

THE TOWN AND COUNTRY PLANNING ACT

REGULATIONS
(under section 26(1))

THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
REGULATIONS, 1978

(Made by the Minister on the 3rd day of July, 1978)

L.N. 1144/78

[1st August, 1978.]

1. These regulations may be cited as the Town and Country Planning (Control of Advertisements) Regulations, 1978.

2.—(1) In these regulations—

“advertisement” has the meaning assigned to it by section 2 of the Act;

“advertiser” means a person who himself, or by his servant or agent, undertakes or maintains the display of an advertisement;

“building” includes any structure, hoarding or erection and any part of a building as so defined;

“business premises” has the meaning assigned to it by regulation 15(3) (a);

“development order” means an order so confirmed in pursuance of the Act;

“land” includes buildings and land covered with water;

“local planning authority” has the meaning assigned to it by section 2 of the Act;

“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 at any time after the 1st of August, 1978;

“Minister” has the meaning assigned to it by section 2 of the Act.

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(2) Reference in these Regulations to the person displaying an advertisement shall be construed as reference to the advertiser who shall be deemed to include—

- (a) the owner and occupier of the land on which the advertisement is displayed; and
- (b) any person to whose goods, trade, business or other concerns publicity is given by the advertisement.

3.—(1) These regulations shall apply to the display of advertisement on all land, the subject of development orders except any advertisement—

- (a) displayed on enclosed land, and not visible from land outside the enclosure wherein it is displayed or from any part of such enclosure over which there is a public right of way or to which there is public right of access;
- (b) displayed within a building, other than in advertisement of a description specified in regulation 14;
- (c) displayed on or in a vehicle;
- (d) incorporated in, and forming part of, the fabric of a building, other than a building used principally for the display of such advertisements or a hoarding or similar structure;
- (e) displayed on an article for sale or on the package or other container in which an article is sold, or displayed on the pump, dispenser or other container from which an article is sold; being an advertisement wholly with reference to the article for sale, which is not an illuminated advertisement and does not exceed one square foot in area.

(2) For the purposes of this regulation—

- (a) "article" includes a gas or liquid;
- (b) the expression "enclosed land" means land wholly or for the most part enclosed within a hedge, fence, or wall or similar screen or structure, and shall be deemed to include any airport, railway station (and its yards) or bus station, together with their forecourts, whether enclosed or not; but shall not include any public park, public garden or other land held for the, or enjoyment of the public, or (save as hereinbefore

specified) any enclosed railway land normally used for the carriage of passengers or goods by rail;

- (c) "vehicle" means a vehicle normally employed as a moving vehicle on the sea, any highway or railway, or a vessel normally employed as a moving vessel on any inland waterway; but shall not include any such vehicle or vessel during any period when it is used primarily for the display of advertisements;
- (d) no advertisement shall be deemed to be displayed within a building unless there is access to the advertisement from inside the building;
- (e) no advertisement shall be deemed to form part of the fabric of a building by reason only of being affixed to, or painted on, the building.

PART II GENERAL PROVISIONS

Control of Advertisement to be Exercised in the Interest of Amenity and Public Safety

4.—(1) The powers conferred by these Regulations with respect to the grant or refusal of consent for the display of advertisements, the revocation or modification of such consent and the discontinuance of the display of advertisements with consent deemed to be granted shall be exercisable only in the interests of amenity and public safety.

(2) When exercising such powers, a local planning authority—

- (a) shall, in the interest of amenity, determine the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the locality, including the presence therein of any feature of historic architectural, cultural, scenic or similar interest, and when assessing the general characteristics of a locality the local planning authority may disregard any advertisements therein being displayed;
- (b) shall in the interest of public safety, have regard to the safety of persons who may use any road, railway, waterway (including any coastal waters, dock, harbour or airfield affected or likely to be affected by any display of advertisements); and shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic

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sign, railway signal or aid to navigation by water or air, but without prejudice to their power to have regard to any other material factor.

(3) In the determination of an application for consent for the display of advertisements, or where the revocation or modification of a consent is under consideration, regard may be had to any material change in circumstances likely to occur within the period for which the consent is required or granted.

(4) The size of an advertisement shall be determined by the total areas occupied by the advertisement and not by the area covered by the individual letters, provided that when the advertisement contains illuminated additions or other type of figures the said additions or figures shall be included in the area of the advertisement.

(5) No advertisement shall be permitted to be installed in a manner which may obstruct any exit or interfere with any opening required for ventilation or lighting.

(6) Advertisement to be displayed on buildings shall be securely fixed thereto by means of metal anchors, bolts or expanding screws; nailing to strips of board built in masonry or concrete shall not be permitted.

(7) Advertisement placed on hoardings, independent of buildings, shall be designed according to generally accepted engineering practice to withstand live and dead loads to which they may be subjected, as well as wind pressure and to the satisfaction of the local authority.

Consent Required for the Display of Advertisements

5.—(1) No advertisement may be displayed without there being in force a consent granted by the local planning authority or by the Town and Country Planning Authority as the case may be, on an application in that behalf (referred to in these Regulations as 'express consent') or a consent which pursuant to these Regulations is deemed to have been granted.

(2) Consent shall be deemed to be granted for the display of any advertisement displayed in accordance with any provision of these Regulations whereby advertisements of that description may be displayed without express consent; and where the display of such advertisement is allowed subject to the power of the local planning authority to require the discontinuance of the display under regulation 16, the con-

sent so deemed to be granted shall be consent limited until such time as a notice served under regulation 16 takes effect.

(3) In so far as the nature of the consent permits, consent for the display of advertisements shall enure for the benefit of the land to which the consent relates and of all persons for the time being interested in that land; without prejudice however to the provisions of these Regulations as respects the revocation or modification of an express consent.

(4) Save only hereinafter excepted, it shall be a condition (whether expressly imposed or not) of every consent granted or deemed to have been granted by or under these Regulations that before any advertisement is displayed on land in pursuance of the consent the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained; except where an advertisement of the description specified in regulation 13 (1) (b) is required to be displayed notwithstanding that such permission is not obtained.

The Standard Conditions

6. Without prejudice to the power of the local planning authority to impose additional conditions upon a grant of consent under these Regulations, the standard conditions set out in the First Schedule shall, subject to the provisions of these Regulations, apply without further notice.

First
Schedule.

PART III

APPLICATIONS FOR EXPRESS CONSENT

How to Apply

7.—(1) Subject to this regulation an application to a local planning authority for consent to display advertisements shall be made on a form in accordance with the Second Schedule issued by the local planning authority and obtainable from that authority and shall include such particulars and shall be accompanied by such plans, together with such additional number of copies, of the form and plans, as may be required by the directions of the local planning authority printed on the form or as provided for in a development order relating thereto.

Second
Schedule.

(2) The application shall be lodged with the Secretary of the Parish Council of the parish in which the land is situated and in the

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Kingston and St. Andrew Corporation with the Town Clerk, or any officer authorized to act on their behalf.

(3) On receipt of the application the local planning authority shall send an acknowledgement in writing to the applicant and may by a direction addressed to him in writing require such information, in addition to that given in the application as may be requisite to enable them to determine the matter in respect of which the application is made to be given to them, or such evidence as they may reasonably call for to verify any particulars of information given to them to be produced to an officer of the authority.

(4) The Town and Country Planning Authority may restrict by direction given either generally or in any particular case or class of case the amount of particulars, plans or information which an applicant may be required to furnish under this regulation.

(5) The provisions of paragraph (1) shall be without prejudice to the acceptance by a local planning authority of an application in writing made otherwise than on the form therein referred to, in any case in which information provided is sufficient to enable the authority to determine the application.

Duty to Consult with respect to an Application

8.—(1) A local planning authority shall, before granting consent for any display of advertisements, consult with the following authorities, persons or bodies, namely—

- (a) with any neighbouring local planning authority whose area, or any part thereof, appears likely to be affected by the display of advertisements to which the application relates;
- (b) where it appears to the local planning authority that the display of advertisements to which the application relates may affect the safety of persons using any main road, railway, harbour, airfield, or other authority, statutory undertaker, body or person responsible for the operation thereof;
- (c) with such authorities, persons or bodies as the Minister may direct.

(2) The local planning authority shall give to any authority, person or body with whom they are required to consult as aforesaid, not less than fourteen days notice that an application is to be taken into

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consideration and shall, in determining the application, take into account any representation made by such authority, person or body.

Power of Local Planning Authority to Deal with Applications

9.—(1) Subject to the provisions of these Regulations, where application for consent for the display of advertisements is made to the local planning authority that authority may grant consent subject to the standard conditions specified in the First Schedule and to such additional conditions (if any) as they think fit, or may refuse consent.

First
Schedule

(2) Without prejudice to the generality of paragraph (1) and subject always to the provisions of regulation 4, conditions may be imposed on the grant of consent hereunder—

(a) for regulating the display of advertisements to which the consent relates, or the use of land by the applicant for the display of advertisements (whether or not it is land in respect of which the application was made), or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the display of advertisements authorized by the consent;

(b) for requiring the removal of any advertisement authorized by the consent or the discontinuance of any use of land so authorized, at the expiration of a specified period, and the carrying out of any works required for the reinstatement of land at the expiration of that period.

(3) Consent under this regulation may be—

(a) for the display of any particular advertisement or advertisements with or without illumination, as the application requires; or

(b) for the use of certain land for the display of advertisements in a specific manner, whether by reference to the number, siting, size or illumination of advertisements or structures intended for such display, or the design or appearance of any such structure, or otherwise.

(4) The power to grant consent for the display of advertisements under these Regulations shall include power to grant consent for the retention on land or any advertisement being displayed thereon before the date of the application or for the continuance of any use of land for the display of advertisements begun before that date; and reference

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in these Regulations to consent for the display of advertisements and to applications for such consent shall be construed accordingly.

Consent to be Limited

10.—(1) Every grant of express consent shall be for a fixed period to be determined by the local planning authority which shall not exceed five years from the date of grant of consent.

(2) Where the local planning authority grant consent for a period of less than five years they shall (unless the application required such a consent) state in writing their reasons for doing so, and the limitation in respect of time shall for the purposes of these Regulations be deemed to be a condition imposed upon the granting of consent.

(3) Provision may be made, in granting consent, for the term thereof to run from the subsequent inception of the display to which the consent relates or from a subsequent date not later than six months after the date on which the consent is granted, whichever is the earlier.

(4) At any time within a period of six months before the expiry of a consent granted under these Regulations, application may be made for the renewal thereof, and the provisions of these Regulations relating to applications for consent and to the determination thereof shall apply where application is made for such renewal.

Notification of Local Planning Authority's Decision

11.—(1) The grant or refusal by a local planning authority of consent for the display of advertisements shall be in writing and, where the authority decide to grant consent subject to conditions in addition to the standard conditions, or to refuse consent, the reasons for their decisions shall be stated in writing.

(2) The local planning authority shall, within three months from the date of receipt of the application, give notice to the applicant of their decision or, if the application has been referred to the Town and Country Planning Authority in accordance with directions given under the Act or by the Minister in accordance with a development order, shall within three months as aforesaid notify the applicant accordingly:

Provided that such period of three months may, at any time before the expiration thereof, be extended by agreement in writing made between the authority and the applicant.

Appeals to the Minister

12.—(1) Where, on application being made for consent under these Regulations, consent is refused by the local planning authority or the Town and Country Planning Authority as the case may be, or is granted by them subject to conditions or a decision on the application has not been communicated to the applicant within three months or such longer time as may be agreed in writing, the applicant may appeal to the Minister in the manner prescribed in the relevant development order:

Provided that the Minister shall not be required to entertain such an appeal if it appears to him that consent for the display of the advertisement in respect of which an application was made could not have been granted or could not have been so granted otherwise than subject to the conditions imposed having regard to the provisions of regulation 4.

(2) Any person who desires to appeal under this regulation shall give notice of appeal in writing to the Minister within one month of the receipt of the decision of the local planning authority or the Town and Country Planning Authority as the case may be or such longer period as the Minister may allow, and shall within one month from giving notice of appeal or such longer period as the Minister may allow, send to the Minister a copy of each of the following documents—

- (a) the application made to the local planning authority;
- (b) all relevant plans and particulars submitted to them;
- (c) the notice of the decision or determination if any;
- (d) all other relevant correspondence with the local planning authority or the Town and Country Planning Authority as the case may be.

(3) Where an appeal is brought under this regulation from a decision of the local planning authority or the Town and Country Planning Authority as the case may be, the Minister may allow or dismiss the appeal or may reverse or vary part of the decision of the local planning authority or the Authority, as the case may be, whether or not the appeal relates to that part and deal with the application as if it had been made to him in the first instance.

(4) Where a local planning authority serve a discontinuance notice on any person under regulation 16, the provisions of paragraphs (1) and (2) shall apply as if the person had made an application for consent for the display or the use of land for the display of

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advertisement to which a notice relates and the local planning authority had refused consent for the reasons stated in the notice, and as if the notice constituted the notification under regulation 11.

(5) On the determination of an appeal under this regulation made by virtue of paragraph (4), the Minister shall give such direction as may be necessary for giving effect to his determination including, where appropriate, direction for quashing the discontinuance notice or for varying the terms of the discontinuance notice in favour of the applicant.

(6) The decision of the Minister on an appeal under this regulation shall be final and shall otherwise have effect as if it were a decision of the local planning authority or the Town and Country Planning Authority as the case may be.

PART IV

ADVERTISEMENT THE DISPLAY OF WHICH MAY BE UNDERTAKEN
WITHOUT EXPRESS CONSENT

13.—(1) The display of advertisements of the following description may be undertaken without express consent—

- (a) any advertisement relating specifically to a pending parliamentary or local government election, not being an advertisement to which sub-paragraph (b) applies;
- (b) advertisement required to be displayed by an enactment for the time being in force or by Standing Order of either House of Parliament, including (but without prejudice to the generality hereof) advertisements the display of which is so required as a condition of the valid exercise of any power, or proper performance of any function, given or imposed by an enactment;
- (c) advertisements which are traffic signs employed wholly for the control, guidance or safety of traffic, and displayed in accordance with the Road Traffic Act or any regulations made thereunder or any enactment relating thereto.

(2) Consent deemed to be granted by virtue of these Regulations for the display of advertisements of the foregoing descriptions shall be subject to the following conditions—

- (a) Where advertisements of the description specified in paragraph (1) (b) could, apart from this regulation be displayed as

advertisements, of a specified class, they shall conform with any provision of regulation as respects size, number or height in relation to the display of advertisements of that class, and otherwise shall not exceed in those respects what may reasonably be considered necessary to achieve the purpose for which the display is required; without prejudice, however, to the express requirements in regard to size, number or height as aforesaid of any enactment or Standing Orders under which such advertisements are displayed.

- (b) An advertisement of the description specified in paragraph (1) (a) shall be removed within fourteen days after the close of the poll in the election to which the advertisement relates; and any other advertisement displayed for a temporary purpose in accordance with this regulation shall be removed as soon as may be after the expiry of the period during which such advertisement is required or authorized to be displayed, or if no such period is specified, shall be removed within a reasonable time after the purpose for which such advertisement was required or authorized to be displayed is satisfied.

Display of Advertisements by Local Planning Authorities

14.—(1) Subject to this regulation, a local planning authority may without express consent display advertisements on land in their area; but shall not display in such area any advertisement for the display of which they could not, by virtue of the provisions of these Regulations, grant express consent.

(2) Consent deemed to be granted for the display of advertisements to which this regulation relates shall be subject to service of a notice by the local planning authority under regulation 16 requiring the discontinuance of the display.

THE SPECIFIED CLASSES

15.—(1) Advertisements of the following classes may be displayed without express consent, subject to the provisions of these Regulations and to the power of the local planning authority to require the discontinuance of the display under regulation 16—

CLASS I—Functional advertisements of local authorities, statutory undertakers and public transport undertakers. Advertisements employed wholly for the purposes of announcement

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or direction in relation to any of the functions of a local authority or to the operation of a statutory undertaking or of a public transport undertaking engaged in the carriage of passengers in a manner similar to that of a statutory undertaking, being advertisements which are reasonably required to be displayed in the manner which they are displayed in order to secure the safe or efficient performance of those functions, or operation of that undertaking, and which cannot be displayed as such, or in such a manner, under the provisions of this regulation relating to advertisements of any other of the specified classes.

CLASS II—Miscellaneous advertisements relating to premises on which they are displayed

- (a) Advertisements for the purpose of identification, direction or warning with respect to the land or buildings on which they are displayed, and not exceeding 2 sq. ft. in area in the case of any such advertisement.
- (b) Advertisements relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement is displayed; limited to one advertisement not exceeding 4 sq. ft. in area, in respect of each such person, partnership or company, or, in the case of premises with entrances on different road frontages one such advertisement at each of two entrances.
- (c) Advertisements relating to any situation of a religious, educational, cultural, recreational or medical or similar character, or to any hotel, inn or public house, block or flats, club, boarding house or hostel situate on the land on which any such advertisement is displayed; limited to one advertisement, not exceeding 12 sq. ft. in area, in respect of each such premises, or, in the case of premises with entrances on different road frontages, two such advertisements displayed on different road frontages of the premises.

CLASS III—Certain advertisements of a temporary nature—

- (a) Advertisements relating to the sale or letting of the land on which they are displayed; limited in respect of each such sale or letting to one advertisement consisting of a board (whether or not attached to a building) not exceeding 12 sq

ft. in area, or of two conjoined boards, together not exceeding 24 sq. ft. in area; no such advertisement, when displayed on a building, to project further than 1 ft. from the face of the building;

- (b) Advertisements announcing a sale of goods or livestock, and displayed on the land where such goods or livestock are situated or where such sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding such sales; limited to one advertisement not exceeding 12 sq. ft. in area at each place where such advertisements may be displayed;
- (c) Advertisements relating to the carrying out of building or similar work on the land on which they are displayed, not being land which is normally used, whether at regular intervals or otherwise for the purpose of carrying out such work; limited to one advertisement (on each road frontage of the land) in respect of each separate development project, being an advertisement not exceeding, in aggregate, in the case of an advertisement referring to one person, 22 sq. ft. or, in the case of an advertisement referring to more than one person 20 sq. ft. together with an additional 4 sq. ft. in respect of each additional person referred to, and in either case, together with 0.2 or the area permitted above, for the name, if any, of the particular development project:

Provided that where such an advertisement is displayed more than 30 ft. from the boundary of the public highway there shall be substituted for the references to 22 sq. ft. references to 32 sq. ft. and for the reference to 4 sq. ft. a reference to 6 sq. ft. And provided also that any person carrying out such work may, if an advertisement displayed in accordance with the preceding provisions of this paragraph does not refer to him, display a separate advertisement which does so, not exceeding 6 sq. ft. in area, for a period not exceeding three months, on each road frontage of the land;

- (d) Advertisements announcing any local event of a religious, educational, cultural, political, social or recreational character, and advertisement relating to any temporary matter in connection with an event or local activity promoted or carried on for commercial or local activity promoted or carried on

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for commercial purposes limited to a display of advertisement occupying an area not exceeding a total of 6 sq. ft. on any premises;

- (c) Advertisements relating to any demonstration of agricultural methods or processes on the land on which they are displayed, limited in respect of each such demonstration to a display of advertisements occupying an area not exceeding a total of 12 sq. ft. no one of which exceeds 4 sq. ft. in area, the maximum period of display for any demonstration to be six months in any period of twelve months.

CLASS IV - Advertisements on business premises.

Advertisements displayed on business premises wholly with reference to all or any of the following matters: the business or other activity carried on, the goods sold or services provided, and the name and qualifications of the person carrying on such business or activity or supplying such goods or services on those premises:

Provided that--

- (a) the sum of the size of the advertisement separate or united shall not be more than fifteen percent of the area of the wall of the building facing the highway, including doors, windows or show windows corresponding to the premises of each respective use, so however that the total area of advertisement does not exceed 50 sq. ft.;
- (b) business advertisement indicating professional uses or domiciliary occupations located in a dwelling shall not exceed 3 sq. ft. in area;
- (c) an advertisement not fronting the roadway may be permitted on the building front facing the roadway but the total sum of all the advertisement should not exceed fifteen percent of the area of the wall facing the roadway or 50 sq. ft. whichever is less;
- (d) the advertisement may be displayed above or under the eaves of the building if the bottom of the advertisement is at a minimum vertical distance of 9 ft. from the ground or floor;
- (e) a business operating in the open without a building may display one advertisement the size of which should not be larger

than 50 sq. ft. and the height from the ground to its top level shall not exceed 20 ft.

CLASS V—Advertisements on the forecourts of business premises.

Advertisements displayed on any forecourt of business premises wholly with reference to all or any of the matters specified in Class IV above, limited as respects the aggregate area of the advertisements displayed under this class on any such forecourt to 48 sq. ft.:

Provided that a building with a forecourt on two or more frontages shall be treated as having a separate forecourt on each of those frontages.

CLASS VI—Flag advertisements

Any advertisement in the form of a flag which is attached to a single flag staff fixed in an upright position on the roof of a building and which bears no inscription or emblem other than the name or device of a person or persons occupying the building, shall be deemed not to constitute development requiring permission provided that the total area of flag or flags on any premises does not exceed 100 sq. ft.

(2) Consent deemed to be granted by virtue of these Regulations for the display of advertisements of the foregoing classes shall be subject to the following conditions in addition to the standard conditions—

- (a) no such advertisements, other than an advertisement of Class I, shall contain letters, figures, symbols, emblems or devices of a height exceeding 30 inches;
- (b) no such advertisement, other than an advertisement of Class I, or Class VI shall be displayed so that the highest part of the advertisement is above 15 feet from ground level;

Provided that an advertisement of Class III (a) relating to the sale or letting or part of a building above such height limit may be displayed on or below that part of the building at the lowest level above that limit at which it is reasonably practicable to display the advertisement;

- (c) no such advertisement shall be illuminated except as follows:
 - (i) advertisements of Class I, illuminated in a manner reasonably required to achieve the purpose of the advertisement;

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- (ii) advertisements of Class II or Class IV for the purpose of indicating that medical or similar services or supplies are available at the premises on which they are displayed; and illuminated in a manner reasonably required for that purpose;
- (d) save as hereinafter provided, no advertisement of Class III relating to a sale or other matter which is due to start or take place on a specified date shall be displayed earlier than twenty-eight days before that date, and every advertisement of that class shall be removed within fourteen days after the conclusion of the event or other matter to which it relates:

Provided that an advertisement of Class III relating to the carrying out on land of building or similar works may be displayed only while such works are in progress.

(3) In this regulation the following expressions have the meaning hereinafter respectively assigned to them, namely—

- (a) "business premises" means save as hereinafter provided, any building normally used for the purpose of carrying on therein any professional, commercial or industrial undertaking, or any building (other than an institution in respect of which advertisements of Class II (c) may be displayed) normally used for the purpose of providing therein services to members of the public or of any association and includes public restaurants, licensed premises and places of public entertainment; but in the case of any building normally used only partly for such purposes, means only the part of the building normally used for such purposes provided that the expression shall not include—
 - (i) any building designed for use as one or more separate dwellings unless the building was normally used immediately before the 1st of August, 1978, for the purpose of carrying on therein any such undertaking or providing therein any such services as aforesaid, or unless the building has been, or is at any time, adapted for use as business premises by the construction of a shop front or the making of a material alteration of a similar kind to the external appearance of the building;
 - (ii) any forecourt of other land forming part of the curtilage of a building,

- (iii) any fence or similar screen or structure, unless it forms part of the fabric of a building constituting business premises;
- (b) in relation to Class V "forecourt" includes any fence, wall or similar screen or structure enclosing a forecourt and not forming part of the fabric of a building constituting business premises;
- (c) in relation to the display of advertisements on any building, "ground level" means the ground-floor level of that building;
- (d) "recreational" in relation to an institution shall not apply to any institution for the carrying on of sports, games, or physical training primarily as a commercial undertaking.

(4) On the determination of an application for express consent made in respect of an advertisement of a specified class, the provisions of this regulation whereby advertisements may be displayed without express consent shall cease to apply with respect to that advertisement; and in the event of a refusal of consent or of the grant of consent subject to conditions in the nature of restrictions as to the site on which, or the manner in which the display may be undertaken without the provisions of this regulation whereby advertisements may be displayed without express consent shall not apply to the subsequent display on the same land of any advertisement in contravention of that refusal or of those conditions, by, or on behalf of, the person whose application was so refused or granted subject to conditions.

(5) The conditions and limitations in this regulation apply only to the display without express consent or advertisements of the description therein mentioned and shall not restrict the powers of a local planning authority in regard to the determination in accordance with these Regulations of any application for express consent.

*Power to Require the Discontinuance of the Display of Advertisements
Displayed with Deemed Consent*

16.—(1) Subject to these Regulations, the local planning authority, if they consider it expedient to do so in the interests of amenity or public safety, may serve a notice under this regulation (referred to in these Regulations as a "discontinuance notice") requiring the discontinuance of the display of an advertisement with consent deemed to be granted under these Regulations, other than an advertisement of a description specified in regulation 13:

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Provided that, in relation to the display in accordance with the provisions of regulation 13 of an advertisement of a specified class, the authority shall not serve a discontinuance notice unless they are satisfied that the service of such notice is required to remedy a substantial injury to the amenity of the locality or a danger to members of the public.

(2) Where the local planning authority serve a discontinuance notice, the notice—

- (a) shall be served on the advertiser and on the owner and occupier of the land on which the advertisement is displayed; and
- (b) may, if the local planning authority think fit, also be served on any other person displaying the advertisement.

(3) A discontinuance notice shall—

- (a) specify the advertisement to the display of which it relates;
- (b) specify a period within which the display is to be discontinued; and
- (c) contain a statement of the reasons why the authority consider it expedient in the interests of amenity and public safety that the display should be discontinued.

(4) Subject to paragraph (5), a discontinuance notice shall take effect at the end of such period (not being less than one month after the service thereof) as may be specified in the notice:

Provided that if an appeal is made to the Minister under section 13 of the Act the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(5) The local planning authority by a notice served on the advertiser may withdraw or vary a discontinuance notice at any time before it takes effect or may where no appeal to the Minister is pending, vary a discontinuance notice by extending the period specified therein for the taking effect of the notice.

(6) The local planning authority shall on serving on the advertiser a notice of withdrawal or variation under paragraph (5) send a copy thereof to every person who was served with the discontinuance notice.

(7) Notwithstanding the provisions of paragraph (1), but without prejudice thereto, a discontinuance notice may require the discontinu-

ance of the use of land for the display of advertisements with consent deemed to be granted under these Regulations or other advertisements of a description specified in regulation 13; and in relation to a notice served in pursuance of this paragraph there shall be substituted for reference in these Regulations to the display of advertisements references to the use of land for the display of advertisements.

17. As and from the 1st of August, 1978, advertisements being displayed or sites being used for the display of advertisements may continue to be displayed or used for a period of six months therefrom subject to the power of the local planning authority to require the discontinuance of the display under regulation 16.

18. Where for the purpose of complying with these Regulations, works are carried out by any person for the removal of advertisement being displayed on the 1st of August, 1978, or the discontinuance of the use for the display of advertisements of any site used for that purpose on that day, that person shall be entitled on a claim made in writing to the authority within thirty days to recover from the authority compensation in respect of any expense reasonably incurred by him on that behalf provided that no compensation shall be payable under this regulation with respect to the removal of any advertisement which was not being displayed in an area on the day on which the development order applicable to that area came into force.

19. Where it appears to the local planning authority that an advertisement has been displayed without the grant of permission required under these Regulations or that any conditions subject to which such permission was granted in respect of the display of the advertisement has not been complied with the local planning authority may serve a notice (hereinafter called an enforcement notice) on the advertiser and on the owner and occupier of the land on which the advertisement is displayed—

- (i) specifying the advertisement displayed without the grant of permission or matters in respect of which it is alleged that the conditions to which the grant is subject has not been complied with; and
- (ii) may require such steps as may be specified in the notice to be taken within a period not less than twenty-eight days; and

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- (iii) may require the demolition or alteration of any display of advertisement or the discontinuance of any use of land for the display of advertisement.

20. Any person aggrieved by the service of an enforcement notice on him, may at any time before the expiry of the enforcement notice, appeal against the notice to the Resident Magistrate's Court for the parish within which the land to which the notice relates is situated.

21. If within the period specified in an enforcement notice or within such extended period as the local planning authority may allow, the notice has not been complied with, the local planning authority may enter on the land and take such steps as is necessary to comply with the notice and may recover as a simple debt in the Resident Magistrate's Court of the parish in which the land is situated from the person displaying the advertisement any expenses reasonably incurred in so doing.

Penalties

22. Any person displaying an advertisement in contravention of these Regulations shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to pay a fine not exceeding \$100 or in default of payment to imprisonment at hard labour for a term not exceeding three months and if the use is continued after conviction, he shall be guilty of a further offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding \$10 for every day on which the use is so continued.

Revocation and Modification of Express Consent

23.—(1) If it appears to the local planning authority that it is expedient having regard to the provisions of these Regulations and to any other material considerations that any express consent for the display of advertisement should be revoked or modified, they may by order revoke or modify the consent to such extent as it appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submits an order to the Minister for his confirmation under this regulation, that authority shall serve notice on the person on whose application the consent was granted, on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within such period as may be specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the local planning authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The power conferred by this regulation to revoke or modify consent for the display of advertisement may be exercised—

- (a) where the consent relates to a display which involves the carrying out of building or similar operations, at any time before those operations have been completed;
- (b) where the consent relates to a display which involves no such operations as aforesaid, at any time before the display is begun:

Provided that the revocation or modification of consent for a display which involves the carrying out of a building or similar operations shall not affect so much of those operations as has been previously carried out.

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FIRST SCHEDULE

(Regulations 6 and 9)

The Standard Conditions

Conditions attaching to all consents save as otherwise provided in the Regulations.

1. All advertisements displayed and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the satisfaction of the local planning authority.

2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the satisfaction of the local planning authority.

3. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the satisfaction of the local planning authority.

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ADVERTISEMENTS) REGULATIONS, 1978**

SECOND SCHEDULE

(Regulation 7)

THE TOWN AND COUNTRY PLANNING ACT

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REGULATIONS, 1978

Application for Consent to Display an Advertisement

For office use only
Ref.

Date Received

Three completed copies of this form and the drawings specified overleaf (see note 1) should be sent to the local planning authority in which the site is situated.

<p>1. APPLICANT (Block capitals please)</p> <p>Full Name</p> <p>Address</p> <p>Tel. No.</p>	<p>2. AGENT (if any) (Block capitals please)</p> <p>Full Name</p> <p>Address</p> <p>Tel No.</p>
<p>3. Full postal address or location of the land on which the advertisement is to be displayed.</p>	<p>4. State the purpose for which the land or building is now used.</p>
<p>5. (a) Has the applicant an interest in the land? Yes/No</p> <p>(b) If not, has the permission of the owner or any other person entitled to give permission for the display of the advertisement been obtained (see note 2). Yes/No</p>	<p>6. State the nature of the advertisement (e.g. hoarding, shop sign, projecting sign, etc.)</p>
<p>7. (a) Will the advertisement be illuminated? Yes/No</p> <p>(b) If so, state the type of illumination (e.g. internally, externally, floodlighting, etc.)</p> <p>(c) Will the illumination be static or intermittent?</p> <p>(d) If illuminated state intensity in foot/lambents</p> <p>(e) State colour or colours of illumination.</p>	<p>8. Period for which consent is sought.</p> <hr/> <p>9. Any additional information which the applicant may wish to supply.</p>

Signed.....

Date.....

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SECOND SCHEDULE, *contd.*

NOTES

Drawings Required

1. The drawing can be in black and white on paper. It should show the size of the advertisement and its position on the land or the building and relationship to adjoining properties and show all existing signs. In the case of a sign it should also give the materials to be used, fixings, colours, height above the ground and, where it would project from a building, the amount of the projection. The drawing should include the site location plan which need not be to scale but should have sufficient detail to enable the site to be identified.

Owner's Consent

2. It is a condition of every consent granted by or under the Regulations that before the advertisement to which the consent relates is displayed, the permission of the owner of the land or other person entitled to grant permission shall be obtained.

Other Consents

3. Consent under the Town and Country Planning (Control of Advertisements) Regulations, 1978 does not relieve the applicant from obtaining any other consents which may be necessary, e.g. under the Kingston and St. Andrew Corporation Building Act and Regulations made thereunder.