
MOTOR VEHICLES AND ROAD TRAFFIC (ADVERTISING) ORDINANCE 2010

An Ordinance to restrict the display of advertisements and writing on or near roads

J. H. GORDON
ADMINISTRATOR

28th June 2010.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. Short title

This Ordinance may be cited as the Motor Vehicles and Road Traffic (Advertising) Ordinance 2010.

2. Interpretation

(1) In this Ordinance—

“advertiser” means a person responsible for placing or maintaining an advertising display structure either in person or through a representative;

“advertising display structure” means a sign or other structure onto which any advertising message, notice or other information is affixed, placed, or written, except for—

- (a) a sign placed by the appropriate authority for the regulation or facilitation of traffic;
- (b) a marking placed on the premises or motor vehicle of a business or other organisation;
- (c) a structure placed as a bus shelter at a bus stop;

“appropriate authority” means the authority or body responsible for repairing and maintaining a public road;

“built-up area” has the same meaning as in section 2(1) of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006(a);

“Council” means—

- (a) the Community Council established under the Akrotiri Community Ordinance 2001**(b)**; or
- (b) the elected Council of an Overlapping community as defined in the Overlapping Communities Ordinance 2001**(c)**;

“occupied area” in relation to a road means an area of public property serving any requirements relating to a road, and includes any carriageway, hard shoulder, pavement, ditch, bridge, drain or any other structure relating to a road;

“motorway” means a road designated as a motorway under section 2(5) of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006; and

“road” means any road, street, square, pathway, open place and space to which the public has access and includes any bridge, culvert, ditch, embankment, drain, causeway or supporting wall used in connection with a road.

3. Advertisements on or near roads other than motorways or in built up areas

- (1) An advertiser must not place an advertising display structure in such a way that any part of it is a distance of—
 - (a) 30 metres or less from any part of the occupied area of any road or roundabout;
 - (b) less than 500 metres from any other advertising display structure.
- (2) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 2 years or a fine of €6,834 or both.

4. Advertisements on or near motorways

- (1) An advertiser must not place an advertising display structure in such a way that any part of it is on or less than 40 metres from any part of the occupied area of a motorway, or of a roundabout that connects a motorway to another road.
- (2) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 2 years or a fine of €6,834 or both.

5. Advertisements on or near roads in a built-up area

- (1) Subject to subsections (2) and (3), an advertiser must not place an advertising display structure in a built-up area—
 - (a) in such a way that any part of it is on or less than 3 metres from the occupied area of a road;
 - (b) if any part of it is less than 15 metres from the occupied area of a road and—
 - (i) the area of its face exceeds 12 square metres;
 - (ii) its height exceeds 6 metres;
 - (iii) the width of its face exceeds 6 metres;
 - (c) in such a way that any part of it is on or less than 20 metres from a roundabout, a traffic light, a traffic sign or any part of a junction between two carriageways;
 - (d) on a pavement, pedestrian precinct, cycle track, traffic island, pedestrian crossing or telegraph pole; or
 - (e) in such a way that any part of it is less than 30 metres from another advertising display structure.
- (2) Subsection (1) does not apply to—
 - (a) a hoarding erected by a Council;
 - (b) a hoarding which a Council has permitted a person to erect under any ordinance, regulation or bye-law in force from time to time;
 - (c) a point of sale advertisement permitted under the Display of Advertisements (Control) Ordinance**(d)**.

- (3) For the purpose of this section “traffic sign” does not include any mark made solely on the surface of a road.
- (4) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 2 years or a fine of €6,834 or both.

6. Writing, engraving or drawing on the occupied area of a road

- (1) A person, other than the appropriate authority, must not write, engrave or depict in any other manner any words, letters, numbers, shapes, representations or pictures on any part of a road or the occupied area of a road, including a tunnel or underground passage.
- (2) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 6 months or a fine of €1,708 or both.

7. Hanging, affixing or attaching materials to the occupied area of a road

- (1) A person must not hang, affix or attach a piece of material to any part of the occupied area of a road in such a way that would, if it were an advertising display structure, contravene section 3, 4 or 5.
- (2) For the purpose of subsection (1), “material” includes any material, including paper, on which any words, letters, numbers, shapes, representations or pictures have been written, engraved, drawn or depicted.
- (3) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 6 months or a fine of €1,708 or both.

8. Power to demolish or remove an advertising display structure or item

- (1) A police officer may demolish, move or remove an advertising display structure or a piece of material referred to in section 7(1) if—
 - (a) the structure or article contravenes section 3, 4, 5 or 7; and
 - (b) the notice requirements specified in subsection (3) are complied with.
- (2) A police officer need not comply with the notice requirements specified in subsection (3) if the advertising display structure or material is a hazard for road users that must be removed immediately, but if the owner can be identified, a police officer is to inform the owner that the advertising display structure or material has been demolished, moved or removed (as the case may be) no later than 7 days after that demolition or removal (as the case may be).
- (3) The notice requirements are as follows—
 - (a) a police officer must notify the owner that the advertising display structure must be demolished, moved or removed (as the case may be) within 48 hours; or
 - (b) if the owner cannot be identified, a police officer must affix a notice to or near the advertising display structure requiring the owner to demolish, move or remove (as the case may be) the advertising display structure within 48 hours.
- (4) The costs and expenses incurred in removing an advertising display structure under this section may be recovered from the owner as a civil debt.
- (5) The powers in this section may be exercised without prejudice to any other liability incurred by the owner.

9. Offences and penalties

- (1) A person specified in subsection (2) who has, or ought reasonably to have, knowledge of a contravention of sections 3, 4 or 5 and fails to take remedial action within a reasonable time commits an offence and is liable to imprisonment for 2 years or a fine of €6,834 or both.
- (2) For the purpose of subsection (1), the categories of person are as follows—
 - (a) the owner of the land on which the advertising display structure is placed;
 - (b) the owner of the advertising display structure;
 - (c) the advertiser.

10. Court's power to order demolition, removal or payment for repairs

- (1) In addition to imposing a penalty or penalties under this Ordinance, a court may order a person who commits an offence under sections 3, 4 or 5 to—
 - (a) demolish, move or remove within a specified period of time the advertising display structure, motor vehicle, structure or item for the placement of which he has been convicted, and
 - (b) pay to the Administrator or to the appropriate authority an amount of money adequate to cover the expenses of repairing any damage to the occupied area of the road caused by the offence.
- (2) In addition to imposing a penalty or penalties under this Ordinance, a court may order a person who commits an offence under section 6 or 7 to pay to the Administrator or to the appropriate authority an amount of money adequate to cover the expenses of cleaning or restoring the occupied area of the road that has been affected.

11. Application to the Crown

- (1) This Ordinance does not bind the Crown.
- (2) This Ordinance does not apply to any land to which access may be controlled, restricted or withdrawn and which is owned or occupied by the Crown.
- (3) For the purpose of—
 - (a) subsection (1) “the Crown” means Her Majesty in right of Her Government of the United Kingdom and in right of Her Administration in the Areas
 - (b) subsection (2) “the Crown” means Her Majesty in right of Her Government of the United Kingdom.

12. Commencement

This Ordinance comes into force on the day it is published in the Gazette.

Notes

- (a) Ordinance 5/06.
- (b) Ordinance 23/01.
- (c) Ordinance 27/01.
- (d) Cap 50, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This explanatory note relates to the Motor Vehicles and Road Traffic (Advertising) Ordinance 2010 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. The Ordinance is intended to broadly replicate the effect of the Republican Road Safety (Amendment) Law of 2003 (Law 50(I)2003) (the “corresponding Republican Law”) within the Areas.
4. Sections 3, 4 and 5 impose restrictions on displaying advertisements on or near roads. Section 3 applies to roads other than motorways and built up areas, section 4 to motorways and section 5 applies to built up areas. Section 6 bans writing on or otherwise marking any part of the occupied area of any type of road, which includes bridges, tunnels and underground passages.
5. Section 7 imposes restrictions in relation to the affixing of pieces of material to the occupied area of any type of road. The restrictions are the same as those applying to advertisements under sections 3, 4 and 5.
6. Section 8 gives police officers powers to demolish or remove structures or other items that have been placed unlawfully. These powers can be exercised whether or not there has been a conviction in a court. Exercise of those powers would not prevent subsequent prosecution.
7. Section 9 makes provision for offences and penalties, and section 10 empowers a court to order a convicted offender to pay the cost of cleaning or restoring an affected road.

