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WEDNESDAY 2ND AUGUST, 2023

THE OFFICIAL GAZETTE 2ND AUGUST, 2023
LEGAL SUPPLEMENT — A

GUYANA

ACT NO. 11 OF 2023

PLANNING AND DEVELOPMENT SINGLE WINDOW SYSTEM ACT 2023

I assent.

Mohamed Irfaan Ali,
President.
2nd August, 2023

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FIRST SCHEDULE- Planning and Development Applications

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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. 2023 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 2023.

(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;

"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;

Second Schedule

"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;

"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 or in paper form;

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

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

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

(3) Whenever there is any interruption in 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.

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. 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.

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;

(i) cash deposits to any authorised agency; or

(j) any other authorised 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.

First Schedule

10. (1) Subject to subsection 33, 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

(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 provide 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;

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

(l) monitor and evaluate the operations of the relevant agencies.

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.

(3) The Unit shall publish on the website of the Ministry semi-annually reports on the number of applications received and their status.

Staff of the Unit.

13. (1) The Unit shall be headed by a suitably qualified 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;

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

(d) ensure all fees collected are remitted to the relevant agencies within sixty days.

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, after consultation with the Central Authority, the Director and other relevant agencies involved in the planning and development process.

(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) 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.

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

PART V

ADMINISTRATION AND OVERSIGHT

Establishment of the Committee.

17. (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 suitably qualified chairperson appointed by the Minister;

(b) the director of the Unit;

(c) one person appointed by the Minister, after inviting nominations, 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 inviting nominations, from the Guyana Association of Professional Engineers, the Guyana Planning Association, the Guyana Architects' Association and the Guyana Association of Professional Surveyors Incorporated.

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

(4) A member of the Committee shall hold office for a term of two years and shall be eligible for reappointment for a further term as may be determined by the Minister.

Functions of the Committee.

18. (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.

Annual Report.

19. (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 in the National Assembly.

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

Delegation.

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

(2) The Central Authority may, with the approval of the Minister, 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

ESTABLISHMENT OF PLANNING APPEALS TRIBUNAL

Establishment of Tribunal.

21. 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.

Constitution of Tribunal.

22. (1) The Tribunal shall be comprised of a Chairman and four other members including a Vice-Chairman, each of whom may be appointed to serve in a full-time, part-time or periodic capacity as may be required to fulfil the objects of this Act.

(2) The Chairman of the Tribunal shall be an attorney-at-law of not less than ten years standing, and shall be appointed by the President.

(3) The Vice-Chairman shall be elected by and from the members of the Tribunal at the first meeting of the Tribunal.

(4) The members of the Tribunal other than the Chairman and Vice-Chairman, shall be appointed by the Minister from among such persons as appear to the Minister to be qualified by virtue of their knowledge of or experience in law,

business, finance, physical planning, natural science, land surveying and architecture or engineering.

Tenure of office.

23. (1) All members of the Tribunal shall hold office under such requirements and conditions of service and for such term, not less than two years, as may be determined by the Minister and set forth in the terms of reference at the time of their appointment and shall be eligible for reappointment.

(2) Notwithstanding that his term of office has expired, any member of the Tribunal may, with the permission of the President acting on the advice of the Chairman of the Tribunal, continue in office for such period after the expiry of his term as may be necessary to deliver judgment, or to do any other thing in relation to proceedings that were commenced before such member prior to the expiry of his term of office.

(3) Any member of the Tribunal may, at any time by notice in writing to the Minister, resign his office.

(4) The Minister may remove from office any member of the Tribunal for inability, misbehaviour or on the ground of any employment or interest which is incompatible with the functions of a member of the Tribunal.

(5) Where any member of the Tribunal is ill, or otherwise unable to act, or where his office is vacant, the Minister may appoint a person to act in the stead of such member during his illness, or incapability, or until the office is filled, as the ease may be.

(6) No defect in the qualification or appointment of any member of the Tribunal shall vitiate any proceedings thereof.

Salary, allowances and conditions of service.

24. (1) There shall be paid to each member of the Tribunal, and to a person appointed to act in or perform the functions of any member of the Tribunal such salary or remuneration and such allowances as may be prescribed by order by the Minister.

(2) Such other conditions of service shall be applicable to the Chairman, Vice-Chairman and other members of the Tribunal as may be prescribed by the Minister.

(3) The salary, remuneration, allowances and the other conditions of service of the Chairman, Vice-Chairman, and of any other member of the Tribunal shall not

be altered to his disadvantage after his appointment to the Tribunal or during his tenure of office.

Procedure and Jurisdiction of the Tribunal.

25. (1) The jurisdiction and powers of the Tribunal may be exercised by the Chairman or the Vice-Chairman and two other members selected by the Chairman or Vice-Chairman, as the case may be, for the purpose of any case or proceeding which may be brought before the Tribunal.

Third Schedule

(2) 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 filing a notice of appeal as set out in the Third Schedule, with the Secretary of the Tribunal and serving a copy thereof on the Secretary of the Authority or other respondent.

(3) Unless rules made under this section otherwise provide, fourteen clear days notice shall be given to the appellant and to the respondent of the date fixed for the hearing of a matter by the Tribunal.

(4) The Chairman of the Tribunal, when present, shall preside, and, in the absence of the Chairman, the Vice-Chairman shall preside.

(5) All appeals to the Tribunal shall be heard in public and any appellant, complainant or respondent may appear before the Tribunal in person or be represented by an attorney-at-law.

(6) In relation to the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matter necessary or proper for the due exercise of its jurisdiction, the Tribunal shall have all such powers, rights and privileges as are vested in the High Court on the occasion of an action.

(7) A summons signed by the Secretary of the Tribunal shall have the same force and effect as any formal process capable of being issued in any action taken in the High Court for enforcing the attendance of witnesses and compelling the production of documents.

(8) In any matter before the Tribunal, the Tribunal may order that written arguments and a citation of authorities be submitted to the Tribunal in addition to or, with the consent of the parties, in place of an oral hearing.

(9) The decision of the Tribunal shall be that of the majority of the members present, but the opinion of the presiding member shall prevail on any matter arising in the course of any proceedings which, in his opinion, is a question of law.

(10) The Planning Appeals Tribunal shall, after making such enquiry as it thinks fit and after giving the appellant a reasonable opportunity to present his 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.

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

(12) If a declaration under subsection (11) 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.

(13) The Tribunal may, subject to the approval of the Minister, make rules not inconsistent with this Act governing the carrying on of the business of the Tribunal and the practice and the procedure in connection with appeals to the Tribunal and other proceedings, and the regulating of any matters relating to the cost of proceedings before the Tribunal.

Hearing and determination of appeals.

26. An appeal shall be heard and determined by the Tribunal within three months from the date of the filing of the notice of appeal; provided that any application which is the subject of an appeal shall be put on hold until that appeal is heard and determined.

PART VII

GENERAL AND MISCELLANEOUS PROVISIONS

Limitation of personal liability.

27. No action shall lie against any person employed by or acting on behalf of the Central Authority for any act or omission done in good faith, and in the discharge of any functions of this Act.

Resubmission of applications.

28. Where an applicant is required to resubmit an application as a result of a technical malfunction of the system, the application shall be deemed as submitted as at the first date of submission.

Confidentiality.

29. (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.

30. (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.

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

Repeals. Fourth Schedule

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

Act to prevail. Cap. 29:01

33. This Act shall take precedence over any other Act it comes into conflict with, except the Amerindian Act as it relates to land titling.

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

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 and Commercial Registries Authority
12. Guyana Water Incorporated
13. Maritime Administration Department
14. Guyana Forestry Commission
15. Local Democratic Organs

THIRD SCHEDULE (section 25(2))

PLANNING APPEALS TRIBUNAL

NOTICE OF APPEAL

Form of Appeal to the Planning Appeals Tribunal under section 25(2) of the Planning and Development Single Window System Act.

GUYANA

Appeal No.....of .....

.....

Appellant

-and-

Central Authority and Planning Authority

First Respondent

Relevant Agency whose decision is the subject of the Appeal

Second

Respondent

NOTICE OF APPEAL

Take notice that the Appellant being dissatisfied with the decision of the Planning Appeals Tribunal dated the ..... day of ....., ..., hereby appeal against such decision on the ground(s) that-

(i) .....
.....
.....
.....
.....

(ii) .....
.....
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.....
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(iii) .....
.....
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.....
.....

3. The Appellant prays that the decision be wholly set aside or reversed.

4. The parties directly affected by this Appeal are:-

(a) Central Authority and Planning Authority.

(b) Relevant Agency whose decision is the subject of the Appeal.

Dated this .....day of ....., ...

.....

Appellant

FOURTH SCHEDULE **(section 32)**

REPEALS

NO.	SHORT TITLE	EXTENT OF REPEAL
15 of 1934	Public Health Ordinance, 1934	PART XII 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; Section 20; and Section 21

Passed by the National Assembly on the 20th July, 2023.

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

(BILL No. 26/2022)