



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VIII

SPECIAL CONTROLS

CHAPTER III

ADVERTISEMENTS

Advertisement regulations

220 Regulations controlling display of advertisements.

- (1) Regulations under this Act shall make provision for restricting or regulating the display of advertisements so far as appears to the Secretary of State to be expedient in the interests of amenity or public safety.
- (2) Without prejudice to the generality of subsection (1), any such regulations may provide—
 - (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed and the manner in which they are to be affixed to the land;
 - (b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;
 - (c) for applying, in relation to any such consent and to applications for such consent, any of the provisions mentioned in subsection (3), subject to such adaptations and modifications as may be specified in the regulations;
 - (d) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.
- (3) The provisions referred to in subsection (2)(c) are—

Status: Point in time view as at 25/11/1991.

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- (a) the provisions of Part III relating to planning permission and to applications for planning permission, except sections 56, 62, 65 to 68, 69(3) and (4), 71, ^{F1} . . . , 91 to 96, 100 and 101 and Schedule 8;
 - (b) sections 137 to 141, 143 and 144 (except so far as they relate to purchase notices served in consequence of such orders as are mentioned in section 137(1)(b) or (c));
 - (c) section 316.
- (4) Without prejudice to the generality of the powers conferred by this section, regulations made for the purposes of this section may provide that any appeal from the decision of the local planning authority, on an application for their consent under the regulations, shall be to an independent tribunal constituted in accordance with the regulations, instead of being an appeal to the Secretary of State.
- (5) If any tribunal is so constituted, the Secretary of State may pay to the chairman and members of the tribunal such remuneration, whether by way of salaries or by way of fees, and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as he may with the consent of the Treasury determine.

Textual Amendments

- F1** Words in s. 220(3)(a) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(4), 84(6), Sch. 6 para. 21, **Sch. 19Pt. II** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

221 Power to make different advertisement regulations for different areas.

- (1) Regulations made for the purposes of section 220 may make different provision with respect to different areas, and in particular may make special provision—
- (a) with respect to conservation areas;
 - (b) with respect to areas defined for the purposes of the regulations as experimental areas, and
 - (c) with respect to areas defined for the purposes of the regulations as areas of special control.
- (2) An area may be defined as an experimental area for a prescribed period for the purpose of assessing the effect on amenity or public safety of advertisements of a prescribed description.
- (3) An area may be defined as an area of special control if it is—
- (a) a rural area, or
 - (b) an area which appears to the Secretary of State to require special protection on grounds of amenity.
- (4) Without prejudice to the generality of subsection (1), the regulations may prohibit the display in an area of special control of all advertisements except advertisements of such classes (if any) as may be prescribed.
- (5) Areas of special control for the purposes of regulations under this section may be defined by means of orders made or approved by the Secretary of State in accordance with the provisions of the regulations.

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- (6) Where the Secretary of State is authorised by the regulations to make or approve any such order as is mentioned in subsection (5), the regulations shall provide—
- (a) for the publication of notice of the proposed order in such manner as may be prescribed,
 - (b) for the consideration of objections duly made to it, and
 - (c) for the holding of such inquiries or other hearings as may be prescribed, before the order is made or approved.
- (7) Subject to subsection (8), regulations made under section 220 may be made so as to apply—
- (a) to advertisements which are being displayed on the date on which the regulations come into force, or
 - (b) to the use for the display of the advertisements of any site which was being used for that purpose on that date.
- (8) Any regulations made in accordance with subsection (7) shall provide for exempting from them—
- (a) the continued display of any such advertisements as there mentioned; and
 - (b) the continued use for the display of advertisements of any such site as there mentioned,
- during such period as may be prescribed.
- (9) Different periods may be prescribed under subsection (8) for the purposes of different provisions of the regulations.

Modifications etc. (not altering text)

C1 S. 221: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

222 Planning permission not needed for advertisements complying with regulations.

Where the display of advertisements in accordance with regulations made under section 220 involves development of land—

- (a) planning permission for that development shall be deemed to be granted by virtue of this section, and
- (b) no application shall be necessary for that development under Part III.

Modifications etc. (not altering text)

C2 S. 222: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

Repayment of expense of removing prohibited advertisements

223 Repayment of expense of removing prohibited advertisements.

- (1) Where, for the purpose of complying with any regulations made under section 220, works are carried out by any person—

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- (a) for removing an advertisement which was being displayed on 1st August 1948; or
 - (b) for discontinuing the use for the display of advertisements of a site used for that purpose on that date,
- that person shall, on a claim made to the local planning authority within such time and in such manner as may be prescribed, be entitled to recover from that authority compensation in respect of any expenses reasonably incurred by him in carrying out those works.
- (2) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal.
- (3) In relation to the determination of any such question, the provisions of sections 2 and 4 of the ^{M1}Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Marginal Citations

M1 1961 c.33.

Enforcement of control over advertisements

224 Enforcement of control as to advertisements.

- (1) Regulations under section 220 may make provision for enabling the local planning authority to require—
- (a) the removal of any advertisement which is displayed in contravention of the regulations, or
 - (b) the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations.
- (2) For that purpose the regulations may apply any of the provisions of Part VII with respect to enforcement notices or the provisions of section 186, subject to such adaptations and modifications as may be specified in the regulations.
- (3) Without prejudice to any provisions included in such regulations by virtue of subsection (1) or (2), if any person displays an advertisement in contravention of the regulations he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed, not exceeding level 3 on the standard scale and, in the case of a continuing offence, £40 for each day during which the offence continues after conviction.
- (4) Without prejudice to the generality of subsection (3), a person shall be deemed to display an advertisement for the purposes of that subsection if—
- (a) he is the owner or occupier of the land on which the advertisement is displayed; or
 - (b) the advertisement gives publicity to his goods, trade, business or other concerns.
- (5) A person shall not be guilty of an offence under subsection (3) by reason only—

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- (a) of his being the owner or occupier of the land on which an advertisement is displayed, or
 - (b) of his goods, trade, business or other concerns being given publicity by the advertisement,
- if he proves that it was displayed without his knowledge or consent.

225 Power to remove or obliterate placards and posters.

- (1) Subject to subsections (2) and (3), the local planning authority may remove or obliterate any placard or poster—
- (a) which is displayed in their area; and
 - (b) which in their opinion is so displayed in contravention of regulations made under section 220.
- (2) Subsection (1) does not authorise the removal or obliteration of a placard or poster displayed within a building to which there is no public right of access.
- (3) Subject to subsection (4), where a placard or poster identifies the person who displayed it or caused it to be displayed, the local planning authority shall not exercise any power conferred by subsection (1) unless they have first given him notice in writing—
- (a) that in their opinion it is displayed in contravention of regulations made under section 220; and
 - (b) that they intend to remove or obliterate it on the expiry of a period specified in the notice.
- (4) Subsection (3) does not apply if—
- (a) the placard or poster does not give his address, and
 - (b) the authority do not know it and are unable to ascertain it after reasonable inquiry.
- (5) The period specified in a notice under subsection (3) must be not less than two days from the date of service of the notice.

Modifications etc. (not altering text)

- C3** S. 225: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3
S. 225 modified (8.1.1996) by 1995 c. x, s. 10

Status:

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