

Government Notice No. 182 of 2008

THE ENVIRONMENT PROTECTION ACT 2002

**Regulations made by the Minister under section 96 of the
Environment Protection Act 2002**

1. These regulations may be cited as the Environment Protection (Affixing of Posters) Regulations 2008.

2. In these regulations –

“Act” means the Environment Protection Act 2002;

“advertisement” includes an invitation, message, slogan or notice;

“designated site” means a site designated or approved by a local authority or where applicable by the Road Development Authority for affixing posters;

“distributor” includes any person involved in the distribution of the posters for the purpose of them being affixed or caused to be affixed;

“poster” means any sign including a placard or leaflet which is affixed to street furniture, utilities, traffic signs, or placed on wall, building or other structure;

“Road Development Authority” means the Authority established under section 3 of the Road Development Authority Act;

“sign” means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, inform or warn the public of a product, business, service or activity, together with any frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice.

3. These regulations shall not apply to –

- (a) billboards;
- (b) traffic signs;
- (c) posters affixed inside a commercial premise or building;
- (d) posters affixed inside a display window of a building;
and
- (e) direction, information or facility signs erected by or with the approval of a government authority.

4. (1) Subject to regulation 3, no person shall affix or cause to be affixed any poster in a public place or which is visible from a public place other than at a designated site.

(2) These regulations do not exempt a person from complying with the provisions of the Local Government Act, the Roads Act or such other legislation as may be applicable.

(3) The printer, person who has commissioned a poster or distributor, as the case may be, shall be presumed to have caused the poster to be affixed.

5. (1) No person shall affix or cause to be affixed a poster unless it contains the real description of the name of –

- (a) the printer; and
- (b) the distributor or the person who has commissioned the poster.

(2) (a) Any printer who produces a poster without his name and that of the distributor or person who has commissioned the poster, as specified in paragraph (1), shall commit an offence.

- (b) A printer shall keep a record of the printing works carried by him as well as the details of the person commissioning the working, including his name, address, and such other particulars as to ascertain his identity.
- (3) (a) An enforcing agency or the authorised officer may take any of the action provided for under regulation 10, where a poster not complying with paragraph (1) has been affixed.
- (b) An enforcing agency or the authorised officer may inspect the record of a printer as specified in paragraph 2(b), for the purpose of ascertaining the identity of a person who has affixed or caused to be affixed a poster.

(4) This regulation shall be without prejudice to any prosecution under regulation 8 or sections 202 and 209 of the Criminal Code.

6. Where a local authority or the Road Development Authority has designated or approved a site for the affixing of posters in a public place, it shall clearly identify the site as such and have the following markings, or its translation in French or such other language as is appropriate, conspicuously placed on the site "APPROVED POSTER SITE".

7. Where a poster has been in existence prior to the coming into force of these regulations and is situated on private premises but visible from a public place, and the poster does not comply with these regulations, the owner of the premises or the structure upon which the poster has been affixed shall have 30 days to comply with these regulations, and in default of which shall be liable to be prosecuted and on conviction, be liable to the same penalty as provided for at regulations 8(i) and (ii).

8. Any person who affixes or causes to be affixed a poster in contravention of these regulations shall commit an offence and shall –

- (i) on a first conviction, be liable to a fine not exceeding 50,000 rupees;
- (ii) on a second or subsequent conviction, be liable to a fine not exceeding 250,000 rupees and to imprisonment for a term not exceeding one year.

9. Any person who otherwise contravenes these regulations shall commit an offence and on conviction shall be liable to a fine not exceeding 50,000 rupees.

10. Without prejudice to a prosecution under regulation 8, where an enforcing agency or the authorised officer has reasonable grounds to believe that a poster has been affixed in contravention of these regulations, the enforcing agency or the authorised officer may –

- (a) pull down, remove or alter the poster, at the costs of the person who affixed or caused the poster to be affixed;
- (b) take such other measures as are appropriate to ensure the protection of the environment.

Made by the Minister on 29th August, 2008.