

STATUTORY INSTRUMENTS

1984 No. 467

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

PROSPECTIVE

PART III

AREAS OF SPECIAL CONTROL

Definition of areas of special control

8.—(1) Every planning authority shall from time to time consider whether any part, or additional part, of their district should be defined as an area of special control and whether any order made by them under this regulation should be modified or revoked.

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

- (a) with any other planning authority whose district or any part thereof appears to them likely to be affected by the proposed order, and
- (b) in the case of a general planning authority, with any district council whose district or part thereof appears to them likely to be affected by the proposed order.

(3) An area of special control shall be defined by an order made by the planning authority and approved by the Secretary of State in accordance with the provisions of Schedule 2 and any such order may be revoked or varied by a subsequent order so made and approved.

(4) A planning authority shall exercise their functions under this regulation only in the interests of amenity and for this purpose shall have regard to the general characteristics of their area, including the presence therein of any feature of historic, architectural or cultural interest.

Commencement Information

II Reg. 8 in force at 2.5.1984, see [reg. 1](#)

Display of advertisements in areas of special control and conservation areas

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

- (a) advertisements of the classes and descriptions specified in Schedule 4;
- (b) advertisements of the descriptions specified in regulations 12 and 27;
- (c) advertisements of the following descriptions displayed with express consent:—
 - (i) hoardings or similar structures to be used only for the display of notices relating to local events, activities or entertainments;

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

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

- (ii) 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 planning authority or of the Secretary of State on appeal, is reasonably required having regard to the nature and situation of such buildings or other land;
- (iii) any advertisement which, in the opinion of the planning authority or of the Secretary of State on appeal, is required to be displayed in the interests of public safety;
- (iv) any advertisement which could be displayed as an advertisement of a specified class but for some non-compliance with a condition or limitation imposed in Schedule 4 in relation to the display of advertisements of that class, being an advertisement which, in the opinion of the planning authority or of the Secretary of State on appeal, may in all the circumstances reasonably be allowed to be displayed notwithstanding that it does not comply with that condition or limitation.

(2) The power conferred on planning authorities by regulation 17 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 paragraph 1 above, including illuminated advertisements of those descriptions.

(3) On the coming into operation of an order defining an area of special control, advertisements then being displayed in the area in accordance with these regulations may continue to be displayed as follows:—

- (a) advertisements of the descriptions specified in regulations 12, 27 and Schedule 4 may continue to be displayed in accordance with the provisions of those regulations and that Schedule respectively;
- (b) advertisements of the descriptions specified in sub-paragraph (1)(c)(iv) may continue to be displayed subject, after the term of any express consent has expired, to service by the planning authority of a discontinuance notice;
- (c) any other advertisement may continue to be displayed for a period of 6 months from the date on which the order defining the area comes into operation or for the remainder of the term of any express consent which has been granted in relation to that advertisement, whichever is the longer, and then for a further 2 months after which the advertisement shall, without further notice, be removed, unless express consent is granted for the continued display in accordance with this regulation.

(4) On the designation of an area as a conservation area, advertisements of Class 111(6) specified in Schedule 4 which are then being displayed in the area may continue to be displayed until the expiration of two years from the date of commencement of the display, or one year from the date of designation of the relevant area (whichever period last expires), subject to the power of the planning authority to require the discontinuance of the display of any such advertisement under regulation 14.

(5) Nothing in the foregoing provisions of this regulation shall—

- (a) affect a discontinuance notice served before the coming into operation of the order defining an area of special control, or before the designation of an area as a conservation area;
- (b) override any condition attached to a consent whereby an advertisement is required to be removed;
- (c) restrict the powers of the planning authority, or of the Secretary of State, in regard to any contravention of these regulations;

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- (d) restrict the power of the planning authority, or of the Secretary of State, 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 11 is in force.

Commencement Information

I2 Reg. 9 in force at 2.5.1984, see [reg. 1](#)

Status:

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Changes and effects yet to be applied to :

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

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

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

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

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