
STATUTORY INSTRUMENTS

1984 No. 467

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

PROSPECTIVE

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, the revocation or modification of such consent, and the discontinuance of the display of advertisements with consent deemed to be granted, shall be exercisable only in the interests of amenity and public safety.

(2) When exercising such powers a 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 of any feature of historic, architectural, cultural or similar interest; and when assessing the general characteristics of the locality the authority may disregard any advertisements being displayed therein;
- (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 determining an application for consent for the display of advertisements, or considering whether to make an order revoking or modifying a consent, the planning authority may have regard to any material change in circumstances likely to occur within the period for which that 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.

(5) 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 the 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:

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

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

Provided that nothing in this paragraph shall affect the duty of the planning authority, when dealing with an application for consent for the display of a particular advertisement, to have regard to the effect on amenity and public safety of the display of that advertisement.

Commencement Information

I1 Reg. 4 in force at 2.5.1984, see [reg. 1](#)

Consent required for the display of advertisements

5.—(1) No advertisement may be displayed without consent granted either by the planning authority or by the Secretary of State on an application in that behalf (referred to in these regulations as “express consent”), or deemed to be granted in accordance with Part IV of these regulations.

(2) Insofar as the nature of the consent permits, consent for the display of advertisements shall enure for the benefit of the site to which the consent relates and of all persons for the time being interested in that site; without prejudice however to the provisions of these regulations as respects the revocation or modification of consent.

Commencement Information

I2 Reg. 5 in force at 2.5.1984, see [reg. 1](#)

The standard conditions

6. Without prejudice to the power of the planning authority to impose additional conditions upon the grant of consent under these regulations, the standard conditions set out in Schedule 1 shall apply without further notice to the display of all advertisements; and in the case of advertisements being displayed with consent deemed to be granted by these regulations the conditions set out in Part II of that Schedule shall also apply:

Provided that:

- (a) paragraph 1 of Schedule 1 shall not apply to advertisements of the type described in regulation 12(1)(a);
- (b) paragraph 4 of Schedule 1 shall not apply to advertisements of the type described in regulation 12(1)(b).

Commencement Information

I3 Reg. 6 in force at 2.5.1984, see [reg. 1](#)

Liability to fine for contravention of the regulations

7.—(1) A person who displays an advertisement in contravention of these regulations shall be liable on summary conviction of an offence under section 101(2) of the Act⁽¹⁾ to a fine not exceeding £200 and, in the case of a continuing offence, £20 for each day during which the offence continues after conviction.

(1) 1972 c. 52; section 101(2) was amended by the Local Government and Planning (Scotland) Act 1982 (c. 43), Schedule 2, paragraph 31, and by the Criminal Procedure (Scotland) Act 1975 (c. 21), sections 289F and 289G (as inserted by the Criminal Justice Act 1982 (c. 48), section 43).

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(2) Failure to observe any condition relating to the maintenance of an advertisement or of the site used for the display of an advertisement, or to the satisfactory removal of an advertisement, shall not be a contravention of these regulations for the purpose of section 101 of the Act insofar as concerns any person who is only deemed by virtue of section 101(3) of the Act to display the advertisement, unless such person has failed to comply with an enforcement notice served on him by the planning authority requiring him to take the steps required by the enforcement notice within such period as may be specified in the notice.

Commencement Information

I4 Reg. 7 in force at 2.5.1984, see [reg. 1](#)

Status:

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Changes and effects yet to be applied to :

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

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

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

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

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