Republic of Mauritius

PROCEDURAL GUIDELINES FOR MORCELLEMENT PERMIT



MORCELLEMENT BOARD
MINISTRY OF HOUSING AND LANDS
JANUARY 2013

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1.0 Introduction:

These guidelines define the procedures to be adopted when applying for a Morcellement Permit, as per Section 5(5a) of The Morcellement Act (as amended by the Additional Stimulus Package [(Miscellaneous Provisions) Act 2009], and provide the templates of the application form and Checklist of documents to be submitted with the application.

2.0 Application process:

2.1 Application should be made by the owner(s) or an entity/person duly mandated/ legally entitled to do so, as per prescribed application form (*Annex 1*).

2.1 Application should be submitted to the Morcellement Unit at the following address, within office hours.

Morcellement Unit,
Ministry of Housing & Lands,
Level 3, Ebene Tower,
Lot No. 52,
Cybercity, Ebene

2.2 Documents to be submitted as per format and in number of copies set out in the Checklist (Annex 2).

2.3 Officers of the Morcellement Unit will verify the documents submitted against Checklist and ensure that the application form is duly filled in and signed. **Application shall be accepted only if the submission is complete as per Checklist**.

2.5 An acknowledgement slip/receipt shall be issued by the Morcellement Unit on submission and acceptance, with the following items:

- Application date
- Applicant's details
- Project name, site extent, and location
- File reference number
- Amount of application processing fees payable
- Effective date: which shall be the date of receipt of application at the Morcellement Unit if no additional clarification, documents, particulars or information is requested within 3 weeks as from that date.

3.0 Effective Date

3.1 If within 3 weeks of date of receipt of an application at the Morcellement Unit, an applicant is not requested to submit further clarification(s)/document(s)/information, the date of receipt of the application shall be deemed to be the "effective date".

3.2 If additional clarification(s)/document(s)/information is requested within the 3 weeks, the effective date will be the date such clarification(s)/document(s)/information is received at the Morcellement Unit in case no further clarification is requested within a further period of 3 weeks.

3.3 Upon submission of additional clarification(s) to the Morcellement Unit, a new acknowledgment slip/ receipt shall be issued.

3.4 The nature of additional clarification(s) requested shall remain within the scope of the Technical Guidelines and reviewed by the relevant authorities.

4.0 Assessment of Application

4.1 If required, the applicant may be called to make a presentation and explain/ clarify queries when the application is assessed by the Board for the first time. This is to ensure full transparency and provide thorough comprehension of the project/application thus encouraging the Board members to ask all relevant queries and preventing undue delays.

4.2 The applicant shall be convened in writing by registered post with 7 days notice.

4.3 Attendance of the applicant to subsequent Board meetings may be requested, if required.

4.4 All submission will then be assessed by all concerned Board members/authorities.

4.4.1 Every member of the Board shall convey his stand on the application within 4 weeks of the effective date, failing which he shall be deemed to have no objection to the issue of the letter of intent.

4.4.2 Members of the Board shall endeavour to ask all additional information at one go.

4.4.3 Should a member of the Board reject the application, he shall motivate the reasons for such refusal in writing to the Morcellement Board.

5.0 Board Stand

5.1 The Board shall inform the Minister in writing of its recommendation within 6 weeks from effective date.

5.1.1 If endorsed, the **Morcellement Unit** shall immediately upon receiving such endorsement issue the letter of intent to the applicant

5.1.2 If not endorsed, the **Morcellement Unit** shall inform the applicant in writing and motivate the reasons for such refusal within 1 week.

5.1.3 The applicant shall be entitled to appeal to the Environment and Land Use Tribunal within 21 days of the date of letter issued.

6.0 Letter of Intent

The letter of intent allows the applicant to execute the infrastructural works and, after furnishing the Board with a bank guarantee equivalent to the estimated value of the infrastructural works to be executed, enter into an agreement to sell or receive any payment or other consideration, not exceeding the amount covered by the bank guarantee.

7.0 Completion of infrastructure and issue of Morcellement Permit

7.1 The applicant shall notify the authorities concerned in writing upon completion of infrastructure works and request for an inspection.

7.2 The authorities concerned shall within 3 weeks from receiving the notification from the applicant of completion of infrastructure works:

(i) carry out the necessary inspection and issue a clearance certificate to the applicant, who shall have the responsibility to forward same to the Morcellement Unit; or

(ii) issue a final list of works not done to the standards and specifications

7.2.1 As soon as the clearance certificate is submitted to the Morcellement Unit, the application will be enlisted for consideration by the Morcellement Board for the issue of a Morcellement Permit. The Morcellement Unit shall submit the Board's recommendation to the Minister for endorsement:

7.2.1.1 If endorsed, the Morcellement Unit shall immediately upon receiving such endorsement issue the Morcellement Permit to the applicant upon payment of prescribed fees where applicable.

7.2.1.2 If not endorsed, the Morcellement Unit shall inform the applicant in writing and motivate the reasons for such refusal within 1 week.

7.2.2 Upon completion of works set out on at 6.2(ii) above, if applicable, the applicant shall notify the authority concerned in writing and request for a second inspection. The concerned Board Member shall re-inspect only the works which were not satisfactory.

7.2.2.1 If satisfied, the concerned authority shall issue a clearance certificate and applicant shall proceed as per section 7.1 above.

7.2.2.2 If not, the concerned authority shall notify the applicant in writing of the works still not done to the standards, within 1 week from receiving the notification from the applicant, and the process is repeated.

MINISTRY OF HOUSING & LANDS

OFFICE USE
File No. M/.....

Receipt No:.....

MORCELLEMENT UNIT

Level 3, 52 Ebene Tower, Cybercity 1, Ebene, ☎ 401-6808/Fax 468 1756

APPLICATION FOR MORCELLEMENT PERMIT

(in accordance with Section 5 of the Morcellement Act)

PART A

1. Name of applicant:_____

   NIC NO/Passport No:_____

2. Address of applicant:_____
   (All correspondence shall
   be posted to this address):_____

   Phone No – Office:_____ Residence:_____ Mobile:_____

   Fax: _____ e-mail_____

3. Name of Owner(s) – Surname:_____

   Other Names_____

   NIC No/Passport: No: _____

   Address: _____

   _____

   Phone No – Office: _____ Residence: _____

   Mobile: _____ Fax: _____

   e-mail_____

4. Ownership of land TV No. _____ registration date _____

5. Parcel Identification Number [PIN] _____

6. Location of proposed Morcellement: _____ Zoning Status:_____

   No. of lots _____ Extent of land to be parcelled/excised _____

   Local Authority:_____District:_____

7. Purpose of Morcellement (√ tick as appropriate)

Agricultural ☐ Commercial ☐ Industrial ☐

Residential ☐ Others (e.g. religious, sale to Government) ☐

8. Do you own any adjoining land? Yes ☐ No ☐

9. Present Land Status

Is your land presently (√ tick as appropriate)

(a) bare ☐ (b) built up ☐ (c) under cultivation ☐

(d) in irrigation area[Yes ☐ - No ☐] {Sugar Cane ☐ ; tea ☐ ; tobacco ☐ ; others ☐ }

10. Has your land been under cultivation for at least 2 years at any point in time during the past 10 years:

Yes ☐ No ☐

(If yes, please fill in Section 11 below).

11. Are you owner of land exceeding 4.221 hectares (10 Arpents) in aggregate (whether agricultural or not).

Yes ☐ No ☐

12. State whether the land under subdivision forms part of an already approved morcellement

Yes ☐ Ref No._____ Name of Promoter _____

No ☐ Purpose of the approved morcellement: _____

13. Existing land use.

State whether the proposed subdivision forms part of a larger scheme/project for which approval is not yet sought.
If yes ☐, give a brief description. No ☐

14. State whether the following infrastructural services exist on and or in the vicinity of the site. (To be specified in Memorandum of Survey)

(√ tick as appropriate)	Yes	No
(a) Road Works	☐	☐
(b) Water Supply	☐	☐
(c) Surface Water Drainage	☐	☐
(d) Footpaths	☐	☐
(e) Culverts	☐	☐
(f) Electricity Networks	☐	☐
(g) Street Lighting Networks	☐	☐
(h) Sewer network	☐	☐

15. Any other information, particulars that you wish to submit with your application.

PART B: DECLARATION

I/we declare that:

(i) all the information given above is true and correct to the best of my/our knowledge;

(ii) I/we have not willfully suppressed any information;

(iii) I/we am/are fully aware that, in case any information proves to be false, my/our application may be cancelled;

(iv) I/we are agreeable to furnish the Morcellement Board such additional information as may be required for consideration of my/our application.

Date: _____ _____

Signature of Applicant-Owner/s – Co-owners

NIC														

_____

Signature of Applicant-Owner/s – Co-owners

NIC														

[Note: If more than 2 co-owners, the others should sign overleaf.]

Date: _____ _____

Signature of Applicant-Owner/s – Co-owners

NIC														

_____

Signature of Applicant-Owner/s – Co-owners

NIC														

Ministry of Housing & Lands

Morcellement Unit at Lot No. 52, Level 3, Ebene Tower, Cybercity 1, Ebene, ☎ 401 6808 / Fax 468 1756

Checklist for application for Morcellement Permit

A. Every developer shall make his application to the Morcellement Board for a Morcellement Permit, and the proposed morcellement shall be **in conformity with the outline scheme or detailed scheme**, in respect of the planning area where the proposed morcellement is to be carried out.

B. Every application shall be accompanied by the following documents:

S No	***Documents to be submitted***	***No. of copies required***
1.	Application Form for Morcellement Permit bearing the signature/s of Applicant/s, Owner/s, Co-owners/s on **every** application form. For residential/ industrial / commercial purpose ……. For agricultural purpose ……..	**Original** / **Photocopies** **1** / **12** **1** / **8**
1A	Certificate of Notification in respect of application for Morcellement Permit (Specimen A and C) to the effect that a notification plate has been displayed on site	**1**
1B	Press Notice in at least 2 daily newspapers during 3 days (Specimen B) **Note:** The Environment and Land Use Tribunal Act 2012 has come into operation on 01 October 2012 whereby the Morcellement Act has been subsequently amended. In accordance with the provision of the Act any person aggrieved by a decision of the Minister or of the Morcellement Board granting or refusing to issue a letter of intent or a Morcellement Permit, may appeal against the decision to the Environment and Land Use Appeal Tribunal.	**1 of each newspaper**
2.	Copy of National Identity Card/s of Applicant/s, Owner/s, Co-owners/s.	**1**
3.	Application Form for Planning and Land Use Permit bearing the signature/s and Identity Card No./s of Applicant/s, Owner/s, Co-owners/s on **every** application form.	**2**
4.	Title Deed – (*manuscript type should be transcribed by a Notary to make it readable*).	**5**
5.	A morcellement plan consisting of: (A) the site plan drawn up in an appropriate scale, by a Land Surveyor as per the provisions of the Land Surveyors Act bearing his signature and seal/stamp, showing: (i) the external boundaries and their dimensions; (ii) the actual adjoining owners and their Title Deed No; (iii) the internal boundaries and their dimensions; (iv) the extent of all lots including any surplus of land; (v) angles; (vi) contour lines (in respect of residential Morcellement); (vii) all physical features such as existing buildings, service lines (CWA/CEB/WMA), drains, natural water course (feeders, rivulets/rivers with relevant reserves) crossing the property, if any; (viii) the roads required to give access directly or indirectly to any public road as well as any road required for purposes of internal access to all the lots comprised in the proposed morcellement together with corresponding reserves; (ix) the constructional character of the works to be done as well as any connection with existing roads, sewers or other works and the lines and levels of such works, supported by a statement describing generally the works, including the infrastructural works, to be done containing specifications of the foundation, forms, thickness and dimensions of the works.	**14** / **15** For residential/ industrial/ commercial purpose **9** / **7** For agricultural purpose

P T O

5.	(B) A proper location plan with Northline drawn to scale indicating: (i) all polluting activities such as poultry farm, stone crushing plant, industries, and any sensitive area such as marshy lands, wetlands, rivulets/rivers in site neighbourhood; (ii) Location of all existing buildings, drains and other prominent features such as service poles, bridge etc; (iii) Location of existing wastewater disposal on the plots (***where applicable***). (Written agreement required where common wastewater disposal is being used by more than one applicant). ***Please note that :*** (i) in case of discrepancy with respect to ownership or any error with regard to the external boundaries of the land shall be rectified by a fresh memorandum of survey and the Land Surveyor shall be liable for any claim for compensation which may arise from his error or the consequences of his error; the Board or any member of the Board shall not be liable for any defective plan or measurement of the Land Surveyor; (ii) plan should be neat, clear and legible and should not bear scratches, erasers or correcting fluids.	
6.	A letter from the Ministry of Agro-Industry and Food Security to certify whether a Land Conversion Permit is required or not.	
7. A	***Where applicable***: Written consent or any other legal document authorizing a person other than the owner/s to apply on his/her /their behalf.	**2**
B.	Preliminary Environmental Report or an Environment Impact Assessment Licence.	
C.	Land Conversion Permit	**2**
D.	Traffic Impact Assessment Report or Traffic Study Report.	**2**
E.	Memorandum of Survey under the Land Surveyors Act.	**2**
F.	CWA/CEB bills as proof of supply to any lot.	
	Processing fee - **For residential/commercial purpose:** Up to 8500m^2 …… Above 8500m^2 …… Above 21000m^2 …… **For any other purpose** …… Morcellement fee - for residential commercial or industrial purpose - for exclusively agricultural purpose	 Rs250 Rs500 Rs1000 Rs250 Rs10.00/m^2 Rs5.00/m^2
G.	**Cash office is open between 09:00 hrs and 14:30 hrs.**	

Note:

1. Application forms shall be duly filled in before submission to the Morcellement Unit.
2. Any application shall be considered as from the date the Morcellement Board shall have obtained all the required information, particulars and documents from the applicant/s.
3. No infrastructural works shall be executed by a developer unless a Letter of Intent is issued to him.
4. The Law provides for monitoring of infrastructural works during implementation phase in order to ensure compliance with approved plans and details.
5. An enforcement notice may be issued by relevant Authority/ties for any breach, and a fine not exceeding 100000 rupees is provided for each month delay in remedial of the breach.