

# Rodrigues Regional Assembly (Control of Road Advertisement) Regulations 2005

RodriguesGN No. 3 of 2005

## RODRIGUES REGIONAL ASSEMBLY (CONTROL OF ROAD ADVERTISEMENT) REGULATIONS 2005

Regulations made by the Rodrigues Regional Assembly under Section 31 of the Rodrigues Regional Assembly Act 2001.

1. These regulations may be cited as the **Rodrigues Regional Assembly (Control of Road Advertisement) Regulations, 2005**.

2. In these regulations -

"advertisement" means any word, letter, model, design, ensign, placard, board, poster, banner, notice, device or representation, whether illuminated or not, in the nature of and employed for the purposes of advertisement, announcement or information and includes any structure or apparatus erected, used or adapted or/ and intended for the display of advertisement;

"approval" means prior written approval;

"Commission" means the Commission of the Rodrigues Regional Assembly responsible for Public Infrastructure, acting through its Departmental Head;

"Commissioner" means the Commissioner responsible for the subject of roads and public infrastructure;

"indication panel" means a panel used to indicate the way and distance to the place specified thereon;

"panel" means an advertisement panel or an indication panel;

"road" has the same meaning as in section 2 of the Roads Act.

3. (1) No person shall place an advertisement or indication panel at any place where it may be visible from a road or public place without the approval of the Commission and subject to such conditions as the Commission may think fit to impose.

(2) The Commission shall not authorise the setting up of any advertisement panel

- (a) on the carriageway, road embankments, road cuttings, shoulders, central reservation, roadside drains and footpaths;
- (b) on any guard-rail, traffic light, traffic sign, street lighting, guard-stone, shrub or tree;
- (c) on any bridge, pier, abutment, handrail, public bin, triumphal arch, electric pole, telephone pole, telephone cabinet or sign post;
- (d) at a road junction, a sharp bend, a roundabout, a traffic island, a black spot or in any dangerous zone;
- (e) in such a way as to interfere with, obstruct or reduce visibility and effectiveness of traffic signs;
- (f) in such a way as to constitute a traffic hazard; or
- (g) on any public building, water tank or reservoir, national or historical monument, public wall or fencing, national park, natural reserve and public garden or at less than 100 metres from the entrances of public buildings or places of worship.

4. Notwithstanding regulation 3 above, where an indication panel is sponsored by a person, the Commission may authorize that person to display on such panel an advertisement provided it is restricted to a strip of 200mm along the bottom edge of the indication panel.

5. (1) Any advertisement displayed, and any structure, hoarding or apparatus or any sign placard, board or device erected or used for the display of advertisements, shall be maintained in a clean, tidy and safe condition.

(2) (a) An advertisement panel shall-

(i) be made of durable materials and shall be securely fixed;

(ii) if reflectorised, electronic, digital or lit be positioned in such a way as not to interfere with or impair the vision of road users.

(b) The Commission shall not grant permission for the display of a panel of 6 square metres or more unless it is satisfied that such panel is to be fixed in a manner recommended by a Registered Professional Engineer in a certificate filed with the Commission.

(3) The owner of an advertisement panel or the person having the "garde" of such panel shall -

- (a) ensure that the panel and its supporting structure are maintained in good condition and in a state of cleanliness;
  - (b) on the announcement of a cyclone warning class 2, make arrangements for the removal of the panel.
- (4)
- (a) The Commission shall not be responsible for any damage resulting from the presence on a road or other place of a panel whose display or erection it may have authorised.
  - (b) The owner or "gardien" of any panel shall subscribe with a licensed Insurance Company, agreeable to the Commission, an insurance policy covering any damage to which he may under articles 1382 and/or 1384 of the Code Napoléon, be liable for "faute" or as "gardien de la chose" and shall submit a copy of such insurance policy to the Commission.

**6.** Every advertisement panel shall indicate-

- (a) the name, address, telephone and fax number of the person displaying the advertisement together with the reference and serial number of the permit issued by the Commission;
- (b) the name and address of the printer of the placard.

**7.** Where an advertisement panel is placed perpendicular to the external face of a wall-

- (a) the panel shall not be wider than one tenth of the width of the road measured between kerbs;
- (b) the external edge of the advertisement panel shall not be at more than 300 mm from the edge of the footpath and, where there is no footpath, from the edge of drain or road.;
- (c) there shall be a clearance of at least 2 metres under the panel.

**8.** (1) Where a panel is placed flat on any surface of a building or on a wall, it shall not-

- (a) exceed the size of the surface; or
- (b) project from the face of the wall by more than 250 mm.

- (2) No person shall place an advertisement panel on a wall unless the distance between the face of the panel and the external edge of the footpath or the edge of drain or road is at least 1.5 metres.

### **Advertisement on Bus Shelters**

9. (1) Subject to paragraph (3), no person shall display an advertisement panel on the roof or the exterior sides of a bus shelter.
- (2) Advertisements panels shall only be permitted inside a bus shelter.
- (3) Where a person has sponsored the construction of a bus shelter or its maintenance, the Commission may authorize such sponsor to place an advertisement panel on the exterior of the bus shelter so sponsored by that person.
- (4) The area of an advertisement panel authorised under paragraph (3) shall not exceed 25% of the side of the wall on which it is placed.
- (5) The design of any advertisement panel placed as provided in. paragraph (4) shall be such as not to interfere with or impair the vision or concentration of road users and shall be subject to the approval of the Commissioner.

### **Advertisement on Bins**

10. (1) No person shall, without the approval of the Commission, place on a road or in any other public place a bin on which an advertisement is displayed.
- (2) A bin specified in paragraph (1) shall-
- (a) be of such a design and located in such a position as not to interfere with or impair the vision and concentration of road users or obstruct or reduce the visibility and effectiveness of traffic signs;
- (b) not obstruct or interfere with the free flow of pedestrians;
- (c) if of more than 90 centimetres high, not be located within one's field of vision at road junctions.

### **Mobile Panels**

11. (1) No person shall use a mobile or fixed panel displayed on vehicles used on the road for the main or sole purpose of advertisement without the approval of the Commission.

- (2) When granting approval under paragraph (1), the Commission may impose the locations or itinerary where the vehicle will be allowed to park or be driven.
- (3) Any person who fails to comply with a condition imposed under paragraph (2) shall commit an offence.

### **Indication Panels**

12. (1) Indication panels shall be of a maximum of 0.5 square meters and shall be placed off the road, roadside drain, footpath, traffic island, central reservation or roundabout.  
  
(2) The number and pattern of indication panels for specific sites shall be approved on a case-to-case basis by the Commission.
13. No indication panel shall be placed-
  - (a) at less than 60 metres of a road junction, a sharp bend, a roundabout, a traffic island, a black spot or a dangerous zone.
  - (b) in such a way as to interfere with, obstruct or reduce visibility and effectiveness of traffic signs.
14. No indication panel shall-
  - (a) in its size, shape, colour, text or symbol, resemble a traffic sign;
  - (b) be placed directly on the posts supporting traffic signs.

### **Banners**

15. (1) No banner shall be placed across any road, on roundabouts, traffic islands, central reservations, bridges, triumphal arches or on any road sign.  
  
(2) No banner shall be placed on handrails, guard rails, fencing or any place from which it may be visible from a road or public place without the prior approval of the Commission.
16. Any person who has been authorised to place a banner, who-
  - (a) fails to maintain such banner in a clean state; or

(b) fails to remove it within 3 days after the authorization for its display has lapsed,  
shall commit an offence.

17. The Commissioner may exempt any social or benevolent association from payment of fee for banners.

### **General**

18. The owner of premises where a panel or a banner is placed shall, unless the contrary is proved, be deemed -

(a) to be the owner of such panel or banner

(b) to have caused the panel or banner to be placed on his premises.

19. (1) Any person who wishes to put up an advertisement panel shall apply to the Commission in the form specified in the First Schedule.

(2) An application under paragraph (1) shall be accompanied by-

(a) the written consent of the owner of the premises where the panel is to be displayed;

(b) a document giving the details of the contents and design of the advertisement.

(3) No alteration shall be made to the contents or design of a panel already displayed without the approval of the Commission.

(4) The Commission may refuse to authorise any advertisement which it considers-

(a) offensive to public morality, religious or political susceptibilities; or

(b) bears slogans with political connotations or which are likely to disturb public order or may give rise to diplomatic incidents; or

(c) contains anything which may be contrary to public order.

20. The Commission shall deal with an application made under regulation 19(1) within 20 days of the date of receipt of the application.

21. (1) The approval granted by the Commission shall be for a maximum period of 12 months.

- (2) The Commission may alter or revoke an approval, or impose such restrictions as it may deem fit.
22. Any advertisement or indication panel for which approval has not been renewed shall be removed forthwith.
23. Any person who has displayed or caused to be displayed any advertisement or indication panel before the coming into operation of these Regulations shall render it in conformity with these regulations within a period of 3 months from their coming into force.
24. Subject to the Second Schedule, the Commission shall, in respect of advertisement panels and banners, levy yearly or daily fees, as appropriate, and publicity fees provided in Regulations made under section 26 of the Rodrigues Regional Assembly Act.
25. (1) The Commission may serve a notice on any advertiser requiring the discontinuance of the display of any advertisement, if it thinks fit to do so in the interests of public safety or public order or of the environment.
- (2) An advertiser who fails to comply with a notice served under paragraph(1) shall commit an offence.
26. Any applicant aggrieved by a decision of the Commission may appeal in writing to the Commissioner not later than 21 days from the date of notification of the decision.

### **Offences and Penalties**

27. Any person who contravenes any of these Regulations shall commit an offence and, where no special penalty is provided, shall be liable, on conviction, to a fine not exceeding Rs 3000.
28. Any person contravening Regulation 16 shall, on conviction, be liable to a fine not exceeding 5000 rupees.
29. Any person contravening Regulations 19, 22, 23 or 25 shall, on conviction, be liable to a fine not exceeding 10,000 rupees.
30. These Regulations shall, subject to the provisions of the Rodrigues Regional Assembly Act, come into operation at the expiration of 30 days after their publication in the Gazette.
31. Passed by the Rodrigues Regional Assembly on 27 September 2005.





The maximum height of an advertisement panel shall be 6 metres except when it is placed on the surface of a building, a wall or on a roof. The minimum clearance under a panel shall be 2 metres except when it is placed on the surface of a building, a wall or on a roof. A panel laid flat on the surface of a building or a wall shall not exceed the size of the surface or wall.

An advertisement panel shall be made of durable materials and shall be securely fixed. Arrangements should be made to remove the advertisement panel upon the issue of a cyclone warning class 2 by the owner of the panel

An advertisement or indication panel and its supporting structure shall be maintained in good condition and in a state of cleanliness and service for lit panels by the person displaying it

The Authority will not be liable in case of accidents due to inadequate fixing or maintenance or in any other circumstances. All advertisement panels shall be covered by an appropriate insurance policy at all times against liabilities for death of or injury to any person or damage to any property

On removal of any advertisement panel, the site shall be reinstated to its previous condition within one month of the cessation of display (Section 14)

Every authorised advertisement shall bear the name, address, and telephone number of the person displaying the advertisement together with the reference and serial numbers of the permit Indication panels shall be of a maximum dimension of 0.5 square metre and shall be placed off the road, roadside drain, footpath, traffic island, central reservation or roundabout Indication panels shall not resemble a traffic sign in its size, shape, colour, text or symbol, and shall not be placed directly on the posts supporting traffic signs

The permission granted by the Authority shall not exceed a period of 12 months or as stated in the permit.

The Authority may alter or revoke such permission or impose such restrictions as it deems fit to the period during which an advertisement may be permitted

Applications for renewal will have to be submitted one month before the expiry date

Advertisement/indication panels for which permission has not been renewed shall be removed forthwith. Failure to remove the panel/s shall constitute an offence and the person placing the advertisement/indication panel and the owner of premises where the panel is placed shall on conviction be liable to a fine not exceeding Rs 10,000

**ADDITIONAL CONDITIONS**

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## **SECOND SCHEDULE**

### **Exemption**

#### **(Reg 24)**

The following are exempted from the requirements of regulation 24:

- (a) advertisement used wholly for the purposes of announcement or direction in relation to any function or the operation of a statutory undertaking or of public transport undertaking engaged in the carriage of passengers.
- (b) advertisements for the purpose of identification, direction or warning with respect to the land or building on which they are displayed and not exceeding 0.2 square metre in area in the case of any such advertisement.
- (c) advertisements relating to the sale or letting of the land on which they are displayed.
- (d) advertisements announcing a specific sale of goods or livestock and displayed on the land where the goods or livestock are situated or where such sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding such sales.
- (e) advertisements relating to the carrying out of building or similar work on the land on which they are displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such work.
- (f) any advertisement in the form of a flag which is attached to a single flag staff fixed in an upright position on the roof of a building, and which bears no inscription or emblem other than the name and device of a person occupying the building.
- (g) any advertisement required to be displayed by any enactment.
- (h) any advertisement in the nature of a traffic sign, used wholly for the control, guidance or safety of traffic, and displayed by a local highway traffic or police authority.