



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 4

#### GRAFFITI AND OTHER DEFACEMENT

##### *Advertisements*

#### **34 Removal of placards and posters**

- (1) Section 225 of the Town and Country Planning Act 1990 (power to remove or obliterate placards and posters) is amended as follows.
- (2) In subsection (3)(b) after “notice” insert “and recover from him the costs they may reasonably incur in doing so”.
- (3) After subsection (5) insert—
  - “(6) Where—
    - (a) a local planning authority serve a notice on a person under subsection (3) in relation to a placard or poster, and
    - (b) the person fails to remove or obliterate it within the period specified in the notice,the authority may recover from that person the costs they may reasonably incur in exercising their power under subsection (1).”
- (4) After subsection (6) (as inserted by subsection (3) above) insert—
  - “(7) This subsection applies in relation to a placard or poster where—
    - (a) the placard or poster does not identify the person who displayed it or caused it to be displayed, or
    - (b) it does do so, but subsection (3) does not apply by reason of subsection (4), and

the placard or poster publicises the goods, services or concerns of an identifiable person.

(8) Where subsection (7) applies, subsections (3) to (6) have effect as if the reference in subsection (3) to the person who displayed the placard or poster or caused it to be displayed were a reference to the person whose goods, services or concerns are publicised.”

(5) After subsection (8) (as inserted by subsection (4) above) insert—

“(9) Where any damage is caused to land or chattels in the exercise of the power under subsection (1) in relation to a placard or poster, compensation may be recovered by any person suffering the damage from the local planning authority exercising the power.

(10) Subsection (9) does not permit the recovery of compensation by the person who displayed the placard or poster or caused it to be displayed.

(11) The provisions of section 118 apply in relation to compensation under subsection (9) as they apply in relation to compensation under Part 4.”

(6) In section 324 of that Act (rights of entry), omit subsection (3)(a).