

## CHAPTER 241

### URBAN DEVELOPMENT COMMISSION 1997-10

This Act came into operation on 11th August, 1997.

#### **Amended by:**

*2003-14*

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

2003

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## **CHAPTER 241**

### **URBAN DEVELOPMENT COMMISSION 1997-10**

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SCHEDULE



**BARBADOS****URBAN DEVELOPMENT COMMISSION  
1997-10**

*An Act to provide for the establishment of an Urban Development Commission for re-development and the improvement of social amenities in urban areas, and for related matters.*

[Commencement: 11th August, 1997]

**Short title**

1. This Act may be cited as the *Urban Development Commission Act*.

**Interpretation**

2. In this Act,  
“Commission” means the Urban Development Commission established by section 3;  
“disposal of land” means disposal, whether by sale, exchange or otherwise;  
“Director” means the Director of Urban Development appointed under section 9(1);

“re-development area” means an area declared to be a re-development area under section 17(2);

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“urban area” means an area of land designated by order made by the Minister in accordance with section 5.

### **Establishment of Commission**

**3.(1)** There is established a Commission to be known as the Urban Development Commission.

(2) The *Schedule* has effect with respect to the constitution of the Commission and otherwise in relation hereto.

(3) The Commission is a body corporate to which section 21 of the *Interpretation Act*, Cap. 1 applies.

### **Application of Act**

**4.** This Act applies only to land in urban areas that is designated under section 5 or is vested in the Commission.

### **Minister to designate urban areas**

**5.(1)** The Minister may by order designate urban areas for the purposes of this Act.

(2) An order referred to in subsection (1) shall be subject to affirmative resolution.

### **Functions of the Commission**

**6.** The functions of the Commission shall be confined to urban areas only and are as follows:

- (a) to acquire, hold or manage land and other property of any kind for the purposes of this Act;

- (b) to dispose of such land or other property on such terms and conditions as the Minister determines;
- (c) to construct, maintain and repair buildings;
- (d) to provide housing and improve social amenities and recreational activities;
- (e) to carry on any business or undertaking, including the provision of ancillary services for the purpose of this Act;
- (f) to make advances to persons on such conditions and with such securities as may be prescribed by the Minister for any of the following purposes:
  - (i) to acquire houses and land;
  - (ii) to construct houses;
  - (iii) to refurbish buildings;
  - (iv) to alter, enlarge, repair or improve houses or other buildings;
- (g) to execute plans for re-development;  
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- (h) to encourage, promote and provide assistance in the development of economic activity and enterprise; and
- (i) to do such other things as are necessary to effectively carry out the purposes of this Act.

### **Urban renewal plan**

**7.(1)** The Commission shall prepare and submit to the Minister an urban renewal plan which

- (a) shall serve as a guide for the carrying out of the re-development of urban areas;  
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- (b) shall outline the methods to be employed in accomplishing re-development; and  
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  - (c) shall specify the amount of capital expenditure to be allocated to re-development.  
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- (2) The plan referred to in subsection (1)
  - (a) shall include the plans and schemes mentioned in sections 17 and 18; and
  - (b) shall be approved by the Cabinet prior to the commencement of any re-development.  
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### **Appointment of committees and delegation of functions**

- 8.** The Commission may
- (a) appoint committees composed of members of the Commission and other persons, not being members of the Commission, to assist the Commission in carrying out its functions; and
  - (b) delegate to such committees any functions it considers necessary.

### **Appointment of Director of Urban Development**

- 9.(1)** The Commission shall, with the approval of the Minister, appoint a Director of Urban Development.
- (2) The Director shall perform such functions as may be conferred on him by the Commission.
- (3) The Director is subject to the directions of the Commission and is responsible to the Commission for the execution of its policy and the management of its affairs.

**Remuneration**

**10.** The Commission shall pay the Director such remuneration and allowance, if any, as the Minister determines.

**Appointment of staff**

**11.** The Commission may appoint and employ such other officers, agents and servants as it considers necessary for the proper carrying into effect of this Act, at such remuneration and on such terms and conditions as the Minister approves in writing.

**Limitation of powers of Commission**

**12.** Notwithstanding the powers conferred on the Commission by section 11, the Commission shall not, without the prior approval of the Minister,

- (a) assign to any post established by the Commission any salary in excess of such amount per annum as the Minister may determine and notify to the Commission in writing;
- (b) appoint any person to a post established by the Commission to which a salary in excess of the amount determined by the Minister under paragraph (a) is assigned; or
- (c) make any provision for the payment of pensions, gratuities or like benefits to any officer or servant of the Commission or to others by reference to their service to the Commission.

**Directions of Minister**

**13.(1)** The Minister may

- (a) give the Commission directions of a general nature in respect of the policy to be followed by the Commission in the performance of its functions under this Act, and the Commission shall comply with those directions;

- (b) give such directions to the Commission as appear to him to be necessary or expedient in respect of the disposal or development of land vested in it in order to ensure the preservation of any features of special architectural or historical interest; and
  - (c) give the Commission such directions as to the disposal of land held by the Commission in such manner and subject to such covenants and conditions as may be expedient for securing the development of an urban area.
- (2) Notwithstanding the powers conferred on it by section 3(3), the Commission may not, except with the approval of the Minister
  - (a) transfer the freehold interest in any land; or
  - (b) grant a lease of any land for a term of more than 99 years.

### **Disclosure**

**14.(1)** A member who has any interest in a company or other entity with which the Commission proposes to enter into a contract or otherwise transact business shall disclose to the Commission the particulars of that interest; and details of the disclosure shall be recorded in the minutes taken at the meeting at which the disclosure is made.

(2) For the purposes of this section, a general notice to other members by a member to the effect that he is also a member of a specified company or other entity and is to be regarded as interested in any contract which may after the date of the notice be made with the company or other entity shall be deemed to be sufficient declaration of interest in relation to any contract so made.

(3) A notice mentioned in subsection (2) has no effect unless it is given at a meeting of the Commission, or unless the members concerned take reasonable steps to secure that it is brought up and read at the next meeting of the Commission after it is given.

(4) A member shall not vote in respect of any contract in which he is interested and, if he does so, his vote shall not be counted nor shall he be counted in the quorum present on the consideration of any such contract.

**Derelict and similar buildings**

**15.(1)** Where in the opinion of the Commission a building to which this Act applies

- (a) is derelict;
- (b) is unfit for human habitation;
- (c) creates a nuisance; or
- (d) is injurious or likely to be injurious to health,

the Commission may serve on the owner or occupier thereof notice in writing requiring him to demolish, secure, repair or rebuild the building to the satisfaction of the Commission within the time specified in the notice.

(2) Where the owner fails to comply with the requirements of a notice served pursuant to subsection (1) within the time specified therein, the Commission or any person authorised in writing by the Chairman of the Commission may execute the works mentioned therein and may, if the Commission deems it expedient, order the whole or any portion of the expenses thereby incurred to be defrayed out of funds as its disposal for such purpose.

(3) Any expenses incurred by the Commission for the purposes of this section are a debt due to the Commission and, without prejudice to any other remedy, may be recovered summarily as a debt due to the Commission in civil proceedings notwithstanding that the expenses exceed the normal monetary limit on the jurisdiction of a magistrate's court.

(4) Where personal service of a notice referred to in subsection (1) cannot be effected, whether by reason of the absence of the owner or occupier from Barbados or otherwise, service thereof shall be effected

- (a) by affixing the notice or a copy thereof to some conspicuous part of the premises; and
- (b) by advertisement in a daily newspaper that is printed and published in Barbados.

(5) A notice referred to in subsection (1) shall specify a period of time after the expiration of which the Minister may cause the works to be executed if they have not previously been executed.

(6) In determining for the purposes of this section whether a house is fit for human habitation, regard may be had to the extent, if any, to which it suffers from sanitary defects.

(7) Where persons are displaced as a result of any action taken by the Commission pursuant to subsection (2) the Commission shall satisfy itself that suitable alternative accommodation is available for the affected persons.

### **Appeals**

**16.(1)** A person served with a notice under section 15(1) or any other person having an estate or interest in the building to which the notice relates, may, at any time before the expiration of the period specified in the notice pursuant to section 15(2) and in accordance with any rules of court, appeal to a Judge in Chambers against the notice on any of the following grounds:

- (a) that the notice or requirement is not justified for the protection of or in the interest of public health;
- (b) that there is some informality, defect or error in or in connection with the notice;
- (c) that the Minister has refused unreasonably to approve the execution of alternative works;

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- (d) that works required by the notice to be executed are unreasonable in character or extent or are unnecessary;
  - (e) that the time within which the works are required by the notice to be executed is not sufficient for the purpose;
  - (f) that the notice might lawfully have been served on the occupier of the premises to which it related instead of the owner, or on the owner instead of the occupier, and it would have been equitable for it to have been so served;
  - (g) where the work is work for the common benefit of the premises to which the notice relates and other premises, that some other person, being the owner or occupier of the other premises to be benefited, ought to contribute towards the expenses of executing any works required.
- (2) Where an appeal under subsection (1) is based on the ground specified in paragraph (b) thereof, the Judge shall dismiss the appeal if he is satisfied that the informality, defect or error was not material.
- (3) Where the grounds upon which an appeal is brought under subsection (1) include the grounds specified in paragraph (f) or (g), the appellant shall serve a copy of his notice of appeal
- (a) on every person referred to in paragraph (f) or (g), as the case may be; and
  - (b) on any other person having an estate or interest in the building to which the notice referred to in section 15(1) relates.
- (4) Upon the hearing of the appeal referred to in subsection (3) the Judge may make such order as he thinks fit
- (a) in respect of
    - (i) the person by whom any work is required to be executed; and
    - (ii) the contribution to be made by any other person towards the cost of the work; or

- (b) with respect to the proportions in which any expenses which may become recoverable by the Minister under subsection (9) are to be borne by the appellant and such other person.
- (5) In exercising his powers under subsection (4) the Judge shall have regard,
- (a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory of the tenancy and to the nature of the works required; and
- (b) in any case, to the degree of benefit to be derived by the different persons concerned.
- (6) Upon the determination of an appeal made under subsection (1), the Judge shall give directions for giving effect to his decision, including, where appropriate, directions for quashing the notice which is the subject of the appeal or for varying the terms of such notice in favour of the appellant.
- (7) Where the notice referred to in subsection (6) is varied or the appeal is dismissed, the Judge may, if he thinks fit, order that the notice be suspended until such date (not being later than 28 days from the determination of the appeal) as he thinks fit.
- (8) The decision of the Judge is final.
- (9) Where at the expiration of the period specified in a notice under section 15(1) or on the expiration of the period ordered by a Judge on the determination of an appeal brought under subsection (1) the work specified in the notice or in the notice as varied by the Judge under subsection (6) has not been executed, the Minister may cause such work to be executed, and on completion thereof may recover the costs of executing the works as a debt due to the Crown in civil proceedings notwithstanding that the amount of such costs exceeds the normal monetary limit on the jurisdiction of a magistrate's court.
- (10) In any proceedings under subsection (9), the validity of the notice to which the proceedings relate shall not be questioned on any ground specified in subsection (1).

**Redevelopment plans**

**17.(1)** Where the Commission is satisfied that the housing conditions in an urban area are dangerous, injurious or likely to be injurious to the health and welfare of the inhabitants by reason of

- (a) the disrepair or sanitary defects of the dwelling houses in the area;
- (b) the bad arrangement of the houses in the area; or
- (c) the narrowness or bad arrangement of the roads,

and that those conditions can be remedied by ordering the demolition, reconstruction or repair of those dwelling houses that are unfit for human habitation, the Commission shall cause that area to be defined on a plan in such a manner as to exclude from that area any land or buildings in respect of which, in its opinion, sanitary defects do not exist.

(2) The Commission shall pass a resolution declaring the area defined under subsection (1) to be a re-development area and shall, within the period specified in section 18(2), prepare and submit to the Minister a scheme, hereinafter referred to as a “re-development scheme”, for the exercise of its powers under this Act.

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**Redevelopment schemes**

**18.(1)** As soon as may be after the Commission has passed the resolution mentioned in section 17(2), the Commission shall send a copy of the resolution to the Minister and shall publish in the *Official Gazette* and in a daily newspaper printed and published in Barbados a notice stating that the resolution has been passed and naming a place where a copy of the resolution may be inspected.

(2) Within 3 months after the Commission passes the resolution referred to in subsection (1) or such further period as the Minister may allow, the Commission shall prepare and submit to the Minister a scheme to be known as a “re-

development scheme” accompanied by a statement containing appropriate particulars of the scheme indicating

- (a) the manner in which it is intended that the area shall be laid out and the land therein used, and in particular the land intended to be used for the provision of houses, roads and open spaces, community facilities, schools, churches, play centres and recreation grounds;
- (b) the approximate number and the nature of the houses to be provided by the Commission;
- (c) the average number of houses to be constructed per acre;
- (d) if the demolition of existing houses and the erection of new houses are proposed, the nature of the proposed new houses;
- (e) if the total demolition of existing houses is not proposed, the nature of repairs, improvements and reconstruction intended to be made;
- (f) the time within which the scheme or any part thereof is to be completed;
- (g) the estimated cost of the scheme and of the rents expected to be derived from the houses provided under the scheme;
- (h) such incidental, consequential and supplementary provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purposes of the scheme;
- (i) objections made by persons affected by the scheme where such objections have not been withdrawn or met.

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- (3) The Commission shall, before submitting such scheme to the Minister,
  - (a) publish in a daily newspaper printed and published in Barbados a notice stating that the scheme is about to be submitted to the Minister for approval, naming a place where particulars of the scheme may be inspected and specifying the time within which and the manner in which objections may be made; and

- (b) serve a notice to the like effect on every owner and on every other person who to the knowledge of the Commission has any interest in land in the area affected by the scheme, except persons holding under a monthly tenancy or tenancy for a lesser period.
- (4) Where the Commission fails to serve the notice referred to in paragraph (b) of subsection (3) the validity of the scheme shall not be prejudiced by such failure.

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### **Notification of approval of scheme**

**19.(1)** Upon notification to the Commission of the approval of the Minister of any re-development scheme, the Commission shall forthwith publish in the *Official Gazette* and in a daily newspaper printed and published in Barbados a notice stating that the scheme has been approved and naming a place where a copy of the scheme and particulars thereof may be inspected.

(2) Where, after a scheme has been approved, it appears to the Commission that any land in the area comprised in the approved scheme ought to be re-developed or used otherwise than as indicated in the scheme, the Commission shall prepare and submit for the approval of the Minister a new scheme in respect of that land.

(3) In the following provisions of this Act, references to “re-development” or “use in accordance with a scheme” shall be construed as references to a scheme approved under this section or, in the case of land comprised in a new scheme approved under this section, in accordance with the new scheme.

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### **Demolition order**

**20.(1)** Where, with respect to any area included in a re-development scheme approved of by the Minister, the Commission determines that any building in the area ought to be demolished, it shall make and serve on the owner of the building

an order referred to in this Act as a “demolition order” for the demolition of the building.

(2) Subject to this section, subsections (2), (3) and (6) of section 15 apply to an order referred to in subsection (1) as if it were a notice served under subsection (1) of section 15.

(3) Where the Commission, pursuant to an order made under subsection (1), demolishes any building, the Commission may sell or otherwise dispose of any materials resulting from the demolition of the building.

(4) Any amount realised by the sale of materials referred to in subsection (3) may be deducted from the expenses recoverable under subsection (3) of section 15.

(5) Where the amount referred to in subsection (4) is greater than the expenses recoverable under subsection (3) of section 15, the Commission shall pay the surplus to the owner of the land or building, as the case may be.

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### **Use of land**

**21.(1)** When a demolition order is to be carried out, no land to which the order applies shall be used for building purposes or otherwise developed except subject to such restrictions and conditions as the Commission may think fit to impose.

(2) Any owner who is aggrieved by a restriction or condition referred to in subsection (1), or by a refusal of the Commission to cancel or modify any such restriction or condition, may, within the prescribed time, appeal to a Judge in Chambers, who may make such order as he thinks proper; and the decision of the Judge shall be final.

(3) A person who commences, or causes to be commenced, any work in contravention of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or 12 months in prison and to a further fine of \$500

for each day during which any part of the work exists in contravention of that subsection after a conviction is first obtained.

### **Acquisition of land**

**22.** Any land or building within a re-development area or any interest in any such land or building that is to be acquired by the Commission for the purposes of this Act may be compulsorily acquired in accordance with the *Land Acquisition Act*, Cap. 228 at any time after the expiration of 28 days from the first publication of the notice required by subsection (1) of section 19.

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[2003-14]

### **Assessment and compensation**

**23.(1)** Where any land or building or any interest therein is compulsorily acquired under the *Land Acquisition Act*, Cap. 228, compensation shall be assessed and shall be paid to the owner of such land or building or interest therein, subject to this Act, in accordance with the *Land Acquisition Act*, Cap. 228.

(2) The Commission shall forthwith out of its own funds pay into the Consolidated Fund any compensation payable pursuant to the *Land Acquisition Act* in respect of any compulsory acquisition.

(3) In assessing the amount of compensation payable under the *Land Acquisition Act* to the owner of any land or building or to any person with any interest therein for the purposes of this Act, regard shall be had to the following:

- (a) in the case of land with buildings thereon that are unfit for human habitation or are dangerous, or injurious or likely to be injurious to the health of the inhabitants of the area, the compensation payable shall be the site value of the land as unimproved land, without regard to any buildings existing thereon;
- (b) in the case of land with buildings thereon in respect of which sanitary defects exist but which are not otherwise unfit for human habitation or

dangerous, or injurious or likely to be injurious to the health of the inhabitants of the area, the compensation payable shall be the site value of the land as improved land minus the amount required to rectify the sanitary defects; and

- (c) in the case of any other land and building other than land and building referred to in paragraphs (a) and (b), the compensation payable shall be the improved value thereof.

(4) In the case of any dwellinghouse or other building which is regarded as dangerous or injurious or likely to be injurious to health under paragraph (a) or (b) of subsection (3) only by reason of its bad arrangement in relation to other buildings or the narrowness or the bad arrangement of the roads, the compensation payable shall be as in paragraph (c) of subsection (3).

(5) Where a building is used partly for the purposes of a dwellinghouse and partly for other purposes, no compensation shall be payable where the part of the building used for purposes other than as a dwellinghouse is, by reason of disrepair or sanitary defects, regarded as unfit for human habitation.

(6) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent to which by reason of disrepair or sanitary defects the house falls short of the provisions of the *Health Services (Building) Regulations, 1969*.  
[1969/233]

(7) The owner of any building that is regarded as unfit for human habitation, on making a request to the Commission in writing, is entitled to be furnished by the Commission with a statement in writing of its reasons for deciding that the building is so unfit.

### **Payment in respect of well-maintained houses**

**24.(1)** Where the Minister is satisfied upon the report of the Chief Public Health Inspector that a dwellinghouse compulsorily acquired for any of the purposes of this Act as being unfit for human habitation is, notwithstanding its sanitary defects, well-maintained, the Minister may give directions for the

making by the Commission of a payment in accordance with this section in respect of the house.

- (2) A payment under this section shall be of an amount equal either
- (a) to the amount by which the aggregate expenditure shown to the satisfaction of the Commission to have been incurred in maintaining the house during the 5 years immediately before the date on which the order was made exceeds an amount equal to one and one-quarter times the actual rent received during that period for the house or, where no rent was received, the rent that might have been received had the house been let; or
  - (b) to one and one-half times or, if at that date the house is occupied by an owner thereof and has been owned and occupied by him or a member of his family continuously during the 3 years immediately before that date, 3 times the rent that might have been received, during that period, had the house been let,

whichever is the greater.

- (3) A payment under this section shall not in any case exceed the difference between
- (a) the full value of the house (that is to say, the amount which would have been payable as compensation by virtue of its being compulsorily acquired as being fit for human habitation); and
  - (b) the amount which is payable as compensation under this Act by virtue of its being compulsorily acquired as unfit for human habitation.
- (4) Any question as to the value of a house referred to in subsection (3) shall be determined, in default of agreement, as if it had been a question of disputed compensation arising on such acquisition.
- (5) A payment under this section shall be made,
- (a) if the house is occupied by the owner thereof, to such owner; or

- (b) if the house is not so occupied, to the person liable under any covenant or agreement or otherwise to maintain and repair the house, and if more than one person is so liable, in such shares as the Commission thinks equitable in the circumstances.

### **Commission to make allowances**

**25.** Where the Commission has purchased a dwellinghouse or other building located within a re-development area because that dwellinghouse or other building is unfit for human habitation and is not capable at reasonable expense of being rendered fit, the Commission may pay

- (a) to any person displaced from the dwellinghouse or such other building such reasonable allowance as the Commission may think fit towards his expense of moving; or
- (b) to any person carrying on a trade or business in any such dwellinghouse or other building such reasonable allowance toward the loss which, in its opinion, he would sustain by reason of the disturbance of his trade or business consequent on his having to quit the dwellinghouse or building; and in assessing that loss the Commission shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for the purpose.

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[2003-14]

### **Costs of persons opposing scheme**

**26.(1)** The Minister may make such provision as he thinks fit in favour of any owner of any land or house included in a re-development scheme approved by him for the allowance of reasonable expenses incurred by the owner in opposing the scheme.

(2) Expenses allowed under subsection (1) shall be deemed to be expenses incurred by the Commission under this Act and shall be paid to that person in

such manner and at such times and either in a lump sum or by instalments as the Minister may determine.

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[2003-14]

### **Fees**

**27.** The Minister responsible for Finance may by order prescribe fees for services performed by the Commission under this Act or the regulations.

### **Urban Enterprise Fund**

**28.** There is hereby established an Urban Enterprise Fund, in this Act referred to as “the Fund”, the resources of which comprise

- (a) such amounts as may be voted for the purpose by Parliament;
- (b) such amounts as may be borrowed by the Commission for its purposes;
- (c) such amounts as may be collected under the authority of this Act or any order made thereunder; and
- (d) such other moneys as may become available to the Commission from any other source approved by the Minister.

### **Application of resources of the Fund**

**29.** The resources of the Fund shall be applied towards discharging the obligations and performing any function of the Commission under this Act and the regulations.

### **Borrowing power**

**30.(1)** Subject to subsection (2), the Commission may borrow money required by it for meeting any of its obligations or performing any of its functions.

(2) The power conferred on the Commission by subsection (1) is exercisable only with the approval of the Minister responsible for Finance, and the Commission shall stipulate

- (a) the amount and source of the loan; and
- (b) the terms and conditions on which the loan may be obtained.

(3) The approval of the Minister under subsection (2) may either be general or limited to a particular borrowing.

### **Disposal of assets**

**31.** The Commission shall not, without the prior approval in writing of the Minister responsible for Finance,

- (a) dispose of its capital assets; or
- (b) apply the proceeds of a disposal to which paragraph (a) refers to any undertaking.

### **Accounts and audit**

**32.(1)** The Commission shall, in respect of its functions under this Act, keep proper accounts and adequate financial and other records to the satisfaction of and in accordance with the directions of the Auditor-General or any auditor appointed under subsection (2) for the purpose of auditing the accounts, and shall prepare a statement of accounts in respect of each financial year.

(2) The Commission shall, within 3 months after the end of each financial year, submit its accounts for audit to an auditor appointed by the Minister.

(3) The Commission and all other persons concerned with the keeping of its accounts shall grant to the auditor appointed under subsection (2) access to all books, documents and cash relating to those accounts, and shall give the auditor on request all the information within their knowledge in relation to the operation of the Commission.

**Report**

**33.(1)** The Commission shall, not later than 4 months after the end of each financial year, submit to the Minister a report containing

- (a) an account of the activities and transactions of the Commission throughout that financial year in such detail as the Minister may direct; and
- (b) a statement of the accounts of the Commission for that financial year.

(2) A copy of the report referred to in subsection (1) together with a copy of the auditor's report shall be printed and laid in the House of Assembly and Senate and published in the *Official Gazette* not later than 3 months after the date of the receipt thereof by the Minister.

**Pension rights and service**

**34.(1)** Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of section 2(1) of the *Pensions Act*, Cap. 25 to perform any service with the Commission, his service with the Commission shall, unless the Governor-General otherwise decides, be pensionable under that Act as if the officer had not been so seconded or transferred.

(2) Where a person employed by the Commission is released by the Commission to provide services within the public service, he is entitled to such benefits and terms of employment as are applicable to the post which he occupies; and his service with the Commission shall be taken into account as continuous service with the Crown and the *Pensions Act* and *Pensions Regulations, 1947* shall apply to him as if his service with the Commission were service within the meaning of that Act.

[1947-20]

(3) Where a public officer is transferred to the service of the Commission in accordance with subsection (4), the Commission shall refund to the Consolidated

Fund all moneys payable as pension in respect of the service of that officer with the Commission.

(4) Where

- (a) a public officer is transferred to an office in service of the Commission; or
- (b) an officer of the Commission is transferred to an office in the public service

the *Pensions Act*, Cap. 25 shall apply to him as if his service with the Commission were other public service within the meaning of that Act, and the *Pensions Regulations, 1947* shall apply to him accordingly.

[1947-20]

#### **No conflict with National Housing Corporation**

**35.** Except with respect to the urban areas designated under section 5, nothing in this Act affects the functions conferred on the National Housing Corporation by the *Housing Act*, Cap. 226.

#### **Regulations**

**36.** The Commission may, with the approval of the Minister, make regulations generally for carrying the provisions of this Act into effect.

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**SCHEDULE***(Section 3)*

1. The Commission shall comprise
  - a Chairman;
  - a Deputy Chairman;
  - the Chief Town Planner;
  - the Permanent Secretary of the Ministry responsible for Urban Development or his nominee;
  - the Permanent Secretary of the Ministry of Housing or his nominee; and
  - 7 other members,all of whom shall be appointed by the Minister by instrument in writing.

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*[2003-14]*

2. Subject to paragraphs 4, 5, and 6, a member holds office for such period, not exceeding 3 years, as the Minister may direct in the instrument appointing such member, but is eligible for re-appointment for an additional term.
3. The Minister may, in accordance with paragraph 2, appoint any person to act temporarily in the place of any member in case of the absence of such member from Barbados or the inability of such member to act.
4. A member other than the Chairman may at any time resign his appointment by instrument in writing addressed to the Chairman, who shall forthwith cause the instrument to be forwarded to the Minister; and upon the date of the receipt by the Chairman of such instrument the member ceases to be a member of the Commission unless some other date is mentioned in the instrument.

**5.** The Chairman may at any time resign his office by instrument in writing addressed to the Minister; and upon the date of the receipt by the Minister of such instrument the Chairman ceases to be Chairman and a member of the Commission unless some other date is mentioned in the instrument.

**6.** A vacancy shall be deemed to arise in the membership of the Commission in the case of

- (a) the death or resignation of a member;
- (b) the revocation by the Minister of the appointment of a member;
- (c) the absence from Barbados of a member without leave of the Minister;
- (d) the failure of a member to attend 3 consecutive meetings of the Commission, unless such failure to attend was approved by the Minister.

**7.** Members are eligible for such remuneration, whether by way of fees or travelling or other allowances, as the Minister may determine.

**8.** The names of all members of the Commission as at first constituted, and every change in the membership thereof, shall be published in the *Official Gazette*.

**9.(1)** The seal of the Commission shall be kept in the custody of the Chairman, Deputy Chairman or such officer of the Commission as the Commission may approve, and may be affixed to documents or instruments pursuant to a resolution of the Commission in the presence of any 2 of the Chairman or Deputy Chairman and the Secretary to the Commission.

(2) The seal of the Commission shall be authenticated by the signature of the Chairman or Deputy Chairman and the Secretary to the Commission.

(3) All documents or instruments other than those required by law to be under seal made by, and all decisions of, the Commission may be signified under the hand of the Chairman or Deputy Chairman.

**10.(1)** The Commission shall meet at least once a month for the transaction of its business, and each meeting shall be held on such days and at such times and places as the Commission determines.

(2) The Chairman or, if he is for any reason whatsoever unable to act, the Deputy Chairman may at any time call a special meeting of the Commission, and shall call a special meeting within 7 days of the receipt by him of a requisition for that purpose addressed to him in writing by any 3 members.

**11.** The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Commission; and in the case of the absence of both the Chairman and the Deputy Chairman the members present and constituting a quorum may elect a temporary Chairman from among their members, and such temporary Chairman shall preside at that meeting.

**12.** Five members constitute a quorum.

**13.** The decisions of the Commission at any meeting shall be by a majority of votes, and in the event of an equality of votes the Chairman or Deputy Chairman presiding at the meeting has a second or casting vote.

**14.(1)** Minutes in proper form of each meeting shall be kept by the Secretary or such officer as the Minister appoints for the purpose, and shall be confirmed in writing at the next meeting by the Chairman or Deputy Chairman.

(2) Confirmed minutes of meetings shall be submitted to the Minister within one month after the date of the meeting at which they were confirmed.