
STATUTORY INSTRUMENTS

2007 No. 783

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

PART 5

MISCELLANEOUS

Documents in electronic form

22.—(1) The requirements—

- (a) of regulation 7(8) (notice of direction restricting deemed consent in a particular case);
- (b) of regulation 8(3) and (6) (service, withdrawal and variation of discontinuance notice);
- (c) of regulation 18(5) (notice of modification or revocation of express consent);
- (d) of paragraphs 4, 7 and 8 of Schedule 5, and of paragraphs 4 and 8 as applied as mentioned in paragraph 11 of that Schedule (notice of making, modification or revocation of area of special control order),

are not capable of being satisfied by transmitting the notice electronically or by making it available on a web-site.

(2) A claim for compensation under regulation 19 may not be made electronically or by making it available on a web-site.

(3) The delivery of any other document to a person (“the recipient”) may be effected for any purpose of these Regulations other than the purposes of regulation 9—

- (a) by transmitting it electronically, or
- (b) by making it available on a web-site,

but only if it is transmitted or made available in accordance with paragraph (4) or (6).

(4) A document is transmitted electronically in accordance with this paragraph if—

- (a) the recipient has agreed that documents may be delivered to him by being transmitted to an electronic address and in an electronic form specified by him for that purpose; and
- (b) the document is a document to which that agreement applies and is transmitted to that address in that form.

(5) A document which is transmitted in accordance with paragraph (4) by means of an electronic communications network shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which it is transmitted.

(6) A document is made available on a web-site in accordance with this paragraph if—

- (a) the recipient has agreed that documents may be delivered to him by being made available on a web-site;
- (b) the document is a document to which that agreement applies and is made available on a web-site;
- (c) the recipient is notified, in a manner agreed by him, of—

- (i) the presence of the document on the web-site;
- (ii) the address of the web-site; and
- (iii) the place on the web-site where the document may be accessed.

(7) A document made available on a web-site in accordance with paragraph (6) shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which the recipient is notified in accordance with paragraph (6)(c).

(8) In this regulation—

“electronic address” includes any number or address used for the purposes of receiving electronic communications; and

“electronic communications network” has the meaning given by section 32(1) of the Communications Act 2003(1).

Repayment of expense of removing prohibited advertisements

23. The time limit prescribed for the purpose of making a claim for compensation under section 223 of the Act for the recovery of expenses reasonably incurred is a period of 6 months from the completion of the works.

Register of applications

24.—(1) Every local planning authority shall keep a register containing particulars of—

- (a) any application made to the authority for express consent for the display of an advertisement, including the name and address of the applicant, the date of the application and the type of advertisement concerned;
- (b) any direction given under these Regulations relating to the application;
- (c) the date and effect of any decision of the local planning authority on the application;
- (d) the date and effect of any decision of the Secretary of State on an appeal.

(2) The register shall include an index to enable a person to trace any entry in the register.

(3) Subject to paragraph (4), the register shall be kept at the principal office of the local planning authority.

(4) Any part of the register which relates to land within a particular part of the area of the local planning authority may be kept at a place within or convenient to that part of the authority’s area.

(5) Every entry in the register consisting of particulars of an application shall be made within 14 days of the receipt of the application.

(6) The register shall be open to public inspection at all reasonable hours.

Directions requiring information

25. The Secretary of State may give a direction to a local planning authority, or to such authorities generally, requiring them to provide her with information required for the purpose of any of her functions under these Regulations.

Exercise of powers by the Secretary of State

26.—(1) If it appears to the Secretary of State, after consultation with the local planning authority, that—

(1) 2003 c. 21.

- (a) a discontinuance notice should be served under regulation 8; or
- (b) an area of special control order, or an order revoking such an order, should be made under regulation 20,

she may herself serve such a notice or make an order.

(2) Where the Secretary of State exercises her powers under paragraph (1)—

- (a) regulations 8 and 17 (in relation to sub-paragraph (a) of that paragraph); and
- (b) regulation 20 and Schedule 5 (in relation to sub-paragraph (b) of that paragraph),

shall apply in relation to her as they apply in relation to a local planning authority as if for references to the local planning authority there were substituted references to the Secretary of State.

Discontinuance notice in respect of authority's advertisement

27.—(1) If the Secretary of State is satisfied that it is necessary to remedy a substantial injury to the amenity of the locality or a danger to members of the public, she may serve a discontinuance notice under regulation 8 in relation to an advertisement displayed by an interested planning authority.

(2) Paragraphs (3) and (6) of regulation 8 shall apply in relation to a discontinuance notice served under paragraph (1) as they apply in relation to a discontinuance notice served by a local planning authority as if for references to the local planning authority there were substituted references to the Secretary of State.

(3) Paragraph (3) of regulation 17 shall apply in relation to a discontinuance notice served under paragraph (1) as it applies in relation to a discontinuance notice served by a local planning authority, with such modifications as may be necessary.

Extension of time limits

28. The Secretary of State may, in any particular case, extend the time within which anything is required to be done under these Regulations or within which any objection, representation or claim for compensation may be made.

Cancellation or variation of directions

29. Any power conferred by these Regulations to give a direction includes power to cancel or vary the direction by a subsequent direction.

Contravention of Regulations

30.—(1) Subject to paragraph (2), a person displaying an advertisement in contravention of these Regulations shall be liable, on summary conviction of an offence under section 224(3) of the Act, to a fine of an amount not exceeding level 4 on the standard scale⁽²⁾ and, in the case of a continuing offence, one tenth of level 4 on the standard scale for each day during which the offence continues after conviction.

(2) Paragraph (1) does not apply to the Crown⁽³⁾.

(2) See section 53 of the Anti-social Behaviour Act 2003 (c. 38).

(3) As to application to the Crown, see Part 7 of the Planning and Compulsory Purchase Act 2004 (c. 5).

Transitional provisions

31. Advertisements of any description in column (1) of the Table below, which are being displayed before these Regulations come into force, may continue to be displayed, but only for the period specified in column (2) as applicable to advertisements of that description.

Table

<i>(1) Description</i>	<i>(2) Period</i>
An advertisement within any of the following classes in Schedule 3, for which express consent has not been granted: <ul style="list-style-type: none"> (a) Class 5 (advertisements on business premises), (b) Class 6 (an advertisement on a forecourt of business premises), (c) Class 15 (advertisements on balloons). 	5 years from the date on which these Regulations come into force.
An advertisement within Class 8 (advertisements on hoardings), for which express consent has not been granted.	3 years from the date on which these Regulations come into force.
An advertisement within Class 16 in Schedule 3 (advertisements on telephone kiosks), for which express consent has not been granted.	2 years from the date on which these Regulations come into force.

Principal Regulations ceasing to have effect in relation to England, with savings

32.—(1) Subject to paragraphs (2) and (3), the Town and Country Planning (Control of Advertisements) Regulations 1992(4) (“the principal Regulations”) shall cease to have effect in relation to England.

(2) Nothing in paragraph (1) shall affect—

- (a) any direction given by the Secretary of State under the principal Regulations in relation to matters affecting any part of England; or
- (b) any area of special control order made under the principal Regulations in relation to any part of England.

(3) Subject to paragraph (4), the principal Regulations shall continue to have effect as respects England for the purposes of the consideration or determination of any application or appeal (or further appeal) made before the coming into force of these Regulations; and, accordingly, that consideration or determination shall be made by reference to the principal Regulations.

(4) Where, in consequence of an order of any court (whenever made) the Secretary of State re-determines, after the coming into force of these Regulations, an application or appeal made under any provision of the principal Regulations, the re-determination shall be made by reference to these Regulations.

(4) S.I. 1992/666, amended by S.I. 1994/2351 and 1999/1810.