

TOWN PLANNING ACT 1946

Town Planning (Modification or Alteration of Approved Schemes) Regulations 2022

IN exercise of the powers conferred on me by section 45 of the Town Planning Act 1946, I hereby make these Regulations—

Short title and commencement

- 1.—(1) These Regulations may be cited as the Town Planning (Modification or Alteration of Approved Schemes) Regulations 2022.
- (2) These Regulations come into force on the date of publication in the Gazette.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“home-based business” means a business operation that is permitted to operate from a residential area under these Regulations, and does not include an industrial business operation;

“residential area” means an area designated for homes and habitable spaces to reside in; and

“Permanent Secretary” means the permanent secretary responsible for town planning.

Preparation of modification or alteration of an approved scheme

- 3.—(1) Pursuant to section 26A of the Act, a person may apply to a local authority or the Director for a modification or alteration of an approved town planning scheme.
- (2) The local authority or the Director must, upon receipt of a request for the modification or alteration of an approved scheme, prepare and submit to the Permanent Secretary the modification or alteration of an approved scheme.

(3) If the local authority fails to submit the modification or alteration of an approved scheme to the Permanent Secretary, the Director may prepare the modification or alteration of the approved scheme and such scheme is for all purposes of the Act, deemed a scheme prepared and submitted to the Director by the local authority.

(4) Any expense incurred by the Director in the preparation of the scheme is payable by the local authority and recoverable by instalments or as a civil debt.

Declaration of schemes for home-based business operations

4.—(1) Pursuant to section 26A of the Act, the Permanent Secretary may declare the modification or alteration of an approved scheme to allow for home-based business operations in an area approved as a residential area.

(2) The Permanent Secretary may require the building plan of a home-based business operation and any other requirement as the Permanent Secretary deems necessary, before making a declaration of a modification or alteration of an approved scheme.

(3) For the purpose of subregulation (1), a home-based business operation includes—

- (a) a canteen business;
- (b) catering services from a residential property;
- (c) consultancy services, including an advertising and marketing consultancy;
- (d) tailoring and boutique;
- (e) art and craft, including a painting business;
- (f) beauty-related services, including a nail care service, *mehndi* or hair dressing;
- (g) daycare or preschool;
- (h) building design services;
- (i) an online business; and
- (j) any other home-based business operation declared by the Permanent Secretary.

Conditions for modification or alteration of an approved scheme

5.—(1) Subject to regulation 4(1), the Permanent Secretary must take into consideration the stimulation of economic growth and any other implication before making a declaration of the modification or alteration of an approved scheme under regulation 4.

(2) The Permanent Secretary may consult other relevant Government agencies before making a declaration for the modification or alteration of an approved scheme.

Publication

6.—(1) Any modification or alteration of an approved scheme submitted to the Permanent Secretary by the Director or a local authority under these Regulations, may be declared by the Permanent Secretary subject to the conditions under these Regulations.

(2) As soon as the modification or alteration of an approved scheme has been declared by the Permanent Secretary, the Director must inform the local authority and publicly notify the modification or alteration of the approved scheme with a copy of all maps and other particulars comprised in the scheme, in the Gazette and a daily newspaper, or any other form of media, including electronic publication, as the local authority deems necessary.

Conditions for home-based business operations

7. Any person carrying out a home-based business operation must—

- (a) comply with the health and safety requirements under the Public Health Act 1935 and any other written law relevant to the home-based business operation; and
- (b) comply with any other condition the Permanent Secretary, in consultation with the Director, deems necessary.

Monitoring of home-based business operations

8.—(1) The local authority responsible for a residential area in which a home-based business operation is carried out, is responsible for monitoring the home-based business operation.

(2) A home-based business operator must pay the applicable rates approved by the local authority.

Made this 6th day of May 2022.

F. S. KOYA
Minister responsible for town planning