

STATUTORY INSTRUMENTS

1984 No. 467

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

PROSPECTIVE

PART I

CITATION, COMMENCEMENT, INTERPRETATION AND APPLICATION

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and shall come into operation on 2nd May 1984.

Commencement Information

II Reg. 1 in force at 2.5.1984, see [reg. 1](#)

Interpretation

2.—(1) In these regulations unless the context otherwise requires—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“advertisement” means any word, letter, model, sign, placard, board, notice, device, or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction (excluding any such thing employed wholly as a memorial or as a railway signal), and includes any hoarding or similar structure or any balloon used, or adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“area of special control” means an area defined by an order made under regulation 8 as an area of special control in respect of the display of advertisements;

“balloon” means a tethered balloon or similar object;

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

“business premises” means any building or part of a building (but not the forecourt or other land forming part of the curtilage of the building) normally used for the carrying on of any professional, commercial or industrial undertaking, or for the provision by any organisation of services for payment, and includes public restaurants, licenced premises and places of public entertainment, but in the case of any building used principally for residential purposes includes only that part of the building normally used for the carrying on of such undertaking or the provision of any such services;

Status: This version of this part contains provisions that are prospective.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“conservation area” means an area designated under section 262 of the Act⁽¹⁾;

“discontinuance notice” means a notice served in accordance with regulation 14;

“enclosed land” means land which is wholly or for the most part enclosed with any hedge, fence, wall or similar screen or structure, and shall be deemed to include any railway station together with its yards and forecourt whether enclosed or not, but shall not include any public park, public garden or other land held for the use or enjoyment of the public, or any railway line;

“enforcement notice” means a notice served in accordance with regulation 24;

“forecourt” for the purposes of Class IV of Schedule 4 includes any fence, wall or a similar screen or structure enclosing a forecourt and not forming part of the fabric of a building constituting business premises;

“ground level” means, in relation to the display of advertisements on any building, the ground floor level of that building;

“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 date on which these regulations come into operation;

“recreational” in relation to an institution shall not apply to any institution for the carrying on of sport, games or physical training primarily as a commercial undertaking;

“site” in relation to an advertisement, means any land, or any building, other than an advertisement as herein defined, on which an advertisement is displayed;

“specified classes” means the classes of advertisement specified in Schedule 4;

“standard conditions” means the standard conditions set out in Schedule 1;

“statutory undertakers” and “statutory undertaking” have the same meaning as in section 275 of the Act but in relation to the display of advertisements of Class I specified in Schedule 4 shall be deemed to include any undertaking carried out by the National Coal Board for the winning or supply of coal or any undertaking carried on by the British Airports Authority, the Civil Aviation Authority, the Post Office or British Telecommunications for the purposes of their respective functions;

and other expressions have the same meaning for the purpose of these regulations as they have for the purpose of the Act or, as the case may be, for the purpose of Part IX (Planning Functions) of the Local Government (Scotland) Act 1973⁽²⁾.

(2) Reference in these regulations to the person displaying an advertisement shall be construed as reference to the person who himself, or by his servant or agent, undertakes or maintains the display of such advertisement, and, unless the context otherwise requires, shall be deemed to include—

- (a) the owner, lessee 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) Subject to the provisions of regulation 3(3) and (4), reference in these regulations to the land, the building, the site or premises on which the advertisement is displayed shall be construed in the case of an advertisement which is displayed on, or which consists of, a balloon, as reference to the land, the building, the site or other premises (as the case may be) to which the balloon is attached.

(1) Section 262 was substituted by the [Town and Country Amenities Act 1974 \(c. 32\)](#), section 2(1) and amended by the [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), Schedule 4.

(2) [1973 c. 65](#).

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(4) A regulation or Schedule referred to only by number in these regulations means the regulation or Schedule so numbered in these regulations.

Commencement Information

I2 Reg. 2 in force at 2.5.1984, see [reg. 1](#)

Application

3.—(1) Subject to the provisions of paragraphs (3) and (4) of this regulation, these regulations shall apply to the display on sites in Scotland of all advertisements, except any advertisement—

(a) displayed within a building, other than an advertisement of a description specified in paragraph (2);

(b) displayed on or in a vehicle normally employed as a moving vehicle on any road or railway or displayed on or in a vessel normally employed as a moving vessel on any inland waterway:

Provided that this exception shall not apply to advertisements displayed on any such vehicle or vessel during any period when it is being used primarily for the display of advertisements;

(c) incorporated in, and forming part of the fabric of, a building, other than a building used principally for the display of advertisements or a hoarding or similar structure:

Provided that 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;

(d) displayed on enclosed land, and not readily visible from the land outside that enclosure or from any part of such enclosure over which there is a public right of way or to which there is a public right of access;

(e) displayed on, or which consists of, a balloon flown at a height of more than 60 metres above ground level;

(f) 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, gas or liquid is sold, being an advertisement wholly with reference to the article, gas or liquid for sale, which is not an illuminated advertisement and does not exceed 0.1 square metre in area.

(2) The display of an advertisement within a building so as to be visible from outside that building shall be subject to these regulations if the advertisement is—

(a) an illuminated advertisement; or

(b) an advertisement displayed within any building used principally for the display of advertisements; or

(c) an advertisement any part of which is within a distance of one metre from any external door, window, or other opening through which the advertisement is visible from outside the building.

(3) These regulations shall not apply to the display of an advertisement on, or which consists of, a balloon on a site (as defined in paragraph (4) of this regulation) which is not within an area of special control, a conservation area, or such other area as the Secretary of State may from time to time by direction designate for the purpose of conserving the natural beauty and amenity of the countryside, so long as the following conditions are complied with:—

(a) not more than one such advertisement shall be displayed at any one time on the site; and

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- (b) the site shall not be used for the display of such advertisements on more than 10 days in total in any one calendar year (taking into account all occasions on which such an advertisement is displayed on any part of the site by any person for any purpose).
- (4) For the purposes of paragraph (3) of this regulation, “site” means—
 - (a) in a case where the advertisement is being displayed by a person (other than the occupier of the land) who is using or proposing to use the land, building or other premises to which the balloon is attached for a particular activity (other than the display of advertisements) for a temporary period only, the whole of the land, building or other premises used or to be used by that person for the carrying on of that activity; or
 - (b) in any other case, the land, building or other premises to which the balloon is attached and all land, buildings or other premises normally occupied together therewith.

Commencement Information

I3 Reg. 3 in force at 2.5.1984, see [reg. 1](#)

Status:

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Changes and effects yet to be applied to :

- Regulations applied by [2020 asp 2 sch. 3 para. 29](#)
- Regulations applied by [1997 c. 61 Sch. 3 para. 3\(1\)](#)
- Regulations applied by [2011 c. 1 Sch. 1 para. 18\(2\)](#)
- Regulations applied by [S.I. 2002/2779 art. 86](#)
- Regulations applied by [S.I. 2010/2999 art. 89](#)
- Regulations applied by [S.I. 2016/219 Sch. 3 para. 110](#)
- Regulations applied in part (with modifications) by [S.S.I. 2006/270 art. 6](#)
- Regulations extended by [S.I. 1999/787 art. 90](#)
- Regulations modified by [2013 asp 14 Sch. 4 para. 28](#)
- Regulations modified by [S.S.I. 2015/425 art. 85](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 4 Class 3 words added by [S.S.I. 2003/503 Sch. Pt. 2 para. 17\(3\)\(a\)](#)
- Sch. 4 Class 3 words added by [S.S.I. 2003/503 Sch. Pt. 2 para. 17\(3\)\(b\)](#)
- Sch. 4 Class 3 words added by [S.S.I. 2003/503 Sch. Pt. 2 para. 17\(3\)\(c\)](#)
- Sch. 4 words inserted by [S.S.I. 2014/249 reg. 2\(2\)\(a\)](#)
- Sch. 4 words inserted by [S.S.I. 2014/249 reg. 2\(2\)\(b\)](#)
- Sch. 4 words inserted by [S.S.I. 2014/249 reg. 2\(2\)\(c\)](#)
- Sch. 4 words inserted by [S.S.I. 2014/249 reg. 2\(2\)\(d\)](#)
- reg. 2 amended by
- reg. 2 amended by
- reg.2(1) (defn of advertisement) substituted by [S.I. 1992/1763 reg.2](#)
- reg. 2(1) words inserted by [S.S.I. 2004/332 Sch. 3 para. 1](#)
- reg. 2(1) words substituted by [S.I. 1996/252 Sch.](#)
- reg. 2A inserted by [S.S.I. 2004/332 Sch. 3 para. 2](#)
- reg 6 am by [S.S.I. 2006/95 art 2](#)
- reg. 6 words added by [S.S.I. 2003/503 Sch. Pt. 2 para. 17\(2\)](#)
- reg 12 am by [S.S.I. 2006/95 art 2](#)
- reg. 12(1)(c) words substituted by [S.I. 2013/602 Sch. 2 para. 67\(1\)](#)
- reg. 14(5) words omitted by [S.S.I. 2013/154 reg. 2\(2\)](#)
- reg. 20(2A) inserted by [S.S.I. 2004/332 Sch. 3 para. 3](#)
- reg. 20(3) omitted by [S.S.I. 2013/154 reg. 2\(3\)](#)
- reg. 21(1)(1A) substituted for reg. 21(1) by [S.S.I. 2013/154 reg. 2\(4\)\(a\)](#)
- reg. 21(2) words inserted by [S.S.I. 2013/154 reg. 2\(4\)\(b\)](#)
- reg. 21(3)-(7) omitted by [S.S.I. 2013/154 reg. 2\(4\)\(c\)](#)
- reg. 21(9) omitted by [S.S.I. 2013/154 reg. 2\(4\)\(c\)](#)
- reg. 24(4) words inserted by [S.S.I. 2013/154 reg. 2\(5\)](#)
- reg. 25 substituted by [S.S.I. 2013/154 reg. 2\(6\)](#)
- reg. 26A inserted by [S.S.I. 2014/139 reg. 2\(2\)](#)

– [reg. 32A inserted by S.S.I. 2004/332 Sch. 3 para. 4](#)