



Town and Country Planning Act 1932

1932 CHAPTER 48

Miscellaneous Provisions.

47 Powers with respect to advertisements.

- (1) Where it appears to the responsible authority that an advertisement displayed or a hoarding set up in the area to which a scheme applies seriously injures the amenity of land specified in the scheme as land to be protected under this Act in respect of advertisements, the authority may serve in the prescribed manner upon the owner of the advertisement or hoarding a notice requiring him to remove it within such period, not being less than twenty-eight days from the date of service of the notice, as may be specified therein, and where any such notice is served a copy thereof shall be served in the prescribed manner upon the owner and occupier of the land on which the advertisement or hoarding is displayed or set up.
- (2) If a person upon whom a notice or a copy of a notice has been served under the last foregoing subsection on any date desires to allege that the advertisement or hoarding to which the notice relates does not seriously injure the amenity of any land specified in the scheme as aforesaid he may, by written notice served on the clerk of the court and the authority within twenty-eight days from that date, appeal to a court of summary jurisdiction for the petty sessional division or place comprising the land on which the advertisement or hoarding is displayed or set up.
- (3) If on any such appeal as aforesaid the court are satisfied that the advertisement or hoarding does not seriously injure the amenity of any land specified in the scheme as aforesaid, the court shall allow the appeal, but if they are not so satisfied the court shall dismiss the appeal, so, however, that the court may by their order postpone the date for compliance with the requirements of the notice to such date, not being later than the expiration of twenty-eight days from the date of the order, as they think fit.
- (4) If the owner of an advertisement or hoarding upon whom a notice has been served under subsection (1) of this section does not comply with the requirements of the notice within the period therein specified, then, unless an appeal in respect of the notice is made under this section and allowed, the authority may, at any time after the expiration of that period or, if the court on an appeal under this section postpone the date for compliance with the requirements of the notice, after the date specified in the order,

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enter upon the land upon which the advertisement or hoarding is displayed or set up and remove the advertisement or hoarding and recover from the owner thereof the expenses of such removal and on any proceedings for the recovery of such expenses the defendant shall not be entitled to raise by way of defence any matter which might have been raised by him on an appeal under this section.

- (5) Where a scheme specifies any land in the area to which the scheme applies as land to be protected under this Act in respect of advertisements, the scheme may contain provisions enabling the responsible authority subject to such conditions as may be specified in the scheme to authorise the display of any particular class of advertisements, either unconditionally or subject to any conditions in respect of the position or manner in which, or the period during which, the advertisements may be displayed, and conferring upon any person aggrieved by a decision of the responsible authority in relation to such authorisation as aforesaid a right of appeal to a court of summary jurisdiction.
- (6) The powers conferred upon a responsible authority by subsections (1) and (4) of this section shall not be exercisable—
- (i) in respect of advertisements the display of which is authorised as provided by the last foregoing subsection;
 - (ii) in respect of advertisements which relate solely to a trade or business carried on, or to an entertainment, meeting, auction or sale to be held, upon or in relation to the land upon which the advertisements are displayed, and which conform with any provisions contained in the scheme with respect to the size, position, and manner of display of such advertisements ;
 - (iii) in respect of advertisements on the door or in the window of a building which conform with any such provisions as aforesaid;
 - (iv) during the period of five years from the coming into operation of the scheme, in respect of hoardings erected or in use for advertising purposes before the date when the resolution to prepare or adopt the scheme took effect, or advertising stations used by advertising contractors at that date, or in respect of advertisements displayed on any such hoarding or station at any time during that period, or in respect of advertisements displayed at that date.
- (7) Property shall not, for the purposes of the provisions of this Act relating to compensation and betterment, be deemed to be injuriously affected or increased in value by the provisions of this section or anything done or suffered thereunder.
- (8) Save as provided by this section, a scheme shall not contain any provision prohibiting or controlling the erection or use of structures for the purpose of advertising:
- Provided that the foregoing provisions of this subsection shall not render unlawful the insertion in a scheme of a provision which prohibits the erection on any land of buildings generally, or under which buildings generally could be removed from any land, if that provision is required for a purpose other than the prevention of injury to amenity by advertisements or hoardings.
- (9) In this section the expression " hoarding " means any hoarding or similar structure erected or used for the purpose of advertising; and the expression " owner " means, in relation to an advertisement displayed by a person carrying on the business of an advertising contractor, that person, and means, in relation to any other advertisement, the person to whose goods, trade, business, or other concerns publicity is given by the advertisement.