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## (EXTRAORDINARY)

## OF GUYANA

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# THE OFFICIAL GAZETTE 5TH DECEMBER, 2022
## LEGAL SUPPLEMENT — C

**BILL No. 26 of 2022**

*Monday 5th December, 2022*

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

5th December, 2022.


The following Bill which will be introduced in the National Assembly is published for general information.

*S.E. Isaacs,*
Clerk of the National Assembly.

**GUYANA**

**BILL No. 26 of 2022**

# PLANNING AND DEVELOPMENT SINGLE WINDOW SYSTEM BILL 2022

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**FIRST SCHEDULE**– Planning and Development Applications
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**A Bill**

**Intituled**

**AN ACT** to provide for the establishment of the Planning and Development Single Window System; to provide for the management and implementation of the Planning and Development Single Window System; to provide for the establishment of the Planning Oversight Committee; to define the functions of the Planning Oversight Committee; to centralise functions pertaining to land use planning and development and for matters connected thereto.

A.D. 2022 Enacted by the Parliament of Guyana-

## PART I
## PRELIMINARY

Short title and commencement.

1. (1) This Act may be cited as the Planning and Development Single Window System Act 2022.

(2) This Act shall come into operation on a date the Minister may, by order, appoint.

Interpretation.

2. In this Act-

Cap. 36:20 "Central Authority" means the Central Housing and Planning Authority constituted and incorporated under section 3 of the Housing Act;

"Committee" means the Planning Oversight Committee established under section 18;

"electronic" includes electrical, digital, magnetic, wireless, optical, electro-magnetic, biometric, photonic and similar capabilities;

Cap. 20:05 "Environmental Protection Agency" means the Environmental Protection Agency established under section 3 of the Environmental Protection Act;

"environmental authorisation" has the meaning assigned to it by section 2(i) of the Environmental Protection Act;

"environmental impact assessment" has the meaning assigned to it by section 10(b) of the Environmental Protection Act;

"environmental impact statement" means an environmental impact statement required under Part IV of the Environmental Protection Act;

"Minister" means the Minister with responsibility for Housing;

"planning and development application" means an application made under any enactment in respect of land use, building or development permission, or other similar application, of the kind listed under the First Schedule;

First Schedule

"Planning Appeals Tribunal" means the Planning Appeals Tribunal established under section 22;

"project" has the meaning assigned to it by section 10(c) of the Environmental Protection Act;

Cap. 20:05

"relevant agency" means a governmental department or agency, public body or other entity relevant to and involved in the planning and development industry listed under the Second Schedule;

Second Schedule

"System" means the Planning and Development Single Window System established under section 4(1);

"Unit" means the Planning and Development Single Window Unit established under section 12(1).

Objects of the Act.

3. The object of this Act is to provide a legislative framework for a single window system to-

(a) facilitate a centralised single point of submission and receipt of planning and development applications;

(b) enable the synchronised processing of data and information;

(c) enable the standardisation of documents and single decision-making for planning and development applications;

(d) facilitate the removal of operational barriers to electronic transactions;

(e) facilitate coordination and partnership among the Central Authority, the Minister and other line ministries, agencies and entities relevant to planning and development; and

(f) facilitate the establishment of a mechanism for the appeal of decisions made in respect of planning and development applications.

## PART II
## ESTABLISHMENT OF PLANNING AND DEVELOPMENT SINGLE WINDOW SYSTEM

Establishment of the System.

4. (1) There is hereby established a single window system to be known as the Planning and Development Single Window System.

(2) The System shall serve as the single-entry point for planning and development applications to-

(a) submit planning and development applications electronically and in paper form;

(b) submit other relevant documents, information and data electronically and in paper form;

(c) process and approve planning and development applications; and

(d) facilitate electronic and non-electronic payments for transactions lodged through the system.

Technical aspects of the System.

5. (1) The Central Authority shall adopt relevant internationally accepted standards, procedures, documents, technical details and formalities for the effective implementation of the System.

(2) All processes and technical aspects of the System shall conform to the following principles-

(a) transparency in relation to procedures being undertaken through the System;

(b) security of data information exchange;

(c) simplicity and accessibility;

(d) confidentiality and privacy;

(e) reliability, trust and consistency;

(f) scalability and interoperability; and

(g) efficiency.

Security of the System.

6. (1) The Central Authority shall be responsible for-

(a) the security of data in the System;

(b) ensuring that information is confidential and used only for the purpose for which it is intended;

(c) taking precautions to ensure that electronic systems are secure from unauthorised access; and

(d) requiring System users to comply with all applicable policies, laws and regulations governing data protection.

(2) Whenever there is any interruption in the method of payment or the method of submission of documents, information or data, the Central Authority shall immediately notify the users and end users and provide an alternative method of payment and submission.

Registration of users.

7. (1) Any person who intends to submit a planning and development application shall apply to the Central Authority for registration as a user of the System.

(2) An application for registration as a user of the System shall be in the prescribed form.

(3) The Central Authority shall keep and maintain both a physical register and an electronic register of the registered users of the system and issue a notification of registration to users of the System.

Measures to enable payment.

8. (1) For the purpose of facilitating the collection of payments for transactions lodged through the System, the Central Authority shall put measures in place to enable payment by-

(a) credit card, where an electronic interface for online payment has been made available;

(b) debit card, where an electronic interface for online payment has been made available;

(c) mobile money transfer;

(d) debiting an e-wallet account;

(e) cash deposit into any specified account of a designated bank;

(f) electronic funds transfer;

(g)real-time gross settlement;

(h)online banking; or

(i) any other authorised electronic payment system.

(2) A person making a payment by a method listed under subsection (1) shall do so in the prescribed manner.

## PART III
## MANAGEMENT AND IMPLEMENTATION OF PLANNING AND DEVELOPMENT SINGLE WINDOW SYSTEM

Central Authority to manage and implement the System.

9. The Central Authority shall be responsible for the management and implementation of the System.

Central Authority to be single point of submission.

10. (1) Notwithstanding anything contained in any other enactment, the Central Authority shall-

(a)be the single point of submission and receipt of all planning and development applications listed in the First Schedule; and

First Schedule

(b)facilitate the onward transmission of planning and development applications to any other person or body for processing or review, where required.

(2)Where any enactment confers on any other person or body the power, duty or function to receive, review or process a planning and development application, that power, duty or function shall only be exercised-

(a)through the System; and

(b)in accordance with the provisions of any-

(i) administrative scheme entered into between the Central Authority and that person or body; and

(ii) regulations made under this Act.

Functions of the Central Authority.

11. The Central Authority shall-

(a) implement, in consultation with the Minister, policies relating to the System;

(b) integrate the systems of public agencies involved in receiving, processing and approving planning and development applications;

(c) develop, manage and promote the interchange of data for facilitating planning and development;

(d) promote public confidence in the integrity and reliability of records and transactions conducted through the System;

(e) develop sound frameworks to minimise the incidence of forged records and fraud in transactions conducted through the System;

(f) enter into association with such other persons, institutions or entities as the Central Authority may consider necessary in furtherance of the objects of this Act;

(g) plan, develop, monitor and evaluate training programmes for all stakeholders to ensure conformity with international best practices;

(h) impose fees and charges for the use of any services provided in connection with the System;

(i) provide for licence and terms of use agreements to be signed by users of the System, where necessary;

(j) provide an electronic data interface for the issuance of permits, approvals and exemptions through the System; and

(k) establish timelines for the processing and approval of planning and development applications.

Planning and Development Single Window Unit.

12. (1) The Central Authority shall establish a unit to be known as the Planning and Development Single Window Unit to be housed within the Central Authority.

(2) The Unit shall-

(a) manage the day-to-day functioning of the System;

(b) facilitate transactions conducted through the System by

ensuring the use of reliable records;

(c) maintain an electronic database of all applications, documents and data within the System;

(d) ensure data privacy and overall security in conformity with established laws and regulations;

(e) collect data and statistics;

(f) assist users with training and respond to user problems; and

(g) perform any other function assigned to it by the Central Authority.

Staff of the Unit.

13. (1) The Unit shall be headed by a director appointed by the Central Authority in consultation with the Minister.

(2) The Unit shall comprise such staff as the Central Authority considers qualified and capable to discharge the functions of the Unit including persons with knowledge and experience in information technology who are capable of addressing and resolving technical and programming issues.

Finance of the System.

14. The Central Authority shall-

(a) administer assets and funds allocated to the Central Authority to be used in connection with the System;

(b) receive grants, donations or other monies to be used in connection with the System; and

(c) include all funding for the System in the Central Authority's annual estimates of revenue and expenditure.

## PART IV
## RELEVANT AGENCIES

Coordination with relevant agencies.

15. (1) The Central Authority shall, within six months of the commencement of this Act-

Second Schedule

(a) consult and coordinate with the relevant agencies listed in the Second Schedule; and

(b) prepare and submit for the approval of the Minister, an administrative scheme for coordination between the Central

Authority and the relevant agencies in respect of the expeditious processing of planning and development applications.

(2) An administrative scheme prepared under subsection (1) shall set out-

(a) the expected roles, responsibilities and obligations of the relevant agencies;

(b) timelines for the processing of planning and development applications;

(c) the rules and procedures for the sharing, use and dissemination of data and information between the Central Authority and the relevant agencies, as well as between two or more relevant agencies including-

(i) data protection and privacy measures;

(ii) any limitations on the sharing of data and information; and

(iii) any limitations on access to the System.

(3) An administrative scheme may be revoked or modified by a revised scheme approved by the Minister.

(4) Where a relevant agency or a public officer receives a written request from the Central Authority for information required by the Central Authority for the preparation of an administrative scheme under subsection (1)(b), the relevant agency or public officer shall reply to that request within fourteen days, or such other period as may be agreed between the Central Authority and that agency or officer.

Registration and authentication of relevant agencies.

16. (1) The Central Authority shall-

(a) register all relevant agencies that will be permitted to have access to the System for the purposes of providing or receiving information and documents to or from the System; and

(b) establish authentication procedures to ensure that only fully authorised relevant agencies will be allowed to access the System.

(2) The Central Authority shall maintain a secure and updated registry listing of all authorised relevant agencies.

(3)Authorised relevant agencies shall not be permitted access to information or data other than that for which access has been authorised by an administrative scheme under section 15, this Act or any other enactment.

Environmental protection.

Cap. 20:05

17. (1) Subject to the provisions of any administrative scheme entered into between the Central Authority and the Environmental Protection Agency and notwithstanding the provisions of the Environmental Protection Act, an applicant who, in respect of a project for which a planning and development application is required, is also required to submit to the Environmental Protection Agency-

(a)an application for an environmental authorisation;

(b)an environmental impact assessment; or

(c)an environmental impact statement,

shall submit the same, together with any other required documents and fees, directly to the Central Authority through the System.

(2)Where the Central Authority is in receipt of a submission under subsection (1) through the System, the Central Authority shall be responsible for-

(a) transmitting the application or document, together with any other required documents and fees, to the Environmental Protection Agency for processing and approval; and

(b) notifying the applicant of the outcome of any decision taken by the Environmental Protection Agency in respect of the project,

in accordance with the provisions of any administrative scheme entered into between the Central Authority and the Environmental Protection Agency.

## PART V
## ADMINISTRATION AND OVERSIGHT

Establishment of the Committee.

18. (1) There is hereby established a committee to be known as the Planning Oversight Committee to carry out the functions conferred upon it by this Act.

(2)The Committee shall comprise the following members-

(a) a chairperson appointed by the Minister;

(b) the director of the Unit;

(c) one person appointed by the Minister from the private sector

having knowledge and experience of matters relevant to land development and drawn from the areas of business, finance, law, physical planning, natural science, land surveying and architecture or engineering; and

(d) two persons appointed by the Minister after consultation with the professional bodies representing professional land use planners, architects, engineers and land surveyors.

(3) The appointment of any members of the Committee and any change of membership thereof shall be notified in the *Gazette*.

Functions of the Committee.

19. (1) The Committee shall be responsible for the following functions-

(a) overseeing and monitoring the Central Authority's progress in implementing the System;

(b) advising the Minister on the Central Authority's performance of its functions for the purpose of furthering the efficient and orderly operation of the System; and

(c) considering and communicating to the Minister the advice or opinion of the Committee on any matter referred to it by the Minister.

(2) The Committee shall be responsible for implementing the policies given to it by the Minister and shall act in accordance with directions given to it by the Minister.

Annual Report.

20. (1) The Committee shall, within four months after the end of the first year, prepare and submit to the Minister a report setting out-

(a) the steps that the Central Authority has taken to implement the System;

(b) any outstanding issues hindering the implementation and effective performance of the System; and

(c) the Committee's recommendations to resolve the issues.

(2)The Minister shall cause a copy of every report made under subsection (1) to be laid on the table of the National Assembly.

(3)The Minister shall undertake a review of the Committee after the end of the first year.

Delegation.

21. (1) The Minister may, by Order, delegate any of the duties, powers or functions of the Central Authority under this Act or any other enactment to any other person or body, and on such terms and conditions, as the Minister sees fit.

(2) The Minister, in consultation with the Central Authority may give directions to any person or body to whom it has delegated a duty, power or function with respect to the exercise of that duty, power or function and that person or body shall comply with any such directions.

## PART VI
## GENERAL AND MISCELLANEOUS PROVISIONS

Appeals.

22. (1) There is hereby established a Planning Appeals Tribunal for the purpose of hearing appeals against decisions of the Central Authority made pursuant to this Act and any other enactment, in respect of planning and development applications.

(2) The constitution and procedure of the Planning Appeals Tribunal shall be prescribed in regulations which shall include provisions with respect to the appointment, tenure and remuneration of the members of the Planning Appeals Tribunal.

(3) An applicant who is aggrieved by a decision of the Central Authority may, within twenty-eight days of receipt of the decision, appeal against that decision to the Planning Appeals Tribunal by notice in writing.

(4) The Planning Appeals Tribunal shall, after making such enquiry as it thinks fit and after giving the appellant a reasonable opportunity to present his or her case-

(a) allow or dismiss the appeal;

(b) uphold the decision of the Central Authority; or

(c) reserve or vary the decision of the Central Authority.

(5) The decision of the Planning Appeals Tribunal shall be final unless the Minister declares the matter to be one of national interest.

(6) If a declaration under subsection (5) is made, the decision of the appeals tribunal shall be reviewed by the Cabinet which may-

(a) confirm the decision;

(b) confirm the decision with conditions; or

(c) revoke the decision.

Limitation of personal liability.

23. The members of the Committee or any person employed by or acting on behalf of the Central Authority, shall not be personally liable in any court for, or in respect of any act or matter done, or omitted to be done, in good faith, in the exercise or purported exercise of any duty, power or function conferred by this Act.

Protection from loss.

24. The Central Authority shall not be liable for any loss arising from a technical malfunction of the System.

Confidentiality.

25. (1) An officer, employee or agent of the Central Authority or a relevant agency shall not disclose to any other person or use any confidential information obtained as a result of his connection or dealing with the System, except so far as it is required or permitted in the exercise of his or her official duties or under any written law.

(2) A person who wilfully discloses or uses confidential information in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for six months.

Regulations.

26. (1) The Minister may, in consultation with the Central Authority make regulations for the purpose of giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may, in consultation with the Central Authority make regulations to prescribe-

(a) administrative measures relating to the use of the System;

(b) criteria for preparing and submitting planning and development applications;

(c) timelines for processing and approving planning and development applications;

(d) terms and conditions that users of the System must comply with;

(e) forms and fees;

(f) the manner for making payments through the System;

(g) procedures for registration, registrable particulars and other details necessary for user registration;

(h)the constitution and procedure of the Planning Appeals Tribunal; and

(i) any other matter that is required to be prescribed under this Act.

Power to amend Schedules.

27. The Minister may, by order, amend the provisions of any Schedule.

Repeals. Third Schedule

28. The provisions of the laws set out in the Third Schedule are repealed in the manner and to the extent provided in that Schedule.

Act binds the State.

29. This Act binds the State.

**FIRST SCHEDULE** (section 10(1)(a))

## PLANNING AND DEVELOPMENT APPLICATIONS

1. Single-family residential
2. Multi-family residential – including low-rise apartments, townhouses and condominiums
3. Commercial
4. Industrial
5. Institutional
6. Infrastructure
7. Change of Use
8. Land sub-division
9. Agriculture
10. Recreation
11. Demolition of buildings or structures that are pre-designated as being of architectural or historical significance by the relevant authorities.

## SECOND SCHEDULE (section 15(1)(a))

## RELEVANT AGENCIES

1. Central Board of Health
2. Ministry of Public Works
3. River and Sea Defence Board
4. Guyana Lands and Surveys Commission
5. Environmental Protection Agency
6. Guyana Fire Service
7. Guyana Civil Aviation Authority
8. National Trust of Guyana
9. Guyana Office for Investment
10. Land Registry
11. Deeds Registry
12. Guyana Water Incorporated
13. Maritime Administration Department
14. Guyana Forestry Commission
15. Neighbourhood Democratic Councils
16. Local Authorities (inclusive of all municipalities)

## THIRD SCHEDULE (section 28)

## REPEALS

| NO. | SHORT TITLE | EXTENT OF REPEAL |
|---|---|---|
| 15 of 1934 | Public Health Ordinance, 1934 | PART XII<br><br>The words "Section 140(4)." as they appear in the First Schedule |
| Cap. 59:05 | Guyana Lands and Surveys Commission Act | Section 4(1)(r) |
| Cap. 20:01 | Town and Country Planning Act | Section 16;<br><br>Section 20; and<br><br>Section 21 |

## EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Planning and Development Single Window System; to provide for the management and implementation of the Planning and Development Single Window System; to provide for the establishment of the Planning Oversight Committee; to define the functions of the Planning Oversight Committee; to centralise functions pertaining to land use planning and development and for matters connected thereto.

This Bill is divided into six (6) Parts and contains twenty-nine (29) clauses and three (3) Schedules.

**Part I** of the Bill provides for the preliminary provisions and contains clauses 1 to 3. **Clause 2** provides for the interpretation of certain terms used in the Bill and **clause 3** of the Bill sets out the objects of the Act.

**Part II** of the Bill provides for the establishment of the Planning and Development Single Window System and contains clauses 4 to 8. **Clause 4** of the Bill provides for the establishment of the System as the single-entry point and platform for the submission, processing and approval of the planning and development application. **Clause 5** of the Bill provides for the technical aspects of the System and **clause 6** of the Bill provides for the security of the System. **Clause 7** of the Bill sets out the procedure for registration of users of the System and **clause 8** of the Bill imposes an obligation on the Central Housing and Planning Authority to put measures in place to enable payment through the System.

**Part III** of the Bill provides for the management and implementation of the Planning and Development Single Window System and contains clauses 9 to 14.
In accordance with **clause 9** of the Bill, the Central Housing and Planning Authority is responsible for the management and implementation of the System. **Clause 10** of the Bill establishes the Central Housing and Planning Authority as the single point of submission and receipt of planning and development applications. **Clause 11** of the Bill sets out the functions of the Central Housing and Planning Authority as it pertains to the System. **Clause 12** of the Bill provides for the establishment of the Planning and Development Single Window Unit within the Central Housing and Planning Authority and sets out its functions. **Clause 13** of the Bill provides for the staff of the Planning and Development Single Window Unit and **clause 14** of the bill provides for the finance of the System.

**Part IV** of the Bill provides for relevant agencies and contains clauses 15 to 17. **Clause 15** of the Bill imposes an obligation on the Central Authority to consult and coordinate with identified relevant agencies and prepare an administrative scheme for coordination in respect of the expeditious processing of planning and development applications. **Clause 16** of the Bill provides

for the registration and authentication of relevant agencies for the purpose of providing them with access to the System. **Clause 17** of the Bill sets out the procedure for the submission of documents pertaining to environmental protection through the System and provides for coordination between the Central Housing and Planning Authority and the Environmental Protection Agency.

**Part V** of the Bill provides for administration and oversight and contains clauses 18 to 21. **Clause 18** of the Bill provides for the establishment of the Planning Oversight Committee and its composition. **Clause 19** of the Bill sets out the functions of the Planning Committee. **Clause 20** of the Bill imposes an obligation on the Planning Committee to submit an annual report to the Minister and requires the Minister to lay the report on the table of the National Assembly. **Clause 21** of the Bill empowers the Minister to delegate the duties, powers and functions of the Central Housing and Planning Authority to any other person or body as it sees fit and give directions accordingly.

**Part VI** of the Bill provides general and miscellaneous provisions and contains clauses 22 to 29. **Clause 22** of the Bill sets out the procedure for an aggrieved person to lodge an appeal against a decision of the Central Housing and Planning Authority in respect of a planning and development application. **Clause 23** of the Bill limits the personal liability of the members of the Planning Oversight Committee or any person employed by or acting on behalf of the Central Housing and Planning Authority, in respect of any act done in good faith. **Clause 24** of the Bill indemnifies the Central Housing and Planning Authority against liability for any loss arising from a technical malfunction of the System. **Clause 25** of the Bill imposes a requirement on officers, employees and agents of the Central Housing and Planning Authority or a relevant agency to keep confidential any information obtained as a result their connection with the System. **Clause 26** of the Bill empowers the Minister to make regulations in consultation with the Central Housing and Planning Authority and **clause 27** of the Bill empowers the Minister amend the Schedules by Order. **Clause 28** of the Bill provides for the repeal of the provisions of certain laws. The State is bound by this Act by **Clause 29** of the Bill.

The **First Schedule** to the Bill lists the planning and development applications to which the System applies. The **Second Schedule** to the Bill lists the various entities that are considered relevant agencies for the purposes of the Act and the **Third Schedule** to the Bill identifies the provisions of certain laws which are to be repealed and the extent of the repeal.

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**Hon. Collin Croal, MP**
**Minister of Housing and Water**