

L.N. 103 of 2016**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)****Billboards and Advertisements Regulations, 2016**

IN exercise of the powers conferred by article 61 of the Environment and Development Planning Act, the Parliamentary Secretary for Planning and the Simplification of Administrative Processes, Minister for Sustainable Development, the Environment and Climate Change and the Minister responsible for Transport and Infrastructure, have made the following regulations:

Citation. **1.** The title of these regulations is the Billboards and Advertisements Regulations, 2016.

Definitions. **2.** (1) In these regulations, unless the context otherwise requires -

Cap. 504 "the Act" means the Environment and Development Planning Act;

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, including any boarding or similar structure used or adapted for use for the display of advertisements, and includes a billboard;

"advertising vehicle" means a vehicle used or intended to be used for the displaying of an advertisement;

"appropriate fee" means the fee to be paid for an application to display an advertisement established under the Act;

"the Authority" means the Malta Environment and Planning Authority established by the Act;

"billboard" means any advertisement which is mounted on any structure whether permanently or temporarily, which is used to promote or advertise products, services, events or activities that are not directly related to the primary use or activity occurring on the site of the sign;

"designated sites" means those sites designated by the Authority with the endorsement of Transport Malta as identified in a subsidiary policy approved under the Act;

"enclosed land" means any land which is surrounded on all sides by a boundary wall, fence or marker as to provide or indicate an enclosed area of land;

"existing advertisement" means an advertisement which is on display on the date of the coming into force of these regulations and which is covered by permission granted by the Authority;

"illuminated advertisement" means an advertisement which is designed or adapted to be illuminated by artificial lighting, whether directly or by reflection;

"Local Councils" means the local councils established under the provisions of the Local Councils Act;

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"new advertisement" means any advertisement which has not been displayed, whether wholly or in part, before the coming into force of these regulations;

"permission", in relation to the display of an advertisement, means a permission granted by the Authority pursuant to these regulations;

"person" means an individual, a body or other association of persons, whether corporate or incorporate as well as any local council, any government department, agency or authority established by law;

"political advertisement" means any advertisement, including a billboard, which is used for the display of material which relates exclusively to a general election or to a referendum or to an election for local councils and which is displayed not earlier than three months before the date on which such election or referendum is to be held and not later than one week from the official announcement of the result of such election or referendum;

"road" includes any street or road however categorised and includes, in relation to any such road:

- (a) any road which has already been built or which is in the planning or the construction stage;
- (b) the carriageway thereof as well as any border or other public open space adjacent and ancillary thereto, including side margins, central strips, roundabouts, traffic islands, foot ways and pavements;
- (c) the foundations, sub-surfaces and surface dressing

thereof;

(d) sub-ways, overpasses, junctions and intersections, whether multi-level or otherwise;

(e) road drainage works and access thereto, trenches and trenching works for utilities including access thereto, ducting, conducting and the like for the distribution of utilities or the provision of services, including works connected therewith or ancillary thereto and manholes or other means of access to such utilities or works;

(f) poles, light fittings, billboards, hoardings, benches, kiosks and any other thing that may be affixed to the surface thereof excluding buildings; and

(g) road traffic signs or signals, road markings and traffic calming measures, traffic control equipment and related lighting equipment, speed cameras and other road traffic facilities used for traffic management and control;

"shop" means premises intended for the retail sale or display of goods or services, where the sale or display of goods or services is principally to visiting members of the public.

(2) Any expression defined by the Act shall have, in these regulations, the same meaning as it has in the Act.

Permits.

3. These regulations, except with regards to billboards, shall not in any way prejudice any developments for which a permit has already been issued by the Authority, except that is in the case of any permit issued for billboards.

Advertisements.

4. (1) No advertisement shall be displayed or be illuminated in any place which is visible from the road, and no advertising vehicle may be placed on the road or on a place which is visible from the road, without the permission of the Authority, unless it is an advertisement to which regulation 5 applies, being advertisements which are exempted from the provisions of this regulation.

(2) With respect to existing advertisements, the foregoing provisions of this regulation shall not apply unless the Authority has either:

(a) served a notice on any person displaying an existing advertisement requiring such person to forward to the Authority a copy of the permit, licence or other authority permitting such

display, within a period specified in the notice; or

(b) published a notice in the Gazette requiring any person displaying all or any forms of advertisement, or any particular advertisement, or any such advertisements in any area or areas as may be specified in the notice, to forward to the Authority a copy of the permit, licence or other authority authorising such display, within such time as may be specified in the notice; or

(c) and in any such case if any person to whom the notice applies forwards to the Authority a copy of the permit, licence or other authority permitting the display of the advertisement by the Commissioner of Police or Transport Malta within the period specified in the relevant notice, such permit, licence or other authority shall thereafter and for all purposes be deemed to be a permission given by the Authority pursuant to these regulations:

Provided, however, that the holders of any permits, licences or other authorizations permitting the display of such existing advertisements, shall nevertheless be obliged to apply with Transport Malta in order to obtain a licence from the said Transport Malta for which the yearly fee established in the Schedule shall apply.

(3) Any existing advertisement which has been put on the road or in a place which is visible from the road without a permit, licence or other authorization permitting the placement of such advertisement shall be removed by the Authority without the need to issue an enforcement notice:

Provided that neither an appeal from any notice issued under sub-regulation (2) nor an application for the permission of the Authority for the display of the advertisement shall suspend the operation of the said notice, and upon the expiry of the period specified in the notice, the Authority may forthwith enter on the land and remove the advertisement, and article 90 of the Act shall apply accordingly.

5. (1) Subject to the provisions of this regulation, the following advertisements or the display thereof shall be exempt from the requirements of regulation 4: Exemptions.

(a) an advertisement which is displayed on enclosed land and which is not visible from any road;

(b) an advertisement which is displayed on or in a

vehicle which is normally employed as a moving vehicle and not on an advertising vehicle;

(c) a political advertisement;

(d) an advertisement required by any law or ordered by a competent court;

(e) an advertisement for a national or town or village feast, including sponsored advertisements, provided it is displayed for not more than 30 days prior to the date of the feast;

(f) a traffic sign;

(g) a sign announcing the name of any city, town or village displayed by a government or a local council;

(h) the national flag of any country or international organization or other locality flag provided there is no advertising of any commercial activity related to it;

(i) an advertisement displayed on the fascia or facade of a shop provided it is not more than 0.5 square metres in area, it is fitted flat against the facade or fascia and is not a projecting sign, and there are not more than two such advertisements per shop;

(j) an advertisement displayed for the purpose of identification, direction or warning with respect to the land on which it is displayed and which advertisement is not illuminated, does not exceed 0.5 square metres in area, is not more than 3 metres above ground level and in which no letter, character or symbol is more than 0.5 metres in height;

(k) an advertisement relating to any person, firm or partnership carrying on a profession, business or trade at the premises where it is displayed which complies with the requirements and measurements set out in paragraph (i), and only if not more than one advertisement is displayed per street frontage in respect of the same person, firm or partnership;

(l) an advertisement relating to an institution of a religious, cultural, recreational, medical or similar character, or to any hotel, bar or club, displayed at the premises of such institution, hotel, bar or club and which does not exceed 0.5 square metres in area or has any part of it more than 3 metres above ground level and in which no letter, character or symbol

is more than 0.5 metres in height and only if not more than one advertisement per premises is displayed;

(m) an advertisement displayed inside a building;

(n) an advertisement in the form of a flag displaying a company logo or name on the roof of any commercial building, provided not more than two flags are displayed;

(o) an advertisement approved as part of the Traffic Island Embellishment Scheme, provided it complies with the size limitations of the scheme of 1.2m by 30cm, and not more than two advertisements are displayed per traffic island.

(2) Any advertisement referred to in sub-regulation (1) shall be such and shall be displayed in such manner as not to constitute a hazard either to traffic or to persons and shall not be fixed to any tree, shrub or rubble wall.

(3) No such advertisement may be fixed to any pylon, pole, sign or other property belonging to any government or parastatal body without the permission of that body.

(4) In the event that these conditions are not complied with, the Authority shall have power to require, by notice served on the person displaying it or on the owner of the land on which it is displayed, or both, the removal of the advertisement or the carrying out of such works as the said Authority may deem necessary, and the person or persons on whom such notice is served shall forthwith, or within the term stated in the notice, comply with the contents of the notice:

Provided that where such an advertisement is displayed without the requisite permit and 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.

6. If the Authority is satisfied that it is necessary that the forms of advertisement described in regulation 5 should not be displayed unless permission is granted by the said Authority on application, it may give a direction that the said exemptions granted by regulation 5 shall not apply to as specified in such direction. Non applicability.

7. (1) Any person who wishes to display an advertisement for which the Authority's permission is required, shall apply to the Authority for the said permission. Such application is to be made Applications.

according to the procedures established by the Authority and against the payment of any such application fees as may be imposed by the said Authority.

(2) Billboards, except for political billboards, may only be placed at such designated sites as are established by the Authority from time to time.

(3) Advertisements, other than billboards, may only be placed at such designated sites which are established by the Authority or such other sites as may be allowed by the said Authority.

(4) All applications for advertisements, including billboards, shall be submitted to and be processed by the Authority. The Authority shall require the clearance from Transport Malta prior to the issue of any permits for the placing of all advertisements, with the exception of shop signs.

(5) When permission to display an advertisement is issued by the Authority, the applicant shall, in addition to such fees payable to the said Authority, also pay a yearly licence fee to Transport Malta as established in the Schedule.

(6) All billboards, as well as advertisements of such dimensions as the Authority may determine, shall bear the Authority's reference number for that permission. Such reference number shall be:

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

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

Review.

8. (1) Every permission granted pursuant to these regulations, on a designated site in the case of billboards, or on sites which are deemed by the Authority to cause a threat to public safety or a traffic hazard shall be subject to review having regard to any development plans and to other material considerations; and the Authority, having regard as aforesaid, may through a review of the subsidiary policy approved under the Act, remove a designated site from the list of designated sites and by notice served on any person displaying an advertisement, require an advertisement to be removed therefrom. The said notice shall indicate the time within which such requirement shall be complied with, which time limit shall lie at the Authority's discretion.

(2) Saving the provisions of sub-regulation (1), the provisions

of articles 86 to 90 of the Act shall apply to any development made and/or any permission granted pursuant to these regulations:

Provided that neither an appeal from any such notice nor an application for the permission of the Authority for the display of the advertisement shall suspend the operation of the said notice, and upon the expiry of the period specified in the notice, the Authority may forthwith enter on the land and remove the advertisement, and article 90 of the Act shall apply accordingly.

9. (1) Any permission or clearance given by the Authority under these regulations shall not exempt any person from the need to apply and obtain any permit or authorisation howsoever described as may be required by law.

Permission or clearance.

(2) Transport Malta shall notify the Authority that an applicant has failed to pay the yearly fee payable to Transport Malta and the Authority shall have the power to execute all such necessary enforcement procedures in terms of the Act even with regards to billboards for which the permission from the said Authority has already been granted.

10. (1) In any of the circumstances specified in these regulations, in which the Authority may serve a notice on the person displaying an advertisement or on the owner or occupier of the land on which it is displayed, the said 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 owner or occupier of the land, serve the notice on the company, organization or other body or person to which the advertisement refers or which advertises any product, service or event related to such company, organization, body or person either directly or indirectly.

Serving of notices.

(2) Where the notice requires the removal of an advertisement, and the advertisement is not removed by the expiration of the stipulated period, the Authority shall have the right to remove the said advertisement itself and the company, organization or other body or person to whom or to which the advertisement refers shall be liable for payment of the expenses incurred by the said Authority in exercising its powers vested by these regulations. Furthermore, in the event that the company, organization or body or person to whom or to which the advertisement refers fails to claim the said advertisement within 7 days of the removal of said advertisement and to take possession thereof upon the payment of such fees which shall be due in terms of these regulations, the Authority shall have the right to dispose of such advertisement in any such manner as it may deem fit and the company, organization or body or person to whom or to which

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the advertisement refers shall have no right at law to claim any damages of whatsoever nature from the said Authority.

Penalties.

11. Any person who is found guilty of contravening these regulations shall, on conviction, be liable to a fine (*multa*) of not less than one thousand euro (€1,000) and not exceeding five thousand euro (€5,000) for every offence:

Provided that the Authority shall not impose both the said fine and daily fines at the same time. In the event where daily fines are applicable, the Authority shall have the right to choose which fines to impose but in no event shall said fines exceed five thousand euro (€5,000).

SCHEDULE - Fees due to Transport Malta

[Regulation 4]

The yearly fee due to Transport Malta shall amount to one thousand five hundred euro - (€ 1,500).

