

L.N. 191 of 1999

DEVELOPMENT PLANNING ACT, 1992**(ACT NO. I OF 1992)****Advertisements (Regulation) (Amendment)
Order, 1999**

IN VIRTUE of the powers conferred on it by section 49 of the Development Planning Act, 1992, the Planning Authority has made the following order:—

1. The title of this Order is the Advertisements (Regulation) (Amendment) Order, 1999, and this order shall be read and construed as one with the Advertisements (Regulation) Order, 1993, hereinafter referred to as “the principal order”. Citation.
L.N. 171 of 1993.

2. Article 4 of the principal order shall be amended as follows: Amends article 4 of
the principal order.

(a) in paragraph (1) thereof, the words “21 days” wherever these appear, shall be substituted with the words “28 days”;

(b) immediately after subparagraph (q) of paragraph (1) thereof, there shall be added the following new subparagraph (r):

“(r) a temporary advertisement of a commercial nature, provided it is not illuminated, is displayed for not more than 28 days; provided it does not exceed 20 square metres in area, and subject to paragraph (3) of this article.”;

(c) paragraph (2) thereof shall be amended as follows:

(i) for the words “No such advertisement may be fixed to any pylon, pole or sign” there shall be substituted the words “No such advertisement may be fixed to any pylon, pole, sign or other property”; and

(ii) immediately after the words “comply with the contents of the notice.” there shall be added the following new proviso:

“Provided that where such an advertisement is displayed without notification or continues to be displayed beyond the period for which it may be lawfully displayed in accordance with this article and the advertisement is affixed to any tree, shrub, rubble wall, pylon, pole, sign or other property, the Authority may immediately enter the land and remove the advertisement, where it deems it expedient and necessary to do so in the interests of public safety or amenity, in lieu of the service of the notice referred to above.”; and

(d) immediately after paragraph (2) thereof, there shall be added the following new paragraph (3):

“(3) (i) Any advertisement referred to in subparagraph (r) of paragraph (1) of this article shall be notified to the Authority, not less than 14 days prior to the date on which it is proposed to display the advertisement. The notification shall include:

(a) a letter containing the name and address of the person proposing to display the advertisement; the length of time for which it is intended to display the advertisement and the nature or purpose of the advertisement;

(b) a site plan and a photograph of the site showing the location of the advertisement; and

(c) a drawing showing the dimensions of the advertisement, the materials, and the form and construction of any structure to be used to support the advertisement.

(ii) The notification shall be accompanied by a fee which shall be the Development Permit Fee for advertisements as provided for in section 1(5)(d) of Schedule One to the Building Levy Rates Regulations, 1996.

(iii) Such an advertisement shall only be an exempted advertisement where the procedure in subparagraph (i) mentioned above has been complied with and the Authority has not, within 14 days of the receipt of such a notification, given notice in writing to the person submitting the notification that either the above mentioned procedure has not been complied with or that the proposed siting of the advertisement is not acceptable.

(iv) The Authority may determine, having regard to the nature, size, or location of the advertisement, and in the interests of public safety, that the advertisement requires consent to be displayed in accordance with article 6 of this order.”.

3. In article 7 of the principal order, immediately after paragraph (5) thereof, there shall be added the following new paragraph (6): Amends article 7 of the principal order.

“(6) Any advertisement, for which consent is granted in accordance with this article, shall bear the Authority’s reference number for that consent. Such reference number shall be –

(a) affixed to or form an integral part of the advertisement;

(b) of such a form that it is permanently, clearly and legibly displayed; and

(c) visible from an area accessible to the public.”.

4. In subparagraph (a) of paragraph (2) of article 9 of the principal order, for the words “within a period of not less than fifteen days” there shall be substituted the words “within a period of not less than three days”. Amends article 9 of the principal order.

5. Immediately after article 9 of the principal order, there shall be added the following new article 10: Adds new article 10 to the principal order.

“Consent not to exempt need of permit etc. 10. Any consent or clearance given by the Planning Authority under this order, shall not exempt any person from the need to apply and obtain any permit or clearance howsoever described as may be required at law.”.

6. Immediately after article 10 of the principal order, there shall be added the following new article 11: Adds new article 11 to the principal order.

“Service of notice on person displaying advertisement. 11. (1) In any of the circumstances specified in this order in which the Authority may serve a notice on the person displaying an advertisement or on the owner of the land on which it is displayed, the Authority may, where it deems it more expedient to do so, or where it is not possible to discover the identity of the person displaying the advertisement or of the land owner, serve the notice on the company, organisation or other body or person to which the advertisement refers or which advertises any product, service or event related to such company, organisation, body or person either directly or

indirectly, and such company, organisation or other body or person shall take such action as required in the notice.

(2) Where the notice requires the removal of an advertisement, and the advertisement is not removed by the expiration of the period for its removal, the company, organisation or other body or person to which the advertisement refers shall be liable for payment of the expenses incurred by the Authority in exercising its powers vested by article 9(2) of this order in removing the advertisement.”.