

# **The Advertisements Regulation Act**

[17 April 1947]

Regulation

## ARRANGEMENT OF SECTIONS

Cap. 2 | Law 13 of 1955

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### **1. Short title and application.**

1. (1) This Act may be cited as the Advertisements Regulation Act.

(2) This Act shall not apply within the Urban and Sub-Urban Districts of the Corporate Area as defined in the Kingston and St. Andrew Corporation Act or within the limits of any town as defined for the purposes of this Act or for general purposes under the provisions contained in the Parish Councils Act.

### **2. Interpretation.**

2. In this Act -

"advertisement" includes any sky sign and any notice, bill, placard, poster and other similar publication;

"hoarding" includes any structure used as an advertisement or for exhibiting any advertisement;

"the Minister" means the Minister responsible for communications;

"sky sign" means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported or attached to any post, pole, standard, framework or other support, wholly or in part upon, over or above any building, structure or erection, which, or any part of which, sky sign is visible against the sky from some point in any public place in the Island or in the waters thereof, and includes all and every part of such post, pole, standard, framework or other support. "Sky sign" also includes any balloon, parachute, searchlight, flashlight or other similar device employed wholly or in part for the purposes of any advertisement or announcement on, over or

above any building, structure or erection of any kind or on or over any public place in the Island or in the waters thereof; but does not include any flagstaff, pole, vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement.

**3. Erection of hoardings etc., to be subject to control.**

3. No hoarding shall be erected and no advertisement shall be exhibited upon any hoarding or on any wall, tree, pole, fence, gate or other place so as to be visible from any public place in the Island except in accordance with the provisions of this Act and of any regulations made thereunder.

**4. Chief Technical Director may authorize erection of hoardings and advertisements.**

4. The Chief Technical Director may erect or authorize the erection of hoardings and advertisements and may, upon the application in writing of the person responsible therefor, authorize the use of hoardings and advertisements existing at the date of the coming into operation of regulations made under this Act. Every such authorization shall be given for such period not exceeding five years as the Chief Technical Director may determine.

**5. Exemption of advertisements on business premises.**

5. Notwithstanding the provisions of sections 3 and 4, any person may exhibit in or upon his own premises, or in or upon any premises in his occupation, advertisements relating to the business, profession or trade carried on in or upon those premises, and further may exhibit any advertisements upon any building used by him for business purposes in or upon such premises:

Provided that any advertisement so exhibited shall not be suspended across the street or in any way suspended or projected outwards from such premises.

**6. Regulations.**

6. (1) The Minister may make regulations generally for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may, without prejudice to the generality of the power conferred by subsection (1), provide for regulating, restricting or prohibiting the erection of hoardings and the exhibition of advertisements in such places, in such manner and by such means as to affect injuriously the amenities of a public park or pleasure promenade or any place frequented by the public solely or chiefly on account of its beauty, or to disfigure the view of rural scenery from any highway or railway or from any public place or water.

**7. Appeal from decision of Chief Technical Director.**

7. If any person is aggrieved by the refusal of the Chief Technical Director to authorize the erection of any hoarding or the use of any hoarding or advertisement as provided in section 4, such person may appeal to the Minister, and if it be made to appear to the Minister that the erection of such hoarding or the use of any hoarding or advertisement

should be authorized under this Act, the Minister may give directions to the Chief Technical Director to that effect.

**8. Removal of unauthorized hoardings and advertisements.**

8. (1) Unless authorized under section 4 or exempted under section 5, any hoarding erected and any advertisement exhibited at the date of the coming into operation of regulations made under this Act shall be removed by the person responsible therefor within six months from such date, and if not so removed as aforesaid the Chief Technical Director shall serve on the person responsible for such hoarding or advertisement a notice in writing requiring the removal thereof within one month, and upon failure to comply with such notice such person shall be deemed to have committed a contravention of the provisions of this Act.

(2) If no person responsible for such hoarding or advertisement can be found within six months from the date of the coming into operation of regulations made under this Act, the Chief Technical Director may cause such hoarding or advertisement to be removed and for this purpose may enter upon any land whereon such hoarding or advertisement is and may do such other acts and things as may be necessary for the removal thereof.

**9. Penalties.**

9. Every person who contravenes the provisions of this Act or of any regulations made thereunder shall be liable, on conviction before a Resident Magistrate, to a fine of twenty dollars and to a further fine of four dollars for every day during which the offence is continued after his conviction therefor:

Provided that the offence shall not be deemed to be continued during a period of fourteen days from the date of the conviction and, if any appeal is lodged, during the period until the determination of such appeal.

**10. Saving.**

10. Nothing in this Act shall apply to hoardings erected and advertisements exhibited by any Department of the Government or by any Military, Naval or Air Force Authority, or by any Judicial Authority, or by any Municipal Authority, or by or under the authority of any enactment, or to any notice relating to any service in a church, chapel, temple or mosque.