



2011 CHAPTER 25

PART 5

ENFORCEMENT

Advertisements

Enforcement of advertisement control

175.—(1) The matters for which provision may be made by regulations under section 130 shall include provision for enabling a council to require the removal of any advertisement which is being displayed in contravention of the regulations, or the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations, and for that purpose for applying any of the provisions of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the regulations.

(2) Without prejudice to any provision included in regulations made under section 130 by virtue of subsection (1), if any person displays an advertisement in contravention of the regulations that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale and, in the case of a continuing offence, to a fine not exceeding one-tenth of level 4 on the standard scale for each day during which the offence continues after conviction.

(3) For the purposes of subsection (2) and without prejudice to the generality of that subsection, a person shall be deemed to display an advertisement if—

- (a) the advertisement is displayed on land of which that person is the owner or occupier; or

- (b) the advertisement gives publicity to that person's goods, trade, business or other concerns,

but a person shall not be guilty of an offence under subsection (2) by reason only that an advertisement is displayed on land of which that person is the owner or occupier, or that that person's goods, trade, business or other concerns are given publicity by the advertisement, if that person proves either of the matters specified in subsection (4).

- (4) The matters are that—
 - (a) the advertisement was displayed without the person's knowledge; or
 - (b) the person took all reasonable steps to prevent the display or, after the advertisement had been displayed, to secure its removal.