



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 4

#### GRAFFITI AND OTHER DEFACEMENT

##### *Advertisements*

### **33 Unlawful display of advertisements: defences**

- (1) Section 224 of the Town and Country Planning Act 1990 (c. 8) (enforcement of control as to advertisements) is amended as follows.
- (2) In subsection (5) (person not guilty of offence of displaying advertisement in contravention of regulations if he proves it was displayed without his knowledge or consent), for “that it was displayed without his knowledge or consent” substitute “either of the matters specified in subsection (6)”.
- (3) After that subsection insert—
  - “(6) The matters are that—
    - (a) the advertisement was displayed without his knowledge; or
    - (b) he took all reasonable steps to prevent the display or, after the advertisement had been displayed, to secure its removal.”
- (4) This section does not have effect in relation to an offence committed, or alleged to have been committed, before the commencement of this section.

### **34 Removal of placards and posters**

- (1) Section 225 of the Town and Country Planning Act 1990 (power to remove or obliterate placards and posters) is amended as follows.

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**Changes to legislation:** Clean Neighbourhoods and Environment Act 2005, Cross Heading: Advertisements is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (2) In subsection (3)(b) after “notice” insert “ and recover from him the costs they may reasonably incur in doing so ”.
- (3) After subsection (5) insert—
- “(6) Where—
- (a) a local planning authority serve a notice on a person under subsection (3) in relation to a placard or poster, and
- (b) the person fails to remove or obliterate it within the period specified in the notice,
- the authority may recover from that person the costs they may reasonably incur in exercising their power under subsection (1).”
- (4) After subsection (6) (as inserted by subsection (3) above) insert—
- “(7) This subsection applies in relation to a placard or poster where—
- (a) the placard or poster does not identify the person who displayed it or caused it to be displayed, or
- (b) it does do so, but subsection (3) does not apply by reason of subsection (4), and
- the placard or poster publicises the goods, services or concerns of an identifiable person.
- (8) Where subsection (7) applies, subsections (3) to (6) have effect as if the reference in subsection (3) to the person who displayed the placard or poster or caused it to be displayed were a reference to the person whose goods, services or concerns are publicised.”
- (5) After subsection (8) (as inserted by subsection (4) above) insert—
- “(9) Where any damage is caused to land or chattels in the exercise of the power under subsection (1) in relation to a placard or poster, compensation may be recovered by any person suffering the damage from the local planning authority exercising the power.
- (10) Subsection (9) does not permit the recovery of compensation by the person who displayed the placard or poster or caused it to be displayed.
- (11) The provisions of section 118 apply in relation to compensation under subsection (9) as they apply in relation to compensation under Part 4.”
- (6) In section 324 of that Act (rights of entry), omit subsection (3)(a).

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**Commencement Information**

**11** S. 34 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2

**12** S. 34 in force at 27.10.2006 for W. by S.I. 2006/2797, art. 2(g)

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing S.I. 2006/2797