
STATUTORY INSTRUMENTS

1969 No. 1532

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning (Control of Advertisements)
Regulations 1969**

<i>Made - - - -</i>	<i>29th October 1969</i>
<i>Laid before Parliament</i>	<i>7th November 1969</i>
<i>Coming into Operation</i>	<i>1st January 1970</i>

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The Minister of Housing and Local Government in exercise of his powers under sections 34, 126 and 217 of the Town and Country Planning Act 1962(a), and section 63 of that Act as amended by section 101 and Schedule 8 to the Town and Country Planning Act 1968(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

CITATION, COMMENCEMENT, INTERPRETATION, APPLICATION AND REVOCATION

Citation and Commencement

1. These regulations may be cited as the Town and Country Planning (Control of Advertisements) Regulations 1969, and shall come into operation on 1st January 1970.

(a) 1962 c. 38.

(b) 1968 c. 72.

Interpretation

2.—(1) In these regulations—

“the Act” means the Town and Country Planning Act 1962;

“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 (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

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

“area of special control” means an area defined under regulation 26 as an area of special control in respect of the display of advertisements;

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

“business premises” has the meaning assigned to it by regulation 14(3);

“the Common Council” means the Common Council of the City of London;

“enactment” includes an enactment in any local or private Act of Parliament and an order, rule, regulation, byelaw or scheme made under an Act of Parliament;

“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;

“land” includes buildings, and land covered with water;

“local authority” means the council of a county, county borough or county district, the Common Council, the Greater London Council, the council of a London borough and any other authority (except the Receiver for the Metropolitan Police District) who are a local authority within the meaning of the Local Loans Act 1875(a), and includes any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid;

“local planning authority” means, for each county or county borough, the council of that county or county borough, for each London borough, the council of that London borough, for the City of London, the Common Council, and for any united district established by the Minister under section 2 of the Act, means the joint planning board constituted for that district, and references to the local planning authority in these regulations shall, in relation to the exercise of any functions delegated by the local planning authority in accordance with regulations made under section 3 of the Act, be construed as references to the authority to whom those functions are for the time being delegated;

“the Minister”, as respects Wales and Monmouthshire, means the Secretary of State, and otherwise means the Minister of Housing and Local Government;

“owner” in relation to any land, has the meaning assigned to it by section 221(1) of the Act;

(a) 1875 c. 83.

“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 advertisements specified in regulation 14(1);

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

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “statutory undertaking” shall be construed accordingly, and, in relation to the display of advertisements of descriptions specified in Class I in regulation 14(1), shall be deemed to include any undertaking carried on by the National Coal Board for the winning or supply of coal, and any undertaking carried on by the British Airports Authority or by the Post Office for the purposes of their respective functions.

(2) Reference in these regulations to the person displaying an advertisement shall be construed as reference to the advertiser, and 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) A regulation or schedule referred to only by number in these regulations means the regulation or schedule so numbered in these regulations.

(4) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Application

3.—(1) These regulations shall apply to the display on land in England and Wales of all advertisements, except any advertisement—

(a) displayed on enclosed land, and not readily 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 an advertisement of a description specified in regulation 12;

(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 0.1 square metre in area;

(2) For the purposes of this regulation—

(a) “article” includes a gas or liquid;

(a) 1889 c. 63.

- (b) the expression "enclosed land" means land which is 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 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 use 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 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.

Revocation

4. The Town and Country Planning (Control of Advertisements) Regulations 1960(a) and the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1965(b) are hereby revoked; without prejudice however to the validity of anything done thereunder before the date of the coming into operation of these regulations: and any order, claim or application made, consent granted, direction given or notice served before the said date, shall, if in force immediately before that date, continue in force and have effect as if made, granted, given or served, under the corresponding provision of these regulations or, if there is no corresponding provision, shall continue in force and have effect as if these regulations had not been made and as if the regulations hereby revoked had not been revoked.

PART II

GENERAL PROVISIONS

Control of advertisements to be exercised in the interests of amenity and public safety

5.—(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 interests 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 or similar interest; and when assessing the general characteristics of a locality the authority may disregard any advertisements therein being displayed;

(b) shall, in the interests 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

(a) S.I. 1960/695 (1960 III, p. 3253). (b) S.I. 1965/555 (1965 I, p. 1722).

of advertisements; and shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic 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) Save as hereinafter provided, and subject to the provisions of these regulations, express consent for the display of advertisements shall not contain any limitation or restriction relating to any particular subject matter or class of subject matter or to the content or design of any subject matter to be displayed, but shall take effect as consent to the use of a site for the purpose of displaying advertisements in the manner authorised by the consent whether by the erection of structures on the site or otherwise as the case may be:

Provided that where an application for consent relates to the display of a particular advertisement the local planning authority may have regard to the effect on amenity and public safety of the display of such advertisement.

Consent required for the display of advertisements

6.—(1) No advertisement may be displayed without consent granted by the local planning authority or by the Minister on an application in that behalf (referred to in these regulations as “express consent”), or deemed to be granted under paragraph (2) below.

(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 advertisements is allowed subject to the power of the local planning authority to require the discontinuance of the display under regulation 16, the consent so deemed to be granted shall be consent limited until such time as a notice served under regulation 16 takes effect; without prejudice however to the provisions of regulation 27 as respects the removal of advertisements which are being displayed in an area of special control.

(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 as hereinafter excepted, it shall be a condition (whether expressly imposed or not) of every consent 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 9(1)(b) is required to be displayed notwithstanding that such permission is not obtained.

The standard conditions

7. 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 Schedule 1 shall, subject to the provisions of these regulations, apply without further notice—

- (a) in the case of the conditions set out in Part I of that schedule, to the display of all advertisements; and
- (b) in the case of the condition set out in Part II of that schedule, only to advertisements being displayed with consent deemed to be granted by these regulations, or granted under regulation 23.

Contravention of regulations

8.—(1) A person displaying an advertisement in contravention of these regulations shall be liable on summary conviction of an offence under section 63(2) of the Act to a fine of one hundred pounds and, in the case of a continuing offence, five pounds for each day during which the offence continues after conviction.

(2) Failure to observe any condition relating to the maintenance of an advertisement or of the site used for the display thereof, or to the satisfactory removal of an advertisement, shall not be a contravention of these regulations for the purposes of section 63(2) of the Act in so far as concerns any person who is only deemed by virtue of section 63(3) of the Act to display the advertisement, unless such person has failed to comply with a notice served on him by the local planning authority under this paragraph requiring him to comply with the condition within such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

PART III

ADVERTISEMENTS THE DISPLAY OF WHICH MAY BE UNDERTAKEN WITHOUT EXPRESS CONSENT

Election notices, statutory advertisements and traffic signs

9.—(1) The display of advertisements of the following descriptions 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 subparagraph (b) of this paragraph applies;
- (b) advertisements required to be displayed by an enactment for the time being in force, or by Standing Orders 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 other 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 by a local highway traffic or police authority in accordance with regulations and general directions made by the Minister of Transport and Secretary of State acting jointly, or in accordance with an authorisation and any relevant directions given by either of them.

(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 in addition to the standard conditions:—

- (a) Where advertisements of the description specified in paragraph 1(b)

above could, apart from this regulation be displayed as advertisements of a specified class, they shall conform with any provision of regulation 14 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) above 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 authorised 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 authorised to be displayed is satisfied.

(3) With respect to the display of advertisements of the description specified in paragraph 1(a) above standard condition 1 shall not apply.

Display of advertisements by local planning authorities

10.—(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 an area of special control any advertisement for the display of which they could not, by virtue of the provisions of regulation 27, 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 Minister, under regulation 16, requiring the discontinuance of the display.

Advertisements displayed on 1st August 1948

11.—(1) Advertisements displayed on 1st August 1948 may continue to be displayed without express consent, subject to the power of the local planning authority to require the discontinuance of the display under regulation 16.

(2) Nothing in this regulation shall restrict the exercise by a local planning authority of any power hereinafter conferred on them to decide an application voluntarily made to them or to take action in respect of any contravention of these regulations.

(3) Reference in this regulation to the display of advertisements shall be construed as reference also to the use of a site for the display of advertisements.

Provided that consent deemed in consequence to be granted for the continued use for the purpose of displaying advertisements of any site which was being used for that purpose on 1st August 1948 shall be subject to the following conditions and limitations—

(a) there shall be no substantial increase in the extent, or substantial alteration in the manner, of the use of the site for that purpose on that date;

(b) where a building or structure on which advertisements were being displayed on that date is required under any enactment to be removed, consent under this regulation shall not extend to the erection of any

building or structure on which to continue the display of such advertisements without substantial alteration in the manner of the display.

Control of advertisements displayed within buildings

12.—(1) Without prejudice to the provisions of regulation 3, the display of an advertisement within a building so as to be visible from outside that building shall, 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,

be subject to these regulations.

(2) Any advertisement the display of which is made subject to these regulations by paragraph (1) above, may be displayed without express consent, subject, except where the advertisement is of a description specified in regulation 9, to the power of the local planning authority to require the discontinuance of the display under regulation 16.

(3) For the purpose of the exercise of any of the powers conferred by the provisions of these regulations, the display of any advertisement made subject to these regulations by paragraph (1) above shall be treated as if it were the display in accordance with the provisions of regulation 14 of an advertisement of a specified class.

Display of advertisements after the expiration of express consent

13.—(1) Except where the local planning authority when granting express consent impose a condition to the contrary, or where the renewal of consent is applied for and is refused, advertisements displayed with express consent granted under these regulations may on the expiration of the consent continue to be displayed without express consent, subject to the power of the local planning authority to require the discontinuance of the display under regulation 16.

(2) Consent deemed by virtue of regulation 6(2) to be granted in respect of the continuance of such display shall be subject to the like conditions as those to which the immediately preceding express consent was subject, and, unless previously brought to an end under these regulations, shall expire when the site ceases to be used for such display.

The specified classes

14.—(1) Advertisements of the following classes may be displayed without express consent, subject to the provisions of this regulation 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 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 in 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 0.2 square metre 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 0.3 square metre 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 such entrances.
- (c) Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, or to any hotel, inn or public house, block of flats, club, boarding house or hostel situate on the land on which any such advertisement is displayed; limited to one advertisement, not exceeding 1.2 square metres 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 2 square metres in area, or of two conjoined boards, together not exceeding 2.3 square metres in area; no such advertisement, when displayed on a building, to project further than one metre 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 1.2 square metres 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, 2 square metres, or, in the case of an advertisement referring to more than one person, 2 square metres together with an additional 0.4 square metre in respect of each additional person referred to, and, in either case, together with 0.2 of the area permitted above for the name, if any, of the particular development project:

Provided that where such an advertisement is displayed more than

10 metres from a highway, there shall be substituted for the references to 2 square metres references to 3 square metres, and for the reference to 0.4 square metre a reference to 1.6 square metres;

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 0.5 square metre 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 advertisements relating to any temporary matter in connection with an event or local activity of such a character, not in either case being an event or local activity promoted or carried on for commercial purposes; limited to a display of advertisements occupying an area not exceeding a total of 0.6 square metre on any premises.

(e) 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 1.2 square metres, no one of which exceeds 0.4 square metre 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) no such advertisement may be displayed on the wall of a shop, unless the wall contains a shop window;

(b) no such advertisement may be displayed so that the highest part of the advertisement is above the level of the bottom of any first-floor window in the wall on which it is displayed;

(c) the space which may be occupied by such advertisements on any external face of a building in an area of special control shall not exceed 0.1 of the overall area of that face up to a height of 3.6 metres from ground level; and the area occupied by any such advertisement shall, notwithstanding that it is displayed in some other manner, be computed as if the advertisement as a whole were displayed flat against the face of the building.

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 4.5 square metres:

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.

(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 0.75 metre or, in an area of special control, 0.31 metre until 31st December 1972, and thereafter, save as respects advertisements first displayed on or before that date, 0.3 metre;

(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 4.6 metres from ground level, or, in an area of special control, above 3.6 metres from ground level:

Provided that an advertisement of Class III(a) relating to the sale or letting of 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;

(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 1st September 1949 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 or other land forming part of the curtilage of a building;
- (iii) any fence, wall 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 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, or both, the provisions of this regulation whereby the display of advertisements may be undertaken 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 of 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 exclude application of regulation 14

15.—(1) If the Minister is satisfied, whether upon representations made to him by the local planning authority or otherwise, that the display of advertisements of a class or description specified in regulation 14 should not be undertaken in any particular area or in any particular case without express consent, he may direct that the provisions of that regulation shall not apply to the display of such advertisements in that area or in that case.

(2) Notice of any direction given by the Minister under this regulation with respect to an area shall be published by the local planning authority in at least one newspaper circulating in the locality in which the area is situate, and, unless the Minister otherwise directs, on the same or a subsequent date in the London Gazette; and such notice shall contain a concise statement of the effect of the direction and name a place or places in that locality where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours.

(3) Notice of any direction given by the Minister under this regulation in a particular case shall be served by the local planning authority on the owner and on any occupier of the land to which the direction relates, and on any other person who, to the knowledge of the authority, proposes to display on such land an advertisement of the class or description referred to in the direction.

(4) A direction given under this regulation with respect to an area shall come into force on the date specified in the notice relating thereto, being a date not less than fourteen, and not more than twenty-eight days after the first

publication of the notice; and a direction given under this regulation in a particular case shall come into force on the date on which notice thereof is served on the occupier, or if there is no occupier, on the owner of the land.

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 9:

Provided that, in relation to the display in accordance with the provisions of regulation 14 of an advertisement of a specified class, the authority shall not serve a discontinuance notice unless they are satisfied that the service of such a 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 full 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) below, 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 regulation 22 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 a discontinuance notice at any time before it takes effect or may where no appeal to the Minister is pending under regulation 22 from time to time vary a discontinuance notice by extending the period specified therein for the taking effect of the notice: and on any such variation the period for appeal to the Minister under regulation 22(2) shall be enlarged by the number of days by which the period specified was extended or further extended.

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

(7) Notwithstanding the provisions of paragraph (1) above, but without prejudice thereto, a discontinuance notice may require the discontinuance of the use of land for the display of advertisements with consent deemed to be granted under these regulations, other than advertisements of a description specified in regulation 9; and in relation to a notice served in pursuance of this paragraph

there shall be substituted for references in these regulations to the display of advertisements references to the use of land for the display of advertisements.

PART IV

APPLICATIONS FOR EXPRESS CONSENT

How to apply

17.—(1) Subject to this regulation an application to a local planning authority for consent to display advertisements shall be made on a form issued by the local planning authority and obtainable from that authority or from the council with whom the application is to be lodged, and shall include such particulars and shall be accompanied by such plans, together with such additional number of copies (not exceeding two) of the form and plans, as may be required by the directions of the local planning authority printed on the form.

(2) The application shall be lodged—

- (a) where the land to which the application refers is in the City of London, with the Common Council;
- (b) where the land is in a London borough, with the council of that London borough;
- (c) where the land is outside Greater London, with the council of the county borough or county district in which the land is situate and the council of a county district with whom an application is lodged shall, where necessary, transmit it to the local planning authority to whom it is made.

(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 Minister 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) above 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 the information provided is sufficient to enable the authority to determine the application.

Duty to consult with respect to an application

18.—(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) with the council of any county district in whose area land to which the application relates is situate; except where consultation concerning any application or class of application is agreed by the local planning authority and such council to be unnecessary;

(c) 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—

(i) any trunk road as defined in section 295 of the Highways Act 1959(a) being a trunk road which is in England, with the Minister of Transport;

(ii) any railway, waterway (including any coastal waters), dock, harbour or airfield, with the British Transport Commission, or other authority, statutory undertaker, body or person responsible for the operation thereof, and, in the case of any coastal waters, the Corporation of Trinity House;

(d) with such authorities, persons or bodies as the Minister may direct under regulation 28.

(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 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

19.—(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 Part I of Schedule 1 and to such additional conditions (if any) as they think fit, or may refuse consent:

Provided that where the application relates to the display in accordance with the provisions of regulation 14 of an advertisement of a specified class the authority shall not refuse consent, or impose a condition more restrictive in effect than any provision of regulation 14 in relation to advertisements of that class, unless they are satisfied that such refusal or condition is required to prevent or remedy a substantial injury to the amenity of the locality or a danger to members of the public.

(2) Without prejudice to the generality of paragraph (1) above and subject always to the provisions of regulation 5, 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 authorised by the consent;

(b) for requiring the removal of any advertisement authorised by the consent, or the discontinuance of any use of land so authorised, 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 specified manner, whether by reference to the number, siting, size or illumina-

(a) 1959 c. 25.

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

Consent to be limited

20.—(1) Every grant of express consent shall be for a fixed period which shall not be longer than five years from the date of grant of consent without the approval of the Minister, or shorter than five years unless so required by the application or considered expedient by the authority in the light of the provisions of regulation 5; and if no period is specified the consent shall have effect as consent for five years.

(2) Where the authority grant consent for a period shorter 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

21.—(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 decision shall be stated in writing.

(2) The local planning authority shall, within two 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 Minister in accordance with directions given by him under regulation 28, shall within two months as aforesaid notify the applicant accordingly:

Provided that such period of two 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

22.—(1) Where, on application being made for consent under these regulations, consent is refused by the local planning authority or is granted by them subject to conditions, the applicant may appeal to the Minister:

Provided that the Minister shall not be required to entertain an appeal under

this regulation if it appears to him having regard to the provisions of these regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the local planning authority, or could not have been granted otherwise than subject to the conditions imposed by them.

(2) Any person who desires to appeal under this regulation shall give notice of appeal in writing to the Minister within one month from the receipt of notification of the local planning authority's decision 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:—

- (i) the application made to the local planning authority;
- (ii) all relevant plans and particulars submitted to them;
- (iii) the notice of the decision, if any;
- (iv) all other relevant correspondence with the authority.

(3) The Minister may, if he thinks fit, require the applicant or the local planning authority to submit within a specified period a further statement in writing in respect of any of the matters to which the appeal relates, and if, after considering the grounds of the appeal and any such further statement, the Minister is satisfied that he is sufficiently informed for the purpose of reaching a decision as to the matters to which the appeal relates, he may decide the appeal without further investigation; but otherwise the Minister shall, if either party so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(4) Where an appeal is brought under this regulation from a decision of the local planning authority the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the local planning authority, 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.

(5) Where the local planning authority fail to notify the applicant as required by regulation 21 within two months from receipt of the application, or within such extended period as is agreed between them, the provisions of paragraphs (1) and (2) above shall apply in relation to the application as if consent had been refused by the local planning authority and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

(6) Subject as hereinafter provided, where the local planning authority serve a discontinuance notice on any person under regulation 16, the provisions of paragraphs (1) and (2) above shall apply as if that person had made an application for consent for the display or the use of land for the display of advertisements to which the notice relates and the local planning authority had refused consent for the reasons stated in the notice, and as if the notice constituted notification of the authority's decision as required by regulation 21:

Provided that paragraph (2) above shall apply subject to the provisions of regulation 16(5) and as if the following sub-paragraphs were substituted for sub-paragraphs (i) to (iv) thereof:—

- “(i) the discontinuance notice;
- (ii) any notice of variation thereof;
- (iii) any relevant correspondence with the authority.”.

(7) On the determination of an appeal under this regulation made by virtue

of paragraph (6) above, the Minister shall give such directions as may be necessary for giving effect to his determination, including, where appropriate, directions for quashing the discontinuance notice or for varying the terms of the discontinuance notice in favour of the appellant.

(8) 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.

PART V

SPECIAL CASE

Advertisements relating to travelling circuses and fairs

23.—(1) On application in that behalf being made to them, a local planning authority may grant consent for the temporary display, on unspecified sites in their area, of placards, posters or bills relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place in the district; and for the purposes of this regulation the expression “in the district” means in the area of the local planning authority to whom application for such consent is made or in the area of any neighbouring local planning authority.

(2) Consent granted under this regulation shall be subject to the following conditions in addition to the standard conditions set out in Parts I and II of Schedule 1:—

- (a) no such advertisement shall exceed 0·6 square metre in area or be displayed above 3·6 metres from ground level;
- (b) no such advertisement shall be displayed earlier than fourteen days before the first performance or opening of the circus, fair or other entertainment in the district, at a place specified in the advertisement, and every such advertisement shall be removed within seven days after the last performance or closing of the circus, fair or other entertainment in the district at a place specified in the advertisement,

and it shall be the duty of the local planning authority, when granting consent for the display of such advertisements, to inform the applicant that consent does not extend to the display of any advertisement on land without the prior permission of the owner of that land or other person entitled to grant permission in relation thereto.

(3) Without prejudice to the right to apply under Part IV of these regulations for consent to display advertisements of the foregoing description on specified sites, the provisions of that part shall not apply to an application for consent under this regulation, and the decision of a local planning authority on any such application shall be final.

PART VI

REVOCATION AND MODIFICATION OF EXPRESS CONSENT

Revocation and modification of consent

24.—(1) Subject to the provisions of regulation 5 and of this regulation, if it appears to the local planning authority that it is expedient that any express consent for the display of advertisements should be revoked or modified, they may by order revoke or modify the consent to such extent as 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 submit 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 advertisements 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 building or similar operations shall not affect so much of those operations as has been previously carried out.

Supplementary provisions as to revocation and modification

25.—(1) Where consent for the display of advertisements is revoked or modified by an order made under the last foregoing regulation then if, on a claim made to the local planning authority in writing and served in the manner indicated in paragraph (3) below within six months after confirmation of the order, it is shown that any person has incurred expenditure in carrying out, in connection with the display in question, work which is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, that authority shall pay to that person compensation in respect of that expenditure, loss or damage:

Provided that no compensation shall be payable under this paragraph in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification.

(2) For the purposes of this regulation, any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under this regulation in respect of any work carried out before the grant of the consent which is revoked or modified, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of that consent.

(3) A claim for compensation made to a local planning authority under paragraph (1) above shall be served on that authority by delivering it at the offices of the authority addressed to the Clerk thereof or by sending it by pre-paid post addressed as aforesaid.

PART VII

AREAS OF SPECIAL CONTROL

Definition of areas of special control

26.—(1) Every local planning authority shall from time to time consider whether any part, or any additional part, of their area should be defined as an area of special control, and whether, in the light of circumstances then obtaining, any order under this regulation in force in relation to land in their area should be modified or revoked:

Provided that, except as respects any such order in force before the date on which these regulations come into operation, every local planning authority shall consider the matters mentioned in the preceding provisions of this paragraph at least once in every five years after the date on which these regulations come into operation; and, as respects any such order in force before the date on which these regulations come into operation, they shall consider, within two years from that date or, if longer, within five years from the date when the order came into force, whether, in the light of the circumstances obtaining, the order should be modified or revoked, and after such consideration shall consider the same matters at least once in every five years while the order remains in force.

(2) By virtue of section 34(3) of the Act rural areas or areas other than rural areas which appear to the Minister to require special protection on grounds of amenity may be defined by order as areas of special control; and the provisions of regulation 5(2)(a) shall apply with respect to the exercise by a local planning authority of their powers under this regulation as if those provisions related to the display in any such area of advertisements in general and to the general characteristics of such an area.

(3) In the selection of areas under this regulation a local planning authority shall consult—

- (a) where it appears to them that the order is likely to affect any part of the area of a neighbouring local planning authority, with that authority;
- (b) with the council of any county district in whose area any land they propose to define as aforesaid is situate;
- (c) with such authorities, associations or persons as the Minister may direct under regulation 28.

(4) An area of special control shall be defined by an order made by the local planning authority and approved by the Minister in accordance with the provisions of Schedule 2 and any such order may be revoked or varied by a subsequent order made and approved in the like manner.

Display of advertisements in areas of special control

27.—(1) No display of advertisements may be undertaken in an area of special control except in the case of—

- (a) advertisements of the classes and descriptions specified in regulations 9, 12, 14 and 23;
- (b) advertisements of the descriptions specified in the next following paragraph.

(2) Without prejudice to the provisions of these regulations with respect to advertisements of the descriptions referred to in paragraph (1)(a) above, advertisements of the following descriptions may be displayed in an area

of special control with express consent granted in accordance with these regulations—

- (a) hoardings or similar structures to be used only for the display of notices relating to local events, activities or entertainments;
 - (b) any advertisement for the purpose of announcement or direction in relation to buildings or other land in the locality, being an advertisement which, in the opinion of the local planning authority, or of the Minister on appeal, is reasonably required having regard to the nature and situation of such buildings or other land;
 - (c) any advertisement which, in the opinion of the local planning authority or of the Minister on appeal, is required in the interests of public safety to be displayed, and which is not an advertisement of any other description specified in this regulation;
 - (d) any advertisement which could be displayed as an advertisement of a specified class but for some non-compliance with a condition or limitation as respects size, height from the ground, number or illumination imposed by regulation 14 in relation to the display thereunder of advertisements of that class, being an advertisement which, in the opinion of the local planning authority or of the Minister on appeal, may in all the circumstances reasonably be allowed to be displayed otherwise than in accordance with that condition or limitation.
- (3) The power conferred on local planning authorities by regulation 19 to grant consent for the display of advertisements shall, in relation to the display of advertisements in an area of special control, be limited to advertisements of the descriptions mentioned in paragraphs (1) and (2) above, including illuminated advertisements of those descriptions.
- (4) On the coming into force of an order defining an area of special control, advertisements then being displayed in accordance with these regulations in the area may continue to be displayed as follows:—
- (a) advertisements of the descriptions specified in regulations 9, 12 and 23 may continue to be displayed in accordance with the provisions of those regulations respectively;
 - (b) advertisements of the specified classes and advertisements of the description specified in paragraph 2(d) above may continue to be displayed with or without express consent, subject, after the term of any express consent has expired, to the power of the local planning authority to require the discontinuance of the display of any such advertisement under regulation 16.
 - (c) any other advertisement may continue to be displayed
 - (i) for a period of six months from the date on which the order defining the area comes into force or for the remainder of the term of any express consent, whichever is the longer, or.
 - (ii) where no such consent has been granted, for a period of six months from the date on which the order defining the area comes into force, and then, in every case, for a further two months within which the advertisement shall without further notice be removed, unless express consent is granted for the continued display thereof in accordance with this regulation.
- (5) Nothing in the foregoing provisions of this regulation shall—
- (a) affect a notice served under regulation 16 before the coming into force of the order defining an area of special control;

- (b) override any condition attached to a consent, whereby an advertisement is required to be removed;
- (c) restrict the powers of a local planning authority, or of the Minister, in regard to any contravention of these regulations;
- (d) restrict the power of the local planning authority, or of the Minister, to consent to the display in an area of special control of advertisements of the specified classes in respect of which a direction under regulation 15 is in force.

PART VIII

MISCELLANEOUS

Powers of the Minister

28.—(1) If it appears expedient to the Minister so to do he may give directions to any local planning authority, or to local planning authorities generally, requiring them—

- (a) to refer to him for his decision any particular application for consent under these regulations or any class or description of such applications;
- (b) to furnish him with such information as he may require for the purpose of exercising any of his functions under these regulations;
- (c) to consult, in the exercise of their functions under these regulations, with any, or any class of, persons, bodies or authorities;

and, without prejudice to the generality of the foregoing, such directions may be given as respects any particular area or class of area.

(2) Where an application is referred to the Minister under this regulation the provisions of regulation 19 and of regulation 22(3) shall apply, with such modifications as may be necessary, to the determination of the application by the Minister.

(3) If it appears to the Minister, after consultation with the local planning authority, to be expedient that an order should be made under regulation 26 defining an area of special control, or revoking or varying such an order, or that a notice should be served under regulation 16, he may give directions to the local planning authority requiring them to make such an order, or to serve such a notice, as the case may be, or may himself make the order or serve the notice; and any reference in these regulations to the power of the local planning authority under regulation 16 shall be deemed to include a reference to the power of the Minister.

(4) Where the Minister proposes to make an order under regulation 26 he shall prepare a draft of the order in the form in which he proposes to make it, defining an area by reference to a map, and in all other respects the provisions of Schedule 2 shall apply, with such modifications as may be necessary, to the making of the order by the Minister as they apply to the making of such an order by the local planning authority.

(5) The decision of the Minister on any application referred or submitted to him under the provisions of this regulation shall be final and shall otherwise have effect as if it were a decision of the local planning authority.

Extension of time

29.—(1) Subject to the provisions of the Act and of these regulations—

- (a) the Minister may for special reasons, in any particular case, extend the time within which anything is required under these regulations to be done, or within which any objection, representation or claim for compensation may be made thereunder;
 - (b) the local planning authority may, on reasonable cause being shown to them, extend the time within which an application for consent is required to be, or may be, made to them under these regulations,
- and any such extension may be granted either unconditionally or subject to such conditions as the Minister or the local planning authority, as the case may be, think fit to impose.
- (2) The power conferred by this regulation to grant extensions of time shall not apply to—
- (a) the time within which the local planning authority is required, under regulation 21, to notify an applicant of the manner in which his application had been dealt with, save as expressly provided in that regulation;
 - (b) any period specified by these regulations during which an advertisement may be displayed without express consent.

Recovery of compensation under section 126 of the Act

30.—(1) Where, for the purpose of complying with these regulations, works are carried out by any person—

- (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 the last-mentioned date,

and that person desires to recover compensation under section 126 of the Act in respect of any expenses reasonably incurred by him in that behalf, he shall submit a claim in writing to the local planning authority within six months after the completion of those works; and that claim shall contain sufficient information to enable the local planning authority to give proper consideration thereto.

(2) If the local planning authority consider that the information furnished by any claimant under this regulation is insufficient to enable them properly to determine the claim, they may call for such further particulars as they require for that purpose.

Register of applications

31.—(1) Every local planning authority shall keep a register containing the following information in respect of all land within their area namely:—

- (a) particulars of any application made to them for consent for the display of advertisements on any such land, including the name and address of the applicant, the date of the application, and brief particulars of the type of advertisements forming the subject of the application;
- (b) particulars of any direction given under these regulations in respect of the application;
- (c) the decision (if any) of the local planning authority in respect of the application and the date of such decision;
- (d) the date and effect of any decision of the Minister in respect of the application whether on appeal or on a reference to him under regulation 28.

(2) Such register shall include an index, which shall be in the form of a map,

unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(3) Such register shall be kept at the office of the local planning authority:

Provided that, where the authority is a county council, so much of the register as relates to land in a county district may be kept at a place within or convenient to that district.

(4) Every entry in such register consisting of particulars of an application shall be made within fourteen days of the receipt of such application.

Directions and notices

32.—(1) Any power conferred by these regulations to give a direction shall be construed as including power to cancel or vary that direction by a subsequent direction.

(2) Any notice to be served or given under these regulations may be served or given in the manner prescribed by section 214 of the Act and by regulation 20 of the Town and Country Planning General Regulations 1969(a).

Provisions of the Act applied

33.—(1) The provisions of the Act specified in the first column of Schedule 4 hereto are applied, subject to adaptations and modifications, in the regulations specified respectively in the second column of that schedule.

(2) Section 19(4) and (5) of the Act shall apply in relation to applications for consent under these regulations:

Provided that section 19(4) of the Act shall apply as if for the words “a development order” there were substituted the words “regulations under section thirty-four of this Act”, and as if for the words “planning permission” there were substituted the words “consent for the display of advertisements”.

Other statutory obligations unaffected

34. Without prejudice to section 35 of the Act, nothing in these regulations, or in a consent granted under these regulations, shall operate so as to affect any obligation or liability imposed or incurred under any other enactment in relation to anything involved in the display of advertisements.

SCHEDULE 1

Regulation 7

THE STANDARD CONDITIONS

PART I

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 reasonable 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 reasonable satisfaction of the local planning authority.

(a) S.I. 1969/286 (1969 I, p. 766).

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

PART II

Conditions attaching to consent deemed to be granted, or granted under regulation 23

4. An advertisement for which consent is deemed to be granted, or is granted under regulation 23 of the foregoing regulations, shall not be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or airfield.

Regulation 26

SCHEDULE 2

PROCEDURE FOR DEFINING AREAS OF SPECIAL CONTROL

1. Where a local planning authority propose to define an area of special control they shall make an order, defining an area by reference to a map annexed thereto, either with or without descriptive matter (which, in the case of any discrepancy with the map, shall prevail except in so far as may be otherwise provided by the order).

2. As soon as may be thereafter the authority shall submit the order with map and any descriptive matter annexed thereto to the Minister for approval, and shall send therewith to the Minister two certified copies of the order, map and descriptive matter (if any), and a statement of their reasons for proposing that the area to which the order relates should be defined as an area of special control. Where it appears expedient to the Minister in any particular case so to do, he may direct the authority to send to him an additional certified copy of the order, map and any descriptive matter.

3. The authority shall forthwith publish in the London Gazette, and in each of two successive weeks in one or more newspapers circulating in the locality in which the area is situate, a notice in the appropriate form prescribed in Schedule 3, or in a form substantially to the like effect, describing the area, stating that an order defining it as an area of special control for the purpose of these regulations has been submitted to the Minister, naming a place or places where a copy of the order and of the map and any descriptive matter annexed thereto and of the statement of reasons mentioned in paragraph 2 above may be seen at all reasonable hours without payment of fee and specifying the time, not being less than 28 days from the first local advertisement, within which objections or representations with respect to the order may be sent in writing to the Minister.

4. If any objection is duly made as aforesaid and is not withdrawn the Minister shall, before approving the order, either cause a public local inquiry to be held or afford to the person making such objection an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and if any such person avails himself of the opportunity of being heard, the Minister shall afford to the local planning authority, and to any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

5. After considering any representation or objection duly made and not withdrawn and the report of the person by whom any inquiry or hearing was held, the Minister may approve the order with or without modifications:

Provided that if the Minister proposes to approve the order subject to a modification involving the inclusion therein of any area of land not included in the order as submitted he shall publish prior notice of his intention so to do and

shall afford opportunity for the making of objections and representations with respect to the proposed modification, and for such further hearing as may appear to him in the light of any such objections or representations, to be necessary or expedient.

6. As soon as may be after the order has been approved, the local planning authority shall publish in the London Gazette, and in each of two successive weeks in one or more newspapers circulating throughout the locality in which the area is situate, a notice in the appropriate form prescribed in Schedule 3, or a form substantially to the like effect, stating that the order has been approved and naming a place or places where a copy or copies thereof and of the map and any descriptive matter annexed thereto may be seen at all reasonable hours without payment of fee; and any such order shall come into force on the date on which notice of the approval thereof is published in the London Gazette.

SCHEDULE 3

FORMS OF NOTICES

FORM 1

Form of notice of submission for approval of an order defining an area of special control

TOWN AND COUNTRY PLANNING ACT 1962

Town and Country Planning (Control of Advertisements) Regulations 1969

Notice is hereby given that the (1) in exercise of their powers under regulation 26 of the Town and Country Planning (Control of Advertisements) Regulations 1969 have submitted for the approval of the [Minister of Housing and Local Government] [Secretary of State] (2) an order defining as an area of special control for the purposes of the said regulations an area of land situate at and described in the schedule hereto, which land is shown coloured on the map accompanying the order, and that the order is about to be considered by the [Minister] [Secretary of State] (2).

A copy of the order and of the map referred to [and of the descriptive matter annexed thereto] (2) and of a statement of reasons submitted therewith have been deposited at and will be available for inspection free of charge between the hours of

Any objection to the order must be made in writing, stating the grounds of the objection, and addressed to the Secretary, [Ministry of Housing and Local Government, Whitehall, S.W.1] [Welsh Office, Summit House, Windsor Place, Cardiff, CF1 3BX] (2) before (3) 19

Schedule

(Here insert description of the lands comprised in the order.)

19 (Signature)

Directions for completing this Form

- (1) Insert name of authority.
- (2) Delete words in square brackets where inapplicable.
- (3) Insert a date not less than 28 days from the first date of local advertisement.

FORM 2

Form of notice of the approval of an order defining an area of special control

TOWN AND COUNTRY PLANNING ACT 1962

Town and Country Planning (Control of Advertisements) Regulations 1969

Notice is hereby given that the [Minister of Housing and Local Government] [Secretary of State] (1) in exercise of his powers under section 34 of the Town and Country Planning Act 1962 and regulation 26 of the Town and Country Planning (Control of Advertisements) Regulations 1969, has approved [with modifications] (1) an order defining as an area of special control for the purposes of those regulations an area of land situate at and described in the schedule hereto, which land is shown coloured on the map referred to in the order.

The order comes into force on 19 . (2)

A copy of the approved order and of the map [and of the descriptive matter annexed thereto] (1) have been deposited at and will be available for inspection free of charge between the hours of .

Schedule

(Here insert description of the lands comprised in the order.)

19 . (Signature)

IMPORTANT

Attention is drawn to regulation 27 of the above regulations under which advertisements being displayed in an area defined as an area of special control are in certain circumstances required to be removed without further notice within two months after expiry of a specified period, not being less than six months from the date on which the order defining the area comes into force.

Directions for completing this Form

- (1) Delete words in square brackets where inapplicable.
- (2) Insert date of publication in the London Gazette.

Regulation 33(1)

SCHEDULE 4

PROVISIONS OF THE ACT APPLIED

Provision applied

Regulation in which applied

Section 17(1).	Regulation 19(1).
Section 18(1).	Regulation 19(2).
Section 22.	Regulation 28.
Sections 23 and 24.	Regulation 22.
Section 20(1) and (2).	Regulation 19(4).
Section 21(1).	Regulation 6(3).
Section 27.	Regulation 24.
Section 118.	Regulation 25.

Given under the official seal of the Minister of Housing and Local Government on 29th October 1969.

(L.S.)

Anthony Greenwood,
Minister of Housing and
Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, made by the Minister of Housing and Local Government after consultation with the Secretary of State for Wales, consolidate, with amendments, the Town and Country Planning (Control of Advertisements) Regulations 1960 and the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1965.

The regulations provide for the control of the display of advertisements in England and Wales.

References to the Town and Country Planning Act 1962 have been substituted for references to the Town and Country Planning Act 1947 and account has been taken of certain amendments of the 1962 Act effected by the Town and Country Planning Act 1968. The regulations have been re-arranged to facilitate their use. The principal changes of substance are as follows:—

- (i) certain small advertisements displayed on or in relation to articles for sale have been exempted from control ;
- (ii) the penalties for contravening the regulations have been increased to the maximum permitted by section 63 of the 1962 Act, as amended by the 1968 Act ;
- (iii) the control of advertisements displayed within buildings has been extended ;
- (iv) the specified classes have been amended in certain respects, and a new class relating to advertisements displayed on the forecourts of business premises has been included ;
- (v) a power to require the discontinuance of the display of advertisements displayed with deemed consent has been substituted for the power to require the making of an application for express consent for the display of such advertisements ;
- (vi) local planning authorities are required to review the use of their powers as respects the definition etc. of areas of special control within specified periods ;
- (vii) the regulations no longer contain powers as respects the service of enforcement notices and related matters.

STATUTORY INSTRUMENTS

1969 No. 1532

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning (Control of Advertisements)
Regulations 1969**

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