

**THE BUSINESS FACILITATION
(MISCELLANEOUS PROVISIONS) ACT 2006**

7. Local Government Act 2003 amended

The Local Government Act 2003 is amended -

(a) in section 2 -

- (i) in the definition of “classified trade”, by deleting the words “Part I of”;
- (ii) by deleting the definition of “Permits and Licences Committee” and replacing it by the following definition -

“Permits and Business Monitoring Committee” or “Committee” means the Permits and Business Monitoring Committee established under section 97;

- (iii) by inserting in the appropriate alphabetical order, the following new definitions -

“Building and Land Use Permit” means the Building and Land Use Permit issued under section 98;

“development”, in relation to land, has the same meaning as in the Town and Country Planning Act;

“economic activity” means an activity specified in the Eleventh Schedule;

“effective date”, in relation to an application, means the date by which all the information, particulars and documents specified in the application form are submitted;

“EIA licence”, “preliminary environmental report” and “undertaking” have the same meaning as in the Environment Protection Act 2002;

“Town and Country Planning Board” means the Town and Country Planning Board established under the Town and Country Planning Act;

- (iv) by adding immediately after subsection (2), the following new subsection -

- (3) Reference in this Act or in any other enactment to a building permit or a development permit shall be construed as reference to a Building and Land Use Permit under this Act.

- (b) in Part VI, in Sub-Part F, by deleting the words “Permits and Licences Committee” wherever they appear and replacing them by the words “Permits and Business Monitoring Committee”;
- (c) by repealing section 98 and replacing it by the following section -

98. Application for Building and Land Use Permit

- (1) The authority for execution and enforcement of the Building Act and Town and Country Planning Act shall be the local authority of the respective town or district where the relevant building, structure or tenement is to be found or where the land is to be developed.
- (2) Every person who intends to -
 - (a) commence the construction of a building, or effect extensive alterations, additions or repairs to an existing building; or
 - (b) carry out development of land,shall apply to the local authority for a Building and Land Use Permit.
- (3) Every application for a Building and Land Use Permit shall be in accordance with guidelines issued under -
 - (a) the Building Act;
 - (b) the Town and Country Planning Act; and
 - (c) the Planning and Development Act 2004.
- (4) Every application made under subsection (2) shall be forwarded by the Chief Executive of the local authority to the Permits and Business Monitoring Committee.
- (5) The Permits and Business Monitoring Committee shall process every application for a Building and Land Use Permit and shall, in processing the application, have regard to the provisions of the Building Act, the Town and Country Planning Act and the Planning and Development Act 2004 and the guidelines issued under those Acts.
- (6) Subject to subsection (7), the Permits and Business Monitoring Committee shall, under the authority of the Chief Executive, within 2 weeks of the effective date of receipt of the application -
 - (a) issue to the applicant a Building and Land Use Permit where it is satisfied -

- (i) that the application is in accordance with the Acts and the guidelines referred to in subsection (5); and
 - (ii) in the case of an application relating to an undertaking, that there is in relation to that undertaking, an approved preliminary environmental report or EIA licence; or
 - (b) notify the applicant in writing that the application has not been approved and give the reasons therefor.
- (7) Where the application for a Building and Land Use Permit is made by a small enterprise or handicraft enterprise under the Small Enterprises and Handicraft Development Authority Act 2005, the Permits and Business Monitoring Committee shall, within 3 working days of the effective date of receipt of the application -
 - (a) issue to the applicant a Building and Land Use Permit where it is satisfied -
 - (i) that the application is in accordance with the Acts and the guidelines referred to in subsection (5); and
 - (ii) in the case of an application relating to an undertaking, that there is in relation to that undertaking, an approved preliminary environmental report or EIA licence; or
 - (b) notify the applicant in writing that the application has not been approved and give the reasons therefor.
- (8) Every Building and Land Use Permit shall be issued subject to such conditions as the local authority may deem appropriate and on payment of such fee as may be prescribed by the local authority.
- (9) Any person aggrieved by a decision of a local authority under subsection (6)(b) or (7)(b) may, within 21 days of receipt of the notification, appeal to the Town and Country Planning Board, and the appeal shall be dealt with in accordance with section 7(6) to (8) of the Town and Country Planning Act.
- (10) Any application for a development permit under the Town and Country Planning Act, or a building permit under the Building Act, pending immediately before the commencement of this section, shall, on the commencement of this section, be deemed to be an application for a Building and Land Use Permit and shall be dealt with in accordance with this Act.

- (11) Any appeal pending before the Judge in Chambers on the date immediately before the commencement of this section, shall, on the commencement of this section, be referred by the Master and Registrar of the Supreme Court to the Town and Country Planning Board and shall be dealt with in accordance with section 7(6) to (8) of the Town and Country Planning Act.

(d) by repealing sections 100 to 106 and replacing them by the following sections -

100. Obligations of holder of Building and Land Use Permit

Where a person has been issued with a Building and Land Use Permit, he shall, before starting any classified trade and at all times in the course of carrying on his classified trade, comply with such guidelines as may be issued by the Fire Services, Sanitary Authority and the Ministry responsible for the subject of environment.

101. Clustering of economic activities

- (1) Every Building and Land Use Permit which has been granted in respect of an economic activity shall indicate the cluster to which the economic activity belongs, as specified in the Eleventh Schedule.
- (2) Where there is a proposed change in economic activity -
 - (a) within a cluster, no fresh Building and Land Use Permit shall, subject to the Eleventh Schedule, be required; or
 - (b) from one cluster to another, a fresh Building and Land Use Permit shall be required.

102. Fees leviable by local authority

- (1) A local authority may, by regulations, provide for the payment of -
 - (a) fees, dues or other charges in respect of classified trades; and
 - (b) fees on the issue of a Building and Land Use Permit.
- (2) The publication in the Gazette of regulations made by a local authority for the purposes of this Part shall not require the approval of the Minister.
- (3) No person shall carry out any classified trade specified in Part II of the Eighth Schedule -
 - (a) unless he has obtained the authorisation of the Permits and Business Monitoring Committee, which shall act under the authority of the Chief Executive; and

- (b) on payment of the prescribed fee.
 - (4) Where a person carries out any classified trade within the administrative area of a local authority, he shall pay to the local authority in respect of the classified trade such fees as may be prescribed by the Council.
 - (5) Any fee payable under subsection (4) in respect of any financial year shall be due on 1 July of that year and shall be paid by the person -
 - (a) within 15 days after start of the classified trade; and
 - (b) not later than 15 July in respect of every subsequent financial year.
 - (6) A surcharge of 50 per cent shall be leviable on any amount not paid within the period specified in subsection (5).
 - (7) Any person who fails to pay any fee under this section or any regulations made under this section, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.
- (e) by repealing section 107 and replacing it by the following section -
- 107. Conditions for conduct of classified trade**
- (1) The conduct of any classified trade shall be subject to such conditions as may be specified in the guidelines issued by the local authority and the guidelines referred to in sections 98(5) and 100.
 - (2) Where a person carrying on a classified trade dies, the heirs of the deceased person may continue to carry on the classified trade during the period for which the fee under section 102 has been paid.
 - (3) Every person carrying on a classified trade shall display in a conspicuous place at each of his business premises the receipt acknowledging payment of the fees under section 102 in respect of the current financial year.
 - (4) Every hawker of such goods as may be authorised by the local authority shall, at all times, carry his receipt acknowledging payment of the fees under section 102 in respect of the current financial year.
- (f) in section 108 -

- (i) in subsections (1) and (2), by deleting the words “licence or permit” and replacing them by the words “receipt acknowledging payment of the fees under section 102”;
- (ii) in subsection (2) -
 - (A) in paragraph (a), by deleting the words “a licence or permit” and replacing them by the words “his receipt acknowledging payment of the fees under section 102”;
 - (B) by repealing paragraphs (b) and (c) and replacing them by the following paragraphs -
 - (b) uses the premises for conducting an economic activity in a cluster other than that for which he has been authorised;
 - (c) fails to comply with any of the conditions referred to in section 107,
- (g) in section 109 -
 - (i) by repealing subsection (1) and replacing it by the following subsection -
 - (1) The Chief Executive, or any officer authorised by him in writing, may make a provisional closing order in respect of any premises where he is satisfied that -
 - (a) the premises have been used for the purpose of an economic activity in a cluster other than that in respect of which the person has been authorised to conduct the activity;
 - (b) the person has failed to comply with any of the conditions referred to in section 107; or
 - (c) the economic activity of a person has been conducted in such a way as to be a danger to public health, public order or public safety.
 - (ii) by repealing subsection (4) and replacing it by the following subsection -
 - (4) In addition to any penalty or fine, the Court may order the closing of any premises -
 - (a) in respect of which no fees under section 102 have been paid;
 - (b) where there has been a contravention of the conditions referred to in section 107; or

- (c) where the economic activity of the person has been conducted in such a way as to be a danger to public health, public order or public safety.
- (h) in section 110 -
 - (i) in the heading, by inserting immediately after the word “**trade**”, the words “**or economic activity**”;
 - (ii) by inserting immediately after the words “a classified trade”, the words “or an economic activity”;
- (i) by repealing section 111;
- (j) in section 112, by deleting the words “and return all his licences and permits”;
- (k) by adding immediately after the Tenth Schedule, the Eleventh Schedule set out in the Second Schedule to this Act.