Planning Area.

(6) Prepare and submit an annual report to the chief executive and furnish such report to the Regional Planning Officer, the Director of the

Directorate of National Town and Country Planning and to all executive officers of local departments and national agencies operating within the Local Planning Area.

(7) Perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or may be prescribed.

Section 44 MASTER PLAN

As soon as may be , but not more than three years, after adopting an Interim Development Plan or five years from creation of a Local Planning Area, each Local Planning Authority shall prepare, maintain, keep up-to-date and regularly review a comprehensive long-range plan for a balanced, orderly and integrated physical, social and economic development of the Local Planning Area. This plan shall be called the Master Plan for that area.

Section 45 PURPOSE OF MASTER PLAN

The Master Plan shall be developed to:

(1) To improve the physical environment of the community as a setting for human activities--to make it more functional, beautiful, decent, healthful, interesting, and efficient for the purpose of promoting the health, safety, morals,

order, convenience, prosperity and general welfare of the community.

(2) To promote the public interest, the interest of the community at large, rather than the interest of individuals or special groups within the community.

(3) To facilitate the democratic determination and implementation of community policies on physical development.

(4) To effect political and technical coordination in community development.

(5) To inject long-range considerations into the determination of short-range actions.

(6) To bring professional and technical knowledge to bear on the making of political decisions concerning the physical development of the community.

(7) To indicate, define and provide for all the matters that have to be or may be indicated, defined and provided for in the Interim Development Plan with such modifications as the Local Planning Authority deems fit.

Section 46 CONTENTS OF MASTER PLAN

The Master Plan shall be contained in a unified and published document or documents, which shall include a large drawing showing the general physical design proposed for the entire Local Planning Area, written text, and whatever maps, illustrations and tables are needed to support the text. The plan shall consist of, but not be limited to:

(1) A statement of policies, long and short-range goals and objectives, principles, standards, identification of problems and delineation of the potentialities of the Local Planning Area, regarding the area's physical growth, development and redevelopment, and socio-economic well being.

(2) Proposals for a harmonious, compatible and desirable pattern of land use throughout the Local Planning Area. It shall show in detail the proposed location, extent, distribution, character, and interrelationship of land use at specified, reasonable and predictable periods of time. Such proposals shall include comprehensive land allocation for areas or zones for residential, commercial, industrial, agricultural, and other purposes.

(3) Proposals for a complete and efficient transportation network. It shall show in detail the proposed location, character, capacity and interrelationship of facilities for the transportation of goods and people at specified, reasonable and predictable periods of time. Such proposals shall include a complete road and street pattern and traffic circulation pattern for present and future requirements, major road and street improvements and public transit. The plan which shall incorporate the said proposals shall be correlated with the land use plan.

(4) Proposals for the most appropriate and desirable community facilities and public services for present and future requirement. Such proposals shall include among others: amenities, services and utilities, flood control system, a system of local parks and recreation areas, educational and cultural facilities, social welfare, public health and medical facilities and other public buildings and institutions.

(5) Include zoning regulations to regulate within each zone, the location, height, number of stories and size of buildings and other structures, the size of yards, courts, and other open spaces and

the use of buildings, structures and land, and the density of population.

(6) Indicate the stages by which the plan is proposed to be carried out.

(7) The Master Plan may include proposals for such other additional elements which in the judgement of the Town Planning Officer and Local Planning Council will further serve the purpose of the plan.

Section 47 ADOPTION OF MASTER PLAN

(1) Upon the preparation of the Master Plan, or any part thereof, or on the preparation of an amendment, revision or addition to the plan or any part thereof, the Town Planning Officer shall first submit the plan, or functional part, amendment, revision or extension thereof, or additions thereto, to the Local Planning Council for its consideration and recommendations. The Town Planning Officer shall evaluate the recommendations of the Council and may incorporate such recommendations or parts thereof in the proposed Master Plan. The Town Planning Officer shall, thereafter, submit the reviewed or adjusted proposed Master Plan to the chief executive, who shall submit the plan to the Regional Planning Officer and the

Director of the Directorate of National Town and Country Planning, for review and recommendation as the plan refers to the Regional Plan and the National Development Plan. The plan, thereafter, shall be transmitted back to the Town Planning Officer together with a written report. Any proposals for adjustment on the proposed Master Plan as recommended by the reviewing officer may be incorporated by the Town Planning Officer as he thinks fit.

(2) As soon as may be, after the Master Plan has been reviewed as provided in sub-section (1), the Director of the Directorate of National Town and Country Planning and the Local chief executive shall give their consent to the publication of a public notice of the preparation of the plan to the Local Planning Authority. Thereafter, the Local Planning Authority shall publish the public notice in the Official Gazette and in a local newspaper, of the preparation of the Master Plan and the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the Master Plan within such period as may be specified in the notice, provided that such period shall not be

less than two months from the date the notice is published in the official Gazette.

(3) After the expiry of the period mentioned in sub-section (1), a Committee consisting of the Town Planning Officer and not more than two members of the Local Planning Council elected by the Council, shall consider the objections filed under sub-section (2) and report on them within such time as may be fixed in this behalf.

(4) The Committee so constituted shall have power to co-opt any other person, such co-option being subject to the provision of Section 40, sub-section (11), (12).

(5) Such Committee shall allow a reasonable opportunity of being heard, to any person, including representatives of governmental departments or local authorities, who has filed any objection, and who has made request for being so heard.

(6) As soon as may be, after the receipt of the report from the Committee, the Local Planning Authority shall consider the report of the Committee and may make such amendments in the Master Plan as it considers proper, and shall

submit the Master Plan with or without modifications together with a written report of the Committee to the Local Planning Council, the local chief executive, the Regional Planning Officer and the Director of the Directorate of National Town and Country Planning for final approval and adoption.

(7) Upon adoption of the Master Plan, or any major part thereof, a certified copy of the plan shall be furnished to the Regional Planning Agency of the region within which the Local Planning Area is located and the Directorate of National Town and Country Planning. Such plans shall also be furnished to all local departments and such other area or areas contiguous or adjacent to the said Local Planning Area.

(8) After adoption of the Master Plan, the Interim Development Plan shall stand modified or altered to the extent the proposals in the Master Plan are at variance with the Interim Development Plan.

Section 48 AMENDMENT OF MASTER PLAN

At any time after the date on which the Master Plan comes into operation, and at least once every five years after that, the plan shall be

reviewed and subsequent, amendments, alterations or additions considered necessary by the Local Planning Authority and Council shall follow the same procedure as in the original preparation and adoption.

Section 49 LEGAL EFFECT

From and after the adoption of the Master Plan, no plan or program for local public works or development and regulatory measures shall be adopted unless it is in line with and is pursuant to the Master Plan. The Local Planning Authority shall review all such plans and measures as they relate to the Master Plan, and the Town Planning Officer shall inform the appropriate agency or authority his recommendations in a written report. All proposals for local development, major parts thereof, revisions, amendments and additions thereto, specific plans and programs, shall be submitted to the Local Planning Authority for review and recommendations and conformance with the Master Plan prior to their adoption.

CHAPTER V

CONTROL OF DEVELOPMENT AND USE OF LAND

Section 50 USE AND DEVELOPMENT OF LAND IN CONFORMITY WITH MASTER PLAN

(1) After the adoption of any development plan, be it a National Development Plan, Regional Plan or Master Plan, in any area, no person shall use or be permitted to use any land or carry out any development in that area which does not conform to such development plan.

(2) The planning authority, be it the Directorate of National Town and Country Planning, Regional Planning Agency or Local Planning Authority, may allow the continuance of the use, for a specified period, of any land for the purpose and to the extent, for and to which it is being used on the date of adoption of the development plan, upon such terms and conditions as may be prescribed by the rules and regulations made in this behalf.

Section 51 PROHIBITION OF DEVELOPMENT WITHOUT PAYMENT OF
DEVELOPMENT CHARGES AND WITHOUT PERMISSION

(1) After the application of this Act to any area makes it subject to rules and regulations relating to the development charge and assessment, no development, institution or change of use, of any land shall be undertaken or carried out in that area:

(a) without obtaining a certificate from the Local Planning Authority certifying that the development charge as leviable under the rules and regulations made in this behalf has been paid or that no such development charge is leviable;

(b) without obtaining the permission in writing as provided for hereinafter. Provided that no such permission shall be necessary:

(i) for carrying out such works for the maintenance, improvement or other alterations of any building, which affect only the interior of the building or which do not materially affect the external appearance of the building.

(ii) for the carrying out by any governmental authority of any works required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;

(iii) for the carrying out by an governmental authority of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;

(iv) for the excavations (including wells) made in the ordinary course of agricultural operations;

(v) for normal use of land which has been used temporarily for other purposes.

(2) Any person or body intending to carry out any development on any land shall make an application in writing to the Local Planning Authority for permission in such form and containing such particulars and accompanied by such documents

and plans as may be prescribed by the rules or the regulations. Provided that in the case of a governmental authority intending to carry out any development on any land the concerned authority shall notify in writing the Local Planning Authority of its intention giving full particulars thereof and accompanied by such documents and plans as may be prescribed by rules or regulations, at least one month prior to the undertaking of such development; where a Local Planning Authority has raised any objection in regard to such development under sub-section (4), the governmental authority concerned, shall make the necessary modifications in the proposals for development to meet the objections raised by the Local Planning Authority. In this case the provisions of sub-section (3) shall not apply.

(3) On such application having been duly made, and on payment of the development charge as may be assessed by rules and regulations:

(a) The Local Planning Authority may pass an order:

(i) granting permission unconditionally; or

(ii) granting permission subject to such conditions as it may think fit; or

(iii) refusing permission.

(b) The Local Planning Authority may impose conditions to the effect that the permission granted is only for a limited period and after the expiry of that period, the land shall be restored to its previous condition or the use of land permitted shall be discontinued.

(4) The Local Planning Authority in dealing with the applications for permission shall have regard to:

(a) the provisions of the Master Plan, if it has been adopted officially;

(b) the proposals or provisions which it thinks are likely to be made in any Master Plan under preparation; or to be prepared; and

(c) any other material consideration.

(5) When permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal be recorded in the order.

(6) Any such order shall be communicated to the applicant in the manner prescribed by regulations.

Section 52 RIGHT TO APPEAL

(1) Any applicant aggrieved by an order passed under Section 51, or if no order is passed, may appeal, within one month of the communication of that order to him, or after the expiry of the aforesaid period of three months, in the manner and accompanied by such fees as may be prescribed by the rules, to the Local Planning Council.

(2) The Local Planning Council, after receiving the appeal, may give a reasonable opportunity to the appellant and the Local Planning Authority to be heard.

(3) After hearing the appellant and the Local Planning Authority concerned the Council may pass an order dismissing the appeal or accepting the appeal by:

(a) granting permission unconditionally;

(b) granting permission subject to such conditions as it may think fit;

(c) removing the conditions subject to which permission has been granted and imposing other conditions, if any, as it may think fit.

(4) The Council may, by a resolution, delegate any of its functions and powers under this section to the Town Planning Officer, in such cases and subject to such conditions, if any, as may be specified therein.

Section 53 LAPSE OF PERMISSION

Every permission for any development granted under this Act shall remain in force for three years only from the date of such permission; provided that the Local Planning Authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period, for such time as it may think proper; but such extended period shall in no case exceed three additional years.

Section 54 POWER TO STOP UNAUTHORIZED DEVELOPMENT

(1) Where any development of land is being carried out in contravention of any Master Plan, without obtaining a certificate regarding development changes under Section 51 (1) (a), without permission as required under this Act, or in contravention of any condition subject to which such permission has been granted, but has not been completed, the Local Planning Authority may serve on the owner and the person

carrying out the development a notice requiring the development of land to be discontinued from the time of the service of such notice.

(2) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served shall be punishable as specified in the rules and regulations.

Section 55 POWER TO REQUIRE REMOVAL OF UNAUTHORIZED DEVELOPMENT

(1) Where any development of land has been carried out in contravention of any Master Plan, without obtaining a certificate regarding development changes under Section 51 (1) (a), without permission as required under this Act, or in contravention of any condition subject to which such permission has been granted, the Local Planning Authority may, within two years of such development, serve on the owner a notice requiring him, within such period, being not less than one month, as may be specified therein, after the service of the notice, to take such steps as may be specified in the notice and, in particular, any such notice may, for the purpose aforesaid require:

(a) the demolition or alteration of any building or works;

(b) the carrying out on land, of any building or other operations; or

(c) the discontinuance of any use of land; provided that in the case the notice requires the discontinuance of any use of land, the Local Planning Authority shall serve a notice on the occupier also.

(2) Any person aggrieved by such notice may, within the said period and in the manner prescribed:

(a) apply for permission under Section 51 of this Act for the retention of the land of any buildings or works or for the continuance of any use of the land, to which the notice relates; or

(b) appeal to the Council.

(3) On an appeal made to the Council under subsection (2), the Town Planning Officer or any other person appointed by him in this behalf shall, after allowing a reasonable opportunity of being heard to the appellant and the Local

Planning Authority concerned, submit his report to the Council.

(4) After considering the said report, the Council may dismiss the appeal or accept the appeal by quashing or varying the notice as it may think fit.

Section 56 POWER TO REQUIRE REMOVAL OF AUTHORIZED DEVELOPMENT OR USE

(1) If it appears to a Local Planning Authority that it is expedient in the interest of the proper planning of its Local Planning Area and in the interest of the general welfare of the people, having regard to the Master Plan prepared or under preparation, or to be prepared, and to any other material consideration:

(a) that any use of land should be discontinued; or

(b) that any conditions should be imposed on the continuance thereof; or

(c) that any buildings or works should be altered or removed;

the Local Planning Authority may, by notice served on the owner:

(i) require the discontinuance of that use; or

(ii) impose such conditions, as may be specified in the notice, on the continuance thereof; or

(iii) require such steps as may be specified in the notice to be taken for the alteration or removal of any building or works, as the case may be;

within such period, being not less than one month, as may be specified therein, after the service of the notice.

(2) Any person agrieved by such notice, may within the said period, and in the manner prescribed, follow the provisions of Section 55, sub-sections (2), (3) and (4).

(3) If any person,

(a) who has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or

(b) who has carried out any works in compliance with the notice,

claims, from the Local Planning Authority, within the time and in the manner prescribed, compensation in respect, of that damage, or of any expenses reasonably incurred by him for complying with the notice, the following provisions then shall apply:

(i) when a claim is received by the Local Planning Authority, the Town Planning Officer shall, after giving an opportunity of being heard to the applicant, make a report to the Local Planning Authority.

(ii) The Local Planning Authority shall, after considering the aforesaid report, assess the compensation, as may be prescribed by the rules or the regulations, and offer it to the owner.

(iii) If the owner does not accept the compensation and given notice, within such time as may be prescribed, of his refusal to accept, the Local Planning Authority shall refer the matter for

the adjudication of the court and the decision of the court shall be final and be binding on the owner and the Local Planning Authority.

CHAPTER VI

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Section 57 POWER OF ENTRY

(1) The Director of the Directorate of National Town and Country Planning or any persons duly authorized by him, any Regional Planning Agency, any Local Planning Authority, their members and employees in the performance of their duties and functions may enter into or upon any land or building with or without assistants or workmen for the purpose of:

(a) making any inquiry, inspection, measurement or survey or taking levels of such land or building;

(b) ascertaining whether any land is being or has been developed in accordance with any provision of this Act or rules and regulations thereunder;

(c) doing any other acts necessary for the efficient administration of this Act. In

general, the planning officials shall have such powers as may be necessary to enable them to perform their duties; provided that:

(i) no such entry shall be made (unless with the consent of the occupier thereof) without giving such occupier at least twenty-four hours notice in writing of the intention to enter;

(ii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

(2) The power of the Director under sub-section (1) shall extend to the whole of the Republic and the power of any Regional Planning Officer and any Town Planning Officer under sub-section (1) shall extend only to its planning area and such other which the President may have directed to be included in Regional or Master Plan.

Section 58 PUBLIC NOTICE HOW TO BE MADE KNOWN

Every public notice given under this Act or rules or regulations thereunder shall be in writing

over the signature of the secretary to any planning authority or such other officer who may be authorized in this behalf by any planning authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by advertisement in the Official Gazette or in the local newspaper and by such other means which the secretary to the planning authority thinks fit.

Section 59 NOTICES, ETC., TO FIX REASONABLE TIME

Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or rule or regulations thereunder the notice, order or other document shall specify a reasonable time for doing the same.

Section 60 KEEPING OF RECORDS

Any planning authority shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

Section 61 INTERIM PERIOD

For the purpose of this Act, the period between the commencement of this Act and the notification of a Planning Area shall be considered as an interim period. Any application for use or development of land or building in this period shall be considered by the appropriate planning authority which may grant permission for such use or development with or without modifications or refuse it.

Section 62 TRANSITORY PROVISIONS

The structural organization of any existing planning authority, and the existing plans and planning regulations shall remain in force until they are superceded by the enactment of this Act or any part thereof. At such time, any planning organization, any plan and planning regulation shall be in accordance with the provisions of this Act.

Section 63 LAWS REPEALED

All acts, executive orders, administrative orders or parts thereof inconsistent with any provisions of this Act shall be repealed or modified accordingly.

Section 64 POWER OF PRESIDENT TO MAKE RULES AND REGULATIONS

Without prejudice to the generality of the foregoing powers, established under the provisions of this Act, the President may make and enforce reasonable rules and regulations to effectuate the purposes of this Act. Such Act shall be effective upon its approval.

Section 65 PENALTY

Any violation of this Act, the rules and regulations thereunder, shall be declared to be a misdemeanor punishable by a fine of \$_____, and imprisonment of _____ or both, as ruled by a judicial court and as provided by law.

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