

Town Planning

1999-39

TOWN PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 2001

**Subsidiary
2001/027**

Regulations made under section 39 the Town Planning Act.

TOWN PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 2001

(LN. 2001/027)

5. 3.2001

Amending enactments

Relevant current
provisions

Commencement
date

None

1999-39

Town Planning

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ARRANGEMENT OF REGULATIONS.

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TOWN PLANNING (CONTROL OF ADVERTISEMENTS)
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Title.

1. These regulations may be cited as the Town Planning (Control of Advertisements) Regulations, 2001.

Interpretation.

2. In these regulations, unless the context otherwise requires,

“article” includes a gas or liquid;

“building” includes any structure or erection and any part thereof;

“illuminated advertisement” means an advertisement which is designed or adapted to be illuminated by artificial lighting directly or by reflection and which is so illuminated for the purposes of advertisement, announcement or direction;

“land” includes a building on which an advertisement is displayed;

“street” includes any public highway or other highway including a highway over a bridge and any road, lane, footway, square, court, alley, steps or passage, whether a thoroughfare or not, held by the Governor on behalf of Her Majesty and any reserved way which the Governor has agreed to maintain;

“vehicle” means a vehicle normally employed as a moving vehicle but shall not include any such vehicle during any period when it is used primarily for the display of advertisement.

No display or advertisement without consent.

- 3.(1) Subject to the provisions of regulation 4 no advertisement shall be displayed without the consent of the Commission:

Provided that where an advertisement was legally displayed on the 1st day of February, 1995 without the consent of the Commission, that advertisement may continue to be displayed and the provisions of these regulations shall apply to that advertisement as if it had received the consent of the Commission.

- (2) An application for consent of the Commission shall be made in writing and shall include a full description and details of the advertisement, and shall be accompanied by the fee specified in the Schedule.

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(3) On receiving an application for consent the Commission may, in its discretion, call for such further information from the applicant as it may deem necessary.

(4) Any consent granted by the Commission may be subject to such condition as it may deem fit to impose.

(5) The provisions of this regulation shall apply in respect of advertisements and the distribution of leaflets for the purpose of directing members of the public to or otherwise drawing attention to the existence of business premises which may not be visible from the site on which the advertisement is to be displayed or the distribution point of leaflets.

(6) A person who displays an advertisement without the consent of the Commission or who fails to comply with any condition of a consent granted by the Commission is guilty of an offence.

Certain advertisements excluded.

4. The provisions of regulation 3 shall not apply to an advertisement—

- (a) displayed on or in a vehicle;
- (b) relating specifically to a pending House of Assembly election;
- (c) displayed within a building and not visible from the public highway;
- (d) displayed within the Victoria Stadium or any other sporting venue.

Maintenance of advertisements.

5.(1) All advertisements shall be maintained in a clean and tidy condition to the satisfaction of the Commission.

(2) Any hoarding or similar structure or any placard board or device erected or fixed or used principally for the display of advertisements shall be maintained in a safe condition to the satisfaction of the Commission.

(3) No advertisement or part thereof shall be displayed which is less than 2.5 metres from the level of any footway abutting on to a building or which is less than 4.2 metres from the level of such street.

(4) A person who fails to comply with the provisions of this section is guilty of an offence.

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Withdrawal of consent.

6.(1) Any consent granted by the Commission under these regulations may be withdrawn if—

- (a) any addition is made in any advertisement or part thereof;
- (b) any change is made in any advertisement except for the purpose of making it more secure under the direction of a building inspector;
- (c) any advertisement or part thereof shall fall either through accident, decay or any other cause;
- (d) any addition or external alteration is made to the building on, over or to which any advertisement is placed or attached;
- (e) the building over on or to which the advertisement is placed or attached becomes unoccupied;
- (f) any advertisement is sited or displayed so as to obscure or hinder the ready interpretation of any road traffic signs or renders hazardous the use of any street, or constitutes a nuisance;
- (g) the advertisement is maintained contrary to the provisions of regulation 5;
- (h) any advertisement or sign is considered by the Commission to be unsightly, offensive to the eye or unsuitable to the neighbourhood in which it is displayed; or
- (j) any advertisement or sign contravenes guidelines produced by the Commission.

(2) On withdrawing its consent the Commission shall notify in writing the person to whom the consent was granted and shall in such notice stipulate the time by which such advertisement shall be removed.

(3) A person who displays an advertisement after the time for removal stipulated in a notice of withdrawal of consent has expired is guilty of an offence.

Removal of advertisements.

7. If any advertisement is erected or retained contrary to the provisions of these regulations or after the consent for the erection or retention thereof has

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expired or been withdrawn, it shall be lawful for the Commission to cause the same to be removed and taken away after giving not less than forty eight hours notice to the owner or occupier of the premises of the Commission's intention so to do, and the expense of and incidental to such removal shall be recoverable summarily as a civil debt.

Penalties.

8. A person guilty of an offence against these regulations is liable on summary conviction to a fine at level 2 on the standard scale and to a further penalty of the amount at level 1 on the standard scale for every day during which such offence continues after service upon him of a notice in writing by the Commission requiring him to remove within the period limited in the notice (which shall not be less than forty eight hours) any advertisement erected or retained contrary to the provisions of these regulations.

Revocation.

9. The Control of Advertisements Regulations are revoked.

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Regulation 3

PRESCRIBED FEES

Category of Advertisement	Fee Payable £
1. Advertisements displayed on business premises, in the forecourt of business premises or in other land within the curtilage of business premises wholly with reference to all or any of the following matters –	
(a) the nature of the business or other activity carried on the premises;	
(b) the goods sold or the services provided on the premises; or	
(c) the name and qualification of persons carrying on or supplying such goods or services.	33
2. Advertisements for the purpose of directing members of the public to or otherwise drawing attention to the existence of business premises which are in the general locality of the site on which the advertisement is to be displayed but which may not be visible from that site.	33
3. All other advertisements.	120