1973. No. 324 **[C]**

TOWN AND COUNTRY PLANNING

Planning (Control of Advertisements) Regulations (Northern Ireland) 1973

REGULATIONS, DATED 14TH SEPTEMBER 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER ARTICLES 41, 51 AND 106 OF THE PLANNING (NORTHERN IRELAND) ORDER 1972.

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The Ministry of Development, on behalf of the Secretary of State, and in exercise of the powers conferred upon it by Articles 41, 51 and 106 of the Planning (Northern Ireland) Order 1972(a) hereby makes the following regulations:—

PART I

CITATION, COMMENCEMENT, INTERPRETATION AND APPLICATION

Citation and commencement

1. These regulations may be cited as the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2.—(1) In these regulations:—

"the 1972 Order" means the Planning (Northern Ireland) Order 1972;

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, advertisement, announcement or direction and (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure used, or adapted for use, for the display of advertisements and references to the display of advertisements shall be construed accordingly;

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

"agricultural land" has the same meaning as in the Agriculture Act (Northern Ireland) 1949(b);

"business premises" has the meaning assigned to it by regulation 9(3);

"the Commission" means the Planning Appeals Commission;

"illuminated advertisement" means an advertisement which is designed or adapted to be illuminated by artificial lighting, directly or by reflection;

"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 9(1).

(2) Reference in these regulations to the person displaying an advertisement shall be construed as reference to the advertiser, and shall be deemed to include:—

(*a*) the owner and occupier of the land on which the advertisement is displayed; and

(*b*) any person to whose goods, trade, business or other concerns publicity is given by the advertisement.

Application

3.—(1) These regulations shall apply to the display 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;

(a) S.I. 1972 No. 1634 (N.I. 17). (b) 1949. c. 2.

(*b*) displayed within a building;

(*c*) displayed on or in a vehicle;

(*d*) incorporated in, and forming part of, the fabric of a building, other than a building used principally for the display of such advertisements or a hoarding or similar structure;

(*e*) displayed on an article for sale or on the package or other container in which an article is sold, or displayed on the pump, dispenser or other container from which an article is sold; being an advertisement wholly with reference to the article for sale, which is not an illuminated advertisement.

(2) For the purposes of this regulation:—

(*a*) "article" includes a gas or liquid;

(*b*) the expression "enclosed land" means land which is wholly or for the most part enclosed within a hedge, fence, or wall or similar screen or structure and shall be deemed to include any railway station (and its yards) or bus station, together with their forecourts, whether enclosed or not; but shall not include any public park, public garden or other land held for the use or enjoyment of the public, or (save as hereinbefore specified) any enclosed railway land normally used for the carriage of passengers or goods by rail;

(*c*) "vehicle" means a vehicle normally employed as a moving vehicle on any road or railway, or a vessel normally employed as a moving vessel on any inland waterway; but shall not include any such vehicle or vessel during any period when it is used primarily for the display of advertisements;

(*d*) no advertisement shall be deemed to 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 the revocation or modification of such consent shall be exercisable only in the interests of amenity and public safety.

(2) When exercising such powers the Ministry,

(*a*) shall, in the interests of amenity, determine the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the locality, including the presence therein of any feature of historic, architectural, cultural or similar interest; and when assessing the general characteristics of a locality the Ministry may disregard any advertisements therein 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 aerodrome 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, any railway signal or aid to navigation by water or air;

but without prejudice to its power to have regard to any other material factor.

(3) In the determination of an application for consent for the display of advertisements, or, where the revocation or modification of a consent is under consideration, regard may be had to any material change in circumstances likely to occur within the period for which the consent is required or granted.

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

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

Consent required for the display of advertisements

5.—(1) No advertisement may be displayed without consent granted by the Ministry on an application in that behalf (referred to in these regulations as "express consent") or deemed to be granted under paragraph (2).

(2) Consent shall be deemed to be granted for the display of any advertisement displayed in accordance with any provision of these regulations whereby advertisements of that description may be displayed without express consent.

(3) In so far as the nature of the consent permits, consent for the display of any advertisements shall enure for the benefit of the land to which the consent relates and of all persons for the time being interested in that land; without prejudice, however, to the provisions of these regulations as respects the revocation or modification of an express consent.

(4) Save only as hereinafter excepted, it shall be a condition (whether expressly imposed or not) of every consent granted by or under these regulations that, before any advertisement is displayed on land in pursuance of the consent, the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained; except where an advertisement of the description specified in regulation 8(1)(*b*) is required to be displayed notwithstanding that such permission is not obtained.

The standard conditions

6. Without prejudice to the power of the Ministry to impose additional conditions upon a grant of consent under these regulations, the standard conditions set out in the Schedule 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 the Schedule, to the display of all advertisements; and

(*b*) in the case of the conditions set out in Part II of the Schedule, only to the advertisements being displayed with consent deemed to be granted by these regulations.

Contravention of regulations

7.—(1) A person displaying an advertisement in contravention of these regulations shall be liable on summary conviction of an offence under Article 51(2) of the 1972 Order to a fine not exceeding £100 and, in the case of a continuing offence, to a fine not exceeding £5 for each day during which the offence continues after conviction.

(2) Failure to observe any condition relating to the maintenance of an advertisement or of the site used for the display thereof, or to the satisfactory removal of an advertisement, shall not be a contravention of these regulations for the purposes of Article 51(2) of the 1972 Order insofar as concerns any person who is only deemed by virtue of Article 51(3) of the 1972 Order to display the advertisement, unless such person has failed to comply with a notice served on him by the Ministry under this paragraph requiring him to comply with the condition within such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

PART III

APPLICATIONS THE DISPLAY OF WHICH MAY BE UNDERTAKEN WITHOUT EXPRESS CONSENT

Election notices, statutory advertisements and traffic signs

8.—(1) The display of advertisements of the following descriptions may be undertaken without express consent:—

(*a*) any advertisement relating specifically to a pending parliamentary election or to a pending election to the Northern Ireland Assembly or a district council, not being an advertisement to which sub-paragraph (*b*) applies;

(*b*) advertisements required to be displayed by an enactment for the time being in force, or by Standing Orders of either House of Parliament, including (but without prejudice to the generality hereof) advertisements the display of which is so required as a condition of the valid exercise of any other power or proper performance of any function, given or imposed by an enactment;

(*c*) advertisements which are traffic signs as defined in section 190 of the Road Traffic Act (Northern Ireland) 1970(c).

(2) Consent deemed to be granted by virtue of paragraph (1) shall be subject to the following conditions in addition to the standard conditions:—
An advertisement of the description specified in paragraph 1(*a*) 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.

The specified classes

9.—(1) Advertisements of the following classes may be displayed without express consent, subject to the provisions of this regulation:

(c) 1970. c. 2. (N.I.).

Class 1—Functional advertisements of district councils, statutory undertakers, airport undertakers and public transport undertakers.

Advertisements employed wholly for the purposes of announcement or operation of a statutory undertaking or airport undertaking or of a public direction relating to any of the functions of a district council or to the transport undertaking engaged in the carriage of passengers, 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 2—Miscellaneous advertisements relating to premises on which they are displayed

(*a*) Advertisements for the purpose of identification, direction or warning with respect to the land or buildings on which they are displayed, and not exceeding 0.3 square metre in area in the case of any such advertisement.

(*b*) Advertisements relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement is displayed; limited to one advertisement, not exceeding 0.3 square metre in area, in respect of each such person, partnership or company, or, in the case of premises with entrances on different road frontages, one such advertisement at each entrance.

(*c*) Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, or to any hotel, inn or public house, block of flats, club, boarding house or hostel situate on the land on which any such advertisement is displayed; limited to one advertisement, not exceeding 1.5 square metres in area, in respect of each such premises, or, in the case of premises with entrances on different road frontages, one such advertisement displayed on each road frontage of the premises.

Class 3—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 of agricultural land, to a display of advertisements occupying an area not exceeding a total of 10 square metres, and in respect of each such sale or letting of any other land, to one advertisement consisting of a board (whether or not attached to a building) not exceeding 2 square metres in area, or of 2 conjoined boards, together not exceeding 2.5 square metres in area at each place where such advertisements may building, to project further than one metre from the face of the building.

(*b*) Advertisements announcing a sale of goods or livestock and displayed on the land where such goods or livestock are situated or where such sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding such sales; limited in the case of a sale on agricultural land to a display of advertisements occupying an area not exceeding a total of 10 square metres and in the case of a sale on other land to one advertisement not exceeding 1.5 square metres in an area at each place where such advertisements may be displayed.

(*c*) Advertisements relating to the carrying out of building or similar work on the land on which they are displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such work; limited to one advertisement (on each road frontage of the land) in respect of each separate development project, being an advertisement not exceeding 4 square metres.

(*d*) Advertisements announcing any local event of a religious, educational, cultural, political, social or recreational character, and advertisements relating to any temporary matter in connection with an event or local activity of such a character, not in either case being an event or local activity promoted or carried on for commercial purposes; limited to a display of advertisements occupying an area not exceeding a total of 1 square metre on any premises.

(*e*) Advertisements relating to any demonstration of agricultural methods or processes on the land on which they are displayed; limited in respect of each such demonstration to a display of advertisements occupying an area not exceeding a total of 10 square metres, the maximum period of display for any demonstration to be six months in any period of twelve months.

Class 4—Advertisements on business premises

Advertisements displayed on business premises wholly with reference to all or any of the following matters: the business or other activity carried on, the goods sold or services provided, and the name and qualifications of the person carrying on such business or activity or supplying such goods or services on those premises:

Provided that—

(*a*) no such advertisement may be displayed on the wall of a shop, unless the wall contains a shop window;

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

Class 5—Advertisements on the forecourts of business premises

Advertisements displayed on any forecourt of business premises wholly with reference to all or any of the matters specified in Class 4; limited as respects the aggregate area of the advertisements displayed under this class on any such forecourt to 5 square metres:

Provided that a building with a forecourt on two or more frontages shall be treated as having a separate forecourt on each of those frontages.

Class 6—Flag advertisements

Any advertisement in the form of a flag which is attached to a single flagstaff fixed in an upright position on the roof of a building and which bears no inscription or emblem other than the name or devices of a person or persons occupying the building.

(2) Consent deemed to be granted by virtue of these regulations for the display of advertisements of the foregoing classes shall be subject to the following conditions in addition to the standard conditions—

(*a*) no such advertisement, other than an advertisement of Class 1, shall contain letters, figures, symbols, emblems or devices of a height exceeding 0.3 metre;

(*b*) no such advertisement, other than an advertisement of Class 1, Class 3(*a*) or Class 6, shall be displayed so that the highest part of the advertisement is above 5 metres from ground level:

(*c*) No such advertisement shall be illuminated except as follows—

(i) advertisements of Class 1, illuminated in a manner reasonably required to achieve the purpose of the advertisement;

(ii) advertisements of Class 2 or Class 4 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 3 relating to a sale or other matter which is due to start or take place on a specified date shall be displayed earlier than 28 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 3 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, save as hereinafter provided, any building normally used for the purpose of carrying on therein any professional, commercial or industrial undertaking, or any building (other than an institution in respect of which advertisements of Class 2(*c*) may be displayed) normally used for the purpose of providing therein services to members of the public or of any association and includes public restaurants, licensed premises and places of public entertainment; but in the case of any building normally used only partly for such purposes, means only the part of the building normally used for such purposes:

Provided that the expression shall not include:—

(i) any building designed for use as one or more separate dwellings, unless the building was normally used immediately before 1 October 1973 for the purpose of carrying on therein any such undertaking or providing therein any such services as aforesaid, or unless the building has been, or is at any time, adapted for use as business premises by the construction of a shop front or the making of a material alteration of a similar kind to the external appearance of the building;

(ii) any forecourt or other land forming part of the curtilage of a building;

(iii) any fence, wall or similar screen or structure, unless it forms part of the fabric of a building constituting business premises.

(*b*) in relation to Class 5, "forecourt" includes any fence, wall or similar screen or structure enclosing a forecourt and not forming part of the fabric of a building constituting business premises;

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

(*d*) "recreational" in relation to an institution shall not apply to any institution for the carrying on of sports, games or physical training primarily as a commercial undertaking.

Power to exclude the application of regulation 9

10.—(1) If the Ministry is satisfied that the display of advertisements of a class or description specified in regulation 9 should not be undertaken in any particular area or in any particular case without express consent, it 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 Ministry under this regulation with respect to an area shall be published by the Ministry in at least one newspaper circulating in the locality in which the area is situate; and such notice shall contain a concise statement of the effect of the direction and name a place or places where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours.

(3) Notice of any direction given by the Ministry under this regulation in a particular case shall be served by the Ministry 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 Ministry, proposes to display on such land an advertisement of the class or description referred to in the direction.

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

PART IV

EXPRESS CONSENT TO DISPLAY ADVERTISEMENTS

Applications

11.—(1) Subject to this regulation, an application to the Ministry for consent to display advertisements shall be made on a form issued by and obtainable from the Ministry and shall include such particulars and shall be accompanied by such plans, together with such additional number of copies of the form and plans as may be required by the directions of the Ministry printed on the form.

(2) The Ministry may require such information, in addition to that given in the application, as may be requisite to enable it to determine the application.

Duty to consult with respect to an application

12. The Ministry shall, before deciding any application for the display of advertisements, consult with the appropriate district council and shall, in determining the application, take into account any representations made by the council.

Power of the Ministry to deal with applications

13.—(1) Subject to the provisions of these regulations, where application for consent for the display of advertisements is made to the Ministry, the Ministry may grant consent subject to the standard conditions specified in Part I of the Schedule and to such additional conditions (if any) as it thinks fit, or may refuse consent.

(2) Without prejudice to the generality of paragraph (1) and subject always to the provisions of regulation 4, 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 Ministry 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.

Notification of the Ministry's decision

14.—(1) The grant or refusal by the Ministry of consent for the display of advertisements shall be in writing and, where the Ministry decides to grant consent subject to conditions in addition to the standard conditions, or to refuse consent, the reasons for its decision shall be stated in writing.

(2) The Ministry shall, within two months from the date of receipt of the application, give notice to the applicant of its decision:

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

Appeals to the Planning Appeals Commission

15.—(1) Where, on application being made for consent under these regulations, consent is refused by the Ministry or is granted by it subject to conditions, the applicant may appeal to the Commission.

(2) Any person who desires to appeal under this regulation shall give notice of appeal in writing to the Commission within six months from the receipt of notification of the Ministry's decision or such longer period as the Commission may allow.

(3) The Commission may, if it thinks fit, require the applicant or the Ministry to submit within a specified period a 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 statement, the Commission is satisfied that it is sufficiently informed for the purpose of reaching a decision as to the matters to which the appeal relates, it may decide the appeal without further investigation; but otherwise the Commission shall if either party so desires, afford to each of them an opportunity of appearing before and being heard by the Commission.

(4) Where an appeal is brought under this regulation from a decision of the Ministry, the Commission may allow or dismiss the appeal or may reverse or vary any part of the decision of the Ministry, whether or not the appeal relates to that part.

(5) Where the Ministry fails to notify the applicant as required by regulation 14 within two months from receipt of the application, or within such extended period as is agreed between them, the provisions of paragraphs (1) and (2) shall apply in relation to the application as if consent had been refused by the Ministry and as if notification of its decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

Revocation and modification of consent

16.—(1) Subject to the provisions of regulation 4 and of this regulation, if it appears to the Ministry that it is expedient that any express consent for the display of advertisements should be revoked or modified, it may by order revoke or modify the consent to such extent as appears to it to be expedient.

(2) Before making an order under this regulation, the Ministry shall serve notice on the person on whose application the consent was granted, on the owner and on the occupier of the land affected, and on any other person who in its 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 Ministry shall afford to him an opportunity of appearing before and being heard by the Commission.

(3) The power conferred by this regulation to revoke or modify consent for the display of advertisements may be exercised—

(*a*) where the consent relates to a display which involves the carrying out of building or similar operations, at any time before those operations have been completed;

(*b*) where the consent relates to a display which involves no such operations as aforesaid, at any time before the display is begun:

Provided that the revocation or modification of consent for a display which involves the carrying out of building or similar operations shall not affect so much of those operations as has been previously carried out.

Supplementary provisions as to revocation and modification

17.—(1) Where consent for the display of advertisements is revoked or modified by an order made under regulation 16 then if, on a claim made to the Ministry in writing and served within six months after the making 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, the Ministry 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.

Register of applications

18.—(1) The Ministry shall keep one or more registers containing information with respect to the applications for consent for the display of advertisements on any land including information as to the manner in which such applications have been dealt with.

(2) Every register kept under paragraph (1) shall be available for inspection by the public at all reasonable hours.

PART V

ENFORCEMENT

Enforcement notices

19.—(1) Where it appears to the Ministry that there has been a contravention of these regulations then, subject to this regulation, the Ministry may serve a notice under this regulation (hereinafter referred to as an "enforcement notice") requiring the contravention to be remedied.

(2) There is a contravention of these regulations if an advertisement is displayed on land after the commencement of these regulations—

(*a*) without consent required in that behalf; or

(*b*) if any conditions subject to which such consent was granted have not been complied with.

(3) An enforcement notice shall be served on the owner and on the occupier of the land to which it relates and on any other person known to the Ministry to be displaying the advertisement without consent, or to have displayed it in contravention of any condition subject to which the consent was granted.

(4) An enforcement notice shall specify—

(*a*) the matters alleged to constitute a contravention of these regulations;

(*b*) the steps required by the Ministry to be taken in order to remedy the contravention, that is to say steps for the purpose of restoring the land to its condition before the display took place or (according to the particular circumstances of the contravention) of securing compliance with the conditions subject to which consent was granted; and

(*c*) the period for compliance with the notice, that is to say the period (beginning with the date when the notice takes effect) within which those steps are required to be taken.

(5) The steps which may be required by an enforcement notice to be taken include 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.

(6) Subject to paragraph (8) an enforcement notice shall take effect at the end of such period as may be specified in the notice, being a period not less than—

(*a*) 7 days in any case where the Ministry considers it urgently necessary in the interests of public safety that the advertisement to which the notice relates should be altered or removed, or where it is 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, 28 days.

(7) Where an appeal is brought under regulation 20 the enforcement notice shall be of no effect pending the final determination or the withdrawal of the appeal.

(8) If on a complaint by the owner of any land, it appears to a court of summary jurisdiction that the occupier of that land prevents the owner from executing any work which he is required to execute under this Part, the court may order the occupier to permit the execution of the work.

(9) The Ministry may withdraw an enforcement notice (without prejudice to its power to serve another) at any time before it takes effect; and if it does so it shall forthwith give notice of the withdrawal to every person who was served with the notice.

Appeal against enforcement notice

20.—(1) A person on whom an enforcement notice is served or any other person having an estate in the land may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to a court of summary jurisdiction for the petty sessions district within which the land to which the notice relates is situated against the notice on any of the following grounds—

(*a*) that the matters alleged in the notice do not constitute a contravention of these regulations;

(*b*) that the enforcement notice was not served as required by regulation 19(3);

(*c*) that the steps required by the notice to be taken exceed what is necessary to remedy any contravention of these regulations;

(*d*) that the specified period for compliance with the notice falls short of what should reasonably be allowed.

(2) On an appeal under this regulation—

(*a*) the court may correct any informality, defect or error in the enforcement notice if it is satisfied that the informality, defect or error is not material;

(*b*) in a case where it would otherwise be a ground for determining the appeal in favour of the appellant that a person required by regulation 19(3) to be served with the notice was not served, the court may disregard that fact if neither the appellant nor the person has been substantially prejudiced by the failure to serve him.

(3) The court shall quash the enforcement notice, vary the terms of the notice in favour of the appellant or uphold the notice.

Execution and cost of works required by enforcement notice

21.—(1) If, within the period specified in an enforcement notice for compliance therewith, or within such extended period as the Ministry may allow, any steps required by the notice to be taken (other than the discontinuance of a use of land) have not been taken, a person authorised in writing by the Ministry may enter upon the land and take those steps and the Ministry

may recover from the person who is then the owner of the land any expenses reasonably incurred by it in that behalf and those expenses shall be a civil debt recoverable summarily.

(2) Any expenses incurred by the owner or occupier of any land for the purposes of complying with an enforcement notice in respect of any contravention of these regulations, and any sums paid by the owner of any land under paragraph (1) in respect of expenses incurred by the Ministry in taking steps required to be taken by such a notice, shall be deemed to be incurred for the use and at the request of the person who displayed the advertisement in contravention of these regulations.

(3) The Ministry may sell any materials which have been removed by it from any land when carrying into effect this Part if, before the expiration of three days from their removal, they are not claimed by their owner and taken away by him.

(4) Where the Ministry sells any materials under paragraph (3) it shall pay the proceeds to the person to whom the materials belonged after deducting the amount of any expenses recoverable by it from him.

(5) Paragraphs (3) and (4) do not apply to refuse removed by the Ministry.

(6) Where the Ministry claims to recover any expenses under this regulation from a person as being 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 agent or trustee for some other person; and

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

his liability shall be limited to the total amount of the money which he has or has had in his hands as mentioned in sub-paragraph (*b*) but the Ministry where it is, or would be, debarred by this paragraph from recovering the whole of any such expenses from an agent or trustee may recover the whole of any unpaid balance thereof from the person on whose behalf the agent or trustee receives the rent.

(7) Any expenses recoverable by the Ministry under this regulation shall, until recovered, be deemed to be charged on and payable out of the estate in the land in relation to which they have been incurred, of the owner of the land and of any person deriving title from him.

(8) The charge created by paragraph (7) shall be enforceable in all respects as if it were a valid mortgage by deed created in favour of the Ministry by the person on whose estate the charge has been created (with, where necessary, any authorisation or consent required by law) and the Ministry may exercise the powers conferred by Sections 19, 21 and 22 of the Conveyancing Act 1881(**d**) on mortgagees by deed accordingly.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 14th day of September 1973.

(L.S.)

D. J. Perham,
Assistant Secretary.

(**d**) 44 & 45 Vict. c. 41.

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 Ministry.

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 Ministry.

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 Ministry.

PART II

Conditions attaching to consent deemed to be granted

4. An advertisement for which consent is deemed to be granted 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 road, railway, waterway (including any coastal waters) or aerodrome.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations make provision for the control of the display of advertisements in Northern Ireland.