

No. S 56

**TOWN AND COUNTRY PLANNING (DEVELOPMENT CONTROL) ACT
(CHAPTER 143)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT CONTROL)
(CONTROL OF ADVERTISEMENTS) REGULATIONS, 2008**

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(CONTROL OF ADVERTISEMENTS) REGULATIONS, 2008**

In exercise of the power conferred by section 5(1) of the Town and Country Planning (Development Control) Act, the Minister of Development hereby makes the following Regulations —

Citation and commencement.

1. These Regulations may be cited as the Town and Country Planning (Development Control) (Control of Advertisements) Regulations, 2008 and shall commence on a date to be appointed by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification in the *Gazette*.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

"advertisement" means any visual form of advertising exhibited or displayed on any hoarding, structure, apparatus or device erected on, in or over any premises and visible from any street or building (whether or not first exhibited, displayed or erected before the commencement of these Regulations), and includes any advertisement projected onto any external surface of a building or structure by light or any other means;

"balloon" means a tethered balloon or similar object;

"building line" means the regular line of a street and includes a line prescribed by the Competent Authority on either side of a street beyond which no building abutting such line shall traverse;

"electronic billboard" means any frame or panel specially designed for displaying advertisements consisting of visual moving pictures by electronic means that is —

(a) affixed onto any premises and visible from any street or adjacent premises;

(b) erected on or over any premises and visible from any street or adjacent premises; or

(c) erected within any premises;

"signboard" means a display of the name, registered trade mark or nature of the business of any person in the form of a notice or sign printed, painted, carved, engraved or otherwise delineated on or affixed to any place or premises and visible from any street or building which exceeds one-half of a square metre in area which contains only all or any of the following —

(a) a reference to the identification or description of the place or premises;

(b) a reference to the identification or description of any person residing or carrying on business at the place or premises;

(c) particulars of any business carried on at the place or premises;

(d) such directions or cautions as are usual or necessary relating to the place or premises or any business carried on thereat;

(e) particulars or notifications required or permitted to be displayed by any written law;

(f) particulars relating to any service provided at the place or premises;

"site" means any land or building, other than an advertisement, on which an advertisement is displayed;

"sky sign" means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things, or any erection of a like nature, or any visible object which floats or is kept in position by wire or any other flexible attachment, which is displayed for the purposes of any business in such a position as to be conspicuously visible against the sky and from any street or building.

(2) Any reference in these Regulations to a person who exhibits an advertisement, electronic billboard, signboard or sky sign shall be construed as a reference to the person himself or by his employee or agent exhibits or causes to be exhibited the advertisement, electronic billboard, signboard or sky sign, and shall include —

(a) the owner and occupier of the land or building on which the advertisement, signboard or sky sign is exhibited; and

(b) any person to whose goods, trade business or other concern publicity is given by the advertisement, electronic billboard, signboard or sky sign.

Application for written approval.

3. (1) These Regulations apply to the display of any advertisement, electronic billboard, signboard or sky sign on any site within a Development Control Area.

(2) Subject to regulation 14, no person shall exhibit or cause to be exhibited any advertisement, electronic billboard, signboard or sky sign without the prior written approval of the Competent Authority.

(3) Application for written approval shall be made to the Competent Authority in a form approved by the Competent Authority and shall be accompanied by –

(a) a sketch or photograph showing full details of the proposed subject-matter of the advertisement, electronic billboard, signboard or sky sign in respect of which the application is made;

(b) a copy of the title deed to the land on which the advertisement, electronic billboard, signboard or sky sign will be erected;

(c) a copy of the consent letter from the owner of such land;

(d) a site plan showing the location, type, size of the advertisement, electronic billboard, signboard or sky sign;

(e) for a sign, a drawing indicating the materials to be used, the fixing, colours, height above the ground and, where it would project from a building, the extent of the projection;

(f) a site plan showing the location of the nearest existing advertisement, electronic billboard, signboard or sky sign in the area, and the nearest building;

(g) structural and other plans and specifications, including the dimensions and materials and details of the construction including loads, stresses and anchorage;

(h) such other information as may be required by the Competent Authority; and

(i) the prescribed fee.

(4) Subject to the provisions of the Order and of any regulations made thereunder and of any Development Planning Scheme, the Competent Authority may approve an application for the display of advertisement, electronic billboard, signboard or sky sign subject to any reasonable conditions, may approve the

application with or without conditions for a specified period of time or may reject the application.

(5) Without prejudice to sub-regulation (4), the conditions imposed may provide for compliance with any guidelines or requirements issued by the Competent Authority.

(6) There shall be payable to the Competent Authority the prescribed fee in respect of any application as specified in the Schedule.

Powers of Competent Authority.

4. The Competent Authority shall exercise its powers under these Regulations only in the interests of amenity and public safety, taking account of any material factors and in particular —

(a) in the case of amenity, the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interests, disregarding, if they think fit, any advertisement being displayed there;

(b) in the case of public safety —

(i) the safety of any person who may use any road, bridge, flyover, tunnel, railway, waterway, dock, harbour or airport; and

(ii) whether any display of any advertisement, electronic billboard, signboard or sky sign is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air.

Expiration.

5. Subject to regulation 6, approval granted under these Regulations shall lapse after the expiration of 6 months if the work has not commenced.

Extension of approval.

6. (1) On an application being made before the approval lapses under regulation 5, the Competent Authority may, on payment of the prescribed fee, grant an extension or further extension of the approval.

(2) In granting an extension or further extension of the approval under sub-regulation (1), the Competent Authority may impose reasonable conditions or may vary any conditions originally imposed.

Revocation of approval.

7. The Competent Authority may at any time revoke any approval upon failure of the applicant to comply with any provision of these Regulations.

Alteration of advertisements etc.

8. The subject-matter of any advertisement, electronic billboard, signboard or sky sign approved under these Regulations shall not be altered without the prior written approval of the Competent Authority.

Maintenance of advertisements.

9. Every advertisement, electronic billboard, signboard or sky sign approved under these Regulations shall be maintained by the applicant to the satisfaction of the Competent Authority.

Order for removal etc. of advertisements.

10. (1) The Competent Authority may at any time, in writing, order the removal, obliteration, replacement, alteration or maintenance of any advertisement, electronic billboard, signboard or sky sign.

(2) Any order made under sub-regulation (1) shall be served on the person who, in the opinion of the Competent Authority, is responsible for displaying the advertisement, electronic billboard, signboard or sky sign or on the owner or occupier of the premises in or on which it is exhibited, and such person, owner or occupier shall comply with the order within the period specified therein.

(3) Where any order made under sub-regulation (1) is not complied with, the Competent Authority or any person authorised in that behalf by the Competent Authority may enter the premises and remove, obliterate, replace, alter or maintain the advertisement, electronic billboard, signboard or sky sign or take such other action as may be considered to be reasonably necessary to prevent its exhibition.

(4) All expenses incurred by the Competent Authority or by any person authorised by it in removing, obliterating, replacing, altering, maintaining or taking such other necessary action shall be recoverable from the person on whom the order was served as a debt due to the Government.

Enforcement.

11. (1) In case any advertisement has been erected, constructed, reconstructed, altered, moved, converted or maintained, or otherwise used in violation of these Regulations, the Competent Authority or any person authorised in that behalf by the Competent Authority may institute any appropriate action or proceedings to abate such violation.

(2) The Competent Authority may cause any advertisement or premises to be inspected and examined and may order in writing the remedying of any condition found to exist therein or thereat in violation of these Regulations.

(3) The Competent Authority shall cause a notice or notices in writing to be served on the advertiser giving 14 days' notice or such period of time as necessary, of its intention to take such action as is specified in the notice.

Offences.

12. (1) Any person who fails to comply with any provision of these Regulations or with any condition imposed by the Competent Authority under regulation 3(4), is guilty of an offence and liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day during which the offence continues after conviction or, in default of payment of either of such fines, to imprisonment for a term not exceeding 6 months.

(2) Where an offence against these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of that body, or of a person purporting to act in any such capacity, he, as well as the body corporate, is also guilty of the offence and liable to be proceeded against and punished accordingly.

Appeals.

13. (1) Any person who is aggrieved by any decision of a Competent Authority made in pursuance of any power which it may exercise under these Regulations may appeal to the Minister, whose decision shall be final.

(2) An appeal made under sub-regulation (1) shall be lodged with the Minister within 6 weeks from the date of the notification of the decision to the aggrieved person by the Competent Authority.

(3) A copy of any appeal made under sub-regulation (1) shall be forwarded to the Competent Authority.

Exceptions.

14. No consent shall be required for —

(a) any notice for sale, rent or lease where the notice is exhibited on the land or property for sale, rent or lease;

(b) any memorial sign or tablet or names of a building and date of erection, when cut into the masonry surface or when constructed of bronze or other incombustible material;

(c) any advertisement inside any shop unit, shopping mall or shopping arcade;

(d) any official directive sign;

(e) one on-premise balloon advertisement;

(f) any building, civil or structural engineering contractor's sign or sub-contractor's sign erected in connection with any building, civil or structural engineering project containing information other than the service being rendered by them;

(g) any decorative display or advertisement relating to national celebrations or state functions affixed to a building;

(h) any on-premise banner relating to school activities displayed by schools.

SCHEDULE

(Regulation 3(6))

APPLICATION FEES

1. There shall be payable to the Competent Authority the following fee in respect of advertisements, electronic billboards, signboards and sky signs —

(a) advertisement —

(i) \$5 per square metre;

(ii) \$15 if less than one square metre in area;

(b) electronic billboard —

(i) \$15 per square metre;

(ii) \$30 if less than one square metre in area;

(c) signboard - \$20 per square metre;

(d) sky sign - \$40 per square metre.

2. The fee payable on an application for an extension shall be \$5 per square metre.

Made this 4th. day of Rabiulakhir, 1429 Hijriah corresponding to the 10th. day of April, 2008.

PEHIN ORANG KAYA HAMZAH PAHLAWAN
DATO SERI SETIA AWANG HAJI ABDULLAH BIN
BEGAWAN MUDIM DATO PADUKA HAJI BAKAR
Minister of Development,
Brunei Darussalam.