
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART VII

LAWFUL AND UNLAWFUL INTERFERENCE WITH ROADS

Other interference with roads

Advertisements, pictures, signs, etc.

87.—(1) Any person who, without lawful authority—

- (a) paints or otherwise inscribes or affixes any picture, letter, sign or mark; or
- (b) displays any advertisement,

upon the surface of a road or upon any tree, structure or other works in or on a road, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) Where any person contravenes paragraph (1), the Department may (whether or not any proceedings are instituted for an offence under that paragraph)—

- (a) remove anything painted, inscribed, affixed or displayed in contravention of paragraph (1) and make good any damage done to the road or to the tree, structure or other works in question; and
- (b) recover from that person any expenses thereby reasonably incurred.

(3) The Department may serve on the owner of any structure or other works in or on a road a notice requiring him, within 21 days of the service of the notice, to remove anything painted, inscribed, affixed or displayed on the structure or other works in contravention of paragraph (1).

(4) Where a person on whom a notice is served under paragraph (3) fails to comply with that notice within the period specified in that paragraph, the Department may—

- (a) do anything which that person has failed to do; and
- (b) recover from that person any expenses thereby reasonably incurred by it.

(5) Paragraph (1) does not apply to an advertisement relating specifically to a pending parliamentary election or to a pending election to the Assembly or a district council.

(6) Where an advertisement mentioned in paragraph (5) is displayed upon the surface of a road or upon a tree, structure or other works in or on a road in contravention of regulations under Article 67 of the Planning Order, the Department may serve a notice on the person who displayed the advertisement requiring him to remove the advertisement within 21 days of the service of the notice.

(7) Where any person on whom a notice is served under paragraph (6) fails to comply with that notice within the period specified in that paragraph, the Department may—

- (a) do anything which that person has failed to do; and
- (b) recover from that person any expenses thereby reasonably incurred by it.

(8) Paragraphs (3) and (4) apply to any advertisement mentioned in paragraph (5) which is displayed in contravention of regulations under Article 67 of the Planning Order as they apply in relation to anything displayed in contravention of paragraph (1).

(9) For the purposes of this Article a person displays an advertisement if—

(a) he undertakes or maintains, whether by himself or by a servant or agent, the display of the advertisement; or

(b) his goods, trade, business or other concerns are given publicity by the advertisement,

but a person shall not be guilty of an offence under paragraph (1) by reason only that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

(10) In this Article—

“advertisement” has the same meaning as in Article 2(2) of the Planning Order;

“remove” includes obliterate;

“road” includes any retaining wall or flank wall belonging to a road.

(11) Section 1(1)(c) of the Printed Documents Act (Northern Ireland) 1970(1) shall, in its application to an advertisement printed by any person, have effect as if the reference to a member of the Royal Ulster Constabulary included a reference to the Department acting in pursuance of its functions under this Article.