1961 No. 195 (S. 8)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1961

Made - - - -	*27th January*, 1961
Laid before Parliament	*7th February*, 1961
Coming into Operation	*21st February*, 1961

ARRANGEMENT OF REGULATIONS

PART I

Title, interpretation and extent and application

1. Citation and operation.
2. Interpretation and revocation.
3. Extent and application.

PART II

General provisions

4. Control of advertisements to be exercised in the interests of amenity and public safety.
5. Consent required for the display of advertisements.
6. The standard conditions.
7. Existing advertisements.
8. Power to require application to be made for express consent.
9. Liability to fine for contravention of the Regulations.

PART III

Areas of special control

10. Definition of areas of special control.
11. Display of advertisements in areas of special control.

PART IV

Advertisements the display of which may be undertaken without express consent

12. The specified classes.
13. Power to exclude application of Regulation 12.
14. Election notices, statutory advertisements and traffic signs.

PART V

Applications for express consent

15. How to apply.
16. Duty to consult with respect to an application.
17. Power of local planning authority to deal with application.
18. Consent to be limited.
19. Notification of local planning authority's decision.
20. Appeals to the Secretary of State.

PART VI

Provisions as to revocation and modification of consent

21. Revocation and modification of consent.
22. Supplementary provisions as to revocation and modification.

PART VII

Provisions as to enforcement

23. Enforcement of advertisement control.
24. Supplementary provisions as to enforcement.

PART VIII

Special cases

25. Display of advertisements by local planning authorities.
26. Advertisements relating to travelling circuses and fairs.
27. Control of advertisements displayed within buildings.

PART IX

Miscellaneous

28. Powers of Secretary of State.
29. Extension of time.
30. How to claim compensation in respect of expenses under section 30 (2) of the Act.
31. Register of applications.
32. Directions and notices.
33. Provisions of the Act applied.
34. Other statutory obligations unaffected.

FIRST SCHEDULE

THE STANDARD CONDITIONS

SECOND SCHEDULE

PROCEDURE FOR DEFINING AREAS OF SPECIAL CONTROL

THIRD SCHEDULE

FORMS OF NOTICES

FOURTH SCHEDULE

APPLICATION OF CERTAIN PROVISIONS OF PART II OF THE ACT

FIFTH SCHEDULE

APPLICATION OF CERTAIN PROVISIONS OF THE WATER (SCOTLAND) ACT 1946

In exercise of the powers conferred upon me by section 29 subsections (2) and (3) of section 30 and section 107 of the Town and Country Planning (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following Regulations :—

PART I

Title, interpretation and extent and application

Citation and operation

1. These Regulations may be cited as the Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1961, and shall come into operation on the 21st day of February, 1961.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereinafter respectively assigned to them, namely :—

"the Act" means the Town and Country Planning (Scotland) Act, 1947;

"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 in part 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 foregoing provision 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;

"existing advertisement" has the meaning assigned to it in Regulation 7 of these Regulations;

"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;

"area of special control" means an area defined under Regulation 10 of these Regulations 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 in paragraph (3) of Regulation 12 of these Regulations;

"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, including an order or scheme confirmed by Parliament;

"land" includes land covered with water, and any building;

"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 12 of these Regulations;

(a) 10 & 11 Geo. 6. c. 53.

"standard conditions" means the standard conditions set out in the First Schedule 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 Class I specified in Regulation 12 of these Regulations, shall be deemed to include any undertaking carried on by the National Coal Board for the winning or supply of coal.

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

(*a*) the owner 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) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(4) The Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1948(b), as amended(c), 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.

Extent and application

3.—(1) These Regulations shall apply to the display on land in Scotland 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, subject, however, to the provisions of Regulation 27 of these Regulations;

(*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.

(2) For the purposes of this Regulation—

(*a*) the expression "enclosed land" means land which is wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure, and shall be deemed to include any railway station together with the yards and forecourt thereof, whether enclosed or not; but shall not include any public park, public garden or other

(a) 52 & 53 Vict. c. 63. (b) S.I. 1948/1779 (Rev. XXII, p. 900: 1948 I, p. 4258).
(c) The relevant amending Regulations are S.I. 1949/2016, 1951/1229 (1949 I, p. 4057; 1951 II, p. 847).

land held for the use or enjoyment of the public, or (save as hereinbefore specified) any part of a railway undertaking's enclosed land normally used for the carriage of passengers by rail;

(*b*) "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;

(*c*) no advertisement shall be deemed to be displayed within a building unless there is access to the advertisement from inside the building;

(*d*) 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.

PART II

General Provisions

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

4.—(1) The powers conferred by these Regulations with respect to the grant or refusal of consent for the display of advertisements, and to the revocation or modification of such consent, 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 architectural, historic, 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 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 (other than an application pursuant to a notice served under Regulation 8 of these Regulations with respect to an advertisement of a specified class), 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) Subject to the provisions of these Regulations, express consent for the display of advertisements 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 any erection of structures on the site or otherwise as the case may be.

Consent required for the display of advertisements

5.—(1) No advertisement may be displayed without consent granted by the local planning authority or by the Secretary of State on application in that behalf (hereinafter referred to as "express consent"), or deemed by virtue of the next following paragraph to be granted.

(2) Consent shall be deemed to be granted for any advertisement displayed in accordance with a 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 in Regulation 8 of these Regulations to require application for express consent to be made, the consent so deemed to be granted shall be consent limited until such application is finally determined, or, if no application is made within the period allowed for that purpose, until the expiry of that period; without prejudice, however, to the provisions of Regulation 11 hereafter, in relation to the removal of advertisements which are being displayed in an area defined as 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, but without prejudice to the provisions of these Regulations with respect to the revocation or modification of consents granted hereunder.

(4) Save only as hereinafter excepted, it shall be a condition of every consent given by or under these Regulations (whether expressly imposed or not) 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 sub-paragraph (*b*) of paragraph (1) of Regulation 14 of these Regulations is required to be displayed notwithstanding that such permission is not obtained.

The standard conditions

6. 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 the First Schedule hereto 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 thereof, only to advertisements being displayed with consent deemed to be granted under these Regulations, or granted under Regulation 26 thereof.

Existing advertisements

7.—(1) Advertisements which were being displayed on the sixteenth day of August, 1948 (hereinafter in these Regulations called "existing advertisements"), may continue to be displayed without express consent, subject to the standard conditions, and subject to the power of the local planning authority, by notice served under the next following Regulation, to require application for express consent to be made.

(2) The authority may determine any application made to them in pursuance of the notice, and if the display to which the notice relates is continued without express consent they may exercise their powers to secure the discontinuance thereof; and any consent in force for the display of an advertisement shall be deemed to have been duly brought to an end by a notice served under the next following Regulation.

(3) 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.

(4) 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 the sixteenth day of 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.

Power to require application to be made for express consent

8.—(1) Subject to these Regulations, where it appears expedient to the local planning authority so to do, they may serve on any person displaying an advertisement with consent deemed to be granted, other than an advertisement of a description specified in Regulation 14 hereafter, a notice requiring application for express consent for the continuance of such display to be made within the time (not being less than twenty-eight days) specified in the notice; and the authority shall send together with such notice a copy of the application form referred to in Regulation 15 of these Regulations, or instructions as to the manner in which an application should be made.

(2) A notice under this Regulation may be served in respect of the use of land for the display of advertisements as aforesaid, and in that event it shall not be necessary to specify any advertisement to the display of which such notice relates.

(3) The provisions of Part V of these Regulations relating to applications for consent and to appeals to the Secretary of State from the determination of such applications shall apply to the submission and determination of applications made in pursuance of a notice served under this Regulation.

(4) A notice served under this Regulation shall contain a statement of the reasons why the local planning authority think it expedient in the interests of amenity or public safety to serve that notice.

Liability to fine for contravention of the Regulations

9.—(1) The amount of the fine to which a person who displays an advertisement in contravention of these Regulations is liable on summary conviction under subsection (3) of section 30 of the Act is fifty pounds and, in the case of a continuing offence, forty shillings 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 purpose of subsection (3) of section 30 of the Act in so far as concerns any person who is deemed, by virtue of subsection (4) of that section, to display such advertisement, unless within the time allowed for complying with an enforcement notice served on such person under Regulation 23 of these Regulations steps required by the notice to be taken to remedy such failure are not taken.

PART III

Areas of Special Control

Definition of areas of special control

10.—(1) Every local 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, in the light of circumstances then obtaining, any order under this Regulation in force in relation to land in their district should be modified or revoked.

(2) By virtue of subsection (3) of section 29 of the Act, rural areas or areas other than rural areas which appear to the Secretary of State to require special protection on grounds of amenity may be defined by order as areas of special control; and the provisions of sub-paragraph (*a*) of paragraph (2) of Regulation 4 of these Regulations 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 district of a neighbouring local planning authority, with that authority;

(*b*) with the town council of any small burgh in whose district any land they propose to define as aforesaid is situate;

(*c*) with such authorities, associations or persons as the Secretary of State may direct under Regulation 28 of these Regulations.

(4) An area of special control shall be defined by an order made by the local planning authority and approved by the Secretary of State in accordance with the provisions of the Second Schedule to these Regulations 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

11.—(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 Part IV of these Regulations;

(*b*) advertisements of the descriptions specified in Regulations 26 and 27 hereafter;

(*c*) 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 sub-paragraphs (*a*) and (*b*) of the last foregoing paragraph, 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 Secretary of State 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 Secretary of State 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 in the next following Regulation 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 Secretary of State 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 17 of these Regulations 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 the last two foregoing paragraphs, including illuminated advertisements of those descriptions.

(4) 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 14, 26 and 27 hereafter 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 sub-paragraph (*d*) of paragraph (2) of this Regulation may continue to be displayed with or without express consent, subject, after the term of any express consent has expired, to service of a notice under Regulation 8 of these Regulations in respect of the continuance of the display of any such advertisement;

(*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 operation 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 operation,

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 8 of these Regulations before the coming into operation 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 Secretary of State, in regard to any contravention of these Regulations;

(*d*) restrict the power of the local 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 13 of these Regulations is in operation.

PART IV

Advertisements the display of which may be undertaken without express consent

The specified classes

12.—(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, by notice served under Regulation 8 of these Regulations, to require application for express consent to be made :—

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 engaging in the carriage of passengers in a manner similar to that of a statutory transport 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 land 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 two square feet 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 three square feet 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 twelve square feet 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 twenty square feet in area, or of two conjoined boards, together not exceeding twenty-four square feet in area; no such advertisement, when displayed on a building, to project further than three feet 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 a 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 twelve square feet 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 not exceeding twenty square feet in area on each road frontage of the premises in respect of each contractor or sub-contractor, or firm of contractors or sub-contractors, carrying out such work.

(*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 a local activity of such a character, not in either case being an event or a local activity promoted or carried on for commercial purposes; limited to a display of advertisements occupying an area not exceeding a total of six square feet 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 twelve square feet, no one of which exceeds four square feet 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 the area which may be occupied by such advertisements on any external face of a building in an area of special control shall not exceed one twelfth of the area of that face up to a height of twelve feet from ground level; and the area occupied by any such advertisement, howsoever affixed to a building, shall be computed as if the said advertisement as a whole were displayed flat against the face of 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 advertisement, other than an advertisement of Class I, shall contain letters, figures, symbols, emblems or devices of a height exceeding two feet six inches, or, in an area of special control, one foot;

(*b*) no such advertisement, other than an advertisement of Class I, shall be displayed so that the highest part of the advertisement is above fifteen feet from ground level, or, in an area of special control, above twelve feet from ground level; provided that an advertisement relating to the sale or letting of any 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, or Class II (*a*) for the purpose of warning, illuminated in a manner reasonably required to achieve the purpose of the advertisement;

(ii) advertisements of Class II (not included in the foregoing sub-paragraph) 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 meanings hereinafter respectively assigned to them, namely—

(*a*) "business premises" means any building normally used for the carrying on of any professional, commercial or industrial undertaking, or for the provision by any organisation of services for payment, and without prejudice to the generality thereof includes public restaurants, licensed premises and places of public entertainment; but in the case of any building used principally for residential purposes includes only that part of the building normally used as business premises;

(*b*) in relation to the display of advertisements on any building, "ground level" means the ground floor level of that building;

(*c*) "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, whether in pursuance of a notice served under Regulation 8 of these Regulations or otherwise, 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 site 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 descriptions 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 12

13.—(1) If the Secretary of State 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 the last foregoing

Regulation 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 Secretary of State 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 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 thereof 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.

(3) Notice of any direction given by the Secretary of State 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 operation on the date specified in the notice relating thereto, being a date not less than fourteen, and not more than twenty-eight, 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 notice thereof is served on the occupier, or, if there is no occupier, on the owner of the land.

Election notices, statutory advertisements and traffic signs

14.—(1) The display of advertisements of the following description 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 the next following sub-paragraph applies;

(*b*) advertisements required to be displayed by any 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 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 local highway or police authority.

(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 sub-paragraph (*b*) of the last foregoing paragraph could, apart from this Regulation, be displayed as advertisements of a specified class, they shall conform with any provision of Regulation 12 of these Regulations 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 sub-paragraph (*a*) of the last foregoing paragraph 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 sub-paragraph (*a*) of paragraph (1) of this Regulation, paragraph 1 of the standard conditions shall not apply.

PART V

Applications for express consent

How to apply

15.—(1) Subject to this Regulation an application to a local planning authority for consent to display advertisements shall be made to that authority on a form issued by and obtainable from that authority 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) If the local planning authority consider that the information contained in the application is insufficient to enable them properly to determine it they may call for such further information as they require for that purpose.

(3) The Secretary of State 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.

(4) The provisions of paragraph (1) of this Regulation 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

16.—(1) Before determining any application for consent under these Regulations the local planning authority shall consult—

(*a*) with any neighbouring local planning authority whose district, or any part thereof, appears likely to be affected by the display of advertisements to which the application relates;

(*b*) with the town council of any small burgh in whose district 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 classified road, with the local highway authority;

(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, with the Commissioners of Northern Lighthouses;

(*d*) with such other authorities, persons or bodies as the Secretary of State may direct under Regulation 28 of these Regulations.

(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 application

17.—(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 the First Schedule hereto 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 12 of these Regulations 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 12 of these Regulations 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 the foregoing paragraph, and subject always to the provisions of Regulation 4 of these Regulations, 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 illumination 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.

(5) A notice of refusal of an application for consent made pursuant to the provisions of Regulation 8 may contain a notice requiring discontinuance of the display to which the refusal relates not later than a date (not being a date earlier than twenty-eight days after the service of the notice) to be specified in the notice, provided that if appeal is made under Regulation 20 of these Regulations the requirement of discontinuance shall take effect only if consent to display is refused by the Secretary of State and then at the expiration of twenty-eight days from the receipt of notification of the Secretary of State's decision.

(6) Paragraph (4) of Regulation 23, and Regulation 24, of these Regulations shall apply in relation to a requirement of discontinuance comprised in a notice given in pursuance of this Regulation as they apply in relation to a notice served under the said Regulation 23, with the modification that reference to the specified period mentioned in paragraph (3) of the said Regulation 23 shall be construed as a reference to the period ending with the date on which the requirement of discontinuance takes effect.

(7) The notice referred to in paragraph (5) of this Regulation may be given to any other person displaying the advertisement as well as to the applicant, and nothing in paragraph (6) of this Regulation shall entitle a local planning authority to recover any expenses from an owner of land to whom no such notice has been given.

Consent to be limited

18.—(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 Secretary of State, 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 4; 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 grant 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.

(5) Except where the local planning authority when granting consent, impose a condition to the contrary, or where renewal of consent is applied for as aforesaid and is refused, advertisements displayed with express consent granted under these Regulations may on the expiry of the term thereof

continue to be displayed, subject to service by the local planning authority of a notice under the foregoing Regulation 8, but without prejudice to the exercise of any other power in these Regulations to require the removal of such advertisements.

(6) Consent deemed by virtue of paragraph (2) of Regulation 5 of these Regulations to be granted in respect of the continuance of such display shall be subject to the like conditions as those to which the express consent immediately preceding it was subject, and, unless previously brought to an end under these Regulations, shall expire when the site ceases to be used for such display of advertisements.

Notification of local planning authority's decision

19.—(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 Secretary of State in accordance with directions given by him under Regulation 28 of these Regulations, shall within two months as aforesaid notify the applicant accordingly:

Provided that such period of two months may at any time be extended by agreement in writing made between the authority and the applicant.

Appeals to the Secretary of State

20.—(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 Secretary of State:

Provided that the Secretary of State 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 Secretary of State, stating the grounds on which the appeal is made, within one month from the receipt of notification of the local planning authority's decision, or such longer period as the Secretary of State may at any time allow, and shall send a copy of the notice of appeal to the local planning authority.

(3) As soon as may be after the receipt of a copy of a notice of appeal, the local planning authority shall furnish to the Secretary of State a copy 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 applicant;

(v) a statement containing the observations of the local planning authority on the appeal.

(4) The Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State for the purpose.

(5) Where an appeal is brought under this Regulation from a decision of the local planning authority the Secretary of State 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.

(6) Where the local planning authority fail to notify the applicant as required in the last foregoing Regulation within two months from receipt of the application, or within such extended period as is agreed between them in accordance with the provisions of the last foregoing Regulation, the provisions of paragraphs (1) and (2) of this Regulation 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 extended period as aforesaid, as the case may be.

(7) The decision of the Secretary of State 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 VI

Provisions as to revocation and modification of consent

Revocation and modification of consent

21.—(1) Subject to the provisions of Regulation 4 above 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 Secretary of State, and the Secretary of State 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 Secretary of State for his confirmation under this Regulation, that authority shall serve notice on the person on whose application the consent was granted, on the owner, on the lessee, 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 Secretary of State 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 Secretary of State 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 carried out before the date on which the order was confirmed as aforesaid.

Supplementary provisions as to revocation and modification

22.—(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) hereof 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) of this Regulation 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 registered post addressed as aforesaid.

PART VII

Provisions as to enforcement

Enforcement of advertisement control

23.—(1) If it appears to the local planning authority that any advertisement has been displayed on land after the coming into force of these Regulations without consent required in that behalf, or that any conditions subject to which such consent was granted have not been complied with, then, subject to any directions given by the Secretary of State, the local planning authority may serve on the owner, on the lessee and on the occupier of the land, and also on any other person known to the local planning authority to be displaying the advertisement without such consent, or to have displayed it in contravention of such conditions, a notice under this Regulation.

(2) Any notice served under this Regulation (hereinafter called "an enforcement notice") shall specify the display of advertisements which is alleged to have been begun or continued without such consent as aforesaid or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require such steps as may be specified in the notice to be taken within such period as may be so specified for restoring the land to its condition before the display was begun or for securing compliance with the conditions, as the case may be; and in particular any such notice may for the purpose aforesaid require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(3) Subject to the provisions of the next following paragraph, an enforcement notice shall take effect at the expiration of such period as may be specified therein, being a period not less than—

(*a*) seven days in any case where the local planning authority consider it urgently necessary in the interests of public safety that the advertisement to which the notice relates should be altered or removed, or where they are satisfied that any steps required by the notice to be taken can be taken without the removal or substantial modification of any structure or the carrying out of any building or similar operations on land;

(*b*) in any other case, twenty-eight days:

Provided that, if within the period specified as aforesaid an appeal is made to the sheriff under the following provisions of this Regulation by a person on whom the enforcement notice was served, the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(4) If any person on whom an enforcement notice is served under this Regulation is aggrieved by the notice, he may, at any time within the period specified in the notice as the period at the expiration of which the notice will take effect, appeal against the notice to the sheriff; and on any such appeal the sheriff—

(*a*) if satisfied that the advertisement to which the notice relates is being displayed with consent under the Regulations, or that it is not an advertisement to which these Regulations apply or, as the case may be, that the conditions subject to which such consent was granted have been complied with, shall quash the notice to which the appeal relates;

(*b*) if not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for restoring land to its condition before the display was begun, or for securing compliance with the conditions, as the case may be, shall vary the notice accordingly;

(*c*) in any other case shall dismiss the appeal:

Provided that—

(i) at any stage of the proceedings on such an appeal to him the sheriff may, and shall, if so directed by the Court of Session, state a case for the opinion of the Court of Session on any question of law arising in connection with the appeal; and

(ii) where the enforcement notice is varied or the appeal is dismissed, the sheriff may, if he thinks fit, direct that the enforcement notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as he thinks fit.

Supplementary provisions as to enforcement

24.—(1) If within the period specified in an enforcement notice, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of any use of land) have not been taken, the local planning authority may enter on the land and take those steps and, save as hereinafter provided, may recover as a civil debt from the person who is then the owner or the lessee of the land any expenses reasonably incurred by them in that behalf; and if that person, having been entitled to appeal to the sheriff under the last foregoing Regulation, failed to make such an appeal, he shall not be entitled in proceedings under this paragraph to dispute the validity of the action taken in accordance with the notice by the local planning authority:

Provided that where the person who is then the owner or the lessee of the land would have been entitled, under subsection (2) of section 30 of the Act, to compensation in respect of any expenses reasonably incurred by him in removing the advertisement, the local planning authority shall not be entitled to recover their expenses from that person.

(2) Any expenses incurred by the owner, the lessee or the occupier of any land for the purpose of complying with an enforcement notice served under the last foregoing Regulation in respect of any display of advertisements, and any sums paid by the owner or by the lessee of any land under the foregoing paragraph in respect of the expenses of the local planning authority in taking steps required to be taken by such a notice, shall be recoverable as a civil debt from the person by whom the display was carried out.

(3) The provisions set out in the Fifth Schedule to these Regulations, being sections fifty-seven and sixty-eight of the Water (Scotland) Act, 1946(a), adapted and modified for the purposes of these Regulations, shall apply in relation to steps required to be taken by an enforcement notice under the last foregoing Regulation.

PART VIII

Special Cases

Display of advertisements by local planning authorities

25.—(1) Subject to this Regulation, a local planning authority may without express consent display advertisements on land in respect of which they are the local planning authority; but shall not display in an area of special control any advertisement for the display of which they could not, by virtue of the foregoing provisions of Regulation 11, grant 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 Secretary of State, under Regulation 8 of these Regulations, requiring application for express consent to be made to him in respect of the continuance of such display.

Advertisements relating to travelling circuses and fairs

26.—(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 district, of placards, posters or bills relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place in the area; and for the purposes of this Regulation

(a) 9 & 10 Geo. 6. c. 42.

the expression "in the area" means in the district of the local planning authority to whom application for such consent is made or in the district 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 the First Schedule:—

(*a*) no such advertisement shall exceed six square feet in area or be displayed above twelve feet 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 area 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 area 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 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 is a contravention of these Regulations and renders the person who displays such advertisements liable to a fine.

(3) Without prejudice to the right to apply under Part V 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.

Control of advertisements displayed within buildings

27. Illuminated advertisements displayed within a building so as to be visible from outside that building, and all advertisements displayed within, and visible from outside, any building used principally for the display of such advertisements shall, without prejudice to the provisions of Regulation 3 of these Regulations, be subject to these Regulations as follows:—

(*a*) consent shall be deemed to be granted for the display of any such advertisement, subject to the standard condition in Part II of the First Schedule hereto and, in the event of a breach of that condition, to the provisions of Part VII of these Regulations relating to contraventions;

(*b*) except where such advertisement is an advertisement of a description specified in Regulation 14 of these Regulations, the display thereof shall be subject to the power of the local planning authority to serve a notice under the foregoing Regulation 8 as if it were an advertisement of a specified class; and where such a notice is served, the display of advertisements to which it relates shall become subject to the full control of these Regulations, save as hereinafter provided:

Provided that the standard conditions in Part I of the First Schedule hereto may be waived in a grant of express consent for the display of advertisements to which this Regulation relates, and where the local planning authority, or the Secretary of State on appeal, consider it expedient so to do they may, instead of granting express consent for the display of such advertisements, declare that the display thereof may continue as before, subject only to the provisions of this Regulation.

PART IX

Miscellaneous

Powers of Secretary of State

28.—(1) If it appears expedient to the Secretary of State 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, authorities, persons or bodies ;

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 Secretary of State under this Regulation, the provisions of Regulation 17 and paragraph (3) of Regulation 20 shall apply, with such modifications as may be necessary, to the determination of the application by the Secretary of State.

(3) If it appears to the Secretary of State, after consultation with the local planning authority, to be expedient that an order should be made under Regulation 10 defining an area of special control, or revoking or varying such an order, or that a notice should be served under Regulation 8 of these Regulations, 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 to serve a notice under Regulation 8 of these Regulations shall be deemed to include a reference to the power of the Secretary of State to serve such a notice.

(4) Where the Secretary of State proposes to make an order under Regulation 10 of these Regulations 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 the Second Schedule hereto shall apply, with such modifications as may be necessary, to the making of the order by the Secretary of State as they apply to the making of such an order by the local planning authority.

(5) Where the Secretary of State serves a notice under Regulation 8 of these Regulations he may require any application made in pursuance of the notice to be submitted to him instead of to the local planning authority.

(6) The decision of the Secretary of State 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 Secretary of State 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, or within which an appeal may be made to the sheriff under Regulation 23 of these Regulations ;

and any such extension may be granted either unconditionally or subject to such conditions as the Secretary of State 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 19 of these Regulations, to notify an applicant of the manner in which his application has 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.

How to claim compensation in respect of expenses under Section 30 (2) *of the Act*

30.—(1) Any person who is required by or under these Regulations to remove an existing advertisement which was also being displayed on the seventh day of January, 1947, or to discontinue the use for the display of advertisements of any site being used for that purpose on the sixteenth day of August, 1948, and who desires to claim compensation under subsection (2) of section 30 of the Act in respect of any expenses reasonably incurred by him in carrying out works in compliance with such a requirement, shall submit a claim in writing to the local planning authority within six months after the completion of such works ; and such a claim shall contain sufficient information to enable the local planning authority to give proper consideration thereto, including, in the case of a claim in respect of the removal of an advertisement which was being displayed on the seventh day of January, 1947, and on the sixteenth day of August, 1948, a statement that such advertisement was being displayed on both those dates.

(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 district, 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 receipt 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 Secretary of State in respect of the application, whether on appeal or on a reference to him under Regulation 28 of these Regulations.

(2) Such register shall include an index for enabling a person to trace any entry in the register.

(3) Such register may be kept either at the office of the local planning authority, or, in relation to a county, at a convenient place within the district of the local planning authority.

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 101 of the Act and by Regulation 5 of the Town and Country Planning (General) (Scotland) Regulations, 1948(a), made under that section.

Provisions of the Act applied

33.—(1) The provisions of Part II of the Act specified in the first column of the Fourth Schedule hereto are applied for the purposes of these Regulations, subject to the adaptations and modifications appearing in the Regulations specified respectively in the second column of that Schedule.

(2) Subsection (5) of section 22 of the Act shall apply in relation to an enforcement notice under Regulation 23 of these Regulations, as if for the words "under the last foregoing section" there were substituted the words "under regulations for the time being in force under section 29 of this Act".

(3) Subsection (5) of section 12 of the Act shall apply in relation to applications for consent under these Regulations as if for the words "the development order" there were substituted the words "regulations for the time being in force under section 29 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. Nothing in these Regulations or in a consent granted thereunder shall be taken as operating to discharge an obligation or liability imposed or incurred under any other enactment in force, in relation to any operation or other matter involved in the display of advertisements.

Dated this 27th day of January, 1961.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) S.I. 1948/1666 (Rev. XXII, p. 890: 1948 I, p. 4237).

FIRST SCHEDULE

Regulation 6

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.

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

Condition attaching to consent deemed to be granted or granted under Regulation 26

4. An advertisement for which consent is deemed to be granted, or is granted under Regulation 26 of these 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.

SECOND SCHEDULE

Regulation 10

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 together with the map and any descriptive matter annexed thereto to the Secretary of State for approval, and shall send therewith to the Secretary of State 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.

3. The authority shall forthwith publish in the Edinburgh 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 form prescribed in the next following Schedule (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 Secretary of State, 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 the last foregoing paragraph 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 Secretary of State. Form 1

4. If any objection is duly made as aforesaid and is not withdrawn the Secretary of State 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 Secretary of State for the purpose, and if any such person avails himself of the opportunity of being heard the Secretary of State shall afford to the local planning authority, and to any other person to whom it appears to the Secretary of State 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 Secretary of State may approve the order with or without modifications:

Provided that if the Secretary of State 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 Edinburgh Gazette, and in each of two successive weeks in one or more newspapers circulating throughout the locality in which
Form 2 the area is situate, a notice in the form prescribed in the next following Schedule (or in 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 operation on the date on which the notice of the approval thereof is published in the Edinburgh Gazette.

THIRD SCHEDULE

Forms of Notices

Form No. 1

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

Town and Country Planning (Scotland) Act, 1947

Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1961(a)

Notice is hereby given that the (1)
in exercise of their powers under Regulation 10 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1961, have submitted for the approval of the Secretary of State for Scotland 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 edged and coloured on the map accompanying the order, and that the order is about to be considered by the Secretary of State.

A copy of the order and of the map referred to [and of the descriptive matter annexed thereto] (2) and of the statement of reasons submitted therewith have been deposited at and will be open for inspection without payment of fee between the hours of

(a) S.I. 1961/195.

Any objection to the order must be made in writing, stating the ground of the objection, and addressed to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1, before the (3) day of , 19 .

Schedule

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

Dated the day of , 19 .

(Signature of Clerk to the local planning authority or other authorised officer)

Directions for completing this Form

(1) Insert name of Authority.

(2) Strike out words in square brackets where inapplicable.

(3) Insert a date not less than 28 days from the first date of local advertisement.

Form No. 2

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

Town and Country Planning (Scotland) Act, 1947

Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1961(a)

Notice is hereby given that the Secretary of State for Scotland in exercise of the powers vested in him by section 29 of the Town and Country Planning (Scotland) Act, 1947, and Regulation 10 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1961, has on the day of , 19 , 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 edged and coloured on the map referred to in the order.

The order comes into operation on the day of , 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 open for inspection without payment of fee between the hours of .

Schedule

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

Dated the day of , 19 .

(Signature of Clerk to the local planning authority or other authorised officer)

IMPORTANT

Attention is drawn to Regulation 11 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 operation.

Attention is also drawn to the provisions of section 31 of the Town and Country Planning (Scotland) Act, 1959(b), which provides that, if any person is aggrieved by any order to which the section applies, and desires to question the validity of that order, on any of the grounds mentioned in the said section, he may within six weeks from the date on which the order was confirmed make an application to the Court of Session under the said section; and for this purpose

(a) S.I. 1961/195. (b) 7 & 8 Eliz. 2. c. 70.

the date of approval of the order by the Secretary of State may be taken to be the date on which the said order was confirmed.

Directions for completing this Form

(1) Strike out words in square brackets where inapplicable.

(2) Insert date of publication in the Edinburgh Gazette.

Regulation 33 (1).

FOURTH SCHEDULE

APPLICATION OF CERTAIN PROVISIONS OF PART II OF THE ACT

Enactment of Part II of the Act applied	*Regulation containing enactment as applied*
Subsections (1) and (2) of Section 12	Regulation 17 (1) and (2)
Section 13	Regulation 28
Section 14	Regulation 20
Subsection (1) of Section 16	Regulation 17 (3)
Subsection (4) of Section 16	Regulation 5 (3)
Section 19	Regulation 21
Section 20	Regulation 22
Section 21	Regulation 23
Subsections (1) and (2) of Section 22	Regulation 24 (1) and (2)

Regulation 24 (3).

FIFTH SCHEDULE

Sections 57 and 68 of the Water (Scotland) Act, 1946, as adapted and modified for the purposes of these Regulations

57. Where a local planning authority claim to recover any expenses under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1961, from the person who is then the owner of the land in respect of which the expenses were incurred, and that person proves that he—

(*a*) is receiving the rent of that land merely as a trustee, tutor, curator, factor or agent for some other person, and

(*b*) has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid; but a local planning authority who are or would be debarred by the foregoing provisions from recovering the whole of any such expenses from a trustee, tutor, curator, factor or agent may recover the whole or any unpaid balance thereof from the person on whose behalf he receives the rent.

68. If, on a complaint by the owner of any land, it appears to the sheriff that the occupier of that land prevents the owner from taking any steps which he is required to take by an enforcement notice served under Regulation 23 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1961, the sheriff may authorise the owner to enter on the land for the purpose of taking those steps.

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport)

These Regulations amend and consolidate the Town and Country Planning (Control of Advertisements) (Scotland) Regulations, 1948 to 1951. As regards areas of special control, they enable a planning authority to revoke or

vary orders defining such areas and to permit a wider range of advertisements therein (Regulations 10 and 11). An authority must give reasons for serving a notice requiring application to be made for express consent for the continued display of an advertisement; and if they issue a notice refusing consent, that notice may also contain a notice requiring discontinuance of the display within a stated period (Regulations 8 (4) and 17). The normal period of express consent becomes five years instead of three, and the imposition of a shorter period is deemed to be a condition for which reasons must be given (Regulation 18). Other amendments extend deemed consent to advertisements for inns, public houses and agricultural demonstrations, define the types of express consent which may be given, and refer to public safety in relation to navigation (Regulations 12, 17 (3), and 4 and paragraph (4) of First Schedule). Advertisement appeals are brought into line with ordinary planning appeals in that the appellant is required to state the grounds of his appeal (Regulation 20 (2)), and similarly in regard to enforcement notices (Regulation 23 (3)). In regard to orders defining areas of special control, attention is drawn in the form of notice of approval to the rights conferred by section 31 of the Town and Country Planning (Scotland) Act, 1959 (Third Schedule, Form No. 2).

The Regulations incorporate the amendments made to the principal Regulations by the Amendment Regulations of 1949 and 1951, and they also make a number of textual changes to take account of the altered position since the principal Regulations were made on 16th August, 1948, in regard to advertisements being displayed on that date (Regulations 5 (2), 7, and 11 (4) and (5)).