

The Malawi Gazette Supplement, dated 17th July, 2020, containing  
Regulations, Rules, etc. (No. 18A)

GOVERNMENT NOTICE NO. 29

PHYSICAL PLANNING ACT

(NO. 17 OF 2016)

PHYSICAL PLANNING (PHYSICAL PLANNERS) REGULATIONS, 2020

IN EXERCISE of the powers conferred by section 99 of the Physical Planning Act, 2016, I, KAMLEPO KALUA, Minister of Lands, Housing and Urban Development, make the following Regulations—

ARRANGEMENT OF REGULATIONS

REGULATION

PART I—PRELIMINARY

1. Citation
2. Interpretation

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3. Procedure for registration
4. Documents in support of application
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10. Competence and other considerations
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12. Conflict of interest generally
13. Disclosure of confidential information permitted in some circumstances
14. Inquiry into misconduct

PART I—PRELIMINARY

1. These Regulations may be cited as the Physical Planning (Physical Planners) Regulations, 2020. Citation
2. In these Regulations, unless the context otherwise requires— Interpretation
  - “Board” means the Physical Planners Board established under section 73 of the Act; and
  - “Registrar” means the Registrar appointed under section 82 of the Act.

## PART III—REGISTRATION OF PHYSICAL PLANNERS

Procedure for  
registration

3.—(1) An applicant for registration as a physical planner shall complete and sign the form set out in the First Schedule hereto.

(2) An application under this regulation shall be submitted to the Registrar.

(3) An applicant shall pay to the Board at the time of lodging his application the application fee under the Second Schedule hereto.

Documents in  
support of  
application

4. An application for registration shall be supported by—

(a) a statutory declaration made by the applicant in the form set out in the Third Schedule hereto;

(b) certified copies of any degrees, postgraduate diplomas or certificates on which the applicant relies as qualifications for registration; or

(c) in the case of an applicant for registration whose name has changed since the grant of his qualification, the legal document which provides evidence of such change of name.

Acceptance  
or refusal of  
registration

5.—(1) The Board may accept or reject an application for registration or renewal of registration.

(2) The Board may reject an application if, in its opinion the applicant, notwithstanding the fact that he is otherwise qualified, is not a fit and proper person to be registered because of—

(a) physical or mental health;

(b) bad character and reputation;

(c) inadequate knowledge of the English language; or

(d) prior misconduct.

(3) An applicant shall have an opportunity to be heard in support of his application.

(4) Where the Board—

(a) accepts an application for registration under these Regulations, it shall issue to the applicant a registration certificate in the form prescribed in the Fourth Schedule hereto; and

(b) rejects an application for registration or renewal of registration, it shall give reasons for the rejection in writing.

Registration  
fees

6.—(1) An application fee for registration as a physical planner shall not be refundable.

(2) Registration fees shall be payable annually not later than 30th June of each year.

(3) Where the registration fees or any part thereof remain unpaid for more than thirty days after the due date, a penalty of fifty per cent of the amount due shall be imposed and shall become part of the amount due and payable.

(4) There shall be no reduction, proportionate or otherwise, in the amount

of the fee payable even if the remaining period to the next 31st March from the date of registration or from the date of payment of the amount due is less than twelve months.

7. The Registrar shall, soon after 30th June of each year, publish in the *Gazette* a copy of the register containing a list of all registered physical planners, as prescribed in the Fifth Schedule hereto.

List of registered planners to be published in the *Gazette*

8. Every physical planner shall notify the Registrar of any change in his business or correspondence address, as the case may be, within fourteen days of the change.

Notification of change of address

### PART III—CODE OF CONDUCT OF PHYSICAL PLANNERS

9. A physical planner shall—

Primary obligations of planners

(a) conduct himself in such a manner as to uphold the reputation of the profession;

(b) discharge his duties with fairness and impartiality to the public, his employer and clients with efficiency, competence and confidentiality, without undue delay;

(c) exercise care in the performance of his duties, including adherence to workplace safety obligations and responsibilities; and

(d) not engage in conduct involving dishonesty, fraud, deceit, corruption or misrepresentation.

10. A physical planner shall—

Competence and other considerations

(a) only undertake work for the execution of which his training and experience have rendered him competent and employ only adequately qualified personnel as demanded by the task for which he is employed;

(b) maintain, develop and employ appropriate levels of knowledge and skills for the task for which he is employed;

(c) refrain from either personally or through the agency of another person, whether or not such person is in his employ, make or offer to make by way of commission or otherwise, payment or other consideration for the obtaining of professional employment;

(d) not misrepresent data or its relative significance in any physical planning report;

(e) not knowingly permit the publication or use of his data, reports, maps, or other professional documents for unlawful purposes;

(f) only express professional opinions and make statements that have a basis in fact or experience or accepted principles and on the basis of adequate knowledge and when required to give evidence with fairness and honesty without prejudice or discrimination;

(g) be fair and impartial in the provision of advice and judgement to an employer or any other party to a planning project in which he is involved;

(h) attribute proper credit to others for their professional work or professional contribution and not misappropriate the professional work of others;

(i) not claim as his own, or suppress, work carried out and recommendations made by any other planner nor alter work done by another planner in such a way as to distort the latter's professional opinion;

(j) not undertake any duties or carry out any instructions of an employer or supervisor which involve making statements purporting to be his own but which are contrary to his bona fide professional opinion, and must not instruct any other planner to do so;

(k) undertake to notify another planner where, to his knowledge, the other planner has prior appointment relating to any work he is being approached for possible appointment;

(l) not act in a professional capacity for a public body without notifying, as a matter of courtesy, the most senior planner in that body;

(m) be modest in scale and frequency, when advertising for his professional work as a planner;

(n) undercut when charging his clients; or

(o) not, in undertaking his professional activities, discriminate on any ground.

Avoidance  
of unfair  
competition

11. A physical planner shall build his reputation on merit and shall refrain from any form of unfair competition, including—

(a) use of a professional designation to which he has no entitlement;

(b) the offer of inducements to secure work or advancement;

(c) the undermining of another planner with prior appointment relating to any work; or

(d) breach of the regulatory framework of physical planning.

Conflict  
of interest  
generally

12.—(1) A physical planner shall not—

(a) hold, assume, accept or retain a position in which his interest is in conflict with his professional duty;

(b) undertake paid professional work from any authority or organization of whose governing body he is a member;

(c) act in circumstances where there is a potential conflict between his own private interest and the interest of his client or public interest; or

(d) undertake any work which gives rise to any conflict of interest between his clients, including public clients, unless otherwise agreed by the clients.

(2) A physical planner who has undertaken planning work, on behalf of a client, must not, until that engagement has been terminated, undertake work for, or on behalf of, any other client if by doing so the interests of either client would be in any way prejudiced or the planner's ability to act in the interests of either client would be in any way impaired.

(3) A physical planner may, only in exceptional circumstances, such as where the planner alone possesses the required expertise, act where a potential conflict of interest exists or may arise and prior to accepting any such engagement, the planner shall disclose the relevant details to the client or clients concerned.

(4) A physical planner shall disclose to his employer or client any gift, commission or discount he may have received from or offered by a third party in connection with his work as a planner, and he shall not accept any such gift, commission or discount where their receipt may or may be perceived to, influence his advice.

13.—(1) A planner shall treat all information of a client as confidential.

Disclosure of confidential information permitted in some circumstances

(2) A planner has the duty to ensure that no person misuses a client's information.

(3) A planner shall not use for his own benefit a client's information.

(4) A planner may disclose otherwise confidential information belonging to a client in order to comply with the law including—

(a) a court proceeding;

(b) a meeting of a planning committee or a meeting under the Act;

or

(c) an appeal under the Act.

14.—(1) The Board may, on its own or upon receipt of a complaint, inquire into an act or omission amounting to professional misconduct.

Inquiry into misconduct

(2) The Board shall finalise an inquiry under section 87(1) (b) of the Act within sixty days.

(3) The Board may, if it finds a person guilty of professional misconduct, mete out a sanction under section 87(2) of the Act.

FIRST SCHEDULE

(reg. 3)

PHYSICAL PLANNING ACT

APPLICATION FOR REGISTRATION AS A PHYSICAL PLANNER

To: The Registrar  
Physical Planners Registration Board  
P O Box 30385  
Lilongwe 3

1. Full names of the applicant: Dr/Mr./Mrs./Miss
  - (a) Surname .....
  - (b) First Names .....
2. (a) Date and Place of Birth.....
- (b) Nationality .....

- 3. Sex (Male/Female) .....
- 4. Marital status: Single..... Married ..... Widowed ..... Divorced .....  
Other .....
- 5. (a) Permanent Address .....
- (b) Present Employer and address .....
- .....
- (c) Telephone Number: .....
- (d) E-mail Address: .....

6. EDUCATION

(a) General Education and Examination passed with dates.

.....  
 .....  
 .....

(b) Technical/Professional/Academic Training and Qualifications including particulars of Examination passed with dates.

<i>Physical/Town Planning Degree</i>	<i>First</i>	<i>Post Grad. or other</i>
University or College	.....	.....
Country	.....	.....
Duration of Course	.....	.....
Date Awarded	.....	.....
Class	.....	.....

(c) Membership of Institutes or any other Professional associations with dates and numbers (institution, class of Membership and date elected)

.....  
 .....  
 .....

(d) Registered or Licensed to practice as a Physical/Town Planner in other countries

.....  
 .....  
 .....

\*Copies of Certificates should accompany this application

\*Applicants should note that transcripts may be required in some cases.

7. PUBLICATIONS OR PAPERS WITH DATES

- (a) .....
- (b) .....
- (c) .....

8. WORKING OR PRACTICAL EXPERIENCE IN URBAN AND REGIONAL PLANNING:

- (a) Organization where working/practical experience was acquired  
.....
- (b) Dates of Working/Practical experience:  
.....
- (c) List of three most important projects/programs involved/undertaken with dates:
  - (i) .....
  - (ii) .....
  - (iii).....
- (d) Details of practical experience in urban and regional planning in not less than 500 words and to be typed separately and attached to this application duly authenticated by the supervisor.

9. PARTICULARS OF POSITIONS HELD (Present and Past)

.....  
.....  
.....

10. ANY ADDITIONAL RELEVANT INFORMATION (other courses, workshops etc)

.....  
.....  
.....  
.....

11. DECLARATION BY THE EMPLOYER To be signed by the Employer/Head of Department of the applicant. Please indicate employer's full name and address:

.....  
.....  
.....

I, the undersigned do hereby declare that to my personal knowledge, the above statements concerning the applicant are true and correct.

Signature of the Employer/Head of Department :.....

Position Held:.....

Address:.....

Date:.....

## 12. PERSONAL DECLARATION BY APPLICANT

(a) .....

I .....

*(Name in full, in block letters and underline Surname)*

of .....

*(Permanent Address)*

hereby apply for registration on the register of Physical Planners and submit herewith:

(a) a prescribed Statutory Declaration in support of the Application;

(b) the prescribed application fee of K .....

(c) the prescribed registration fee of K ..... and

(d) the following certified copies of degree professional/diploma/certificate(s) in support of my application:

.....  
.....

Dated: .....

*Signature of Applicant*

## SECOND SCHEDULE

(reg. 3)

## PART—I

## FEES FOR REGISTRATION OF PHYSICAL PLANNERS

Fees payable for registration of physical planners—

	K
1 Application for registration—	
(a) Citizens and permanent residents of Malaŵi . . . . .	10,000.00
(b) Non-citizens and persons who are not permanent residents of Malaŵi . . . . .	20,000.00
2 Registration fees—	
(a) Citizens and permanent residents of Malaŵi . . . . .	100,000.00
(b) Non-citizens and persons who are not permanent residents of Malaŵi . . . . .	200,000.00
3 Renewal of Registration Certificate—	
(a) Citizens and permanent residents of Malaŵi . . . . .	20,000.00
(b) Non-citizens and persons who are not permanent residents of Malaŵi . . . . .	50,000.00
4 Replacement of Lost Registration Certificate—	
(a) Citizens and permanent residents of Malaŵi . . . . .	25,000.00
(b) Non-citizens and persons who are not permanent residents of Malaŵi . . . . .	50,000.00



## 5 Examination Fees—

- (a) for applicants who are nationals of Malaŵi (per subject) 20,000.00  
 (b) for applicants who are non-nationals of Malaŵi (per subject) 30,000.00

## PART II

## MINIMUM CHARGES FOR THE SERVICES OF PHYSICAL PLANNERS

- A. The preparation of physical development plans shall include the following activities—  
 (a) Stakeholder sensitization and consultations;  
 (b) Carrying out socio-economic surveys;  
 (c) Geo-spatial data collection;  
 (d) Production of report and land use maps;  
 (e) Preparation of the plan;  
 (f) Presentation of the plan to stakeholders; and  
 (g) Submission of the plan for approval.
- B. Professional fees, daily subsistence allowance and transport cost—  
 (a) Minimum professional fees: K200,000.00 per day  
 (b) Daily Subsistence Allowance: A charge for Daily Subsistence Allowance shall not be less than fifteen per cent (15%) of the daily minimum professional fees  
 (c) Transport cost: A charge for transport shall be the prevailing cost of a litre of petrol per kilometre.
- C. Charges for printing of Site Plans, Layouts and Plan Drawings

Size	Compilation (K)	Printing (K)
A0 Size	15,000.00	40,000.00
A1 Size	12,000.00	15,000.00
A2 Size	10,000.00	8,000.00
A3 Size	8,000.00	5,000.00
A4 Size	5,000.00	2,500.00

## D. Charges for Diazo/Sepia Copies

Size	Cost(K)
A0 Size .. ..	6,000.00
A1 Size .. ..	4,000.00
A2 Size .. ..	3,000.00
A3 Size .. ..	2,400.00
A4 Size .. ..	2,000.00

## E. Charges for printing of plans on Sepia Film

Size/Scale	Cost (K)
Lake Charts A0 Paper. ..	20,000.00
Printing on A1 paper ..	12,500.00
Printing on A3 paper ..	5,500.00
Printing on A0 paper ..	14,000.00
Printing on A0 Film ..	20,000.00

## THIRD SCHEDULE

reg. 4(a)

## PHYSICAL PLANNING ACT STATUTORY DECLARATION

I do solemnly and sincerely declare as follows:

1. THAT I am the holder of the following degrees, diplomas or certificates granted to me after examination by a university, college, professional institution, or other examining authority, and that the courses of study in the professional subjects with respect to which the degrees, diplomas or certificates which I hold were granted covered the following periods:

University, college, or other institution	Period		Degree, Diploma or Certificate	Examining Authority
	From	To		
1.				
2.				
3.				
4.				

2 THAT I have completed the following additional courses of training and had the following experience in the practice of my profession, namely:

Description of Training or Experience	Period	
	From	To

3. THAT as far as my professional qualifications are concerned, I am entitled to practice my profession in Malaŵi and in the country in which my professional qualifications were granted.

4. THAT—

(a) I have never been suspended or expelled from practicing my profession in Malaŵi or any other country on the grounds of professional misconduct;

- (b) my name has never been removed from any register of planners or members of my profession kept in accordance with the Laws of Malaŵi or of any country in which I have practiced my profession; and
  - (c) no inquiry is pending which may result in an action being taken which is referred to in subparagraph (a) or (b).
5. THAT I hereby solemnly and sincerely declare that the information I have given above is true in every respect to the best of my knowledge and belief.
  6. THAT I have read the Act and the regulations made under the Act and understand that, if registered, I shall be bound thereby and by any amendments thereto, for as long as my name shall remain on the register.
  7. THAT I undertake, if registered, to abide and uphold the aims and objectives of the physical planning profession. AND I make this solemn declaration conscientiously believing the same to be true.

.....  
*Signature*

DECLARED at ..... this day of ..... 20 .....

*Before me*  
.....  
*Signature of Attesting Authority*

.....  
*Capacity of Attesting Authority (e.g. Notary Public, Commissioner for Oaths, etc.)*

NOTE: This declaration, if made—

- (a) in Malaŵi, must be made under the Oaths, Affirmations and Declarations Act (Cap. 4:07);
- (b) in any other country of the Commonwealth, must be made before a Notary Public, Commissioner for Oaths or other person having authority in that country under any law for the time being in force to take or receive an oath, an affirmation or a declaration; and
- (c) in any other place, must be made before a Malaŵian consul or vice-consul or before any person having authority under any Act of Parliament of the Laws of Malaŵi for the time being in force to take or receive an oath, affirmation or a declaration.

FOURTH SCHEDULE

reg. 5(4)(a)

PHYSICAL PLANNING ACT CERTIFICATE OF REGISTRATION

REGISTRATION No: ..... CERTIFICATE No: .....

This is to certify that ..... is this day of ..... 20.... registered in the Register of Physical Planners Board as a Registered Physical Planner under the Physical Planning Act, and the Regulations made thereunder.

.....  
*Chairperson*



GOVERNMENT NOTICE NO. 30

## LANDS ACQUISITION AND COMPENSATION ACT

(CAP. 58:04)

## LANDS ACQUISITION AND COMPENSATION REGULATIONS, 2020

IN EXERCISE of the powers conferred by section 18 of the Lands Acquisition and Compensation Act, I, KAMLEPO KALUA, Minister of Lands, Housing and Urban Development, make the following Regulations—

## ARRANGEMENT OF REGULATIONS

## REGULATIONS

## PART I—PRELIMINARY

1. Citation and application

## PART II—ACQUISITION

2. Notice of preliminary investigation
3. Notice of intention to acquire and claim
4. Notice to yield up possession

## PART III—COMPENSATION

5. Offer of compensation
6. Acceptance of compensation

## PART IV—DISPUTE SETTLEMENT

7. Commencement of proceeding in court
8. Date of hearing
9. Notice of hearing
10. Witness summons
11. Attendance of defendant
12. Dismissal for non-attendance
13. Restoration of proceeding
14. Procedure for hearing
15. Witness summons
16. Determination in writing
17. Costs
18. Open proceeding
19. Duration of hearing
20. Appeals to the High Court
21. Final determination of facts

## PART I—PRELIMINARY

- 1.—(1) These Regulations may be cited as the Lands Acquisition and Compensation Regulations, 2020. Citation and application

(2) These Regulations shall not apply to a process of lands acquisition and compensation which was commenced before the coming into force of these Regulations.

#### PART II—ACQUISITION

Notice of preliminary investigation

2. A notice of preliminary investigation as provided under section 4(2) of the Act shall be in Form I in the Schedule hereto.

Notice of intention to acquire and claim

3.—(1) A notice of intention to acquire as provided under section 5(1) of the Act shall be in Form II in the Schedule hereto.

(2) A notice of a claim provided under section 5(3) of the Act shall be in Form III of the Schedule hereto.

(3) A person shall, upon completion of the form, submit the form, with evidence of proof of ownership of land, to the district lands officer and the officer shall within twenty-one days of receipt of the form, submit the forms to the Commissioner of Lands.

Notice to yield up possession

4. The notice to yield up possession of land upon expiration of a period specified in the notice as provided under section 6 of the Act shall be in Form IV in the Schedule hereto.

#### PART III—COMPENSATION

Offer of compensation

5. Where an assessment of compensation is made under sections 10 and 10A of the Act, an offer of compensation shall be made in Form V in the Schedule hereto.

Acceptance of possession

6. An acceptance of an offer of compensation shall be in Form VI in the Schedule hereto.

#### PART IV—DISPUTE SETTLEMENT

Commencement of proceedings in court

7.—(1) In this Part, "court" means the court of a resident magistrate.

(2) A person aggrieved by a determination under section 4 or section 6 of the Act, or claims a better right under section 11 of the Act, may, commence, by summons, proceedings in court within thirty days of the determination.

Date of hearing

8. —(1) On receipt of the summons under regulation 7, the court shall open a case file and shall record all the particulars in the register.

(2) The court shall fix a date of hearing within thirty days from the date of the registration of the proceeding.

(3) In fixing the date of hearing in sub-regulation (2), the court shall have due regard to the place of residence of the defendant and the time necessary for service of the notice of attendance and the hearing date shall be so fixed as to allow the defendant sufficient time to enable him to appear on such a day.

(4) Notwithstanding sub-regulation (3), where the parties are immediately available, the court may dispense with the requirement to notify and may set the date of hearing promptly.

- |  |                              |
|--|------------------------------|
| 9. The court shall prepare a notice of hearing, in Form VII in the Schedule hereto, and shall serve the notice on all parties to the proceeding.   | Notice of hearing            |
| 10. Where a witness is required to appear before the court, the court shall prepare a witness summons in Form VIII in the Schedule hereto.   | Witness summons              |
| 11. Where a claimant attends the court on the date of hearing and the court is satisfied that—   | Attendance of defendant      |
| (a) the notice of hearing was served on the defendant and the defendant has failed to attend, the court may proceed to hear the matter in the absence of the defendant; or   |                              |
| (b) the notice of hearing was not served in sufficient time for the defendant to attend the hearing or for other sufficient cause the defendant was unable to attend the hearing, the court shall adjourn the hearing to another date.   |                              |
| 12. Where on the date of the hearing the claimant fails to attend, the court may dismiss the proceeding.   | Dismissal for non-attendance |
| 13. Where a proceeding has been dismissed under regulation 12, a claimant may be allowed to restore the proceeding, within fourteen days from the date of the dismissal of the proceeding, upon showing good cause why he failed to attend the proceeding that had been previously set down for hearing. | Restoration of proceeding    |
| 14. Where all parties to a proceeding are present on the date of hearing —   | Procedure for hearing        |
| (a) the claimant shall give his evidence first and may call witnesses and produce documents to support his case; and   |                              |
| (b) a defendant shall respond to the matters under the proceeding and may call witnesses and produce documents to support his case.  |                              |
| 15. The court shall be at liberty to summon any person to appear as a witness or to produce a document at the hearing of the proceeding.   | Witness summons              |
| 16. At the conclusion of the hearing of a proceeding, the court shall make a determination in writing which shall be served on all persons affected by the determination.  | Determination in writing     |
| 17. The court shall award costs to the witnesses and any other person who deserves to be awarded costs.  | Costs                        |
| 18. The hearing of a proceeding of the court shall be open to the public.  | Open proceeding              |
| 19. The court shall hear and determine a proceeding before it within sixty days of the service of the notice of hearing.   | Duration of hearing          |
| 20. Any person aggrieved with the decision of the court may appeal to the High Court, on a point of law, within thirty days of the decision being made.  | Appeals to the High Court    |

Final  
determination  
on facts

21. The determination of the court shall be final on any issue of fact and an appeal shall not lie to the High Court on the basis of facts.

### SCHEDULE

#### LANDS ACQUISITION AND COMPENSATION REGULATIONS, 2020

##### FORM I

reg. 2

#### NOTICE OF PRELIMINARY INVESTIGATION

(under s. 4(2))

To: *[name and address of person(s) whose interest(s) is/are to be acquired]*

The *[name of Authority]* intends to conduct a preliminary investigation in *[set out title particulars and a description (including, if appropriate, a sketch) sufficient to identify the interest to be acquired and the location of the land].\**

The *[name of Authority]* thinks that the land is suitable for *[set out details of purpose for which land is to be acquired and reasons why the Authority thinks this is so]*.

At the present time it is expected that the *[name of Authority]* may require possession of the land on approximately *[date]*. This date may change.

The *[name of Authority]* undertakes to pay for all damage to the *[said]* land.

Signed *[signature of authorised officer of the Authority]*:

Name *[name of authorised officer of the Authority]*:

Date: \*The description of the land set out above refers to a document called *[name of document]*. A copy of this document can be inspected without charge at *[address]* during the hours *[ordinary office hours]*.

##### FORM II

reg. 3(1)

#### NOTICE OF INTENTION TO ACQUIRE

(under s. 5 (1))

To: *[name and address of person(s) whose interest(s) is/are to be acquired]*

The *[name of Authority]* intends to acquire an interest in *[set out title particulars and a description (including, if appropriate, a sketch) sufficient to identify the interest to be acquired and the location of the land].\**

The *[name of Authority]* thinks that the land is suitable for *[set out details of purpose for which land is to be acquired and reasons why the Authority thinks this is so]*.

At the present time it is expected that the *[name of Authority]* may require possession of the land on approximately *[date]*. This date may change.



The [name of Authority] requires you to provide it with information about the following—

- 1 The name of any other person who has, or you think may have, an interest in the land. (Such a person might be a tenant or a mortgagee or a person to whom you have agreed to sell the land.)
- 2 If you have a current building permit or approval or a planning permit concerning the land.
- 3 If you have sold or let or in any other way dealt with the land or were intending to deal with the land immediately before you received this notice.
- 4 If you know of any other person proposing to do any of those things mentioned in paragraph 3.
- 5 Any other matters of which you are aware which will help the [name of Authority] to determine the offer of appropriate compensation you should receive for the land. (This information may include details of any mortgage, lease or other arrangement affecting the land. If you claim financial loss, please provide financial documents and other records to substantiate all losses. All documents provided will be treated in confidence.)

Signed [signature of authorised officer of the Authority]: .....

Name [name of authorised officer of the Authority]: .....

Date: .....

\*The description of the land set out above refers to a document called [name of document]. A copy of this document can be inspected without charge at [address] during the hours [ordinary office hours].

FORM III

reg. 3(2)

INVITATION TO CLAIM

(under s. 5(3))

To: All persons Any person claiming to be entitled to any interest in the land must submit the following particulars—

- (a) Name;
- (b) Address;
- (c) Particulars of the land;
- (d) Nature of interest in the land;
- (e) Improvements on the land;\*
- (f) Other special assets. †

Signed: .....  
[name of Authority]

Dated: \*These may include buildings or other structures, horticultural or other trees; etc.  
†These may include graves, shrines; etc.



## FORM VI

reg. 6

## ACCEPTANCE OF OFFER OF APPROPRIATE COMPENSATION

Person(s) accepting offer of appropriate compensation or making claim: *[name]*

Authority making offer of appropriate compensation or claimed from: *[name of Authority]*

Date offer of appropriate compensation was made:

Value of offer of appropriate compensation: *[total amount of offer of appropriate compensation]*

The interest in the land of the person(s) responding to offer of appropriate compensation *[give details of the interest you had in the land which was acquired, e.g. owner, tenant, mortgagee].*

The person's entitlement to that interest is *[give details of your entitlement, e.g. if you are a tenant, particulars of your lease].*

The following parts of this form should be read very carefully and all the parts which relate to your case must be completed. Cross out those parts which do not apply to your case. You must complete the declaration at the end of the form.

*Part A—Notice of acceptance of offer of appropriate compensation*

I/We accept the offer as full payment of the appropriate compensation for my/our land acquired by the *[name of Authority]*.

*Part B—Rejection of offer and notice of claim for compensation*

I/We dispute the amount of compensation which the *[name of Authority]* has offered and claim the sum of K. *[sum]* for compensation made up as follows—

*[Complete details of claim giving particulars of calculation of the claim having regard to the following items—*

- (a) market value of the interest in land;*
- (b) special value of the land to the claimant;*
- (c) loss attributable to severance;*
- (d) loss attributable to disturbance;*
- (e) the enhancement or depreciation in value of the claimant's interest in land adjoining or severed from the acquired land at the date of the acquisition;*
- (f) all legal, valuation and other professional expenses necessarily incurred by reason of the acquisition of the interest in land.]*

If you dispute the value given to the land by the *[name of Authority]*, you should attach to the Form a copy of the certificate(s) of valuation which have been provided to you by a valuer recognised as such under the Laws of Malawi in respect of his valuation of the land together with a statement advising how that valuation is calculated. If you have obtained more than one valuation, the same information should be provided in respect of each valuation.

**YOU MUST COMPLETE THE FOLLOWING DECLARATION**

I/We declare that—

- 1 I am/we are the person(s) to whom the above offer of appropriate compensation was made. (If you are the attorney under power of somebody else, you should state this.)
- 2 Immediately before the interest in land for which the offer of appropriate compensation was made was acquired, I was/we were able to sell/grant/release/lease the interest to the [name of Authority] free of any charges, mortgages, leases or other encumbrances or interests apart from those which I/we have told the [name of Authority].
- 3 I/we shall give the [name of Authority] all documents which prove that I/we owned the land acquired/were entitled to the interest acquired.
- 4 I/we have not misled or failed to tell the [name of Authority] about anything which might affect the assessment of appropriate compensation.
- 5 I/we have received an advance of appropriate compensation of [amount of advance] on [date]. or

I/we have not received an advance of compensation from the [name of Authority].

AND I/we acknowledge that this declaration is true and correct and I/we make it in the belief that a person making a false declaration is liable to the penalties of perjury.

DECLARED at On the ..... day of ....., 20... Before me: Commissioner for Oaths

FORM VII

reg. 9

NOTICE OF HEARING

Land Compensation Dispute No. .... of 20....

BETWEEN

..... Claimant

AND

..... Defendant

To: .....

TAKE NOTICE that the proceedings has been set down for the ..... day of ....., 20... at ..... o'clock in the ..... noon or soon thereafter as the proceedings can be heard at ..... (place).

If no appearance is made on your behalf or by yourself, the proceedings will be heard and decided in your absence.

Given under my hand on the ..... day of ....., 20...

.....  
Resident Magistrate

FORM VIII

reg. 10

WITNESS SUMMONS

Land Compensation Dispute No. .... of 20.....

BETWEEN

..... Claimant

AND

.....Defendant

To: .....

You are HEREBY REQUIRED PERSONALLY to appear before the ..... court on the ..... day of ....., 20... at ..... o'clock in the ..... noon or soon thereafter and to bring with you any documents or persons connected with this proceedings, and so from day to day until your presence is dispensed with by the court.

Given under my hand on the ..... day of ....., 20...

.....  
Resident Magistrate

Made this 8th day of June, 2020

K. KALUA  
Minister of Lands,  
Housing and Urban Development

(FILE NO. SUB.D. 23:01)

GOVERNMENT NOTICE NO. 31

PHYSICAL PLANNING ACT

(NO. 17 OF 2016)

PHYSICAL PLANNING REGULATIONS, 2020

IN EXERCISE of the powers conferred by section 99 of the Physical Planning Act, 2016, I, KAMLEPO KALUA, Minister of Lands, Housing and Urban Development, make the following Regulations—

ARRANGEMENT OF REGULATIONS

REGULATION

PART I—PRELIMINARY

1. Citation
2. Interpretation

## REGULATIONS

3. Adoption of the Land Use Planning and Development Management Guidelines and Standards

## PART II—DEVELOPMENT PERMISSIONS, ETC.

4. Representations on applications
5. Deferral of consideration of development applications
6. Development permission to sub-divide land required
7. Planning requirements for sub-division plans
8. Matters to be included in sub-division plans
9. Applications to sub-divide land
10. Request for further information on sub-division
11. Consideration of application for advertisement permission

## PART III—CLASSES OF USE

12. Classes of use

## PART IV—PLANNING COMMITTEES

13. Meetings of committees
14. Quorum at meetings of committees
15. Presiding at meetings of committees
16. Voting
17. Tenure of office of members of committees
18. Records
19. Consultations
20. Admission to meetings
21. Disclosure of matters discussed
22. Minutes

## PART V—APPEALS

23. Notice of appeal
24. Duties of Council upon receipt of notice of appeal
25. Hearing
26. Evidence
27. Power of the Council to summon witnesses, etc.
28. Attendance of witness
29. Contempt
30. Council proceedings in public
31. Notice and summons
32. Default of appearance
33. Appellant limited to grounds of appeal
34. Decision of the Council
35. Costs
36. Withdrawal
37. Appeal

## PART IV—MISCELLANEOUS

## 38. Repeal of sub. leg. under Town and Country Planning Act

## PART I—PRELIMINARY

1. These Regulations may be cited as the Physical Planning Regulations, 2020. Citation
2. In these Regulations, unless the context otherwise requires— Interpretation
- “Chairperson” means the Chairperson of the Council elected in accordance with section 12 of the Act; and
- “outline planning application” means a planning application for development subject to a condition requiring the subsequent approval of the responsible authority with respect to one or more reserved matters, that is to say layout and scale, access, appearance, landscaping or other matters.
3. Subject to these Regulations, the Land Use Planning and Development Management Guidelines and Standards shall form a part of these Regulations. Land Use Planning Guidelines and Standards

## PART II—DEVELOPMENT PERMISSIONS, ETC.

4. The responsible authority shall prepare a summary of any representations and comments made on an application advertised in accordance with regulation 11 or on any other application in respect of which the responsible authority has received any representations or comments and include that summary in the report on the application to which the representations or comments relate for a meeting of the responsible authority where that application shall be considered. Representations on applications
5. A responsible authority may defer the consideration of an application until further information is received from— Deferral of consideration of development applications
- (a) the applicant;
- (b) any public officer who has been requested to provide such information; or
- (c) any person who at the request of the applicant, the Minister, the Commissioner or the responsible authority is preparing or has prepared a report on that application for the Minister, the Commissioner or the responsible authority, as appropriate.
- 6.—(1) A subdivision of land shall require the grant of permission for the purposes of Part V of the Act. Development permission to subdivide land required
- (2) For the purposes of clarity, a person shall not lay out or construct a subdivision and land shall not be subdivided for the purpose of conveying the parcels so created or for the purpose of their registration or for the purpose of a mortgage or lease, without a subdivision approval.

(3) Upon an application by the owner, a responsible authority may consider an application for the subdivision approval for any subdivision of land of more than two new lots from an existing lot.

(4) All subdivisions shall comply with sections 46 and 54(2) of the Act.

Planning  
requirements  
for subdivision  
plans

Cap.59:03

7.—(1) A person, who submits a plan of a subdivision of any land within the area of a responsible authority, shall—

(a) comply with the local physical development plan;

(b) comply with the Land Survey Act;

(c) show, correctly plotted to scale, the existing plot boundaries and their dimensions, the areas of the plot, the location, the land reference number or registered number of the plot and of such contiguous plot, the contiguous boundaries of all adjacent existing and approved plots and road network, pedestrian and sanitary lanes and their widths;

(d) use a scale in the series of 500's, for example, 1:500, 1:1000, and 1:1500;

(e) provide the existing topographical detail; and

(f) demonstrate that streets shall be laid out in a manner to facilitate natural storm water flow.

(2) In addition to the requirements under subregulation (1), a person who submits a plan of a subdivision of any land shall ensure that their—

(a) plot is of an appropriate shape and size and has proper and sufficient access to a street, such street not being a sanitary lane or passage; and

(b) plan shows a public road, right of way or other easement.

(3) An application for a plan of a sub-division shall be accompanied by a fee as prescribed in the Fourth Schedule hereto.

Matters to  
be included in  
sub-division  
applications

8. An application for a grant of development permission to subdivide land, shall, subject to the provisions of these Regulations, include details of the proposals for provision of—

(a) road access including construction specifications, widths, details of bridges, to and within the subdivision and the joining of any such access to a public highway;

(b) potable water to, or within, and the disposal of waste water and sewage from, the subdivision;

(c) electric power and light availability, electrical supply and rating to the subdivision;

(d) telecommunications infrastructure and services to the subdivision;

(e) any restrictive covenants that the applicant proposes to impose on the lots;

(f) the setting aside of land for public purposes; and

(g) the maintenance of the facilities set out in subparagraphs (a) to (d) from the time the process of subdivision commences until the subdivision is fully developed with buildings.



9. An application to subdivide land shall be made in form prescribed in the First Schedule hereto and shall state the registration section, block and parcel number of the land and the owner or his duly authorised agent shall sign and date the plans.

Application to subdivide land

10. On receipt of an application to subdivide land, the responsible authority may—

Request for further information on subdivision

(a) demand further information from the applicant;

(b) circulate the subdivision application to persons and authorities for consideration within twenty-one days after a complete application is received;

(c) require that a public notice be issued to the general public inviting representations relating to the application in the manner prescribed in these Regulations; and

(d) approve the application subject to any of the conditions under the First Schedule hereto.

11. In considering an application for a grant of an advertisement permission, the responsible authority shall, in addition to the factors specified under the Act, pay particular attention to—

Consideration on application for advertisement permission

(a) the location, size and colour of the advertisement;

(b) public safety;

(c) the religious, cultural or moral character of the advertisement;

(d) the preservation of the natural environment, any monument or archaeological site;

(e) scenic beauty;

(f) general amenities of the area where the advertisement is being proposed for display;

(g) architectural, cultural or historical importance of the building on which an advertisement is to be placed; and

(h) any other factor that the responsible authority may consider necessary.

### PART III—CLASSES OF USE

12. A physical planner shall comply with the classes of use under the Second Schedule hereto.

Classes of Use

### PART IV—PLANNING COMMITTEES

13. A planning committee shall hold its meetings, at least once every month, for the disposal of its business, at a place and on a day and time, as the chairperson of the planning committee may determine.

Meetings of committees

14. The quorum at any meeting of a planning committee shall be constituted by the majority of the members.

Quorum at meetings of committees

Chairperson to preside over meetings of committees

15. The chairperson of a planning committee shall preside over every meeting of the planning committee, and in his absence, the members present shall elect one of their number to preside over the meeting.

Chairperson to preside over meetings of committees

16. In the conduct of its business, every question before the planning committee shall be decided by a majority of the votes of the members present and its chairperson shall have a casting vote, in addition to his deliberative vote.

Tenure of office of members of committees appointed under s. 19 of the Act

17.—(1) A member of a planning committee shall hold office for a period of two years from the date of his appointment and he may be reappointed at the expiry of such period; but so however, that if an appointment of a member is by virtue of the office he holds, he shall cease to be a member of the committee, if he changes position.

(2) A member shall vacate his office where he—

(a) resigns;

(b) has been absent for three consecutive meetings of the committee of which he has had notice without leave of the chairperson or without a good and justifiable reason; or

(c) dies.

Records

18. Every planning committee shall keep proper books and records and the books and records shall include—

(a) a minute book, in which shall be entered a record of the proceedings of all meetings of the planning committee;

(b) a register of plans;

(c) a register of enforcement notices;

(d) a register of stop notices; and

(e) such other books and records as may, from time to time, be required.

Consultations

19. A planning committee may consult any technical or professional expert as may appear necessary to the planning committee for the proper discharge of its functions as required under the Act.

Admission to meetings

20.—(1) Except as provided in regulation 19, no member of the public shall be admitted to any meeting of a planning committee without the consent of the chairperson of the planning committee and such consent shall only be given in the case of a person who is to attend for the purpose of furnishing information on a matter coming for discussion before the planning committee.

(2) Any person admitted under subregulation (1) shall be present only when the matter with which he is concerned is under discussion and he shall be required by the chairperson of the planning committee to withdraw immediately the planning committee has obtained the information sought.

Disclosure of matters discussed

21. Information on any matter discussed at a meeting of a planning committee which the planning committee may decide to be confidential shall

be treated as confidential and shall not, without the approval of the planning committee, be disclosed to any person.

22.—(1) Minutes of meetings of a planning committee shall be marked “confidential” and, except with the approval of the chairperson of the planning committee, copies of those minutes shall be distributed only to members of the planning committee, the Commissioner, the local government authority and the Commissioner for Lands. Minutes

(2) The planning committee may resolve that all or any part of the minutes shall not be marked “confidential” and, if so resolved, such minutes shall cease to be confidential.

#### PART V—APPEALS

23.—(1) An appeal against a decision of a responsible authority shall be lodged by sending, to the Council, three copies of a written notice of appeal, within thirty days of the receipt by the appellant of the notice or decision to be appealed against. Notice of appeal

(2) A notice of appeal shall be in the form prescribed in the Third Schedule hereto.

24. Upon receiving a notice of appeal, the Council shall—

(a) enter particulars of the appeal in a register of appeals to be maintained by the Council;

(b) forthwith serve a copy of the notice upon the respondent;

(c) inform the appellant and the respondent of the number of the appeal, which shall thereafter constitute the title of the proceedings;

(d) inform the appellant of the date on which a copy of the notice of appeal was served on the respondent;

(e) do any other lawful thing which will assist in the proceedings of the Council; and

(f) set down the appeal for hearing within fourteen days.

Duties of Council upon receipt of notice of appeal

25.—(1) The Council shall send to the appellant and respondent a notice informing them of the place and date of the hearing of the appeal, which shall not be later than fourteen days after the date on which the notice is sent. Hearing

(2) At the hearing before the Council, a party shall appear in person and may appear with any person appointed by him, including a legal practitioner:

Provided that where a party intends to appear with a representative, he shall, in writing, inform the Council and the other party.

(3) Any party to whom notice has been sent under sub-regulation (1) may apply to the Chairperson to change the place or date of the hearing.

26.—(1) A party to an appeal before the Council may call witnesses, who shall be subject to cross-examination and re-examination at the hearing of the appeal. Evidence

- (2) Where the parties to the appeal consent, or where the Council so orders, evidence may be given by a sworn statement, but the Council may at any stage of the proceedings make an order requiring the personal attendance of any respondent deponent for examination and cross-examination.
- Power of the Council to summon witnesses, etc.** 27. The Council shall have power to order persons to attend and give evidence or to produce or give discovery and inspection of documents in the same manner as in civil proceedings before a magistrate court.
- Attendance of witness** 28. A person summoned to give evidence in an appeal before the Council shall attend the proceedings of the Council at all times, unless he is released by the Council.
- Contempt** 29.—(1) Where a person who is duly served with summons to attend the proceedings of the Council—
- (a) without sufficient reason shown, fails to attend the proceedings of the Council, whether on the first or any adjourned sessions;
  - (b) refuses to be sworn or affirmed or give evidence or produce any document or answer any question allowed by the Council; or
  - (c) uses insulting language at a member of the Council or any person during the proceedings,
- commits an offence of contempt.
- (2) The Council may recognize any act of contempt and may impose an administrative penalty for such commission.
- Council proceedings in public** 30. The proceedings of the Council shall be held in public.
- Notice of summons** 31. A notice or summons required by these Regulations shall be—
- (a) in writing;
  - (b) signed by the Chairperson or any person authorized by the Chairperson to do so; and
  - (c) served personally.
- Default of appearance** 32.—(1) Where, on any appeal, the appellant does not appear at the time and place appointed for the hearing, the Council may dismiss the appeal or may adjourn the hearing to such other time and place as it may think fit.
- (2) Where the respondent fails to appear at the hearing, the Council may determine the appeal notwithstanding his absence or may adjourn the hearing to such other time and place as it may think fit.
- Appellant limited to grounds of appeal** 33. On the hearing of an appeal, the appellant shall not be entitled to rely upon any grounds not stated in his notice of appeal, unless the Council so directs in the circumstances, and on such terms as to costs or adjournment or otherwise as the Council may think fit to allow such additional grounds to be put forward.

34.—(1) The decision of the majority of the Council sitting on an appeal shall be the decision of the Council and, if the number of members present is an even number, the Chairperson shall have a casting vote. Decision of the Council

(2) The decision of the Council shall be in writing and signed by the Chairperson and all members of the Council sitting on the appeal.

35.—(1) The Council may, in its sole discretion, award costs of the proceedings to a party to the proceedings as it deems fit. Costs

(2) Where the Council directs that the costs of a party to an appeal shall be paid by any other party, the Council may settle the amount of the costs by fixing a specific sum or may direct that the costs shall be taxed by the Chairperson based on the scale charges of costs prescribed under the Subordinate Courts Rules made under the Courts Act. Cap. 3:02

36. A party who has lodged an appeal with the Council may withdraw the appeal by sending a written notice of withdrawal to the Chairperson. Withdrawal

37. A party to the appeal who is aggrieved by the decision of the Council may apply to the High Court to review the decision of the Council, within thirty days from the date of the decision. Review by the High Court

PART VI—MISCELLANEOUS

38. All subsidiary legislation made under the Town and Country Planning Act (Repealed) are hereby repealed. Repeal of sub. leg. under Town and Country Planning Act

SCHEDULE

(reg. 9 and 10)

FORMS

(Section 99)

These Forms shall be used for the various applications or steps under the Regulations—

FORM 1

PHYSICAL PLANNING ACT

APPLICATION FOR DEVELOPMENT PERMISSION

(Section 46(1) (b))

*For Official Use Only*

This form should be completed in triplicate and sent to:

The Commissioner for Physical Planning\* Application No:.....

Plot No :.....

Payment Received:.....

The ..... Date Received:.....

*Planning Committee\**

(\* Delete whichever is not applicable)

I/WE hereby apply for permission to carry out the development described in this application and on the attached plans and drawings.

Signed:..... Date:.....

IF SIGNED BY AN AGENT:.....

Name of Agent:.....

Profession/Occupation:.....

Address:.....

Telephone/Telex/Fax Number:.....

NOTES:

1. "Development" is defined under section 2 of the Act.
2. Failure to submit details of the proposed development as required by the instructions contained in this form is likely to lead to unnecessary delay in dealing with the application
3. The appropriate fee must accompany this application.
4. It must be clearly understood that any action taken by applicants before receipt by them of the written decision is entirely at their own risk, and that in the event of operations proceeding without permission, those responsible may make themselves liable to the penalties laid down in section 98 of the Act and development carried out unlawfully may be removed by order of the responsible authority under sections 54-61 of the Act.

#### Part 1—General

(In this part the word "land" includes any buildings thereon)

1. Name and address of applicant (IN BLOCK LETTERS)
2. (a) Address or location of the land to be developed, in sufficient detail to enable it to be readily identified
  - (b) Block and plot number
  - (c) Area of the site (in hectares/m<sup>2</sup>)
3. (a) Particulars of the applicant's interest in the land:  
 OWNER..... LESSEE..... PROSPECTIVE PURCHASER..... OTHER.....  
 If other, state interest:.....  
 (b) If not the owner, state name and address of owner. (A letter from the owner/occupier must be attached to this application stating that he/she/they is/are aware that the application is being made)  
 (c) If lessee, state nature of Tenancy :.....  
 RESIDENTIAL ..... COMMERCIAL ..... INDUSTRIAL .....  
 AGRICULTURAL .....
4. If the applicant is a prospective purchaser or lessee of the land, state whether the

vendor or lessor has consented to the proposed development

YES ..... NO .....

5. (a) Describe briefly the proposed development including the purpose for which the land and/or buildings are to be used.....  
.....  
.....
- (b) If they are to be used for more than one purpose, give details.....  
.....
6. State the purpose for which the land and/or building is now used, and if used for more than one purpose, give details.....  
.....
7. State if the development involves:
- (a) the formation of a new access: YES ..... NO .....
- (b) the alteration of an existing access to or from a public road YES ..... NO .....

#### Part II

Additional information required only if the application is for the construction of a building

(If there is more than one building, give separate particulars for each)

8. Type of application
- (a) Outline Development permission. (A grant of approval in principle which will be followed in the event of permission being granted by submission of further detailed drawings)
- (b) Detailed development permission. (Permission to carry out the development but not to commence construction until a Building Permit has been granted)
- (c) Grant of building permit. (Permission to commence construction of a building for which detailed development permission has been granted)
9. If the building is to be used wholly or partly for residential purpose, state:
- (a) the number of habitable rooms
- (i) existing .....
- (ii) proposed .....
- (b) the total floor area of the non-residential part, if any, (in m<sup>2</sup>)
10. If the building is to be used wholly or partly for industrial or commercial use, state:
- (a) the nature of the proposed industry or business, including, if for industrial use, a brief description of the type of processes to be carried on;
- (b) the total floor area
- (i) Existing (m<sup>2</sup>) .....
- (ii) Proposed (m<sup>2</sup>).....

(c) the intended provisions for the loading or unloading of vehicles.

11. Principal material to be used. Walls: Roofs:

(i) Material: ..... (i) Material: .....  
 (ii) Finish: ..... (ii) Finish: .....  
 (iii) Colour: ..... (iii) Colour: .....

12. Means of water supply.....

13. Total capacity of water storage tanks (litres)

(a) existing : .....  
 (b) proposed : .....

14. Means of sewage disposal : .....

15. Estimated cost of building (MK) : .....

### Part III

Additional information required only if the application is for a change of use

15. How long has the present use existed .....

16. If the land and building are unoccupied, state purpose for which they were last used and date (if known) on which they were last occupied .....

17. If the proposed use is for residential purposes, state number of dwellings proposed  
 .....

18. State total floor area concerned .....

19. State provision for car parking

(a) existing (m<sup>2</sup>) .....  
 (b) proposed (m<sup>2</sup>) .....

### PLANS TO BE ATTACHED TO THIS APPLICATION

An application for permission to develop land must be accompanied by three (3) sets of the plans and drawings associated therewith. To assist applicants in the preparation of such plans and drawings the appropriate standard requirements in respect of applications for particular types of development are as follows:

<i>Type of Application</i>	<i>Plans Required</i>
Outline Development Permission	Location Plan Site Plan Schematic Design
Detailed Development Permission	Location Plan Site Plan Building Plans
Building Permit	Location Plan Site Plan Detailed Building Plans



FORM II  
 PHYSICAL PLANNING ACT  
 OUTLINE APPLICATION FOR DEVELOPMENT PERMISSION  
 (Section 46 (1) (a))

*For Official Use Only*

This form should be completed in triplicate and sent to:

The Commissioner for Physical Planning

Application No:.....

Plot No:.....

Payment Received: .....

Date Received: .....

.....  
The Planning Committee

Signature of applicant or agent .....

If signed by an agent: .....

Address: .....

Name of agent: .....

Date:..... Profession:.....

NOTES:

1. "Development" is defined in section 2 of the Act.
2. Failure to submit details of the proposed development as required by the instructions contained in this form is likely to lead to unnecessary delay in dealing with the application.
3. The appropriate fee must accompany this application.
4. It must be clearly understood that any action taken by applicants before receipt by them of the written decision is entirely at their own risk, and that in the event of operations proceeding without permission, those responsible may make themselves liable to the penalties laid down in section 98 of the Act and development carried out unlawfully may be removed by order of the responsible authority under sections 54-61 of the Act.

Part I—General

(In this part the word "land" includes any buildings thereon)

1. Name and address of applicant (IN BLOCK LETTERS)
2. (a) Address or location of the land to be developed, in sufficient detail to enable it to be readily identified
  - (b) Block and parcel number
  - (c) Area of the site (in Hectares/m<sup>2</sup>)

3. (a) Particulars of the applicant's interest in the land:

OWNER ..... LESSEE ..... PROSPECTIVE PURCHASER ..... OTHER .....

If other, state interest:

(b) If not the owner, state name and address of owner. (A letter from the owner/ occupier must be attached to this application stating that he/she/they is/are aware that the application is being made)

(c) If lessee, state nature of Tenancy:

RESIDENTIAL ..... COMMERCIAL ..... INDUSTRIAL .....  
AGRICULTURAL .....

4. If the applicant is a prospective purchaser or lessee of the land, state whether the vendor or lessor has consented to the proposed development

YES ..... NO .....

5. (a) Describe briefly the proposed development including the purpose for which the land and/or buildings are to be used.

.....

(b) If they are to be used for more than one purpose, give details.

6. (a) Describe briefly the proposed development or change in use of land proposed including the purpose for which the land and/or buildings are to be used.

(b) : .....

7. State if the development involves:

(a) the formation of a new access: YES ..... NO .....

(b) the alteration of an existing access to or from a public road: YES ..... NO .....

8. Give any other details the applicant may consider necessary

FORM III  
PHYSICAL PLANNING ACT  
APPLICATION FOR PERMISSION TO SUBDIVIDE LAND  
(Section 46(1) (b))

For Official Use Only

This form should be completed in triplicate and sent to:

The Commissioner for Planning

.....  
*The Planning Committee*

Application No:.....

Plot No : .....

Payment Received:.....

Date Received:.....

I/WE hereby apply for permission to carry out the development described in this application and on the attached plans and drawings.

Signed: .....

Date: .....

IF SIGNED BY AN AGENT:

Name of agent:.....

Profession/Occupation:.....

Address:.....

Telephone/Telex/Fax Number:.....

NOTES:

1. "Subdivide" in relation to land, means to divide a parcel of land into two or more parcels.
2. Failure to submit full details of the proposed subdivision as required by the instructions contained in this form, is likely to lead to unnecessary delay in dealing with the application.
3. This application must be signed by the owner of the land or his agent, where the application is submitted on behalf of the Government, it must be signed by a public officer.

IMPORTANT

It must be clearly understood that any action taken by applicants before receipt by them of the written decision is entirely at their own risk, and that in the event of any sub-division proceeding without permission, those responsible may make themselves liable to the penalties laid down in section 98 of the Act and development carried out unlawfully may be removed by order of the responsible authority under sections 54-61 of the Act.

*Particulars of Land Proposed To Be Subdivided*

1. Name and address of applicant (IN BLOCK LETTERS)
2. (a) Address or location of the land to be subdivided, in sufficient detail to enable it to be readily identified .....
- .....
- (b) Block and parcel number .....
- (c) Area of the site (in Hectares/m<sup>2</sup>) .....
3. (a) Particulars of the applicant's interest in the land:  
OWNER ..... LESSEE ..... PROSPECTIVE PURCHASER ..... OTHER .....

If other, state interest: .....

- (b) If not the owner state name and address of owner (except in the case of Public Land) An affidavit from the owner/occupier must be attached to this application stating that he/she/they is/are aware that the application is being made

(c) If lessee, state nature of Tenancy:

RESIDENTIAL ..... COMMERCIAL ..... INDUSTRIAL .....

AGRICULTURAL ..... OTHER .....

(d) If the applicant is a prospective purchaser or lessee of the land, state whether the vendor or lessor has consented to the proposed subdivision YES ..... NO .....

(e) Particulars of any easement, profits, encumbrances or mortgages affecting the land

4. Description of proposed subdivision including number and use of proposed lots

.....

5. Does the subdivision involve:

(a) new roads: YES ..... NO .....

(b) the joining of any such roads to a public highway: YES ..... NO .....

6. State means of:

(a) Water supply : .....

(b) Sewage disposal : .....

(c) Waste disposal : .....

(d) Storm Water disposal : .....

7. State provision for maintenance of infrastructure:.....

8. State provision of land for public purposes:.....

#### *Plans to be Attached to the Application*

Plans in *triplicate*, should be submitted with this application in sufficient detail to enable the responsible authority to determine the application. They should be drawn or reproduced to a recognized scale in a clear and intelligible manner on suitable durable material and should be signed on every sheet by the applicant or by his agent, all copies being true copies of the original plan or plans. One set of the plans submitted will be returned to the applicant.

#### *Contents of Plans*

LOCATION PLAN A plan normally to a scale of 1/2,500 sufficient to identify that site.

SITE SUBDIVISION A plan based on the Register block plan normally to a scale between 1/500 and 1/250 as appropriate PLAN showing the following:

- (a) Particulars of all adjacent roads and properties sufficient to identify the site on the ground;
- (b) The position, number and lot sizes of the proposed subdivision;
- (c) All buildings (temporary and permanent) existing or proposed;
- (d) The positions and details of any easements, rights of way, power lines, wayleaves, etc.;

- (e) All roads, drains, major physical features and watercourses within the area to be subdivided;
- (f) All existing survey information including position of existing beacons, contours at 150mm intervals, etc.;
- (g) A north point;
- (h) Proposed method of access to all lots and details of all roads, bridges, culverts etc., including dimensions and construction specifications; and
- (i) Details of the provision of water supply, sewage, waste and storm water disposal, electricity and telecommunications.

FORM IV

PHYSICAL PLANNING ACT

PUBLIC NOTIFICATION OF INTENT TO DEVELOP OR SUBDIVIDE LAND

(Section 46(4))

Advertisement

NOTICE IS HEREBY GIVEN THAT .....

of .....has applied to .....

for permission to develop/subdivide land situated at (*address of property*)

a plan of the site and plans and details of the proposed development/subdivision is deposited at ..... and may be inspected free of charge between the hours of ..... and \* until the .....day of ..... 20.....

Any person whose interest in any land may be affected by the proposed development or sub-division and who wishes to make any representations or objections to the proposed development subdivision should within thirty days from the date of publication of this notice serve notice of such representations or objections in writing on of

.....

P O Box ..... and in any event not later than .....

day of ..... 20 ..... and shall at the same time submit a copy of such representations or objections by notice served on the undersigned at the address mentioned below.

Signed ..... Dated this day .....day of ..... 20 .....

Director of Planning

.....  
*Planning Committee*

A minimum of fourteen (14) days from the date of the first advertisement shall be allowed for inspection of the plan.

A minimum of thirty (30) days from the date of the first advertisement shall be allowed for the submission of representations and objections.

PHYSICAL PLANNING ACT  
 APPLICATION FOR PERMISSION TO DISPLAY AN ADVERTISEMENT  
 (Section 46(1) (b))

This form should be completed in triplicate and sent to: For Official Use Only

The Commissioner for Planning  ..... <i>The Planning Committee</i>	Application No:..... Plot No:..... Payment Received:..... Date Received:.....
---	--

I/WE hereby apply for permission to display an advertisement as described in this application:

Signed: ..... Date: .....

IF SIGNED BY AN AGENT: .....

Name of agent: .....

Profession/Occupation: .....

Address: .....

Telephone/Telex/Fax Number: .....

NOTES:

1. "Advertisement" means any word, letter, model, sign, placard, board, notice, poster, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of advertisement, announcement or direction, and includes any hoarding or similar structure used or adapted for use for the display of advertisements.
2. Failure to submit full details of the proposed advertisement as required by the instructions contained in this form, is likely to lead to unnecessary delay in dealing with the application.
3. The appropriate fee must accompany this application

IMPORTANT

It must be clearly understood that any action taken by applicants before receipt by them of the written decision is entirely at their own risk, and that in the event of operations proceeding without permission, those responsible may make themselves liable to the penalties laid down in section 98 of the Act and development carried out unlawfully may be removed by order of the responsible authority under sections 54-61 of the Act.

*Particulars of Advertisement*

1. Name and address of applicant (IN BLOCK LETTERS)
2. (a) Address or location of the site where the advertisement is to be displayed  
 (b) Block and plot number .....
3. (a) Particulars of the applicant's interest in the land:.....

OWNER ..... LESSEE ..... PROSPECTIVE PURCHASER ..... OTHER .....

If other, state interest: .....

- (b) If not the owner, state name and address of owner. (A letter from the owner/ occupier must be attached to this application stating that he/she/they is/are aware that the application is being made)
- (c) If lessee, state nature of Tenancy:  
RESIDENTIAL ..... COMMERCIAL ..... INDUSTRIAL .....  
AGRICULTURAL .....
- (d) If the applicant is a prospective purchaser or lessee of the land, state whether the vendor or lessor has consented to the proposed advertisement:  
YES ..... NO .....
4. Details of proposed advertisement
- (a) Materials of construction
- (b) Method of display (e.g. free standing, fixed to building, poster, hoarding, sky sign, etc
- (c) Illuminated: YES ..... NO .....
- (d) Flashing: YES ..... NO .....
- If YES state period  
Stationary: YES ..... NO .....
- (e) What precautions are to be taken to prevent radio Interference .....
- (f) Colour(s) of advertisement .....
- (g) Maximum height above ground .....
- Minimum height above ground.....
- (h) Dimensions .....
- (i) Double sided: YES ..... NO .....
- (j) Method of fixing
- (k) Period of display (cannot exceed Three years)
- (l) List any existing advertisements on the site or building
- (m) Any other information

*Plans to be attached to this Application*

Drawings in triplicate should be submitted with this application in sufficient detail to enable the responsible authority to determine the application. They should be drawn or reproduced to a recognised scale in a clear and intelligible manner on suitable durable material, and should be signed on every sheet by the applicant or his agent, all copies being true copies of the original. One set of the drawings submitted will be returned to the applicant.

*Contents of Plans*

- LOCATION PLAN: A plan normally to a scale of 1/2500 sufficient to identify the site.
- SITE PLAN: A plan based on the Register block plan normally to a scale between 1/500 and 1/250 showing the position of the advertisement in relation to existing buildings, adjoining properties, roads and site features.
- DETAIL PLANS: Showing:
  - (i) full details of advertisement showing design, wording, colours, construction and method of fixing;
  - (ii) elevations (and/or photographs) of the site or building showing clearly the position of the proposed advertisement and all existing advertisements and
  - (iii) any further information, including sections of buildings, structural details etc., to describe the development, or as may be required by the responsible authority in order to determine the application.

FORM VI

PHYSICAL PLANNING ACT  
 NOTICE FOR FURTHER INFORMATION

*(Section 47(1) (a))*

To: .....

: .....

Your planning application dated ..... is acknowledged.

Our Reference No: .....

Please supply the following additional information:

: .....

: .....

: .....

: .....

: .....

To enable the application to be dealt with promptly, this information should be supplied as soon as possible, but in any event by .....(date)

Your plans are returned herewith/have been retained in this Office.

Date:.....

*Director of Planning*

.....  
*Planning Committee*

To whom any communication concerning this notice should be addressed.



FORM VII

PHYSICAL PLANNING ACT  
NOTICE OF DEFERRAL OF CONSIDERATION OF APPLICATION  
(Section 47(3))

To : .....  
: .....

Application No: ..... Plot No: .....

Your planning application dated ..... was considered by the Planning Committee at its meeting on ..... but was deferred for the following reason(s):

: .....  
: .....  
: .....

Your application will be given further consideration when the matter(s) specified above have been satisfactorily dealt with and your application and/or plans and drawings amended or revised as required.

Date: .....

.....  
*Director of Planning*

.....  
*Planning Committee*

FORM VIII

PHYSICAL PLANNING ACT  
GRANT OF OUTLINE DEVELOPMENT PERMISSION  
(Section 46(7))

Application No: ..... Plot No: .....

To : .....

In pursuance of powers conferred under the above mentioned Act, the Planning Committee hereby GRANTS in accordance with the terms and conditions authorised by the Act, approval in principle to undertake the following development:

.....  
as described in your application for a grant of outline development permission dated

.....  
and in the plans and drawings attached thereto, subject to compliance with the relevant statutory provisions and with the following conditions:

1. The submission to and approval by the Planning Committee of full details of the development.

- 2. See Notes 1 and 2
- 3. The reason(s) for the imposition of the condition(s) specified (or attached) is/are: One copy of the application and the accompanying plans and drawings are returned with this grant.

Dated: ..... Signed: .....  
*Director of Planning*

NOTES:

- 1. An outline development permission means a development permission granted on the basis of an application for outline development permission, which gives approval in principle to the development the subject of the application for outline development permission, but does not of itself permit any development to be commenced.
- 2. An application for detailed development permission must be submitted to the Planning Committee within two years of the date of notification of this grant, failing which, this grant will lapse and cease to have any effect. You may however ask for an extension of that one year period, and if it is granted, this grant will remain valid, and effective for the period of the extension. See section 45 of the Physical Planning Act.

All communications relating to this decision should be addressed to: The Director of Planning

.....  
*Planning Committee*

FORM IX  
 PHYSICAL PLANNING ACT  
 GRANT OF DETAILED DEVELOPMENT  
 PERMISSION  
 (Section 46(7))

Application No:..... Block or Plot No:.....

To: : .....

In pursuance of powers conferred under the above mentioned Act, the Planning Committee hereby GRANTS in accordance with the terms and conditions authorised by the Act, detailed development permission to undertake the following development:

.....  
 more particularly described in your application for a grant of detailed development permission dated and in the plans and drawings attached thereto, subject to compliance with the relevant statutory provisions and with the following conditions:

- 1. : .....
- 2. : .....
- 3. : .....
- 4. : .....

See Notes 2, 3 and 4 below.

The reason(s) for the imposition of the condition(s) specified is/are attached. One copy of the application and the accompanying plans and drawings are returned with the grant.

Dated: ..... Signed: .....  
Director of Planning

NOTES:

1. You may appeal to the Physical Planning Council against the conditions imposed on this grant of detailed development permission. Any appeal must be made on the appropriate form within thirty (30) days of the date of notification of this grant.
2. This grant of detailed development permission is valid for two (2) years from the date of notification. If, within that period of two (2) years, you have not commenced the development for which you have obtained this grant of detailed development permission, the grant lapses and ceases to have effect. You may, however, before the end of the period of the two (2) years, seek an extension of the period from the Planning Committee. See section 45 Physical Planning Act.
3. If the period of two (2) years has passed and you wish to renew your application, you may do so by submitting a new application and paying the appropriate fee for that application. Any new application will be considered on its merits as an application separate and different from any previous application and the Planning Committee will have the power to reject the application or impose such conditions as it thinks fit on such an application irrespective of whether they were imposed on a previous application for a grant of detailed development permission for the same development.
4. This grant of detailed development permission does not by itself permit construction to take place unless this grant of detailed development permission is accompanied by a Building Permit issued by the Planning Committee.
5. Any communication concerning this grant should be addressed to:

The Director of Planning and Development

.....  
Planning Committee

FORM X

PHYSICAL PLANNING ACT

GRANT OF DEVELOPMENT PERMISSION TO SUBDIVIDE LAND

(Section 46(7))

Application No: ..... Block or Plot No: .....

To: .....

In pursuance of powers conferred under the above mentioned Act, the Planning Committee hereby GRANTS, in accordance with the terms and conditions authorised by the Act, permission to subdivide land as follows:

.....

as described in your application for a grant of permission to subdivide land dated and in the plans and drawings attached thereto, subject to compliance with the relevant statutory provisions and with the following conditions: See notes 2 & 3 below

5.: .....

6.: .....

7.: .....

8.: .....

The reason(s) for the imposition of the condition(s) is/are:

: .....  
One copy of the application and the accompanying plans and drawings are returned with this grant,

Dated:..... Signed .....  
*The Director of Planning*  
.....  
*Planning Committee*

NOTES:

1. You may appeal to the Physical Planning Council against the conditions imposed on this grant of permission to subdivide land. Any appeal must be made on the appropriate form within (30) days of the date of notification of this grant.
2. This grant of development permission is valid for two (2) years, from the date of notification. If within that period of two (2) years you have not commenced the development for which you have obtained this grant of development permission, the grant lapses and ceases to have any effect. You may however before the end of the period of two (2) years, seek an extension of the period from the Planning Committee.
3. If the period of two (2) years has passed and you wish to renew your application, you may do so by submitting a new application, and paying the appropriate fee for that application. Any new application will be considered on its merits as an application separate and different from any previous application and the Planning Committee will have the power to refuse the application or impose such conditions as it thinks fit on such an application irrespective of whether they were imposed on a previous application for a grant of development permission for the same development.

FORM XI

PHYSICAL PLANNING ACT  
GRANT OF PERMISSION TO DISPLAY AN ADVERTISEMENT  
(Section 46(7))

Application No:..... Plot No:.....  
To:.....

In pursuance of powers conferred under the above mentioned Act, the Planning Committee hereby GRANTS, in accordance with the terms and conditions authorised by the Act,

permission to display an advertisement as described in the application and shown on the plans and drawings attached thereto subject to compliance with the following statutory provisions and with the following condition(s):

1. ....
2. ....
3. ....

A. Statutory Provisions:

This permission is limited to a period of three (3) years from the date of notification. If after the expiration of three (3) years you wish to renew your application you may do so by submitting a new application and paying the appropriate fee for that application.

B. Conditions:

1. This permission unless specifically stated, shall not authorise the display of an advertisement on Public Land unless and until approval and/or licence to do so has been obtained from the relevant department of government.
2. The advertisement shall be maintained in a structurally safe and good condition, and shall not in any way be a hazard to traffic.
3. The reason(s) for the imposition of the condition(s) is/are as follows:
4. Further conditions: (a) A separate approval and/or licence is required for development. (b) The advertisement shall be in the interests of amenity and public safety.

One copy of the application and the accompanying plans and drawings are returned with this grant.

Dated: .....

Signed:.....

*Director of Planning*

NOTES:

1. You may appeal to the Physical Planning Council against the conditions set out in paragraph B above imposed on this grant. You should note however, that you may not appeal against any statutory conditions or limitations on a display of an advertisement which are provided for by the Act or by the Regulations, and are set out in paragraph A above.
2. Any appeal must be made within thirty 30 days of the date of notification of this decision.

All communications relating to this decision should be addressed to:

The Director of Planning and Development

.....  
*Planning Committee*

FORM XII  
 PHYSICAL PLANNING ACT  
 REFUSAL OF DEVELOPMENT PERMISSION  
 (Section 46(7))

Application No: ..... Parcel No:.....

To:.....

In pursuance of powers conferred under the above mentioned Act, the Planning Committee hereby REFUSES to grant permission to carry out the following development:

.....as described in your application for grant of permission dated ..... and in the plans and drawings attached thereto.

The reason(s) for the Planning Committee(s) refusal is/are as follows:

.....  
 .....  
 .....

Dated: ..... Signed:.....  
*Director of Planning*

NOTES:

1. You may appeal to the Physical Planning Council against this refusal of a grant of development permission. An appeal form is enclosed with this Notice of Refusal.
2. Any appeal must be made within thirty (30) days of the date of notification of this refusal.
3. You may submit an amended or revised application to the Planning Committee. Any such application will be a new application and the appropriate fee will have to be paid at the time the application is submitted.
4. You are advised to discuss any revised or amended proposal for development with the Planning Committee before resubmitting an application for a grant of development permission.

All communications relating to this decision should be addressed to:

Director of Planning

.....  
*Planning Committee*

FORM XIII

PHYSICAL PLANNING ACT  
 NOTICE OF REVOCATION OF GRANT OF DEVELOPMENT PERMISSION  
 (Section 52)

To:..... File Ref. No:.....

..... Plot No :.....

.....

In pursuance of powers conferred under the above mentioned Act, the Planning Committee hereby REVOKES the grant of development permission to

.....  
.....

notified to you on:.....

The reason(s) for this revocation is\*/are\*.....

.....  
.....

Dated: ..... Signed:.....\*

*Director of Planning*

\* Delete whichever is inapplicable.

NOTES:

1. You may appeal to the Physical Planning Council against this notice of revocation.
2. Any appeal must be made on the appropriate form obtained from the Department of Planning within thirty (30) days of the date of notification of this notice of revocation.
3. If you have incurred any expenses necessarily arising out of the development of land in accordance with the grant of development permission hereby revoked or modified or if you have otherwise suffered loss or damage directly attributable to the revocation you may be able to claim compensation in respect of your losses. You or your agent are advised to seek further information on your possible right to compensation from the Director of Planning, and refer to Part VII of the Physical Planning Act.
4. Any claim for compensation must be made within six (6) months of the date of the notice of revocation so you are advised not to delay in seeking further advice on the matter.
5. It must be clearly understood that failure to comply with this notice of revocation may lead to an enforcement notice being served, in respect of the development which is taking place in contravention of this notice of revocation, on those responsible, making themselves liable to the penalties laid down in section 98 of the Act, and to entry on the land and enforcement action under section 54-61 of the Act being taken in respect of the development. Your attention is therefore directed again to Note 2 above.

FORM XIII

PHYSICAL PLANNING ACT  
NOTICE OF BUILDING PRESERVATION ORDER

(Section 65)

To:..... File Ref. No:.....  
..... Plot No :.....  
.....

In pursuance of powers conferred under the above mentioned Act, and after considering the report and recommendation from the Planning Committee and representations made by you, I being of the opinion that it is desirable for architectural/landscape/ cultural/historical reasons hereby declare that the building(s) described below is/are made the subject of a Building Preservation Order (copy attached) and shall not, from the date on which this order comes into effect be developed, demolished or altered in any way without the permission of the Planning Committee. Anyone contravening this Order may incur the penalties set out in section 98 of the Act.

Dated: ..... Signed .....  
*Minister*

FORM XIV

PHYSICAL PLANNING ACT

PURCHASE NOTICE

(Section 68(4))

To: Honourable Minister

For Official Use Only

..... File Ref. No:.....

..... Plot No :.....

.....

Notice to Purchase Land or Building under Part VII of the Act

1. \*I/We \*am/are the owner(s) or occupier(s) of the land or building situated at Plot No ..... Area ..... Township ..... and that \*I/We \*am/are eligible for the making of a claim for payment of compensation to \*me/us, under Section 68(1)(a) and (b) as read with Section 68(3) of the Act, in the sum of ..... Kwacha for the following reasons:

(a) .....

(b) .....

(c) .....

2. \*I/We, instead of pursuing a claim for compensation as specified under paragraph (1), have elected to offer the said land or building for purchase by you, Honourable Minister, pursuant to the provisions of Part VII of the Act.

Dated this ..... day of ..... 20 .....

Signed: .....  
*(Owner or Occupier of land or building)*

(\*Delete whatever is not applicable)



PHYSICAL PLANNING ACT  
CLAIM FOR COMPENSATION  
(Section 70)

To: Honourable Minister

For Official Use Only

..... File Ref. No:.....  
..... Plot No :.....  
.....

Notice to Purchase Land or Building under Part VII of the Act

2. \*I/We \*am/are the owner(s) or occupier(s) of the land or building situated at Plot No  
..... Area ..... Township .....  
and that \*I/We \*am/are eligible for the making of a claim for payment of compensation  
to \*me/us, under Section 68(1)(a) and (b) as read with Part VII of the Act, in the sum  
of ..... Kwacha for the following reasons:

- (a) .....
- (b) .....
- (c) .....

3. \*I/We, instead of pursuing a claim for compensation as specified under paragraph (1),  
have elected to offer the said land or building for purchase by you, Honourable  
Minister, pursuant to the provisions of Part VII of the Act.

Dated this ..... day of ..... 20 .....

Signed: .....  
(Owner or Occupier of land or building)

(\*Delete whatever is not applicable)

FORM XVI  
PHYSICAL PLANNING ACT  
ENFORCEMENT NOTICE  
(Section 55)

To:..... Date of coming into effect:.....  
..... File Ref. No:.....  
.....

1. Name and address of owners of the land on which unauthorised development is, or has  
been, taking place:.....  
.....  
.....

2. Name and address of every known occupier of the land on which unauthorised development is, or has been, taking place:

.....  
.....

3. Nature of the unauthorised development and approximate date of its commencement:

.....  
.....

4. Steps to be taken to rectify the unauthorised development:

.....  
.....

5. Time by which steps set out in 4 above must be taken:

.....  
.....

6. The development or subdivision of land described hereunder has been carried out without the grant of permission or the following conditions required on that behalf under Part V of the Physical Planning Act.

7. Subject to which permission for the development/subdivision of land as described hereunder was granted in respect thereof under Part V of the Physical Planning Act has/have not been complied with.

8. Description of development or subdivision of land

.....  
.....

9. You are hereby required to (describe the steps to be taken)

.....  
.....

within a period of .....from the date of this notice failing which the \*\* (local authority) may enter on the said land and execute the requirements as outlined hereinabove and may recover as a civil debt in any court of competent jurisdiction from any related expenses incurred.

10. This notice shall take effect on .....the day of ..... 20 .....

11. If you are aggrieved by this notice you may appeal to the Physical Planning Council as the case may be under section 71 of the Act before the aforesaid day of ..... 20..... in which case the operation of this notice shall be suspended pending the final determination or withdrawal of the appeal.

12. Any person who uses or causes or permits to be used the land to which this notice relates or carries out or causes or permits to be carried out operations on the said land in contravention of this notice shall commit an offence as provided for by section 97 of the Act.

13. Right of the person(s) on whom an enforcement notice is served: You may—

- (a) seek a reconsideration of the notice from the Planning Committee within twenty eight (28) days of the date of service of the notice; or
- (b) appeal to the Council against a decision of the Planning Committee to confirm the service of the notice.

NOTE:

Your attention is directed to Forms I, II, III or IV under the Fifth Schedule available from the Planning Committee, which sets out what you must do if you wish to exercise your right to appeal,

Dated ....., Signed:.....  
 DIRECTOR OF PLANNING

NOTES:

1. This enforcement notice is issued with the consent of the Planning Committee.
2. "Unauthorised development" means any development for which a grant of development permission has not been obtained and which is not permitted development authorised under Part V of the Act.
3. If under 9 above you apply for reconsideration or appeal, this enforcement notice shall be suspended pending the final determination of the application.
4. The penalties for non-compliance with an enforcement notice go up to—
  - (a) in case of a natural person, a fine of K500,000.00 and imprisonment for one (1) year, and a further fine of K2,000.00 for every day after the initial conviction that the notice is not complied with; and
  - (b) in case of a legal person, to a fine of K2,000,000.00
5. If you do not comply with an enforcement notice, the Planning Committee is empowered by law with such assistance as may be necessary to enter your land and take any necessary action to rectify the unauthorised development and claim the costs of doing so from you.
6. Any communication about this notice should be addressed to:

Dated ....., Signed:.....  
 Director of Planning

NOTES:

1. If you are unable or unlikely to complete the development by the date specified in the notice, you must apply to the Planning Committee for an extension of time, to enable you to complete the development. The appropriate form is available from the Department of Planning.
2. Any communication about this notice should be addressed to:

The Director of Planning  
 .....  
 Planning Committee

PHYSICAL PLANNING ACT  
STOP NOTICE  
(Section 59)

From: ..... *For Official Use Only*

..... File No : .....

..... Stop Notice No: .....

*(being the Responsible Authority)*

To: Surname  
(Mr./Mrs./Miss) .....

Other Names:.....  
*(In Block Letters)*

Postal Address: .....

- 1. You are hereby informed that—
  - (a) the development, subdivision of land or display of advertisement described in paragraph 2 has been carried out by you without the grant of development permission as required by Section 45 and 54 of the Act; or
  - (b) the following conditions:
    - (i) .....
    - (ii).....
    - (iii).....

Subject to which permission for the development, subdivision of land or display of advertisement as described in paragraph 2 was granted have not been complied with by you.

- 2. Description of development, subdivision of land or display of advertisement to which this notice relates:
  - (a) .....  
*(Specify development, etc.)*
  - (b) Plot No .....  
*(Specify Plot No. or place)*
  - (c) In .....  
*(Specify area or township)*

- 3. You are hereby, and in accordance with Section 59 of the Act, required to cease.....
- 4. If you are aggrieved by this stop notice you may appeal against it to the Physical Planning Council within thirty days from the date this notice is served on you
- 5. For avoidance of any doubt, if you ignore this stop notice you will commit of an offence under Section 98 of the Act.

Dated this: ..... day of ..... 20.....

Signed: .....  
*For: Chairman, Planning Committee/ Commissioner for Physical Planning*

NOTES:

1. You may appeal against this Order. If you wish to appeal you must fill in and submit the appropriate form to the Director of Planning within thirty (30) days of the date of the receipt of notification of this Order.
2. The penalties for non-compliance with an enforcement notice go up to—
  - (a) in case of a natural person, a fine of K500,000.00 and imprisonment for one (1) year, and a further fine of K2,000.00 for every day after the initial conviction that the notice is not complied with; and
  - (b) in case of a legal person, to a fine of K2,000,000.00
3. Any communication concerning this Order should be addressed to:  
The Director of Planning or Commissioner for Physical Planning

CERTIFICATE OF SERVICE

Served on the person whose name is specified above .....  
 (being the owner/occupier of premises) by .....  
 (being authorized officer) of the .....  
 Planning Committee/ Commissioner for Physical Planning this .... day of .....20...  
 Signed .....  
 (Owner/Occupier of Premises)

FORM XVIII

PHYSICAL PLANNING ACT  
 IMPROVEMENT AREA ORDER  
 (Section 63)

From: ..... For Official Use Only  
 ..... File No : .....  
 ..... Notice No: .....  
 (being the Responsible Authority)

To: Surname  
 (Mr./Mrs./Miss) .....  
 Other Names: .....  
 (In Block Letters)  
 Postal Address: .....  
 .....

1. You are hereby informed that:
  - (a) \* by reason of rubbish and other materials or goods left on land or of the general

appearance of the land, specified in paragraph 2, the land is detrimental to the environment; or

- (b) \* a building, situated at a place specified in paragraph 2, has become dilapidated, is run down or is in need of repair and that it, therefore, detracts from the built environment.

(\*Delete whatever is not applicable)

2. Description of land or building to which this notice relates:

(a) Plot No .....  
(Specify Plot No. or place)

(b) In.....  
(Specify area or township)

3. You are hereby required to take the following action(s) within .....  
Days (not being less than (30) thirty days) from the date of this notice

- (a) .....
- (b) .....
- (c) .....
- (d) .....

to clean up and thereafter maintain in a clean state the land or building specified in paragraph 2.

4. Failure to comply with this notice within the period prescribed under paragraph 3 may cause the responsible authority, with all necessary workmen and other officers to enter, or authorize any other person to enter the land or building and take any or all the action(s) required under paragraph 3. Where the responsible authority has exercised such powers, he may recover as a civil debt, in any court of competent jurisdiction, from the person or persons to whom this notice relates, expenses necessarily incurred by the responsible authority in the exercise of such power.

5. For avoidance of any doubt, if you fail to comply with this notice you shall commit an offence under Section 98 of the Act.

Dated this:..... day of ..... 20 .....

Signed : .....  
For : Chairperson, Planning Committee or Commissioner for Physical Planning

NOTES:

- 1. You may appeal against this Order. If you wish to appeal you must fill in and submit the appropriate form to the Director of Planning within thirty (30) days of the date of the receipt of notification of this Order.
- 2. The penalties for non-compliance with an enforcement notice go up to—  
(a) in case of a natural person a fine of K500,000.00 and imprisonment for one (1) year, and a further fine of K2,000.00 for every day after the initial conviction that the notice is not complied with; and

(b) in case of a legal person to a fine of K2,000,000.00

3. Any communication concerning this Order should be addressed to:  
The Director of Planning or Commissioner for Physical Planning

#### CERTIFICATE OF SERVICE

Served on the person whose name is specified above .....  
(being the owner/occupier of premises)

by ..... (being authorized officer) of the Planning  
Committee/ Commissioner for Physical Planning this ..... day ..... of 20.....

Signed .....  
(Owner/Occupier of Premises)

#### SECOND SCHEDULE

(reg. 12)

#### TYPES AND CLASSES OF PERMITTED DEVELOPMENT

(Section 44)

Classes of use applicable to any development shall be as follows—

<i>Use Class</i>	<i>Use description</i>	<i>Change Permitted</i>
Class 1 Shops	Use for all or any of the following purposes: for the retail sale of goods other than hot food; as a post office; for the sale of tickets; as a travel agency; for the sale of cold food for consumption off the premises; for hairdressing; for the direction of funerals; for the display of goods for sale; for the hiring out of domestic or personal goods or articles; as a launderette or dry cleaners; or for the reception of goods to be washed, cleaned or repaired; internet cafes call centre where the sale, display or service is principally to visiting members of the public.	Planning permission required for change of use to any other class
Class 1 <i>Sui generis</i>	Use: for the sale of fuel for motor vehicles; or for a taxi business or for the hire of motor vehicles.	Planning permission required for change of use to any other class
Class 2 Financial, Professional	Use for the provision of— financial services; professional services;	Change of use to Class 1 permitted. Planning permission

<i>Use Class</i>	<i>Use description</i>	<i>Change Permitted</i>
and other services	Pet shops Aquariums any other services (including use as a betting office); which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public e.g. offices of accountants, dentists, doctors, lawyers, beauticians, estate agents	required for change of use to any other class.
Class 3 Food and Drink	Use for the sale of food or drink for consumption on the premises: Restaurants, Cafes, Snack Bars, where the primary purpose is the sale of food for consumption on the premises without performance of live music or live entertainment, and where the sale of liquor and alcoholic drinks, if any, is for consumption on the premises and incidental to the consumption of food.	Change to Class 1 and Class 2 permitted. Planning permission required for change of use to any other class.
Class 3 ( <i>Sui generis</i> )	Use for the sale of hot food for consumption off the premises. e.g. pizza shops, takeaways, kebab shops, fish and chip shops	Change to Class 1, 2 and 3 permitted. Planning permission required for change of use to any other class.
Class 4 Business and Light Industrial	Use for all or any of the following purposes: for research and development of products or processes, for any industrial process where the processes carried out or the machinery installed can be done in any residential area without polluting the area with noise, vibration, odour, fumes, smoke, soot, ash, dust or grit.	Change of use to Class 6 (up to 235sqm of floor space only) Planning permission required for change of use to any other class.
Class 5 General Industrial	Use for the carrying on of an industrial process other than one falling within class 4 (Business and Light Industrial) where people use material and physical effort to: Extract or convert natural resources Produce goods or energy from natural or converted resources Repair goods, or an agricultural building, agricultural processing facility, aircraft hangar, factory, power station, sewage treatment works, warehouse or utility. Store goods (ensuing from the industrial process) to carry out dangerous or offensive industrial processes	Change of use permitted to Class 6 (up to 235sqm of floor space only) or to Class 4. Planning permission required for change of use to any other class.



<i>Use Class</i>	<i>Use description</i>	<i>Change Permitted</i>
Class 5 ( <i>Sui generis</i> )	Use as a scrap yard or yard for the breaking of motor vehicles; or as a waste disposal installation for incineration or chemical treatment.	Planning permission required for change of use to any other class
Class 6 Storage or Distribution	Use as: a wholesale warehouse a distribution centre repository for the storage of food whether or not refrigerated, where storage is the principal use except for the storage of noxious or dangerous goods and where no business is transacted other than incidentally to such storage.	Change to Class 4 permitted. Planning permission required for change of use to any other class
Class 6 ( <i>Sui generis</i> )	Storage or distribution of minerals	Planning permission required for change of use to any other class.
Class 7 Hotels and Hostels	Use as: a hotel, boarding house, student's hostel, a residential club. Use as a hotel boarding guest house as a bed and breakfast establishment or guesthouse, not in either case being carried out in a flat where at any one time not more than 2 bedrooms are, or in the case of premises having less than 4 bedrooms 1 bedroom is, used for that purpose. where in each case, premises used for boarding and lodging only and the business is run for the purpose of gain or profit where no significant element of care is provided	Planning permission required for change of use to any other class.
Class 8 Night Club	Premises used for any trade or business where its primary purpose is the sale of alcoholic drinks (with or without the sale of foodstuff) for consumption on the premises with singing, dancing or live music/entertainment performances	Change to Class 9 permitted. Planning permission required for change of use to any other class.
Class 9 Public house/Bar	Use as a— public house, bottle-store, bar or other drinking establishments (but not night clubs). any trade or business where its primary purpose is the sale of alcoholic drinks for consumption on the premises without dancing, singing or performance of live music or live entertainment.	Change to Class 8 permitted. Planning permission required for change of use to any other class.
Class 10 Residential institutions	Use: for the provision of residential accommodation and care to people in need of care other than a use within class 11 (houses); as a hospital or nursing	Planning permission required for change of use to any other

<i>Use Class</i>	<i>Use description</i>	<i>Change Permitted</i>
	home, or as a residential school, college or training centre. as vocational and technical institution. polytechnic and university	class.
Class 10A Secure residential institutions	Use for the provision of secure residential accommodation, including use as: a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority or accommodation use as military barracks.	Planning permission required for change of use to any other class.
Class 11 Dwelling Houses	Use as a house, other than a flat, whether or not as a sole or main residence, by a single person or by people living together as a family, or not more than 5 residents living together including a household where care is provided for residents;	Planning permission required for change of use to any other class.
Class 11 ( <i>Sui generis</i> )	Use as a residential flat, massage parlour, workers' dormitory	Planning permission required for change of use to any other class.
Class 12 Community and Culture	Use, not including residential use: as a crèche, day nursery or day centre; for the provision of education; for the display of works of art (otherwise than for sale or hire); as a museum; events garden; as a public library or public reading room; as a public hall or exhibition hall; or for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body; or as a law court.	Planning permission required for change of use to any other class.
Class 12 ( <i>Sui generis</i> )	Use as cemetery or crematorium	Planning permission required for change of use to any other class.
Class 13 Assembly and Leisure	a cinema; theatre a concert hall; a casino; a dance hall or discotheque; karaoke lounge or a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreation, not involving motorised vehicles or firearms.	Planning permission required for change of use to any other class.
Class 13 ( <i>Sui generis</i> )	Use as a amusement arcade or centre or funfair	Planning permission required for change of use to any other class

## THIRD SCHEDULE

(reg. 23)

## FORM I

## PHYSICAL PLANNING ACT

## NOTICE OF APPEAL AGAINST DEVELOPMENT PERMISSION, ETC.

*(Section 71)*

This Form should be completed in triplicate and sent to: For Official Use Only

The Secretary Appeal No: .....

Physical Planning Council Date Received: .....

P.O. Box 30585, Lilongwe 3 Plot No: .....

I (full name in BLOCK LETTERS) .....

of (full address) .....

HEREBY APPEAL to the Council against the decision of the Planning Committee/Commissioner/Minister to:

1. refuse a grant of development permission for the development as described below;
2. grant development permission for the development as described below, subject to the below conditions; or
3. revoke or modify a grant of development permission as described below.

*Particulars of the Appeal*

Description and situation of the land or building to which the appeal relates:

.....  
.....

Description of the \*development/\*construction

.....  
.....

Date of Planning Committee/Commissioner/Minister's decision:

Precise grounds of appeal (continue on separate sheet if necessary)

.....  
.....*\*Strike out inappropriate words*

I ENCLOSE

- (a) \*A copy of the application for a grant of development permission in respect of the development;
- (b) \*A copy of all relevant plans and drawings and relevant information submitted to

the Planning Committee or Commissioner or Minister in respect of the application;

(c) \*A copy of the Notice of the relevant correspondence with the Planning Committee/Commissioner/Minister.

\* Delete whichever is inapplicable.

Dated: .....

Signed: .....  
*Appellant*

Signed: .....  
*Agent or Representative*

Address: .....  
: .....  
*(for correspondence concerning this appeal)*

FORM II

PHYSICAL PLANNING ACT  
NOTICE OF APPEAL AGAINST ENFORCEMENT NOTICE  
*(Section 71)*

This Form should be completed in triplicate and sent to: *For Official Use Only*

The Secretary

Enforcement No:.....

Physical Planning Council

Date Received :.....

P.O. Box 30385, Lilongwe 3

Plot No :.....

I (full name in BLOCK LETTERS) .....

of (full address) .....

HEREBY APPEAL to the Council against the enforcement notice served on me on:

.....by the ..... Planning Committee

I ENCLOSE:

- (a) \*a copy of the enforcement notice;
- (b) \*a copy of the grant of development permission relating to the development in respect of which the enforcement notice has been served;
- (c) \*a copy of all relevant correspondence with the Planning Committee about the enforcement notice. ....

\* Delete whichever is inapplicable.

The grounds of my appeal are:

- (a) I am not the owner of the land on which the development, the subject of the enforcement notice, is taking place;
- (b) I am not the occupier of the land on which the development, the subject of the enforcement notice, is taking place;

- (c) The development which is taking place is permitted development;
- (d) The development which is taking place is not contravening any provisions of the Act or any regulations;
- (e) The development which is taking place is not contravening any term or condition subject to which a grant of development permission was made to carry out the development;
- (f) It would be just and reasonable to allow the development to continue; and
- (g) Further grounds of appeal being relied on: (continue on separate sheet if necessary)

Tick (~ the ground(s) of appeal on which you intend to rely.

NOTE:

Only these grounds of appeal may be put forward. Any other grounds will be ignored.

Dated: ..... Signed: .....

*Appellant*

Signed: .....

*Agent or Representative*

Address: .....

.....  
(for correspondence concerning this appeal)

FORM III

PHYSICAL PLANNING ACT

NOTICE OF APPEAL AGAINST DEVELOPMENT OR SUBDIVISION REFUSAL OR APPROVAL

(Section 71)

This Form should be completed in triplicate and sent to: *For Official Use Only*

The Secretary Enforcement No:.....

Physical Planning Council Date Received .....

P.O. Box 30385, Lilongwe 3 Plot No .....

I (full name in BLOCK LETTERS) .....

HEREBY APPEAL to the Council against the decision of the Planning Committee/Commissioner/Minister to:

- 1. refuse a grant of development permission for the development as described below;
- 2. grant development permission for the development as described below, subject to the below conditions;
- 3. revoke/modify a grant of development permission as described below.

*Particulars of the Appeal*

Description and situation of the land or building to which the appeal relates:

.....  
.....

Description of the \*development/\*construction

.....  
.....

Date of Planning Committee/Commissioner/Minister's decision:

Precise grounds of appeal (continue on separate sheet if necessary)

.....  
.....

*\*Strike out inappropriate words*

I ENCLOSE

- (d) \*A copy of the application for a grant of development permission in respect of the development;
- (e) \*A copy of all relevant plans and drawings and relevant information submitted to the Planning Committee/Commissioner/Minister in respect of the application;
- (f) \*A copy of the Notice of the relevant correspondence with the Planning Committee/Commissioner/Minister. \* Delete whichever is inapplicable.

Dated: .....

Signed: .....

*Appellant*

Signed: .....

*Agent or Representative*

Address: .....

.....  
*(for correspondence concerning this appeal)*

FORM IV

NOTICE OF APPEAL AGAINST COMMISSIONER'S OR MINISTER'S  
REFUSAL TO GRANT A CERTIFICATE OF APPROVAL

*(Section 71)*

This form should be completed in triplicate and sent to: For Official Use Only

This Form should be completed in triplicate and sent to: *For Official Use Only*

The Secretary

Enforcement No:.....

Physical Planning Council Date Received : .....

P.O. Box 30385, Lilongwe 3 Plot No : .....

I (full name in BLOCK LETTERS) .....

HEREBY APPEAL to the Council against the decision of the Commissioner/Minister by notice dated .....

(a) \* refuse to grant a Certificate of Approval for the development described below;

(b) \* grant a Certificate of Approval for the development described below subject to conditions.

Particulars of the appeal, description and situation of the land or building to which the appeal relates:

.....

Description of the development:

.....

Precise grounds of appeal (continue on separate sheet if necessary):

.....

I ENCLOSE:

(a) a copy of all relevant plans, drawings and correspondence.

(b) a copy of the Notice of the Commissioner's/Minister's decision.

Dated: ..... Signed: .....

Appellant

Signed: .....

Agent or Representative

Address: .....

(for correspondence concerning this appeal)

FORM IV

PHYSICAL PLANNING ACT

NOTICE OF HEARING

(reg. 37)

.....Development Plan

Physical Planning Case No: .....of.....20.....

BETWEEN

.....APPELLANT

AND

.....RESPONDENT

AND

.....OBJECTOR(S)

NOTICE IS HEREBY GIVEN that the appeal by .....  
 against the decision of the \* ..... Planning Committee/  
 Minister/Commissioner for Physical Planning in respect of his application for permission to  
 develop/subdivide land situated at.....Or

\* *Delete whichever is not applicable*

.....  
*(specify other nature of appeal)*

is fixed for hearing by the Physical Planning Council at ..... on  
 the ..... day..... of 20.....

Any person whose interest in any land may be affected by the decision of the Physical  
 Planning Council and who has filed notice of his intention to appear and be heard has the  
 right to appear and be heard at this hearing.

Any other person who so wishes may attend the hearing but shall not be heard.

Dated this day..... day of..... 20.....

Signed:.....

*Secretary*

Physical Planning Council  
 P O Box 30385  
 Lilongwe 3

FOURTH SCHEDULE

(reg 7(3))

FEEES FOR DEVELOPMENT PERMISSIONS AND RELATED MATTERS

*(Section 46(1) (c))*

Fees payable for applications for development permissions and other related matters—

<i>Description</i>	<i>K</i>
1 Application for a grant of outline development permission to develop land	5,000.00
2 Application for a grant of detailed development permission to develop land where the total estimated cost:	
(a) does not exceed K10,000,000.00	20,000.00



<i>Description</i>	<i>K</i>
(b) exceeds K10,000,000.00 but does not exceed K100,000,000.00	40,000.00
(c) exceeds K100,000,000.00 but does not exceed K200,000,000.00	60,000.00
(d) exceeds K200,000,000.00 but does not exceed K300,000,000.00	90,000.00
(e) exceeds K300,000,000.00 but does not exceed K400,000,000.00	120,000.00
(f) exceeds K400,000,000.00 but does not exceed K500,000,000.00	150,000.00
(g) exceeds K500,000,000.00 but does not exceed K1,000,000,000.00	300,000.00
(h) exceeds K1,000,000,000.00	0.2% of total estimated cost
3 Application to subdivide land where the number of lots:	
(a) does not exceed 10	20,000.00
(b) exceeds 10 but does not exceed 50	40,000.00
(c) exceeds 50 but does not exceed 100	100,000.00
(d) exceeds 100 but does not exceed 500	250,000.00
(e) over 500	2,000,000.00
4 Application to change the use of land	20,000.00
5 Application to display an advertisement	30,000.00
6 Application for extension of time to implement grant of development permission	5,000.00
7 Provision of site plans	10,000.00
8 For making a search of an entry in a planning registry	5,000.00
9 On making a claim for compensation	5,000.00
10 On issuing a Purchase Notice	8,000.00
11 Notice of Appeal to the Council	10,000.00
12 Approval of physical development plans	
(a) Regional Physical Development Plan	300,000.00
(b) District Physical Development Plan	200,000.00
(c) Urban Structure Plan	150,000.00
(d) Detailed Layout Plan	
(i) Less than 1.0 ha	20,000.00
(ii) 1.0 ha to 20 ha	20,000.00
(iii) 21 ha to 40 ha	20,000.00
(iv) 41 ha to 60 ha	20,000.00
(v) 61 ha to 80 ha	20,000.00
(vi) 81 ha to 100 ha	20,000.00

17th July, 2020

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<i>Description</i>	<i>K</i>
(vii) More than 100 ha	20,000.00
(e) Subject Plan	100,000.00
(f) Urban Civic Plan	50,000.00

Made this 8th day of June, 2020

(FILE NO.: SUB.D. 23:01)

K. KALUA  
*Minister of Lands,  
Housing and Urban Development*