

**LAWS OF BRUNEI**

**REVISED EDITION 1984**

**CHAPTER 143**

**TOWN AND COUNTRY PLANNING  
(DEVELOPMENT CONTROL)**

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**SCHEDULES**

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TOWN AND COUNTRY PLANNING  
(DEVELOPMENT CONTROL) ACT

An Act to make provision for the planning and control of development in town and country areas and for matters incidental thereto

S.131/72  
S.16/76  
of 1984,  
5th Sched.

*Commencement: 19th September 1972*

1. (1) This Act may be cited as the Town and Country Planning (Development Control) Act.

Short title  
and applica-  
tion

(2) This Act shall not apply to the Government.

2. In this Act, unless the context otherwise requires —

Interpreta-  
tion

“buildings” includes structures and erections;

“the Commissioner for Town and Country Planning” means the person appointed as Commissioner for Town and Country Planning under this Act by His Majesty the Sultan and Yang Di-Pertuan.

“the Competent Authority” means the authority appointed in terms of section 4(1) of this Act;

“Development Control Area” means any area so declared by the Minister in terms of section 3(1);

“Development Planning Scheme” means a scheme prepared and approved in terms of section 7;

“land” includes land covered by water;

3. (1) The Minister may, if he is of the opinion that any area or areas should be subject to development control, by notification in the *Gazette* declare that area or those areas to be Development Control Areas.

Declaration  
of Develop-  
ment Control  
Areas  
UK 2  
S. 2/74  
S. 10/74  
S. 10/75  
S. 20/78  
S. 1/77

(2) The declaration shall come into operation on the date of its publication in the *Gazette*.

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Competent Authority

4. (1) The Minister shall simultaneously with the declaration of a Development Control Area appoint such person or persons, body or bodies, as he thinks fit to be the Competent Authority or Authorities responsible for any particular part or provision thereof in respect of the particular Development Control Area and shall in such notification specify the extent of the manner in which such responsibility is to be exercised.

(2) The Minister may make rules regulating the procedures of the Competent Authority.

Regulations

5. (1) The Minister may, by notification in the *Gazette*, make regulations for the purposes of carrying into effect this Act either generally or for any particular part or provision.

(2) In particular and without prejudice to the generality of subsection (1) of this section regulations may provide for any of the matters mentioned in the First Schedule.

Control of Development Control Areas and Penalties

6. (1) Where a notification declaring a Development Control Area has been published in the *Gazette* in terms of section 3(1) no person shall within the Development Control Area, except as provided in the Second Schedule, carry out any development of land, or any construction, demolition, alteration, extension, repair or renewal of any building, or make any vehicular access way onto a public road, or subdivide any land without first obtaining in writing the consent of the Competent Authority.

(2) Subject to the provisions of any approved Development Planning Schemes for the area the Competent Authority may approve an application made in terms of subsection (1) of this section subject to such conditions as it may deem necessary to impose, or may reject the application.

(3) Any person who contravenes any provision of subsection (1) shall be guilty of an offence: Penalty, a fine of

\$20,000, or in default of payment, to imprisonment for 12 months. Any person who continues an offence after he has been convicted therefor shall be liable to a further daily penalty of \$500 or to imprisonment for 6 months.

7. (1) The Minister may, if he thinks fit, require the Commissioner for Town and Country Planning to prepare a Development Planning Scheme in respect of any gazetted Development Control Area and submit it to him for approval.

Planning  
Schemes for  
Development  
Control  
Areas

(2) The Minister shall approve the Development Planning Scheme with or without modification or may disapprove the plan and require a fresh plan to be prepared, the approval of a Development Planning Scheme shall be notified in the *Gazette*.

(3) The Minister may at any time make modifications to an approved Development Planning Scheme.

(4) When the approval of a Development Planning Scheme in respect of a Development Control Area has been notified in the *Gazette* the Competent Authority shall ensure that all development in the area shall comply substantially with the approved plan.

(5) A Development Planning Scheme may in addition to planning proposals include proposals for the redevelopment of land and for the redistribution of land and control of ribbon development.

8. (1) Any person who is aggrieved by any decision of a Competent Authority made in pursuance of any power which it may exercise under the provisions of this Order may appeal to the Minister within such time as may be prescribed.

Appeals

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(2) The Minister may dismiss, or allow the appeal conditionally or unconditionally or may make such other order as he may deem fit. The decision of the Minister shall be final.

Further  
appeals

**9.** An appeal shall lie to His Majesty in Council from any decision of the Minister made under the provisions of section 8.

Financial  
provisions

**10.** Any expenditure incurred or payable by a Competent Authority or in settling any claims for compensation made against it under this Act shall be defrayed from the general reserve of the Government.

**FIRST SCHEDULE**

*(Section 5(2))*

Matters in regard to which the Minister may, inter alia, make regulations in respect of Development Control Areas —

1. The preparation, form and deposit of plans showing the extent of Development Control Areas;
2. The preparation, form, content, submission, approval, revocation and modification of Development Planning Schemes;
3. The holding of planning inquiries either public or private;
4. The control of development on land including subdivision and consolidation of land and procedures for making applications, prescription of forms and fees, and the period of validity of approvals;
5. The control of advertisements;
6. The preservation of trees, forests and woodlands;
7. The preservation and maintenance of buildings;
8. The maintenance of land and gardens;

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9. The rights in respect of existing buildings and land uses;
  10. The reservation of land for public purposes;
  11. The acquisition of land for planning purposes;
  12. Compensation for injurious affection, including procedures for making claims and for payment of compensation;
  13. The procedures for the closure, diversion and stopping up of roads;
  14. The procedures for the vesting of roads and other thoroughfares;
  15. The procedures for making of and determination of appeals;
  16. The legality of approvals and determination of conflict with other laws and by-laws;
  17. Miscellaneous matters including —
    - (a) Service of notices;
    - (b) Right of entry upon property;
    - (c) Obligation to give information to Competent Authority;
    - (d) Public notices;
    - (e) Amendment of schedules;
    - (f) Issue of circulars and bulletins;
    - (g) Interpretation of technical terms and expressions.

**SECOND SCHEDULE**

*(Section 6(1))*

Operations or uses of land not requiring consent in terms of section 6(1) of the Act —

(a) The carrying out of works for the maintenance, improvement or other alteration of a building which do not materially affect the external appearance and do not increase the floor area;

(b) The carrying out by any Government, Local or Statutory Authority of any works required for the maintenance or improvement of a road where such works are on land within the road boundaries;

(c) The carrying out by any Government, Local or Statutory Authority of any works for the purpose of laying, inspecting, repairing, or renewing any sewers, mains, pipes, cables or other apparatus including the breaking open of any road or other land for that purpose;

(d) The use of any existing building or land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment thereof;

(e) The use of any land and associated buildings for the purpose of agriculture or forestry;

(f) Any other class of development which may be added to this schedule by the Minister by notification in the *Gazette*.