

SUBSIDIARY LEGISLATION 499.32**PLACING OF BILLBOARDS AND ADVERTISING
ON THE ROAD REGULATIONS**

30th July, 2004

LEGAL NOTICE 368 of 2004, as amended by Legal Notices 376 and 424 of 2007, and 346 of 2008; and Act XV of 2009.

1. The title of these regulations is the Placing of Billboards and Advertising on the Road Regulations.

Title.
*Substituted by:
L.N. 376 of 2007.*

2. (1) In these regulations, unless otherwise specified, the terms used shall have the same meaning as that assigned to them by article 2 of the Authority for Transport in Malta Act.

Interpretation.
*Amended by:
L.N. 376 of 2007;
XV. 2009.49.
Cap. 499.*

(2) For the purposes of these regulations:

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

"allocation agreement" means an agreement entered into between the Authority and an operator in virtue of regulation 4(3);

"allocation number" means a unique identification number given to a particular permanent billboard under the allocation agreement;

"billboard" means any sign, whether permanent or political, 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;

"operator" means any person to whom a scheduled site is allocated under an allocation agreement;

"permanent billboard" means a billboard which is affixed to the underlying ground;

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

"political billboard" means a billboard which is not affixed to the underlying ground, 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 held and not later than one week from the official announcement of the result of such election or referendum;

"scheduled sites" means those sites scheduled by the Authority for Transport in Malta with the endorsement of the Malta Environment and Planning Authority, a list of which shall be kept by the Authority for Transport in Malta and published by notice from time to time in the Gazette;

"temporary billboard" means a billboard which is not affixed to the underlying ground;

"vehicle" means any vehicle, whether or not mechanically propelled which is constructed or adapted for use on roads.

General prohibition.

3. No person shall place or cause to be placed any billboard on any road without written approval from the Authority as provided for in these regulations.

Permanent Billboards

Permanent billboards to be erected only on scheduled sites.
Amended by:
L.N. 376 of 2007.

4. (1) No person shall erect or cause to be erected any permanent billboard on any road other than on a scheduled site.

(2) No person shall place or cause to be placed any permanent billboard on a scheduled site, unless such site is allocated to him by the Authority under an allocation agreement.

(3) The Authority shall allocate the scheduled sites for a continuous period of time not exceeding ten years, by means of a call for tenders published in the Gazette.

Expressions of interest.

5. (1) Any person who wishes to erect a permanent billboard on any road other than on a scheduled site, may submit an expression of interest to the Authority asking it to consider the designation of such site as a scheduled site.

(2) The Authority shall retain absolute discretion whether to accede to any request made in terms of subregulation (1).

(3) Where the Authority accedes to a request for the said site to be declared a scheduled site, that site shall be allocated as specified in regulation 4(3).

Billboard specifications.
Amended by:
L.N. 376 of 2007.

6. An operator shall have the right to erect, at his sole and exclusive expense, a permanent billboard which satisfies the physical and technical specifications listed in the Schedule.

Safety and stability certificates.
Amended by:
L.N. 376 of 2007.

7. (1) Upon the erection of a billboard, the operator shall deliver to the Authority a certificate of compliance with the specifications included in the Schedule and with any other specification or condition included in the allocation agreement, issued by a person holding the warrant of a *Perit* under the *Periti* Act.

Cap. 390.

(2) Throughout the term of the allocation agreement, the operator shall maintain the billboard in an excellent state of repair and shall be fully and exclusively responsible for the structural and electrical safety of the billboard.

Expiration or termination of allocation agreement.

8. Upon the expiration of the allocation agreement or any earlier termination thereof, the operator shall remove the billboard from the scheduled site, but shall, unless otherwise instructed by the Authority, leave installed thereon those components of the billboard as may be determined by the Authority, the ownership of which components shall pass on to the Authority at no consideration.

Temporary Billboards

9. (1) No person shall erect or cause to be erected any temporary billboard on any road.

Not permissible.
Substituted by:
L.N. 376 of 2007.

(2) No person shall drive or use, or permit or suffer to be driven or used on any road, an advertising vehicle without a permit issued by the Authority allowing its use for that purpose.

(3) The Authority may, on application by the registered owner of a vehicle and on payment of the prescribed fee, issue a permit under this regulation for the use of the vehicle as an advertising vehicle.

(4) No person shall park, or permit or suffer to be parked on any road, an advertising vehicle.

9A. The Authority shall respect and apply the principles of good administrative behaviour laid down in article 3 of the Administrative Justice Act.

Observance of the principles of good administrative behaviour.
Added by:
L.N. 346 of 2008.
Cap. 490.

Political Billboards

10. (1) No person shall place or cause to be placed on a road any political billboard without a permit from the Authority:

Permit required for political billboards.
Amended by:
L.N. 376 of 2007.

Provided that a political billboard placed on a road at any time from the issue of a general elections writ, as provided for in the General Elections Act, and the day of voting in those general elections shall be exempt from the provisions of this regulation:

Cap. 354.

Provided further that the Authority may order the removal, or it may itself remove, any such billboard where, in the opinion of the said Authority, such billboard constitutes a hazard to traffic or road users.

(2) An application to the Authority to erect a political billboard, which is not a political billboard placed on a road in accordance with the proviso to the preceding subregulation, shall indicate the dates during which the applicant intends to erect and maintain the billboard on the prescribed form and shall be accompanied by:

- (i) a Site-Plan (Scale 1:2500) clearly indicating the location where the billboard is to be placed;
- (ii) a detailed drawing (Scale 1:200) clearly indicating the dimensions of the billboard, and the materials, form and method of construction thereof;
- (iii) a copy of any necessary permit, authorisation or notification to the competent authorities prescribed by the Development Planning Act or any regulations issued thereunder or by any other provision of law.

Cap. 356.

General

Public decency,
security etc.

11. (1) The Authority may, by written notice, order any operator or permit-holder to remove from its billboard any advertising or other material which may be offensive or contrary to public decency or public security or otherwise against the public interest.

(2) Where an operator or permit holder is directed to remove any contents from the billboard, the operator or permit holder, as the case may be, shall, within two days of receipt of the written notice, take such steps as may be necessary to give effect to that order.

(3) Where an operator or permit holder fails to comply with the provisions of subregulation (2), the Authority may undertake the necessary steps to remove the contents itself at the full expense of the operator or permit holder.

Identification
numbers.
Amended by:
L.N. 376 of 2007.

12. (1) Any permanent billboard erected under these regulations shall display, in an intelligible form, throughout the time when it is erected, the allocation number.

(2) Any political billboard, other than a political billboard placed on a road in accordance with the proviso to regulation (10)(1), erected under these regulations shall display, in an intelligible form, throughout the time when it is erected, the permit number and the dates during which such billboard is to remain so erected.

Removal of
unauthorised
billboards.

13. (1) The Authority reserves the right to remove itself any billboard, which is in breach of these regulations, at the expense of the owner thereof.

(2) Where the owner cannot be identified, or where the Authority deems it more expedient to do so, it can charge the expenses and obtain reimbursement from the company, organisation or other body or person to which the contents of the material posted on the billboard can be attributed.

(3) Where a billboard is removed by the Authority, it shall only be released to the operator or permit holder upon payment of all expenses incurred by the Authority in the removal and storage of such billboard.

(4) Where a removed billboard remains unclaimed for a period exceeding one month from its removal, such billboard may be sold or otherwise disposed of by the Authority.

Penalties.
Amended by:
L.N. 424 of 2007.

14. Any person who is found guilty of contravening these regulations shall, on conviction, be liable to a fine (*multa*) equivalent to not less than two hundred and thirty-two euros and ninety-four cents (232.94) and not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87) for every offence.

Withdrawal of
valid permits and
removal orders.

15. (1) The Authority may terminate any allocation agreement awarded or permit issued under these regulations, on the grounds of a breach of any condition included therein or on the grounds of public policy, transport requirements or on any other grounds

which it deems justified in the circumstances.

(2) Notice of termination of the allocation agreement or of the withdrawal of the permit shall be served upon the operator or the permit holder and shall specify the time within which such person shall remove the billboard and put the land over which it is erected back to its original condition.

16. (1) A notice or an order issued by the Authority under these regulations shall be served by hand or by registered post upon the operator or permit holder to which such order or notice applies, provided that where the Authority deems it more expedient to do so it can serve such notice upon the company, organisation or other body or person to which the contents of the material posted on the billboard can be attributed and such company, organisation or other body or person shall take such action as is required in such notice or order.

Serving of notices and orders.

(2) Where the notice or order requires the removal of a billboard or the material displayed thereon, and these are not removed by the expiration of the period stipulated for its removal, the person to whom the notice or order is notified in terms of subregulation (1) shall be liable for the payment of the expenses incurred by the Authority in removing such billboard or material. Furthermore the Authority or its contractors shall not be held liable for any damage which may be caused to such billboard or material.

*Amended by:
L.N. 376 of 2007.*

SCHEDULE

Guidelines for the Safe Placing of Billboards

(Regulations 6 and 7)

The following criteria shall serve as guidelines for the safe placing of billboards:

1. Billboards should not be placed within 50 metres of any approach to major roads, junctions or pedestrian crossings, so as not to pose any hazards.
2. There is to be a minimum clear distance of 500 mm between the overhang of any billboard and the outer kerb or carriageway. This width is increased to 600 mm where there is a cross fall or camber or where there is a central reservation, and increased to 1200mm on high speed roads (80km/h).
3. A minimum clear width of 1200 - 1500 mm is to be allowed on the footpath for the free passage of pedestrians.
4. A minimum clear height of 2100 mm is to be allowed if the billboard extends or protrudes between the finished ground level and the lower edge of the billboard provided no cyclist paths are available.
5. A clear height of 900 - 1500 mm is to be allowed if there is no footway and there is no pedestrian movement or cyclists.
6. Billboards or any of their attachments or supports are not to cause glare.
7. The supports of any billboards are not to obstruct or deviate the flow of storm water runoff.
8. Preferably the billboards should be placed on the nearside of the road and only placed on the offside where it is a one-way street or a dual carriageway with a centre strip, wide enough to include a billboard.
9. Billboards are not to be located on any part of the carriageway.
10. The siting of any billboard should not be such that it impairs the sightlines to any directional, hazard or warning signs or any traffic lights, pelican crossing beacons and pedestrian crossing belisha.
11. The support of any billboard must be stable in all weather conditions.
12. Billboards are to be located only at approved locations.
13. The size of any billboard is not to exceed 3000 mm by 6000 mm, placed transversely.
14. A clear distance of 75 metres is to be left between successive billboards unless otherwise stated.
15. The size of the lettering of billboards and signs is to be such that it is easily legible and be very concise.
16. Material displayed on the billboard shall not be offensive or contrary to public decency or public security or otherwise against the public interest.
17. No damages are to be incurred to any soft or hard landscaping on site.
18. Third party rights are not to be affected.
19. In the case where there are two or more billboards located on the same site, the perpendicular distance between each successive billboard is not to be less than 10 metres and is not to exceed 15 metres.