

ARRANGEMENT OF SECTIONS

PRELIMINARY

Sections

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It is hereby notified that the Minister of Local Government, and Public Works has, in terms of section 90 of the Rural District Councils Act [Chapter 29:13], approved the following by-laws made by the Manyame Rural District Council: -

Title

1. These by-laws may be cited as the Manyame Rural District Council Land for public purpose and Endowment By-laws 2023

Application

2. These by-laws shall apply to all areas under the jurisdiction of the Council.

Interpretation

3. In these by-laws –

“Council” means Manyame Rural District Council;

“Approved” means approved by the Council;

“Fixed date” means the date of the commencement of these bylaws

“Designated officer” means an officer designated by the Council for the purposes of these by-laws;

“Owner” means, in relation to any stand or premises, the person in whose name the title to such stand or premise is registered, and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such stand or premise

“Appropriate authority”, in relation to-

- (a) Land which is set aside for State purposes including State roads, means the President;
- (b) Land which is set aside for public purposes other than State purposes or for roads other than State roads, means the local authority or, if the land is not within the area under

the jurisdiction of a local authority, the President in trust for any local authority which may in the future have jurisdiction over that area;

- (c) “prescribed percentage”, in relation to a subdivision, means such percentage, not exceeding twenty per centum, as is prescribed for the purposes of this section in relation to the subdivision or class of subdivision concerned according to Section 41 of Regional, Town and Country Planning Act [Chapter 29:12] and SI 271 of 1994 or any other enactment which might follow

“Occupier means, in relation to any stand or premise-

- (a) Any person in actual occupation of such stand or premises and having charge or management thereof; or
- (b) In the event of the stand premises being unoccupied by any person other than the employee of the person having charge or management thereof, any person having such charge or management;

“Endowment” a percentage value of any subdivision set aside or ceded to Council upon subdividing a piece of land; as spelt out in Section 41 of the Regional, Town and Country Planning Act [Chapter 29:12] or any other statutory instrument relevant there to.

“Public building” means any –

- a) Church, school, hospital, chapel, meeting-house or other premises used for divine workshop
- b) Theater, hall, exhibition building or premises open to the public, with or without payment;
- c) Other institution in which more than five persons are intended to be gathered at one time;

“Property” means a lot or plot or land shown on-

- a) A general plan of an established growth point, district, service center or rural service center or ordinary business center or;
- b) An approval diagram;

“Boundary” means the extent of the legal limits of ownership of any parcel of land.

4. SETTING ASIDE LAND PAYMENT OF ENDOWMENT TO COUNCIL

As guided by the Regional Town and Country Planning Act, 1996 [Chapter 29:12] on endowment and setting aside land for purposes;

4(1) any land within the Council’s area of jurisdiction which has been issued with an approved subdivision permit shall include conditions requiring the owner of the property-

- a) To set aside land for road purposes and public purposes which shall vest in Council or the State or the minister prescribed in the Regional Town and Country Planning Act, 1996[Chapter 29:12]
- b) To pay the Council the prescribed percentage of the value of each subdivision, excluding the value of any improvements on the subdivision, at the date of its disposal as prescribed in the Approved Council budget year and policies

4(2) Any property which does not fulfill the endowment payment conditions set out in or if not stated out in the subdivision permit for unclear reasons but was supposed to have been spelt out then, shall not receive a Compliance certificate from Council and is not legible for transfer by the Registrar of Deeds.