
STATUTORY INSTRUMENTS

1984 No. 467

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

PROSPECTIVE

PART IV

**ADVERTISEMENTS WHICH MAY BE
DISPLAYED WITHOUT EXPRESS CONSENT**

The specified classes

10.—(1) Consent shall be deemed to be granted for the display of advertisements of the classes specified in Schedule 4 subject to the conditions therein in addition to the standard conditions.

(2) 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 the advertisement; and, in the event of refusal of consent, 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 by, or on behalf of, the person whose application was so refused.

(3) Where an application is made for consent to display an advertisement of a specified class and such consent is granted 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, by or on behalf of the person to whom that consent was granted subject to such conditions, of any advertisement on the same site unless such advertisement is displayed in conformity with the requirements of those conditions.

(4) The conditions and limitations specified in this regulation apply only to the display without express consent of an advertisement within any class or description therein mentioned, and shall not restrict the powers of a planning authority with regard to the determination in accordance with these regulations of any application for express consent for the display of advertisements.

Commencement Information

11 Reg. 10 in force at 2.5.1984, see [reg. 1](#)

Power to exclude application of regulation 10

11.—(1) If the Secretary of State is satisfied, upon representations made to him by the planning authority, that the display of advertisements of a class or description specified in Schedule 4 should not be undertaken in any particular area or in any particular case without express consent he may

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direct that the provisions of regulation 10 shall not apply to the display of such advertisements in that area or in that case.

- (2) Before making a direction under this regulation, the Secretary of State shall—
- (a) where the representations for such a direction relate to a particular area, publish, or cause to be published, in at least one newspaper circulating in the locality in which the area is situated, and on the same date or a subsequent date in the Edinburgh Gazette, a notice indicating that representations for such a direction have been made to him and naming a place or places in the locality where a map or maps defining that area may be inspected at all reasonable hours; and
 - (b) where the representations for such a direction relate to a particular case, serve, or cause to be served, on the owner and occupier of the land in respect of which the representations have been made, and on any other person who, to the knowledge of the Secretary of State, proposes to display on such land an advertisement of the class or description referred to in the said representations, a notice indicating that representations have been made to him and specifying the land and the class or description of advertisement to which those representations relate;

and in each instance the notice shall state that any objection to the making of a direction under this regulation shall be made to the Secretary of State in writing within such period (not being less than 21 days from the date when the notice is given) as may be specified in the notice.

(3) The Secretary of State shall not make a direction under this regulation until after the expiration of the period specified in the notice referred to in paragraph (2) above, and in determining whether to make such a direction he shall take into account any objections made in accordance with that paragraph.

(4) Where the Secretary of State makes a direction under this regulation he shall send it to the planning authority with a statement in writing of his reasons for making it, and shall send a copy of that statement to any person who has made an objection in accordance with paragraph (2) above.

(5) Notice of any direction given by the Secretary of State under this regulation with respect to an area shall be published by the planning authority in at least one newspaper circulating in the locality in which the area is situated and, unless the Secretary of State otherwise directs, on the same or a subsequent date in the Edinburgh 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 of the direction and (where the direction does not include a map) of a map defining the area to which it relates may be seen at all reasonable hours.

(6) Notice of any direction given by the Secretary of State under this regulation in a particular case shall be served by the 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.

(7) A direction given under this regulation with respect to an area shall come into operation on the date specified in the notice relating to the direction, being a date not less than 14, and not more than 28, days after first publication of the notice; and a direction given under this regulation in a particular case shall come into operation on the date on which the notice of the direction is served on the occupier or, if there is no occupier, on the owner of the land.

Commencement Information

I2 Reg. 11 in force at 2.5.1984, see [reg. 1](#)

Election notices, statutory advertisements and traffic signs

12.—(1) Consent shall be deemed to be granted for the display of advertisements of the following descriptions:—

- (a) any advertisement relating specifically to a pending Parliamentary, European Assembly or Local Government election, not being an advertisement to which sub-paragraph (b) of this regulation 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 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 in the nature of traffic signs employed wholly for the control, guidance or safety of traffic, and displayed in accordance with an authorisation given by the Secretary of State or by the appropriate roads or police authority.

(2) Consent deemed to be granted under this regulation shall be subject to the following conditions in addition to the standard conditions:—

- (a) an advertisement of the description specified in paragraph (1)(a) above shall be removed within 14 days after the close of the poll in the election to which the advertisement relates;
- (b) advertisements displayed for a temporary purpose in relation to paragraph (1)(b) or (c) 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.
- (c) where advertisements of the description specified in paragraph (1)(b) above could, apart from this regulation, be displayed as advertisements of a specified class under regulation 10, they shall conform with any provision of Schedule 4 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 is 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 of any enactment or Standing Orders under which such advertisements are displayed.

Commencement Information

I3 Reg. 12 in force at 2.5.1984, see [reg. 1](#)

Advertisements on sites used for the display of advertisements on 16th August 1948

13.—(1) Subject to paragraph (2) below, where a site was being used for the display of advertisements on 16th August 1948 the site may continue to be so used after the date of the coming into operation of these regulations without express consent.

(2) Nothing in this regulation shall restrict the exercise by a planning authority of any power conferred by these regulations to decide an application voluntarily made to them, to serve a discontinuance notice in respect of any advertisement or site, or to take action in respect of any contravention of these regulations.

(3) Consent deemed to be granted for the continued use of a site for the display of advertisements pursuant to paragraph (1) of this regulation shall be subject to the following conditions and limitations:—

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- (a) there shall be no substantial increase in the extent, or substantial alteration in the manner, of the use of the site as it was used for the display of advertisements on 16th August 1948;
- (b) where a building or structure on which advertisements were being displayed on 16th August 1948 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.

Commencement Information

I4 Reg. 13 in force at 2.5.1984, see [reg. 1](#)

Power to require the discontinuance of the display of advertisements displayed with deemed consent

14.—(1) Subject to these regulations, the planning authority, if they consider it expedient to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public, may serve a notice under this regulation requiring the discontinuance of the display of an advertisement displayed with consent deemed to be granted under these regulations, other than an advertisement of a description specified in regulation 12, or requiring the discontinuance of the use of a site for the display of such an advertisement.

(2) Notwithstanding the provisions of regulation 2(2), where the planning authority serve a discontinuance notice, the notice shall be served on the person who himself, or by his servant or agent, undertakes or maintains the display of the advertisement and on the owner, lessee and occupier of the land on which the advertisement is displayed.

(3) A discontinuance notice shall—

- (a) specify the advertisement or the site to which it relates;
- (b) specify a period within which the display or the use of the site (as the case may be) is to be discontinued; and
- (c) contain a statement of the reasons why the authority consider it expedient in the interests of amenity or public safety that the display or the use of the site (as the case may be) 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 28 days after the service thereof) as may be specified in the notice:

Provided that if an appeal is made to the Secretary of State under regulation 21 the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(5) The planning authority may, by serving a notice on every person who was served with the discontinuance notice, withdraw a discontinuance notice at any time before it takes effect or may, where no appeal to the Secretary of State under regulation 21 is pending, 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 Secretary of State under regulation 21 shall be extended by the number of days by which the period specified was extended or further extended.

Commencement Information

I5 Reg. 14 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](#)