

CAYMAN ISLANDS



Development and Planning Law

APPEALS TRIBUNAL (DEVELOPMENT PLAN) PROCEDURAL RULES

(2001 Revision)

Supplement No.5 published with Gazette No. 24 of , 1975.

PUBLISHING DETAILS

Revision date details unknown



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Arrangement of Rules

Rule	Page
1. Citation	5
2. Application	5
3. Definitions	5
4. Notification of an enquiry	6
5. Appearances at enquiry	6
6. Representatives of government departments at enquiry	7
7. Procedure at an enquiry	7
8. Site inspections	7
9. Procedure after enquiry	8
10. Service of notices by post	8



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APPEALS TRIBUNAL (DEVELOPMENT PLAN) PROCEDURAL RULES (2001 Revision)

Citation

1. These rules may be cited as the Appeals Tribunal (Development Plan) Procedural Rules (*2001 Revision*).

Application

2. These rules shall apply to the Appeals Tribunal appointed by the Governor in Council on the 7th January, 1975 and any other Appeals Tribunal established under section 50 where, in the instrument appointing such a Tribunal, the Governor so determines, or where the Tribunal itself so determines.

Definitions

3. In these rules —

“**Authority**” means the Central Planning Authority;

“**Board**” means the Development Control Board;

“**enquiry**” means an enquiry to which these rules apply;

“**quorum**” means a quorum of the Tribunal formed under section 50(2); and

“**Tribunal**” means the Appeals Tribunal constituted under section 50(1).

Notification of an enquiry

4. (1) A date, time and place for the holding of an enquiry shall be fixed and may be varied by the Tribunal giving not less than twenty-eight days' notice in writing of such date, time and place to the Authority, the Board and to any other public authority, and any such persons or bodies as have made objections or representations in writing in relation to the "Proposed Development Plan for the Cayman Islands, 1975" (or to such other plan as shall be enquired into by the Tribunal) within the period specified in the Law:

Provided that where it becomes necessary or advisable to vary the date, time or place fixed for an enquiry, the Tribunal shall give such notice of the variation as may appear to it to be reasonable in the circumstances.

- (2) Without prejudice to subrule (1), the Tribunal may require that the Authority, on its behalf, take one or more of the following steps —
- (a) publish, in one or more newspapers circulating in the locality, such notices of the enquiry as they may direct;
 - (b) serve notice of the enquiry in such form and on such persons or classes of persons as they shall direct;
 - (c) convene a pre-enquiry meeting of objectors who wish to attend the same; and
 - (d) post such notice of the enquiry in conspicuous places as they shall direct.

Appearances at enquiry

5. (1) The persons entitled to appear at an enquiry are —
- (a) the Authority;
 - (b) the Board;
 - (c) any other public authority, and any such persons or bodies as have made objections or representations in writing in relation to the matters in issue before the Tribunal within the period specified in the Law; and
 - (d) any public authority, person or body whom the Tribunal invites to appear before it.
- (2) Any other persons may appear at the enquiry at the discretion of the Tribunal.
- (3) The Authority and the Board may appear by their respective executive secretary or by any other officer appointed for the purpose by the Authority or the Board, or by an attorney-at-law, and any other Authority, person or body may appear on his or its own behalf or be represented by an attorney-at-law or any other person.
- (4) Where there are two or more persons having a similar interest in the matter under enquiry, the Tribunal may allow one or more persons to appear for the benefit of some or all persons so interested.



Representatives of government departments at enquiry

6. Where a representative of a government department (which for this purpose shall be deemed to include the Authority and the Board) gives evidence before the Tribunal, he shall state the reasons for any decision of the government department he represents and shall give evidence and be subject to cross-examination to the same extent as any other witness, save that such a representative shall not be required to answer any question which, in the opinion of the Tribunal, is directed to the merits of government policy.

Procedure at an enquiry

7. (1) Except as otherwise provided in these rules, the procedure at an enquiry shall be such as the Tribunal, in its discretion, shall determine.
- (2) The persons specified in rule 5(1) shall be entitled to call evidence and cross-examine persons giving evidence, but the persons specified in rule 5(2) may do so only to the extent permitted by the Tribunal.
- (3) The Tribunal shall not require or permit the giving or production of any evidence, whether written or oral, which would be contrary to the public interest, but, save as is provided in rule 6, any evidence may be admitted at the discretion of the Tribunal, which may direct that documents tendered in evidence may be inspected by any person entitled or permitted to appear at the enquiry, and that facilities be afforded to him to take or obtain copies thereof.
- (4) If any person entitled to appear at the enquiry fails to do so, the Tribunal may proceed with the enquiry at its discretion.
- (5) The Tribunal shall be entitled (subject to disclosure thereof at the enquiry) to take into account any written representations or statements received by them before or during the enquiry from any person.
- (6) If any person who has made an objection or representation wishes to withdraw that objection or representation he may do so either in person during the enquiry or by letter to the Chairman of the Tribunal delivered during the enquiry.
- (7) The Tribunal may, from time to time, adjourn the enquiry and, if the date, time and place of the adjourned enquiry are announced before the adjournment, no further notice shall be required.

Site inspections

8. (1) The Tribunal or any member of the Tribunal may make an unaccompanied inspection of any of the land which appears to be the subject of the enquiry before or during the enquiry, without giving notice of its or his intention to the persons entitled or permitted to appear at the enquiry.

- ### Procedure after enquiry

- ### Service of notices by post

- Publication in revised form authorised by the Governor in Council this day of , 2001.**

Clerk of Executive Council