

CYPRUS

DISPLAY OF ADVERTISEMENTS

CHAPTER 50 OF THE LAWS

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1959

CHAPTER 50.

DISPLAY OF ADVERTISEMENTS.

ARRANGEMENT OF SECTIONS.

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A LAW TO MAKE FURTHER AND BETTER PROVISION FOR THE
CONTROL OF THE DISPLAY OF ADVERTISEMENTS.

33 of 57.

[30th November, 1957.]

Short title.

1. This Law may be cited as the Display of Advertisements (Control) Law.

Interpretation.

2. In this Law, unless the context otherwise requires—

“advertisement” includes any word, letter, model, sign, placard, board, notice, bill, poster, device or representation, whether illuminated or not, in the nature of, and employed wholly or in part for the purpose of advertisement, announcement or direction (excluding any such thing employed wholly as a memorial), and, without prejudice to the foregoing provision, includes also any hoarding or similar structure, whether fixed or movable, used or adapted for use for the display of advertisements and references to the display of advertisements shall be construed accordingly;

“Council” means the municipal council of a municipal corporation;

“hoarding” means any board, panel or structure

erected in order that space upon it may be used for the display of advertisements;

“Improvement Board” means a Board established in an Improvement Area under the provisions of the Villages (Administration and Improvement) Law;

Cap. 243.

“Improvement Area” has the meaning assigned to it in section 2 of the Villages (Administration and Improvement) Law;

“land” includes buildings and land covered with water.

3. (1) This Law shall apply to the display on land in the Colony of all advertisements, except any advertisement—

Application
of Law.

- (a) relating to any service in a church, chapel, or mosque (including any advertisement relating to funeral services);
- (b) relating to an election held or to be held in the Colony or any area thereof under any Law for the time being in force;
- (c) displayed on enclosed land, and not readily visible from land outside the enclosure wherein it is displayed or from any part of such enclosure over which there is a public right of way or to which there is public right of access;
- (d) displayed within a building and not readily visible from outside such building;
- (e) displayed within the ground floor window of a shop;
- (f) displayed on or in a vehicle;
- (g) incorporated in, and forming part of, the fabric of a building, other than a building used principally for the display of such advertisements or a hoarding or similar structure;
- (h) displayed under the provisions of any other Law or public instrument for the time being in force.

(2) For the purposes of this section—

“enclosed land” means land which is wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure, and for the avoidance of doubt shall be deemed to include an open-air cinematograph theatre;

“ vehicle ” means a vehicle normally employed as a moving vehicle on any road.

(3) No advertisement shall be deemed to be displayed within a building or within the window of a shop unless there is full access to the advertisement from inside the building or the shop.

(4) No advertisement shall be deemed to form part of the fabric of a building by reason only of being affixed to, or painted on, the building.

Control of erection of hoardings and display of advertisements.

4. No person shall—

- (a) erect, or cause to be erected, or authorize the erection of any hoarding except in accordance with the provisions of section 5 or section 6; or
- (b) display or cause to be displayed any advertisements to which this Law applies except (i) upon a hoarding lawfully erected in accordance with the provisions of section 5 or (ii) in accordance with the provisions of section 6.

Hoardings may be erected in specified places.

5. (1) Within the area of a municipal corporation the Council may erect, or cause to be erected, or authorize the erection in specified places of, hoardings on which advertisements may be displayed.

(2) In relation to any hoarding erected or caused to be erected or of which the erection is authorized under subsection (1) the Council shall have power to specify the period during which such hoarding shall remain erected or any advertisement shall be displayed thereon and, without prejudice to any powers conferred upon the Council by this Law or any bye-laws made thereunder, to impose conditions as regards the proper maintenance of such hoardings or advertisements.

(3) Within an Improvement Area the Improvement Board may erect, or cause to be erected, hoardings on which advertisements may be displayed.

(4) In relation to any hoarding erected or caused to be erected under subsection (3) the Improvement Board shall have power to specify the period during which such hoarding shall remain erected or any advertisement shall be displayed thereon and, without prejudice to any powers conferred upon the Improvement Board by this Law or any bye-laws made thereunder, to impose conditions as regards the proper maintenance of such hoardings or advertisements.

6. (1) It shall be lawful for any person, within the area of a municipal corporation with the approval of the Council, or elsewhere with the approval of the Commissioner, or, within an Improvement Area of the Improvement Board, but not otherwise, to display upon his own land or upon any land in his occupation or use, or where he is working, whether upon a hoarding or otherwise, advertisements (hereinafter in this section referred to as "point of sale advertisements") directly relating to any business, profession, trade or work carried on upon such land:

Advertisements relating to business, etc.

Provided that—

- (a) any point of sale advertisement so displayed shall not be suspended across a street;
- (b) any point of sale advertisement so displayed shall not be suspended or projected outwards into a street if the height of the lower portion of such advertisement is less than twelve feet above the level of the street;
- (c) any point of sale advertisement so displayed, the lower portion of which is not less than twelve feet above the level of the street, shall not be suspended or projected outwards into the street a distance of more than two feet.

(2) Subject to the provisions of section 9, the Council, the Commissioner or the Improvement Board, as the case may be, may approve or refuse to approve the display of any point of sale advertisement under this section, and in approving the display of any such advertisement the Council, the Commissioner or the Improvement Board, as the case may be, shall, without prejudice to any other powers conferred under this Law or any bye-laws or regulations made thereunder, have power to impose conditions relating to the display and proper maintenance of such point of sale advertisement.

(3) Notwithstanding anything contained in subsections (1) and (2) of this section, no approval of the Council or of the Commissioner or of the Improvement Board shall be required in respect of the display of any point of sale advertisement which fulfils the requirements of paragraphs (a), (b) and (c) of the proviso to subsection (1) of this section if—

- (a) it is so displayed as to be directly attached to, or affixed on, any buildings belonging to, or in the

occupation or use of, the person displaying the advertisement, or where he is working, and in which he carries on the business, profession, trade, or work to which the advertisement directly relates; and

(b) it does not, by itself or along with one or more other point of sale advertisements, occupy an area more than one-fifth of the overall area of the face of the building to which it is attached or on which it is affixed taken up to a height of fifteen feet from ground level, the area so occupied being computed as if the said advertisement or advertisements, howsoever attached or affixed, was or were displayed flat against the face of the building; and

(c) it is not more than fifteen feet above ground level.

Municipal
Councils
may make
bye-laws
and impose
charges.

7. (1) Within the area of a municipal corporation the Council may make bye-laws—

(a) for the imposition of charges in connection with the display of advertisements on hoardings erected or caused to be erected by the Council under the provisions of section 5 of this Law;

(b) for the imposition of charges in connection with the erection of hoardings authorized by the Council under the provisions of section 5 of this Law;

(c) for regulating the size and form of hoardings the erection of which is authorized by the Council under the provisions of section 5 of this Law;

(d) for regulating the size and form of advertisements displayed within the area of a municipal corporation under the provisions of section 5 or section 6 of this Law;

(e) for regulating the procedure of applying for and authorizing the erection of hoardings and the display of advertisements thereon within the area of a municipal corporation under the provisions of section 5 of this Law and of applying for and approving the display of advertisements within the area of a municipal corporation under section 6 of this Law;

(f) for prescribing penalties of a fine not exceeding twenty-five pounds for any breach of the bye-laws and of a further fine not exceeding five pounds for every day during which such breach

is continued after the conviction of the offender and for providing that in the event of any person persistently committing a breach of the bye-laws the Court may at the request of the Council authorize the forfeiture and confiscation of the offending advertisement or hoarding.

(2) Every bye-law made by any Council under this Law shall be subject to the approval of the Governor and shall not come into force until it shall have been approved by him and published in the Gazette.

8. (1) Elsewhere than within the area of a municipal corporation the Governor in Council may make Regulations, and within an Improvement Area the Improvement Board may make bye-laws—

The Governor in Council may make Regulations and an Improvement Board may make bye-laws.

(a) for the imposition of charges in connection with the display of advertisements displayed on hoardings erected or caused to be erected by an Improvement Board under the provisions of section 5 of this Law;

(b) for regulating the size and form of advertisements displayed under the provisions of section 5 or section 6 of this Law;

(c) for regulating the procedure of applying for the display of advertisements under the provisions of section 5 of this Law and of applying for and approving the display of advertisements under the provisions of section 6 of this Law;

(d) for prescribing penalties of a fine not exceeding twenty-five pounds for any breach of the Regulations or bye-laws and of a further fine not exceeding five pounds for every day during which such breach is continued after the conviction of the offender and for providing that in the event of any person persistently committing a breach of the Regulations or bye-laws the Court may at the request of the Commissioner or an Improvement Board authorize the forfeiture and confiscation of the offending advertisement or hoarding.

(2) Every bye-law made by an Improvement Board under this Law shall be subject to the approval of the Governor and shall not come into force until it shall have been approved by him and published in the Gazette.

Control of advertisements to be exercised in the interests of amenity and public safety.

9. (1) The powers conferred by this Law in respect of the erection of hoardings and the display of advertisements shall be exercisable only in the interests of amenity and public safety.

(2) When exercising such powers the Council or the Commissioner or the Improvement Board, as the case may be—

(a) shall, in the interests of amenity, determine the suitability of the site for the erection of hoardings for the display of advertisements under the provisions of this Law in the light of the general characteristics of the locality, particularly the presence therein of any feature of historic, architectural, cultural, scenic or similar interest; and when assessing the general characteristics of a locality the Council or the Commissioner or the Improvement Board, as the case may be, may disregard any advertisements therein already being displayed;

(b) shall, in the interests of public safety, have regard to the safety of persons who may use any road affected or likely to be affected by the erection of any hoarding or the display of any advertisement; and shall in particular consider whether any such hoarding or advertisement is likely—

(i) to obscure or hinder the ready interpretation of any road traffic sign; or

(ii) to obstruct the sight line of any bend, corner or road junction; or

(iii) to take the attention of drivers of vehicles away from a road at any point where special attention is required,

but without prejudice to their powers to have regard to any other material factor.

Consideration of applications.

10. Where an application is made to the Council or the Commissioner or the Improvement Board, as the case may be, in pursuance of the provisions of this Law and no decision on such application is made by the Council or the Commissioner or the Improvement Board, as the case may be, within a period of two months from the receipt of such application, or within such extended period or periods as hereinafter provided, such application shall be deemed for all purposes to have been refused at the expiration of such

period or the last of such extended periods but without prejudice to the right of the applicant to renew his application :

Provided that the period of two months may, with the consent of the applicant, be extended for such further period or periods as the Council or the Commissioner or the Improvement Board, as the case may be, may consider necessary in any particular case.

11. Where a Council or a Commissioner or an Improvement Board, as the case may be, refuses to grant any application made under the provisions of this Law or of any bye-law or Regulation made thereunder, or grants any such application subject to conditions, the Council or the Commissioner or the Improvement Board, as the case may be, shall give the applicant notice in writing of the refusal, or of the conditions imposed, as the case may be, setting out the grounds for such refusal or for imposing such conditions, and any person aggrieved by any decision of a Council or of a Commissioner or of an Improvement Board in the exercise of its or his powers in the erection of hoardings or the display of advertisement under the provisions of this Law or of any bye-law or Regulation made thereunder may, within twenty-one days from the date of the communication to him of such notice, appeal to the Governor in Council, whose decision shall be final and conclusive.

Refusal of application.

12. Nothing in this Law shall apply to notices displayed by any Department of the Government of the Colony, or by any Military or Naval or Air Force authority, or by any judicial authority, or by any municipal or other local authority.

Exemption of official notices, etc.

13. The provisions of the Streets and Buildings Regulation Law, or of any Law amending or substituted for the same, shall not apply to the erection of any hoarding under the provisions of this Law which is used for the sole purpose of displaying advertisements thereon and for no other purpose.

Provisions of Streets and Buildings Regulation Law not to apply. Cap. 96.

14. (1) Any person who erects or causes to be erected or authorizes the erection of any hoarding or who displays or causes to be displayed any advertisement in contravention of the provisions of this Law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds, and to a further fine not exceeding

Offences and penalties.

five pounds for every day during which the contravention is continued after his conviction thereof and in the event of any person persistently contravening the provisions of this Law, the Court may at the request of a Council or a Commissioner or an Improvement Board, as the case may be, authorize the forfeiture and confiscation of the offending advertisement or hoarding :

(2) All fines recovered under this Law or any bye-laws made thereunder for offences committed within the area of a municipal corporation shall be paid to the town fund of the municipal corporation concerned.

Saving.

1949 Cap.
135.

15. Any bye-laws or Regulations made under the Placards and Advertisements Regulation Law which are in force immediately before the date of the coming into operation of this Law shall, as from that date and until other bye-laws or Regulations are made under this Law, be deemed to be bye-laws or Regulations made under this Law and shall, with any necessary modifications, have effect accordingly.