



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART VII

#### SPECIAL CONTROLS

#### CHAPTER III

#### ADVERTISEMENTS

#### *Advertisement regulations*

#### **182 Regulations controlling display of advertisements.**

- (1) Regulations shall make provision for restricting or regulating the display of advertisements so far as appears to the Secretary of State to be expedient in the interests of amenity or public safety.
- (2) Without prejudice to the generality of subsection (1), any such regulations may provide—
  - (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed and the manner in which they are to be affixed to the land;
  - (b) for requiring the consent of the planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;
  - (c) for applying, in relation to any such consent and to applications for such consent, any of the provisions mentioned in subsection (3), subject to such adaptations and modifications as may be specified in the regulations;

*Status: Point in time view as at 30/11/2017.*

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- (d) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.

[<sup>F1</sup>(2A) The regulations may also make provision as to—

- (a) the form and manner in which an application for consent must be made,
- (b) particulars of such matters as are to be included in the application,
- (c) any documents or other materials which are to accompany the application.]

(3) The provisions referred to in subsection (2)(c) are—

- (a) the provisions of Part III relating to planning permission and to applications for planning permission, except sections 32, 34, 35, 36(2) and (3), 38, 58 to 62, 69 and 70 and Schedules 6 and 7, and section 65 of the <sup>M1</sup>Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,
- (b) sections 88 to 92, 94 and 95 (except so far as they relate to purchase notices served in consequence of such orders as are mentioned in section 88(1)(b) or (c)), and
- (c) section 263.

#### Textual Amendments

**F1** S. 182(2A) inserted (12.12.2008 for specified purposes, 3.8.2009 in so far as not already in force) by Planning etc. (Scotland) Act 2006 (asp 17), ss. 7(2), 59(2); S.S.I. 2008/411, art. 2(2)(3)(a); S.S.I. 2009/219, art. 2, sch.

#### Marginal Citations

**M1** 1997 c. 9.

### 183 Power to make different advertisement regulations for different areas.

- (1) Regulations made under section 182 may make different provision with respect to different areas, and in particular may make special provision—
  - (a) with respect to conservation areas, and
  - (b) with respect to areas defined for the purposes of the regulations as areas of special control.
- (2) An area may be defined as an area of special control if it is—
  - (a) a rural area, or
  - (b) an area which appears to the Secretary of State to require special protection on grounds of amenity.
- (3) Without prejudice to the generality of subsection (1), the regulations may prohibit the display in an area of special control of all advertisements except advertisements of such classes (if any) as may be prescribed.
- (4) Areas of special control for the purposes of the regulations may be defined by means of orders made or approved by the Secretary of State in accordance with the provisions of the regulations.
- (5) Where the Secretary of State is authorised by the regulations to make or approve any such order as is mentioned in subsection (4), the regulations shall provide—

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- (a) for the publication of notice of the proposed order in such manner as may be prescribed,
  - (b) for the consideration of objections duly made to it, and
  - (c) for the holding of such inquiries or other hearings as may be prescribed, before the order is made or approved.
- (6) Nothing in this section or in any such regulations shall be construed as authorising the restricting or regulation of the display of any advertisement by reason only of the subject matter or wording of it.

#### **184 Planning permission not needed for advertisements complying with regulations.**

Where the display of advertisements in accordance with regulations made under section 182 involves development of land—

- (a) planning permission for that development shall be deemed to be granted by virtue of this section, and
- (b) no application shall be necessary for that development under Part III.

#### **Modifications etc. (not altering text)**

- C1** S. 184 applied (4.4.2003 for specified purposes, 28.11.2004 in so far as not already in force) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\), ss. 21\(7\), 122\(1\), 129\(2\)\(5\)\(d\)](#) (with [ss. 119, 121](#)) (see [S.S.I. 2003/456](#), art. 2)

#### *Repayment of expense of removing prohibited advertisements*

#### **185 Repayment of expense of removing prohibited advertisements.**

- (1) Where, for the purpose of complying with any regulations made under section 182, works are carried out by any person—
- (a) for removing an advertisement which was being displayed on 16th August 1948, or
  - (b) for discontinuing the use for the display of advertisements of a site used for that purpose on that date,
- that person shall, on a claim made to the planning authority within such time and in such manner as may be prescribed, be entitled to recover from that authority compensation in respect of any expenses reasonably incurred by him in carrying out those works.
- (2) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal.
- (3) In relation to the determination of any such question, the provisions of sections 9 and 11 of the <sup>M2</sup>Land Compensation (Scotland) Act 1963 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

#### **Marginal Citations**

- M2** 1963 c. 51.

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### *Enforcement of control over advertisements*

#### **186 Enforcement of control as to advertisements.**

- (1) Regulations under section 182 may make provision for enabling the planning authority to require—
  - (a) the removal of any advertisement which is displayed in contravention of the regulations, or
  - (b) the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations.
- (2) For that purpose the regulations may apply any of the provisions of Part VI with respect to enforcement notices or the provisions of section 143(1) to (5), subject to such adaptations and modifications as may be specified in the regulations.
- (3) Without prejudice to any provisions included in such regulations by virtue of subsection (1) or (2), if any person displays an advertisement in contravention of the regulations he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed, not exceeding level 3 on the standard scale and, in the case of a continuing offence, one-tenth of level 3 on the standard scale for each day during which the offence continues after conviction.
- (4) Without prejudice to the generality of subsection (3), a person shall be deemed to display an advertisement for the purposes of that subsection if—
  - (a) he is the owner or occupier of the land on which the advertisement is displayed, or
  - (b) the advertisement gives publicity to his goods, trade, business or other concerns.
- (5) A person shall not be guilty of an offence under subsection (3) by reason only—
  - (a) of his being the owner or occupier of the land on which an advertisement is displayed, or
  - (b) of his goods, trade, business or other concerns being given publicity by the advertisement,
 if he proves that it was displayed without his knowledge or consent.

#### **187 Power to remove or obliterate placards and posters.**

- (1) Subject to the provisions of this section, a planning authority may remove or obliterate any placard or poster—
  - (a) which is displayed in their area, and
  - (b) which in their opinion is so displayed in contravention of regulations made under section 182.
- (2) Subsection (1) does not authorise the removal or obliteration of a placard or poster displayed within a building to which there is no public right of access.
- (3) Subject to subsection (4), where a placard or poster identifies the person who displayed it or caused it to be displayed, the planning authority shall not exercise any power conferred by subsection (1) unless they have first given him notice in writing—
  - (a) that in their opinion it is displayed in contravention of regulations made under section 182, and

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- (b) that they intend to remove or obliterate it on the expiry of a period specified in the notice.
- (4) Subsection (3) does not apply if—
  - (a) the placard or poster does not give his address, and
  - (b) the authority do not know it and are unable to ascertain it after reasonable inquiry.
- (5) The period specified in a notice under subsection (3) must be not less than 2 days from the date of service of the notice.
- (6) Any person duly authorised in writing by the planning authority may at any reasonable time enter any land for the purpose of exercising a power conferred by this section if—
  - (a) the land is unoccupied, and
  - (b) it would be impossible to exercise the power without entering the land.

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