

**ADVERTISEMENTS REGULATION ACT**

Cap 281 – 29 March 1930

ARRANGEMENT OF SECTIONS

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**ADVERTISEMENTS REGULATION ACT**

**1. Short title**

This Act may be cited as the Advertisements Regulation Act.

**2. Interpretation**

In this Act—

“advertising structure” has the same meaning as in the Roads Act;

“Director-General” has the same meaning as in the Mauritius Revenue Authority Act;

“fee” or “advertising structure fee”—

- (a) means the advertising structure fee chargeable under section 4; and
- (b) includes any penalty and interest referred to in section 7; but
- (c) does not include any fine;

“financial year” means the period of 12 months ending on 31 December in any year;

“highway authority” has the same meaning as in the Roads Act;

“local authority” has the same meaning as in the Local Government Act;

“owner”, in relation to an advertising structure, includes—

- (a) the person who is the owner of the advertising structure;
- (b) in respect of an advertising structure situate on State land, or Pas Géométriques, the lessee of the site;

- (c) in respect of a leased advertising structure, the person who receives rent or, if the advertising structure were to be let, would be entitled to receive the rent, whether for his own benefit or that of another person; or
- (d) where the owner cannot be found or ascertained, the person whose product or service is being advertised by means of the structure.

[S. 2 repealed and replaced by s. 146 (1) of Act 32 of 2003 w.e.f. 7 August 2004; amended by s. 165 (1) of Act 36 of 2011 w.e.f. 15 December 2011; repealed and replaced by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012; amended by s. 2 (a) of Act 26 of 2012 w.e.f. 1 January 2013.]

### **3. Regulation of advertising structures**

(1) The highway authority shall, for the purposes of the erection or display of an advertising structure which is visible from a motorway or main road, exercise control in accordance with sections 22 to 25 of the Roads Act.

(2) (a) Every local authority shall, in relation to the erection or display of an advertising structure which is visible from an urban or a rural road, or any other place other than a motorway or main road, exercise control in accordance with sections 22 to 25 of the Roads Act, subject to such modifications, adaptations and exceptions as may be necessary to bring them in conformity with paragraph (b).

(b) Every local authority shall, for the purposes of paragraph (a), make regulations for regulating, restricting or preventing within its own area the exhibition of advertisements in such places and in such manner, or by such means, as to disfigure or injuriously affect—

- (i) the view of rural scenery from a highway or from any public place or water;
- (ii) the amenities of any town or village or of a public garden, square or pleasure promenade;
- (iii) the natural beauty of a landscape; or
- (iv) the amenities of any historic or public building or monument or of any place frequented by the public solely or chiefly on account of its beauty or historical interest.

(3) This section shall not apply to the exhibition of advertisements on or upon any platform, landing stage or wharf not belonging to or not under the control of the highway authority or a local authority.

[S. 3 repealed and replaced by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012.]

#### 4. Charge to advertising structure fee

(1) Subject to this section, there shall be charged, on every advertising structure, a fee to be known as "advertising structure fee".

(2) (a) Every owner of an advertising structure specified in column 1 of the Schedule shall pay to the Director-General a fee specified in column 2 of that Schedule corresponding to that advertising structure, by the date specified in column 3 of that Schedule.

(b) The fee under paragraph (a) shall be paid in such form and manner, whether in electronic form or otherwise, as the Director-General may determine.

(3) —

[S. 4 amended by s. 2 (b) of Act 26 of 2012 w.e.f. 1 January 2013.]

#### 5. Display of registered mark

(1) Every owner of an advertising structure registered under section 6 shall, within one month of the date of the registration, affix or cause to be affixed a registered mark, consisting of his name and registration number, on the advertising structure in accordance with such specifications as may determine the Director-General.

(2) Where the advertising structure was registered under section 6 before 1 January 2013, its owner shall, not later than 3 months after the commencement of this section, comply with subsection (1).

[S. 5 repealed and replaced by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012; s. 2 (c) of Act 26 of 2012 w.e.f. 1 January 2013.]

#### 6. Registration of advertising structures

(1) (a) Subject to this section, every owner shall, on receipt of a written permission from the highway authority or any local authority, as the case may be, for the erection of an advertising structure, register the advertising structure with the Director-General, not later than 14 days from the date of the permission.

(b) Registration under paragraph (a) shall be made in such form and manner as the Director-General may determine and shall be accompanied by a certified copy of the permission referred to in that paragraph.

(2) (a) The highway authority or the local authority, as the case may be, shall, not later than 10 January 2012, provide a list of all permissions for an advertising structure which is valid as at 31 December 2011, together with details of the advertising structure, to the Director-General, in such form and manner as may be mutually agreed.

(b) On receipt of the list of permissions provided under paragraph (a), the Director-General shall register the advertising structures referred to in that list, and those advertising structures shall be deemed to have been registered under this section.

[S. 6 repealed and replaced by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012.]

## **7. Penalty and interest for late payment of fee**

(1) Where an owner fails to pay any fee on the last day on which it is payable, he shall be liable to pay to the Director-General, in addition to the fee—

- (a) a penalty of 5 per cent of the fee; and
- (b) interest at the rate of one per cent per month or part of the month on any amount of fee unpaid up to the date of payment.

(2) Any owner who fails to pay the fee under sections 4 and 7 shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

[S. 7 inserted by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012.]

## **8. Adjustment of fee following alteration of advertising structure**

The advertising structure fee chargeable under section 4 on an advertising structure shall be adjusted in accordance with the Schedule to reflect any alteration to the advertising structure.

[S. 8 inserted by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012; repealed and replaced by s. 2 (d) of Act 26 of 2012 w.e.f. 1 January 2013.]

## **9. Deregistration of advertising structure on removal**

Where an advertising structure is removed pursuant to section 22 (2A) or 23 (2) of the Roads Act, the Director-General shall—

- (a) ensure that the advertising structure fee payable on the advertising structure has been paid; and
- (b) deregister the advertising structure.

[S. 9 inserted by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012; repealed and replaced by s. 2 (d) of Act 26 of 2012 w.e.f. 1 January 2013.]

## **10. Assessment and recovery of fee**

The provisions of Parts VII, VIII and IX and sections 67 to 71 of the Value Added Tax Act shall apply to the fee with such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this Act.

[S. 10 inserted by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012.]

## **11. Offences**

Any owner who fails—

- (a) to affix a registered mark in accordance with section 5; or
- (b) to register his advertising structure with the Director-General under section 6,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

[S. 11 inserted by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012; amended by s. 2 (e) of Act 26 of 2012 w.e.f. 1 January 2013.]

## 12. Regulations

(1) The Minister to whom responsibility for the subject of finance is assigned may—

- (a) make such regulations as he thinks fit for the purposes of this Act;
- (b) by regulations, amend the Schedule.

(2) Any regulations made under this Act may provide for the taking of fees and levying of charges.

[S. 12 inserted by s. 2 (a) of Act 37 of 2011 w.e.f. 1 January 2012.]

13. – 14. —

### SCHEDULE

[Section 4]

#### ADVERTISING STRUCTURE FEE

Advertising structure of an area—	Fee chargeable in respect of every financial year or every quarter		Date payable
	Financial Year (Rs)	Quarter (Rs)	
(a) not exceeding 2 m <sup>2</sup>	5,000	1,250	(a) In respect of every financial year— where a written permission from the highway authority or a local authority has been granted— (i) before 1 January 2013 and is in force at 31 December 2012, the fee chargeable shall be payable not later than 31 January 2013; (ii) on or after 1 January 2013, the fee chargeable shall be payable not later than one month after the date of the written permission;
(b) exceeding 2 m <sup>2</sup> but not exceeding 3 m <sup>2</sup>	7,500	1,875	
(c) exceeding 3 m <sup>2</sup> but not exceeding 4 m <sup>2</sup>	10,000	2,500	
(d) exceeding 4 m <sup>2</sup> but not exceeding 5 m <sup>2</sup>	12,500	3,125	
(e) exceeding 5 m <sup>2</sup> but not exceeding 6 m <sup>2</sup>	15,000	3,750	
(f) exceeding 6 m <sup>2</sup> but not exceeding 7 m <sup>2</sup>	17,500	4,375	
(g) exceeding 7 m <sup>2</sup> but not exceeding 8 m <sup>2</sup>	20,000	5,000	
(h) exceeding 8 m <sup>2</sup> but not exceeding 9 m <sup>2</sup>	22,500	5,625	

SCHEDULE—continued

Advertising structure of an area—	Fee chargeable in respect of every financial year or every quarter		Date payable
	Financial Year (Rs)	Quarter (Rs)	
(i) exceeding 9 m <sup>2</sup> but not exceeding 10 m <sup>2</sup>	25,000	6,250	(b) in respect of every quarter— where a written permission from the highway authority or a local authority has been granted— (i) before 1 January 2013 and is in force at 31 December 2012, the fee chargeable shall be payable not later than 15 January 2013, 15 April 2013, 15 July 2013 and 15 October 2013, respectively; (ii) on or after 1 January 2013, the fee chargeable shall be payable not later than fifteen days after the date of the written permission in respect of the quarter in which the permission is granted and thereafter not later than 15 January, 15 April, 15 July and 15 October, respectively, as the case may be.
(j) exceeding 10 m <sup>2</sup> but not exceeding 11 m <sup>2</sup>	27,500	6,875	
(k) exceeding 11 m <sup>2</sup> but not exceeding 12 m <sup>2</sup>	30,000	7,500	
(l) exceeding 12 m <sup>2</sup> but not exceeding 24 m <sup>2</sup>	40,000	10,000	
(m) exceeding 24 m <sup>2</sup> but not exceeding 33 m <sup>2</sup>	50,000	12,500	
(n) exceeding 33 m <sup>2</sup> but not exceeding 36 m <sup>2</sup>	60,000	15,000	
(o) exceeding 36 m <sup>2</sup>	70,000	17,500	

[Schedule inserted by s. 2 (b) of Act 37 of 2011 w.e.f. 1 January 2012; repealed and replaced by GN 59 of 2012 w.e.f. 1 January 2012; s. 2 (f) of Act 26 of 2012 w.e.f. 1 January 2013.]

SCHEDULE—continued

PART B – IN RESPECT OF FINANCIAL YEAR 2013 AND IN RESPECT OF EVERY SUBSEQUENT FINANCIAL YEAR

Advertising structure	Fee chargeable (Rs)	Date payable
Advertising structure on field board or billboard, whether mechanical, electrical, electronic or in any other form, of an area—		
(a) not exceeding 2 m <sup>2</sup>	5,000	In respect of a valid written permission from the highway authority or local authority granted— (a) before 1 January in a financial year, the fee chargeable is payable in that financial year not later than 31 January 2012; or (b) on or after 1 January in a financial year, the fee chargeable is payable not later than one month after the date of the written permission.
(b) exceeding 2 m <sup>2</sup> but not exceeding 3 m <sup>2</sup>	7,500	
(c) exceeding 3 m <sup>2</sup> but not exceeding 4 m <sup>2</sup>	10,000	
(d) exceeding 4 m <sup>2</sup> but not exceeding 5 m <sup>2</sup>	12,500	
(e) exceeding 5 m <sup>2</sup> but not exceeding 6 m <sup>2</sup>	15,000	
(f) exceeding 6 m <sup>2</sup> but not exceeding 7 m <sup>2</sup>	17,500	
(g) exceeding 7 m <sup>2</sup> but not exceeding 8 m <sup>2</sup>	20,000	
(h) exceeding 8 m <sup>2</sup> but not exceeding 9 m <sup>2</sup>	22,500	
(i) exceeding 9 m <sup>2</sup> but not exceeding 10 m <sup>2</sup>	25,000	
(j) exceeding 10 m <sup>2</sup> but not exceeding 11 m <sup>2</sup>	27,500	
(k) exceeding 11 m <sup>2</sup> but not exceeding 12 m <sup>2</sup>	30,000	
(l) exceeding 12 m <sup>2</sup> but not exceeding 24 m <sup>2</sup>	40,000	
(m) exceeding 24 m <sup>2</sup> but not exceeding 33 m <sup>2</sup>	50,000	
(n) exceeding 33 m <sup>2</sup> but not exceeding 36 m <sup>2</sup>	60,000	
(o) exceeding 36 m <sup>2</sup>	70,000	

[Schedule inserted by s. 2 (b) of Act 37 of 2011 w.e.f. 1 January 2012; repealed and replaced by GN 59 of 2012 w.e.f. 1 January 2012.]