

*These notes refer to the Clean Neighbourhoods and Environment Act
(Northern Ireland) 2011 (c.23) which received Royal Assent on 4 May 2011*

Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Graffiti and Other Defacement

Section 38 – Unlawful display of advertisements

This section amends Article 84 of the Planning (Northern Ireland) Order 1991 (the Planning Order) and Article 87 of the Roads (Northern Ireland) Order 1993 (the Roads Order) both of which deal with offences relating to the display of advertisements in contravention of Regulations made under Article 67 of the Planning Order. At present, there is a defence for a person, whose goods, trade, business or other concerns are advertised (and in the case of the Planning Order also for a person who is the owner or occupier of the land on which the advertisement is displayed), namely where he proves that the advertisement was displayed without his knowledge or consent. This makes it very hard to secure a conviction. Subsections (2) and (3) of section 38 amend the statutory defence in the Planning Order so that a person has to prove that the advertisement was either displayed without his knowledge; or that he either took all reasonable steps to prevent the display, or to secure its removal after the advertisement had been displayed. Subsections (5) and (6) make similar amendments to the Roads Order.