

Subsidiary Legislation made under s.63.

Town Planning (Control of Advertisements) Regulations 2019

LN.2019/194

		<i>Commencement</i>	26.9.2019
Amending enactments	Relevant current provisions	Commencement date	
LN.2020/388	r. 4(i)		5.11.2020

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ARRANGEMENT OF REGULATIONS.

Regulation

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SCHEDULE

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In exercise of the powers conferred on him by section 63 of the Town Planning Act 2018 the Minister with responsibility for Town Planning has made the following Regulations-

Title and commencement.

1. These regulations may be cited as the Town Planning (Control of Advertisements) Regulations 2019 and come into operation on the day of publication.

Interpretation.

2. In these Regulations, unless the context otherwise requires-

“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;

“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.

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

(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.

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(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 Parliamentary election or referendum;
- (c) displayed within a building and not visible from the public highway;
- (d) displayed within the Bayside Sports Centre or any other sporting venue;
- (e) relating specifically to traffic signs placed by Government in accordance with the provisions of the Traffic Act; or
- (f) displayed for the purpose of identification, direction or warning, with respect to the land or building on which it is displayed, save that:
 - (i) no advertisement may exceed 0.3 square metres in area;
 - (ii) illumination is not permitted;
 - (iii) no character or symbol on the advertisement may be more than 0.3 metre in height;
 - (iv) no part of the advertisement may be more than 3.6 metres above ground level;
 - (v) no more than one advertisement is permitted, or in the case of premises with different road frontages, one advertisement on each frontage.
- (g) relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where it is displayed, save that:
 - (i) no advertisement may exceed 0.3 square metres in area;

- (ii) no character or symbol on the advertisement may be more than 0.3 metres in height;
 - (iii) not more than one advertisement is permitted for each person, partnership or company, or in the case of premises with entrances on different road frontages, one advertisement at each entrance;
 - (iv) no illumination is permitted.
- (h) relating to the sale or letting, for residential, industrial or commercial use or for development for such use, of the land or premises on which it is displayed, save that:
- (i) not more than one advertisement on a single board, vinyl or poster is permitted;
 - (ii) no advertisement may be displayed indicating that land or premises have been sold or let, other than by the addition to an existing advertisement of a statement that a sale or letting has been agreed, or that the land or premises have been sold or let subject to contract;
 - (iii) the advertisement shall be removed within 14 days after completion of a sale or grant of a tenancy;
 - (iv) no advertisement may exceed in area-
 - (aa) where it relates to residential use or development, 0.5 square metres;
 - (bb) where it relates to any other use or development, 1 square metre;
 - (v) no advertisement, when displayed, may project beyond the front plane of a building;
 - (vi) no illumination is permitted;
 - (vii) no character or symbol on the advertisement may be more than 0.3 metres in height;
 - (viii) no part of the advertisement may be higher above ground level than 3.6 metres or, in the case of a sale or letting of part only of a building, the

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lowest level of that part of the building on which display is reasonably practicable.

- (i) relating specifically to any public health or safety measure placed by Government or the Royal Gibraltar Police.

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.

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;

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- (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.(1) Subject to sub-section (2), 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 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.

(2) In the case of flyers, any flyers which have been posted on a building without the permission of the Commission can removed and destroyed by the Commission without prior notice.

Right to appeal.

8.(1) If the Commission refuse an application for consent, or grant it subject to conditions, the applicant may by notice appeal to the Development Appeals Tribunal.

(2) An appeal under sub-regulation (1) shall-

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- (a) be made in writing in such form as the Development Appeals Tribunal may require and served on the secretary to the Development Appeals Tribunal within 28 days of the date of notification of the Commission's decision; and
- (b) contain the grounds of appeal.

(3) The secretary of the Development Appeals Tribunal shall forthwith send a copy of the notice to Commission.

Determination of appeal.

9.(1) On an appeal the Development Appeals Tribunal may-

- (a) confirm the decision of the Commission;
- (b) where consent has been refused by the Commission, direct that consent be granted subject to such conditions, if any, as the Development Appeals Tribunal may specify; or
- (c) direct that any condition subject to which consent has been granted by the Commission, be deleted, modified or replaced by such condition as the Development Appeals Tribunal may specify.

(2) The decision of the Development Appeals Tribunal on an appeal shall be final and it shall be the duty of the Commission and the applicant to comply with any directions of the Development Appeals Tribunal given in respect of any such appeal.

Penalties.

10. 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.

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SCHEDULE

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 –	50
(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.	
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.	50
3. Banners erected across streets or other thoroughfares	35
4. Advertisements for charitable purposes	The Minister may in his discretion by notice authorise the total or partial exemption
5. All other advertisements.	120