



P E R L I S

*Approval of the Perlis State Executive Council
on 19 September 2018*

TOWN AND COUNTRY PLANNING ACT 1976
[Act 172]

APPEAL BOARD RULES
(PERLIS) 2018



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[Act 172]

APPEAL BOARD RULES (PERLIS) 2018

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TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

IN exercise of the powers conferred by subsection 36(15) of the Town and Country Planning Act 1976 [*Act 172*], the State Authority makes the following rules:

PART I

PRELIMINARY

Citation and commencement

1.(1) These rules may be cited as the **Appeal Board Rules (Perlis) 2018**.

(2) These Rules shall come into operation on 1st November 2018.

Interpretation

2. In these Rules, unless the context otherwise requires

“Act” means the Town and Country Planning Act 1976 [*Act 172*];

“Form” means a form as prescribed in the schedule to these Rules;

“Appeal Board” means the Appeal Board constituted under section 36 of the Act;

“interested person” means:

(a) in relation to an appeal filed under paragraph 23(1)(a) of the Act, an Objector;
and

(b) in relation to an appeal filed under paragraph 23(1)(b) of the Act, the Planning Applicant or Objector who has not filed an appeal;

“Panel” means a panel consisting of any three members of the Appeal Board, chaired by the Chairman or the Deputy Chairman, constituted to hear an appeal or to conduct a case management of an appeal;

“Counsel” means an advocate and solicitor as defined under section 3 of the Legal Profession Act 1976 [*Act 166*];

“Chairman” means the Chairman of the Appeal Board appointed under subsection 36(2) of the Act, and includes the Deputy Chairman exercising the functions of the Chairman under subsection 36(5) of the Act;

“Objector” means a person who has lodged an objection pursuant to subsection 21(6) of the Act;

“Planning Applicant” means the applicant for the planning permission which forms the subject matter of an appeal before the Appeal Board;

“Registrar” means the Registrar appointed under rule 3;

“Appellant” means a person who has filed a notice of appeal pursuant to rule 5, and includes a person who is substituted for the original appellant under subrule 16(3);

“Record of Appeal” means all information and documents required to be furnished to the Registrar pursuant to rules 9 and 10 and shall include all applications, summonses, notices, awards and orders issued, made or given under the hand of the Chairman or any other document used in the proceedings of the Appeal Board;

“Respondent” means the local planning authority against whose decision or action an appeal is filed with the Appeal Board; and

“State Authority” means the State Authority of the State of Perlis.

PART II

REGISTRAR

Registrar

3. A Registrar shall be appointed by the State Authority from amongst the Assistant Directors or Assistant Officers of the Department of the Town and Country Planning in the state.

Allowance

4. A Registrar shall be paid such fixed allowances and other allowances as prescribed in the Third Schedule.

PART III

PROCEEDINGS AND HEARING

Filing of appeal

5. (1) Unless otherwise provided by the Act, an appeal to the Appeal Board pursuant to paragraph 23, subsection 25(9), 30(2), 30(7), section 35C, subsection 35D(3) or 35E(3) of the Act shall be filed by way of a notice of appeal within thirty days from the date of service of the relevant decision, notice or notification in respect of which the appeal is brought to the Appellant.

(2) An appeal to the Appeal Board shall be brought by filing in the office of the Registrar, with as many copies in accordance with the number of parties to be served, a written notice of appeal in the specified Form in the First Schedule.

(3) An appeal to the Appeal Board shall be accompanied with the payment of fees as prescribed in the Second Schedule.

(4) Within fourteen days after the filing of a notice of appeal, the Appellant shall, in writing, inform the Registrar and the Respondent the information and documents that are to be included in the Record of Appeal.

Register of Appeal

6. The Registrar shall cause to be kept and regularly update a Register of Appeal, in such form as he may find appropriate, containing the following information about each appeal that is filed:

- (a) case number;
- (b) date the appeal was filed;
- (c) name and address for service of the Appellant and his counsel or representative;
- (d) name and address for service of the Respondent;
- (e) name and address for service of any interested person, his counsel or representative;
- (f) brief description of the results appealed by the respondents;
- (g) brief description of the nature of the appeal;
- (h) date of hearing of the appeal;
- (i) members of the Panel at each hearing;
- (j) summary of the decision of the Panel;
- (k) other remarks; and
- (l) Registrar's signature upon completion of all the above information.

Fees

7. (1) The fees payable for the filing of a notice of appeal and other matters, and the fees for the procurement of certain documents, are prescribed in the Second Schedule.

(2) The Chairman may, on grounds of financial hardship or any peculiar public interest, waive or reduce any fees payable by an Appellant or any other person. An application for waiver or reduction of fees may be made by way of a letter addressed to the Registrar, setting out the grounds of the application and attaching all relevant supporting documents.

(3) The fees payable for the procurement of certain documents pertaining to an appeal, by a person other than a party to, or an interested person in, the appeal, are prescribed in the Second Schedule.

Duties of the Registrar

8. Upon receiving a notice of appeal that is duly filed, the Registrar shall -

- (a) enter the particulars of the appeal in the Register of Appeal and assign a number to it;
- (b) serve a copy of the notice of appeal bearing the assigned number on the relevant local planning authority as the Respondent;
- (c) if the appeal is filed by an Objector, obtain from the Respondent the name, address and contact information of the Planning Applicant and of any other Objector who has not filed an appeal, and thereafter serve a copy of the notice of appeal on the Planning Applicant and on such Objector who has not filed an appeal;
- (d) if the appeal is filed by the Planning Applicant, obtain from the Respondent the name, address and contact information of all Objector, and thereafter serve a copy of the notice of appeal on all such Objectors; and
- (e) take such further or other action as may appear to him to be necessary or desirable in the circumstances or as may be directed by the Chairman.

Duties of the Respondent

9. (1) Upon receipt of a copy of a notice of appeal from the Registrar, the Respondent shall take the following actions:

- (a) provide the Registrar with the name, current correspondence address, e-mail address and telephone numbers of the Planning Applicant and of all Objectors;
- (b) enquire with and obtain from the Planning Applicant and all Objectors the information and documents that they may respectively wish to be included in the Record of Appeal ; and
- (c) prepare a summary of the salient facts pertaining to the appeal, in chronological order, and the grounds for the decision or action appealed against, together with all relevant information and documents that are to be included in the Record of Appeal.

(2) The Respondent shall, within thirty days of the receipt of a copy of the notice of appeal from the Registrar, or within such extended time as the Chairman may from time to time allow, complete all the actions required and furnish the Registrar with sufficient copies of all the information and documents prepared or gathered under subrule 9(1).

Duties of interested person

10. (1) Within fourteen days after the receipt of a copy of the notice of appeal from the Registrar, the Planning Applicant or an Objector, who is not the Appellant in the appeal, shall take the following actions –

- (a) inform the Registrar and the Respondent, in written form, whether he desires to be heard by the Appeal Board at the hearing of the appeal;

- (b) provide the Registrar and the Respondent with his current correspondence address, e-mail address and telephone numbers; and
- (c) furnish the Registrar with all information and documents to be included in the Record of Appeal, which may include a written statement by him about his interest in the matter, his position regarding the appeal, the grounds or reasons that he intends to put forward at the hearing of the appeal, and any other relevant matters to be brought to the attention of the Panel.

(2) An interested person who fails to comply, or delays in complying, with the requirements of paragraph 10(1)(a) and (b), or who, having been served with a notice in Form 7 of the First Schedule, does not appear at a case management or a hearing of the appeal shall be treated as not desiring to be heard, and shall not be heard at the hearing of the appeal, unless sufficient cause to the contrary is shown by him to the satisfaction of the Panel.

(3) Subject to the provisions of the Act and of these Rules, the entitlement of an interested person to be heard, the manner and the extent of his participation, shall be determined at the discretion of the Panel. In exercising this discretion, any failure or delay by such interested person in complying with the requirements of subrule 10(1) shall be a factor to be taken into account by the Panel.

Record of Appeal and service

11. (1) When the Registrar has not received all the information and documents required to be furnished to him under rules 9 and 10 within the time therein stipulated, the Registrar may proceed to fix the appeal for case management before a Panel, and the Panel shall issue directions for further action or disposal of the appeal.

(2) After receiving information and documents furnished under rules 10 and 11 by the Registrar, the Registrar shall, within fourteen days therefrom or such extended time as the Chairman may from time to time allow, compile and prepare sufficient copies of the Record of Appeal containing all such information and documents as the Registrar may find necessary or desirable to be included.

(3) As soon as the Record of Appeal is prepared, the Registrar shall serve on the Appellant a notice in Form 6 of the First Schedule, requiring the Appellant to pay, within a period of fourteen days from the date of receipt by the Appellant of such notice, the sum stipulated in the notice as costs of preparing and serving the Record of Appeal.

(4) If the payment under subrule 11(3) is not made within the period stipulated or within such extended period as the Chairman may allow, the Registrar shall fix the appeal for case management before a Panel. The Panel shall strike out the appeal, unless sufficient cause to the contrary is shown by the Appellant, in which the Panel may allow the continuance of the appeal subject to the immediate payment of the sum under subrule 11(3), and upon such other terms as the Panel may impose.

(5) Upon receipt of the payment under subrule 11(3), the Registrar shall supply the Appellant with a copy of the Record of Appeal, and also a copy of the same to be served on the Respondent and on any interested person who has complied with the requirements of paragraph 12 (1)(a) and (b). Service shall be effected by personal service or by prepaid registered post, not less than fourteen days before the date of hearing of the appeal.

(6) The Registrar shall serve on the Appellant, the Respondent, and any interested person who has complied with the requirements of paragraph 10 (1)(a) and (b), together with the service of the Record of Appeal under subrule 11(5), or as soon thereafter as possible, a notice that the appeal is fixed for case management and requiring the persons served to appear by himself or by counsel before a Panel on the date, time and place so appointed. Such notice shall be in Form 7 of the First Schedule.

(7) The Registrar shall, not less than fourteen days before the hearing of an appeal, supply a copy of the Record of Appeal to each member of the Panel hearing the appeal, subject to any abridgement of time that may be made by the Chairman of the Panel.

(8) After the preparation and service of the Record of Appeal, the Appellant, the Respondent, and any interested person may, with the permission and on terms imposed by the Panel submit further information and documents to the Panel.

(9) A Panel may, at any time and from time to time, require, direct or allow the Appellant, the Respondent, and any interested person, or a witness to furnish, within a specified time, further information and documents, or further and better particulars concerning any matter relating to the appeal, upon such terms as the Panel may find just.

(10) A Panel may, at any time and from time to time, allow the Appellant, the Respondent, or an interested person to amend any of his statements or other documents capable of amendment, upon such terms as the Panel may find just.

Sitting of the Appeal Board

12. (1) For the hearing of an appeal, the Appeal Board shall sit as a panel of three members, chaired by the Chairman or Deputy Chairman, at such date, time and place as the Chairman may from time to time determine.

(2) The place at which the Panel sits shall be deemed to be an open court, to which members of the public may have access.

(3) The Registrar shall prepare a notice of the date, time and place of each hearing or case management as the case may be, in Form 7 of the First Schedule, and shall serve the same on the Appellant, the Respondent, and all interested persons, not less than seven days before the sitting.

(4) When the date for hearing or case management is fixed by a Panel in the presence of a party or person, his counsel or representative, no written notice under subrule 12(3) need to be served by the Registrar on that party or person.

Case management

13. (1) The Registrar shall, as soon as possible after receiving a notice of appeal, fix a case management in accordance with rule 11, for the Panel to issue directions concerning the further conduct or disposal of the appeal.

(2) A case management may be adjourned from time to time for further case management. At the conclusion of case management, the Chairman of the Panel shall fix the appeal for hearing, before the same panel or a different panel of the Appeal Board.

Hearing of appeal

14. Subject to the provisions of the Act and these Rules, the following shall apply to the hearing of an appeal before the Appeal Board—

- (a) when an appeal is made pursuant to paragraph 23(1)(a) of the Act, an Objector who has complied with the requirements of paragraph 10(1)(a) and (b) shall be allowed to be heard at the hearing of the appeal, but the manner and extent of the Objector's participation shall be subject to the Panel's directions.
- (b) when an appeal is made pursuant to paragraph 23(1)(b) of the Act, the Planning Applicant shall be entitled to be heard at the hearing of the appeal, but the manner and extent of the Planning Applicant's participation shall be subject to the Panel's directions.
- (c) when an appeal is made pursuant to paragraph 23(1)(b) of the Act, any Objector other than the Appellant who has complied with the requirements of paragraph 10(1)(a) and (b) shall be allowed to be heard at the hearing of the appeal, but the manner and extent of that Objector's participation shall be subject to the Panel's directions.
- (d) the Chairman of the Panel shall determine the order in which the parties and any interested person shall be heard. The Appellant shall, unless the Panel otherwise directs, have the final right of reply by way of submissions.
- (e) subject to the Panel's directions, the parties and any interested person in an appeal may adduce documentary and oral evidence, the latter shall be given on oath and be subject to cross examination.
- (f) the Panel shall have the discretion not to apply in a hearing, and in arriving at its decision, the strict rules of evidence that are applicable in court.
- (g) the Panel shall at any time be entitled to ask questions to, and examine, any witness called by any of the parties or any interested person.
- (h) the Panel may on its own volition, or due to the request of any party or interested person, call any person as a witness including as an expert witness.
- (i) the Panel may compel any party, interested person or witness to produce any document that is in that person's power to produce.
- (j) the Chairman of the Panel shall take, or cause to be taken, notes of proceedings of each case management and hearing, including the non-verbatim evidence adduced by, and the submissions of, the parties and any interested person, in such form and manner as the Chairman of the Panel shall determine.
- (k) the Panel may adjourn a hearing or proceeding from time to time, on terms, if necessary.
- (l) an adjourned hearing or a continuation of a hearing shall not be rendered irregular or invalid by reason of the members of the Panel in the later hearing being not identical with the members of the Panel in an earlier hearing, unless the Chairman of the later Panel is satisfied, upon an application by any party or

interested person, that a *de novo* hearing should be ordered in the circumstances of the case.

- (m) at the conclusion of the hearing of an appeal, the Chairman of the Panel, in consultation with the other two members, shall either deliver its decision immediately, or reserve its decision to another day.
- (n) after delivering any decision, the Registrar shall prepare a copy of the decision in Form 8 of the First Schedule, and serve a copy of the same on the parties to the appeal, and on any interested person who had participated in the hearing of the appeal.
- (o) the Appeal Board, through its Panel, may in an appeal make such orders and issue such directions that are not inconsistent with the purposes of the Act and of these Rules.

Absence of parties

15. (1) If at a hearing of an appeal:

- (a) the Appellant is absent, the Panel may strike out or dismiss the appeal;
- (b) the Respondent is absent, the Panel may proceed with the hearing, or may adjourn the hearing to another day; or
- (c) an interested person who has complied with the requirements of paragraph 10(1)(a) and (b) is absent, the Panel may proceed with the hearing in his absence, or may adjourn the hearing to another day if the Panel is satisfied that his participation should, as far as possible, be procured in the circumstances of the case.

(2) If an appeal is struck out or dismissed by reason of the Appellant's absence at a hearing, the Appellant may within fourteen days from the date of the hearing, make a written application for reinstatement of the appeal. The Panel may, after hearing the application, set aside the earlier order and allow the reinstatement, if he is satisfied with the Appellant's reason for absence, or that there is any other sufficient cause for reinstatement. In such event, the Panel shall issue further directions with regard to the hearing or the continuation of the hearing of the appeal.

(3) If the hearing of an appeal is proceeded with and concluded in the absence of the Respondent or of an interested person who has complied with the requirements of paragraph 10(1)(a) and (b), the Respondent or such interested person may within fourteen days from the conclusion of that hearing, whether a decision was immediately made or was reserved by the Panel, make a written application for the appeal to be re-heard. The Panel may, after hearing the application, set aside the earlier order and allow the appeal to be re-heard, if it is satisfied with the Respondent's or interested person's reason for absence, or that there is any other sufficient cause to re-hear the appeal. In such event, the Panel shall issue directions with regard to the further hearing of the appeal.

Withdrawal of appeal

16. (1) An Appellant may, at any time before the conclusion of the hearing of his appeal, apply for leave to withdraw or discontinue his appeal. Such application may be made orally at a case management or a hearing of the appeal, or by way of a written application.

(2) A withdrawal or discontinuance of an appeal may be subject to an order of costs, or any other order or direction that the Panel may deem fit.

(3) In the case of a withdrawal or discontinuance of an appeal that is filed by an Objector under paragraph 23(1)(b) of the Act, the Panel may, if it is satisfied that the circumstances of the case so warrant, invite any other Objector who has not filed an appeal but who has complied with the requirements of paragraph 10(1)(a) and (b) to substitute himself for the original Appellant in the appeal. If there is an Objector who is willing to be so substituted, the Panel may make an order of substitution, after hearing and giving consideration to any objections that may be raised by the Respondent or by any other interested person. Where an order of substitution is made, the Panel shall issue directions regarding the further conduct of the appeal, with the substituted Appellant taking the place of the original Appellant.

PART IV

GENERAL

Summon

17. (1) The Chairman of a Panel may, on his own volition or upon application by any party or interested person, direct the Registrar to issue a summon to any person residing or present in Malaysia to testify at the hearing of an appeal. Such summon shall be in Form 9 of the First Schedule, and shall be served personally on the person named in it. Notwithstanding the provision on personal service, a person named in the summon to testify before the Appeal Board and who has knowledge of such summon shall not refrain from testifying on the ground that he has not been personally served with such summon.

(2) The Chairman of a Panel may, on his own volition or upon application by any party or interested person, direct the Registrar to issue a summon to produce documents to require any person residing or present in Malaysia to produce and furnish the Appeal Board with information and documents specified in the summon that are within the person's power to produce. Such summon to produce documents shall be in Form 10 of the First Schedule, and shall be served personally on the person named in it. Notwithstanding the provision of personal service, a person named in the summon to produce documents and who has knowledge of such summon shall not refrain from producing and furnishing the information and documents sought from him on the ground that he has not been personally served with such summon.

(3) An application for the issuance of a summon may be made orally at a case management or at a hearing of the appeal, or by way of a written request addressed to the Registrar. The fee payable for the issue and service of a summon is prescribed in the Second Schedule.

(4) A summon that has been served shall remain effective until the conclusion of the hearing of the appeal.

(5) Where a person named in a summon to a witness and required to testify on matters relating to a department, body, company, corporation or organization in which he is an officer, he may, subject to the permission and direction of the Chairman, do so through

another officer nominated by him who has equal or greater knowledge of the matters on which he is summoned to testify.

(6) Notwithstanding subrule (5), the obligations under the summon to a witness shall not be discharged until after his nominee has testified, and after the Panel is satisfied that the testimony of the nominee is adequate for the purposes of which the summon to a witness was issued. If the Panel is not satisfied with the adequacy of the nominee's testimony, the person originally named in the summon to a witness shall attend and testify before the Panel.

(7) Without prejudice to any order providing for payment to the person served with a summon, the Panel may require any party to pay the person named in the summon or his nominee an amount as the Panel thinks fit.

(8) A person served with a summon, and who fails to fully comply with the requirements of the summon, shall be liable to prosecution for an offence under section 174 or 175 of the Penal Code [*Act 574*], as the case may be.

Official seal

18. (1) The Appeal Board shall have an official seal, which shall be kept in the custody of the Registrar.

(2) Every notice, summon to a witness, order, decision, award or other document issued, made, or given by the Appeal Board may be signed by or on behalf of the Chairman, and be sealed with the official seal of the Appeal Board.

Extension of time

19. The time stipulated under these Rules for the doing of any act or thing may from time to time be extended or abridged, by the Chairman of a Panel, on its own volition or upon application by any party or interested person, and upon such terms as may be just.

Representation of parties

20. In an appeal, a party or an interested person may be represented by a counsel, or with the permission of the Panel, by a town planner, an architect or any other person.

Stay of planning permission

21. (1) The filing of an appeal by an Objector shall not operate as a stay of execution of the planning permission granted by the Respondent.

(2) A Panel may at any time or upon application by any party or interested person, make an order to stay the implementation or execution of the planning permission granted by the Respondent, on terms if necessary, if it is satisfied that—

- (a) the absence of an order of stay would render the Panel's decision or order nugatory or ineffective, if the appeal is later allowed; or
- (b) the circumstances of the case warrant the grant of a stay.

Miscellaneous

22. (1) Any notice or document apart from a summon to a witness that is required to be served under these Rules may be served personally or by prepaid registered post at or to the address provided by the person to be served.

(2) The Chairman, Deputy Chairman, and other members of the Appeal Board who sit in a Panel shall receive a sitting allowance as prescribed in the Third Schedule, and shall be reimbursed for all transport, accommodation and other expenses incurred in attending each sitting. The Deputy Chairman sitting as the Chairman shall be entitled to the same allowance as would the Chairman.

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

FIRST SCHEDULE

FORM 1

[Subrule 5(2)]

**NOTICE OF APPEAL AGAINST DECISION OF
THE LOCAL PLANNING AUTHORITY**

Appeal No:.....

The Registrar
Appeal Board
Perlis

(1)*I/We.....
*NRIC No./Company No. of
.....
appeal to the Appeal Board against the decision of the.....
.....
(Local Planning Authority)
made on..... and communicated to* me/us on:
(date)

- * (a) Refusing to grant planning permission;
- * (b) Granting planning permission subject to conditions; or
- * (c) Granting planning permission contrary to *my/our objections

(2) *I am/We are the:
* (a) Applicant for planning permission; or
* (b) Owner of a neighbouring land held under (Land Title/ Lot No.)
and had lodged objections under subsection 21(6) of the Town And Country Planning Act 1976 (Act 172).

(3) The brief grounds of *my/our appeal are as follows:

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

- (4) The names and addresses of other interested parties (so far as *I am/we are aware) are:
(a).....
(b).....
(c).....
- (5) In relation to this appeal:
*(a) *my/our address is as stated in paragraph (1); or
*(b) *my/our counsel's/representative's address is as follows:
.....; and
(b) *my/our phone number is
- (6) A copy of the decision of the local planning authority received by *me/us is attached herewith.

Date:.....

.....
*Signature of Appellant or his
counsel/representative*

**Delete whichever is not applicable*

Note:

- (i) Separate sheets may be used if the space provided is insufficient.
(ii) This Form may be self-generated by the Appellant provided that its contents comply with the above format.*

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

FIRST SCHEDULE

**FORM 2
[Subrule 5(2)]**

NOTICE OF APPEAL AGAINST AMOUNT OF REIMBURSEMENT OR COMPENSATION

Appeal No:.....

The Registrar
Appeal Board
Perlis

(1) *I/We.....
*NRIC No./Company No. of

appeal to the Appeal Board against the decision of the
.....
(Local Planning Authority)

made on and communicated to *me/us on in respect of the
*reimbursement/compensation offered to *me/us.

(2) *I am/We are the *owner/lessee or the personal representative of the *owner/lessee of the land
held under (Land Title/ Lot No.)

(3) The brief grounds of *my/our appeal are as follows:
.....
.....
.....

(4) *In relation to this appeal:

*(a) *my/our address is as stated in paragraph (1); or
*(b) *my/our counsel's/representative's address is as follows:
.....
.....; and
(c) *my/own phone number is

(5) A copy of the offer of *reimbursement/compensation received by *me/us is attached
herewith.

Date:
.....
*Signature of Appellant or his
counsel/representative*

**Delete whichever is not applicable*

*Note:
(i) Separate sheets may be used if the space provided is insufficient.
(ii) This Form may be self-generated by the Appellant provided that its contents comply with the above format.*

TOWN AND COUNTRY PLANNING ACT 1976
APPEAL BOARD RULES (PERLIS) 2018
FIRST SCHEDULE
FORM 3
[Subrule 5(2)]
NOTICE OF APPEAL AGAINST ACQUISITION NOTICE
Appeal No:.....

The Registrar
Appeal Board

Perlis

(1) *I/We.....
*NRIC No./Company No. of
.....
appeal to the Appeal Board against the requisition notice served on *me/us on by
the.....
(Local Planning Authority)

(2) *I am/We are the *owner/lessee or the representative of the *owner/lessee of the land held
under (Land Title/ Lot No.).....

(3) *I/We appeal against:
*(a) all requirements under the requisition notice; or
*(b) the following requirements under the requisition notice, namely
.....
.....
.....

(4) The brief grounds of *my/our appeal are as follows:
.....
.....
.....

(5) * In relation to this appeal:

*(a) my/our address is as stated in paragraph (1); or
*(b) my/our counsel's/representative's address is as follows:
.....
.....
.....
(c) *my/ own phone number is

(6) A copy of the requisition notice received by *me/us is attached herewith.

Date:

.....
*Signature of Appellant or his
counsel/representative*

**Delete whichever is not applicable*

Note:

(i) Separate sheets may be used if the space provided is insufficient.

(ii) This Form may be self-generated by the Appellant provided that its contents comply with the above format.

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

FIRST SCHEDULE

FORM 4
[Subrule 5(2)]

**NOTICE OF APPEAL AGAINST THE PRESERVATION OF
TREES UNDER SECTION 35C OF THE TOWN AND COUNTRY PLANNING ACT 1976**

Appeal No:.....

The Registrar
Appeal Board
Perlis

(1) *I/We.....
*NRIC No./Company No. of
.....
appeal to the Appeal Board against the following decision(s) of the
.....
(Local Planning Authority)

made on and served on *me/us on

- * (a) a tree preservation order;
- * (b) provisions of a tree preservation order;
- * (c) a refusal of permission;
- * (d) conditions imposed in a grant of permission; or
- * (e) an order to plant or replace trees.

(2) *I am/We are the *owner/lessee or the representative of the *owner/lessee of the land held under (Land Title/ Lot No.)

(3) The brief grounds of *my/our appeal are as follows:
.....
.....
.....

(4) * In relation to this appeal:

* (a) my/our address is as stated in paragraph (1); or
* (b) my/our counsel's/representative's address is as follows:
.....
.....
.....
(c) *my/ own phone number is

(5) A copy of the order relating to the preservation of trees received by *me/us is attached herewith.

Date:

.....
Signature of Appellant or his
counsel/representative

**Delete whichever is not applicable*

Note:

(i) *Separate sheets may be used if the space provided is insufficient.*

(ii) *This Form may be self-generated by the Appellant provided that its contents comply with the above format.*

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

FIRST SCHEDULE

FORM 5

[Subrule 5(2)]

NOTICE OF APPEAL AGAINST ORDER TO REPLACE TREES UNDER SECTION 35E OF THE ACT

Appeal No:.....

The Registrar
Appeal Board
Perlis

(1) *I/We.....
*NRIC No./Company No. of
.....
appeal to the Appeal Board against the following decisions of the
.....
(Local Planning Authority)
made on and served on *me/us on :

- * (a) a refusal to dispense with the requirement for replacement of trees;
- * (b) an order given under paragraph 35E(1)(a) or (b);
- * (c) term and condition imposed under paragraph 35E(1)(d); or
- * (d) a refusal to extend time under subsection 35E(2).

(2) *I am/We are the *owner/lessee, or the representative of the *owner/lessee, of the land held under (Land Title/ Lot No.).....

(3) The brief grounds of *my/our appeal are :

(4) * In relation to this appeal:

* (a) my/our address is as stated in paragraph (1); or

* (b) my/our counsel's/representative's address is as follows:

.....
.....

.....
(c) *my/ own phone number is

(5) A copy of the order received by *me/us is attached herewith.

Date:

.....
*Signature of Appellant or his
counsel/representative*

**Delete whichever is not applicable*

Note:

(i) Separate sheets may be used if the space provided is insufficient.

(ii) This Form may be self-generated by the Appellant provided that its contents comply with the above format.

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

FIRST SCHEDULE

FORM 6

[Subrule 11(3)]

NOTICE THAT RECORD OF APPEAL IS READY

Appeal No:.....

To:

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

Take notice that the Record of Appeal in the above mentioned appeal is ready, and that the costs of preparing such Record, in the sum of RM....., is due from you. You are required to pay the said sum within fourteen days of your receipt of this notice.

Take notice that if you fail to pay the abovementioned sum within the said fourteen days, your appeal will be fixed for case management, and will be struck out by the Appeal Board.

Date:.....

.....
*Registrar
Appeal Board Perlis*

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

FIRST SCHEDULE

FORM 7

[Subrules 11(6) and 12(3)]

NOTICE OF CASE MANAGEMENT OR HEARING

Appeal No:.....

To:

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

Take notice that the Appeal Board has fixed the above mentioned appeal for *case management / hearing at *am/pm on at

You are required to attend before the Panel of the Appeal Board at the date, time and place stated above.

Take notice that if you do not attend the *case management/hearing as aforesaid, you shall be treated as not desiring to be heard by the Appeal Board, and the Appeal Board may, in your absence, make any of the following orders as may be appropriate:

- (a) strike out or dismiss the appeal;
- (b) proceed with the hearing of the appeal, and make such decision as it may deem fit;
- (c) make an order of costs;
- (d) make such other orders as it may deem fit.

Dated:.....

.....
Registrar
Appeal Board Perlis

**Delete whichever is not applicable*

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

FIRST SCHEDULE

FORM 8
[Paragraph 14(n)]

DECISION OF THE APPEAL BOARD

Appeal No:.....

To:

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

Take notice that on the Appeal Board has made its decision on the above mentioned appeal brought by.....

Summary of the Appeal Board's decision:

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

Dated:.....

.....
Chairman/ Deputy Chairman
Appeal Board Perlis

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

FIRST SCHEDULE

FORM 9
[Subrule 17(1)]

SUMMON TO A WITNESS
TO TESTIFY BEFORE THE APPEAL BOARD

Appeal No:.....

To:

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

(1) You are required to attend before the Panel of the Appeal Board in the hearing of the above mentioned appeal at *am/pm on at
(and at all continuations of the hearing until you are released as a witness by the Panel), to give evidence on oath in relation to the above mentioned appeal.

*(2) You are also required to bring with you the following documents:
.....
.....
.....

(3) Your failure to fully comply with the requirements of this summon shall render you liable to prosecution under section 174 or 175 of the Penal Code [Act 574].

Dated:.....
.....
Registrar
Appeal Board Perlis

**Delete whichever is not applicable*

Note:
(i) Separate sheets may be used if the space provided is insufficient.

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

FIRST SCHEDULE

FORM 10
[Subrule17(2)]

SUMMON TO PRODUCE DOCUMENTS

Appeal No:.....

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

(1) You are required to produce before, and deliver to, the Registrar of the Appeal Board, Perlis at.....
.....
on or before, a copy each of the following documents:

- (a)
- (b)

- (c)
- (d)
- (e)

(2) If you are unable to produce any of the above mentioned documents, you are required to attend before the Panel of the Appeal Board in the hearing of the above mentioned appeal at *am/pm on.....at; to provide your explanation to the Panel, and for the Panel to give further directions concerning this summon.

(3) Your failure, without good cause, to fully comply with the requirements of this summon shall render you liable to prosecution under section 175 of the Penal Code [*Act 574*].

Dated:.....

.....
Registrar
Appeal Board Perlis

**Delete whichever is not applicable*

Note:
(i) Separate sheets may be used if the space provided is insufficient.

SECOND SCHEDULE
 TOWN AND COUNTRY PLANNING ACT 1976
 APPEAL BOARD RULES (PERLIS) 2018

(Rule 7)

FEES

TYPE OF FEE	AMOUNT
A. Filing of appeal	RM 100
B. Service :	
(1) Preparation of Record of Appeal and service on parties	RM 200
(2) Notice of case management or hearing	RM 100 per notice
(3) Issue and service of each summon	RM 100 per notice
(4) Notes of Proceedings	RM 200 per copy
(5) Grounds of decision	RM 50 per copy
C. Application to reinstate to appeal under subrule 15(2)	RM 100 per application

TOWN AND COUNTRY PLANNING ACT 1976

APPEAL BOARD RULES (PERLIS) 2018

THIRD SCHEDULE

Rule 4 and 22 (2)

ALLOWANCES

A. CHAIRMAN/ DEPUTY CHAIRMAN / OTHER MEMBERS

ALLOWANCE	CHAIRMAN*	OTHER MEMBERS
1. Sitting	RM 300 per sitting	RM 150 per sitting
2. Attending Meeting	RM 150 per meeting	RM 100 per meeting
3. Appeal Case	RM 300 per case	RM 150 per case
4. Clerical Allowance	RM 200 per case	N/A
5. Mileage/Accommodation	According to the entitlement on the public service grade being held or Grade 54 Non-civil service chairman are entitled to benefits equivalent of Grade 54	According to the entitlement on the public service grade being held or Grade 54

** Note : The Deputy Chairman sitting as the Chairman shall be entitled to the same allowance as would the Chairman.*

B. REGISTRAR

ALLOWANCE	RATE
1. Case	RM 200 per case
2. Mileage	According to the entitlement on the public service grade being held
3. Coat	RM 500 once for every 3 years