

December 2000

DEPARTMENT OF TRANSPORT

No..

THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT NO. 7 OF 1998)

REPEAL OF CERTAIN REGULATIONS AND MAKING OF REGULATIONS ON ADVERTISING ON OR VISIBLE FROM NATIONAL ROADS

I, Abdulah Mohamed Omar, Minister of Transport, acting under section 58 of The South African National Roads Agency Limited and National Roads Act, 1998, hereby

- (a) repeal the Regulations on Advertising on or Visible from National Roads, published by Government Notice No. R. 6844 of 13 July 2000; and
- (b) make the regulations in the Schedule.

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PART A: INTRODUCTORY PROVISIONS

1. Definitions

In these regulations, a meaning that has been assigned to a word or expression in the Act shall bear that meaning and, unless the context indicates otherwise—

“advertisement for sale of goods or livestock” means an advertisement announcing such a sale on land or premises not normally used for commercial purposes and may

include an advertisement announcing auctions of household goods on residential properties, or livestock or game on farms;

“advertisement for sponsored road traffic projects” means an advertisement relating to the sponsoring of a specific project aimed at the provision of road services, the promotion of road safety or the management and conservation of roadside environments;

“advertising structure” means any physical structure erected to display an advertisement;

“advertiser” means the person or organisation whose product or service is being advertised, or whose name or image is mentioned or promoted in an advertisement;

“aerial advertisement” means an advertisement painted on, attached to or produced by an aircraft, including a captive balloon, kite, unmanned free balloon, moored airship, parasailing craft, hang glider, model or radio controlled aircraft, an aircraft towed behind a vehicle or sailing vessel for the purpose of flight, and an aircraft towing banners or producing smoke signals;

“animated” means that the visibility or message of an advertisement is enhanced by means of moving units, flashing lights or similar devices, or that an advertisement contains a variable message;

“area of advertisement” means the area in square metres of the smallest rectangle that will encompass the extreme limits of the advertisement or combined advertisement, together with any material or colour forming an integral part of the background of the advertisement or used to differentiate the advertisement from the structure or building against which it is placed;

“areas of maximum control” means natural areas, rural areas and urban areas of maximum control;

“balcony or under awning advertisement” means an advertisement—

- (a) affixed flat onto or painted on a parapet wall, balustrade or railing;
- (b) affixed flat onto or painted on a fascia;
- (c) affixed flat or painted on the fascia of a roof structure without walls;
- (d) affixed to or painted on a pillar, column or post supporting a roof structure without walls;
- (e) painted or printed on the fabric of a blind;

“banner” means a piece of cloth (or similar material) upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaffs projecting vertically, horizontally or at an angle, or attached to buildings or to special structures, but excludes banners carried as part of a procession;

“billboard” means any advertisement supported by a free-standing structure or affixed to an external wall of a building, or painted to an external wall or roof of a building used for commercial, office, industrial or entertainment purposes, also known as a "custom-made billboards" or "spectaculars" which may be paper-posted, sign written, posted with vinyl or covered, posted or written by a combination of such methods and may feature special effects such as internal illumination, specialist character cut-outs or three-dimensional presentations and may include variable messages. The main function of a billboard is to display advertisements;

“bit” means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations. For the purposes of these regulations bit values shall be calculated as follows:

Words of up to eight letters, inclusive	1,0 bit
Words of more than eight letters	2,0 bit
Numbers of up to four digits, inclusive:	0,5 bit
Numbers of five to eight digits:	1,0 bit
Symbol or abbreviation:	0,5 bit
Large logos and graphics	2,0 bit

“candela” means a unit of luminance as determined from time to time by the International Commission on Illumination;

“centre of economic activity” means an enterprise or a group of enterprises outside of urban areas and which may include farm stalls, service facilities, accommodation facilities, food services, industries and cottage industries, as well as shops and other commercial facilities;

"clear height" means the minimum vertical distance from the ground, road or surface level, as the case may be, to the advertisement;

“combination advertisement” means an advertisement comprising a number of smaller, individual advertisements, usually displaying different products or services, placed next to each other on a single structure specially designed to accommodate more than one advertisement;

“construction site advertisement” means an advertisement affixed flat against or on top of a fence or wall forming the boundary of a construction site;

“development advertisement” means an advertisement describing (including a pictorial representation of) the type of development being carried out on a construction site;

“electronic billboard” means a billboard which has an electronically controlled, illuminated display surface which allows all or a portion of the advertisement to be

changed, animated or illuminated in different ways;

“engineer” means an engineer registered in terms of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990);

“entertainment area” means an area the main purpose of which is to be used as a park, sports field, barbecue area or for other recreational purposes;

“erf” means an erf, stand, lot, plot, agricultural holding or similar land entity registered in a deeds registry;

“estate agents’ board” means an advertisement that are temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale or to let;

“flag” means a piece of cloth (or similar material) upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not readable in windless conditions. Flags exclude:

- a) national flags that do not carry any advertisement in addition to the design of the flag or flagstaff, and
- b) flags carried as part of a procession;

“forecourt” means an outdoor area forming a functional part of a building housing an enterprise, and may include the area of a filling station where the pumps are situated, or a terrace in front of a restaurant, enclosing fences, walls, screens or similar structures, excluding sidewalk areas in front of business premises intended for pedestrian circulation;

“forecourt advertisement” means an advertisement on a forecourt of business premises, being an advertisement displayed in such forecourt to draw attention to commercial services, goods for sale or other services available at the premises, but does not include a combination advertisement at a filling station or roadside service area;

“freeway” means a national road that has been designated as a freeway by an appropriate road traffic sign in terms of the National Road Traffic Act;

“functional public advertisement” means an advertisement displayed only for announcement or direction of the functions of municipalities or parastatal bodies that cannot be displayed under any other class of advertisement;

“gore” means the area immediately beyond the divergence of two roadways, bounded by the edges of those roadways;

“height” means the maximum vertical distance from the ground, road surface, or

surface level to the top of the advertisement;

“illuminated” in relation to an advertisement means that it has been installed with electrical or other power for the purpose of illuminating it, either continuously or intermittently;

“large billboard” means any billboard larger than 18 square metres in area of advertisement;

“large electronic billboard” means an advertisement that is an electronic billboard larger than 18 square metres in area;

“large poster” means a poster which does not exceed 2,2 square metres in area, which is attached to street furniture and which has been approved by a relevant municipality;

“light not intended for illumination” means a flashing, flickering or continuous light source, beam of light or a number of such sources or beams, aimed or moved in such a manner as to attract attention, without being primarily for the purpose of illuminating an area or object;

“locality-bound” means an advertisement displayed on a specific erf or premises and referring to an activity, product, service or attraction located, rendered or provided on that erf or those premises or inside that building;

“m” means metre;

“mm” means millimetre;

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act 93 of 1996);

“natural area” means an area of the rural or non-urban environment which is in an unspoilt natural state or is of high scenic value, and includes, but is not limited to, national parks, game reserves, nature reserves, marine reserves, wilderness areas, areas of extensive agriculture and scenic areas;

“on-premises business advertisement” means an advertisement aimed at identifying and locating business enterprises and industries, and excludes a residential or community advertisement;

“owner” in relation to an advertisement means the person who owns the advertising structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the advertising structure.

“poster” is any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, local government or any similar body or to a referendum, or

any placard advertising any product or service or announcing the sale of any goods, livestock or property;

“product replica or three-dimensional advertisement” is a replica or device used for advertising that may be free-standing or attached to a structure, and includes an inflatable object that is not an aerial advertisement;

“project board” means an advertisement displaying the involvement of a contractor or consultant in a construction project;

“relevant municipality” means the municipality in whose area of jurisdiction an advertisement is erected or displayed, and in the case of Category B and C municipalities contemplated in section 155(1)(b) and (c) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), both such municipalities;

“residential or community advertisements” includes a variety of small notices and advertisements displayed on premises used for residential-orientated purposes and for community services, and include advertisements in urban areas and also on places of residence in natural and rural areas, but are limited to—

- (a) identification, direction and warning signs with regard to residences, for example—
 - (i) names of houses, flat complexes, farms and smallholdings;
 - (ii) signs such as “beware of the dog”, “no parking” and “close the gate”;
 - (iii) signs indicating the nature of or main activity on farms and smallholdings;
- (b) signs showing the name or nature of the business, practice or enterprise or the owners or practitioners on small businesses, enterprises and practices in urban residential premises and buildings constructed or used for community purposes or premises on urban, but not rural, smallholdings;
- (c) signs showing the name and nature of the facility or of the proprietor or partners, on small scale accommodation facilities;
- (d) signs showing the name and nature of the institution, the names of practitioners and nature and extent of services on community services and institutions, such as religious, cultural, educational and recreational institutions and medical institutions related to those purposes;

“road island” means an area demarcated on a roadway by means of painted lines, stones, kerbs or by other means with the intention of preventing vehicles from standing or being operated in that area;

“road median” means the area separating traffic lanes on a roadway;

“road reserve” means the full width of a national road, and includes roadways, shoulders and sidewalks and the air space above such roadways, shoulders and

sidewalks and all other areas within the road reserve boundary;

"road reserve boundary" means the proclaimed boundary forming the outer edge of the road reserve;

“roadside service area” means an area with direct access from a national road in which facilities and services such as petrol and diesel sales, restaurants, fast food outlets, toilets, playgrounds and picnic spots may be provided for motorists;

“road traffic sign” means a road traffic sign as defined in the National Road Traffic Act;

“roadway” means a roadway as defined in the National Road Traffic Act;

“rural area” means an area forming a transition between urban areas and unspoilt natural areas and includes intensive agriculture, subsistence agriculture and peri-urban smallholdings of a predominantly rural nature and with relatively low population densities;

“security advertisement” means an outdoor advertisement for neighbourhood watch, farm watch and similar schemes, and an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisement is displayed;

“service facility advertisement” means an advertisement at a filling station or roadside rest and service area;

“shoulder” means the shoulder of a national road as defined in the National Road Traffic Act;

“sidewalk” means a sidewalk of a national road as defined in the National Road Traffic Act;

“sidewalk poster or notice” means a temporary advertisement attached to an electrical light standard within a road reserve to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature, and includes a poster displayed for an election or referendum campaign;

“small billboard” means a billboard smaller than 18 square metres in area of advertisement;

“sponsored road traffic project” means a project specifically intended for the benefit of road users involving the provision of road services, the promotion of road safety or the management and conservation of road environments, agreed to between the Agency and the sponsor of the sponsored road traffic project;

“street furniture” means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road traffic signs, traffic lights, street lights or any other road-related structures;

“street name advertisement” means a pole-mounted advertisement that may be illuminated, that is displayed in combination with a street name sign;

“streetscaping” or “streetscape” means the coherence between street furniture and other features on a national road;

“suburban advertisement” means a pole mounted location advertisement at the entrance to a town or suburb that carries an advertising sign beneath the road traffic sign bearing the name of the town or suburb;

“the Act” means the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);

“tourism sign” means a road traffic sign having a trapezoidal shape and white on brown colour, the main objective of which is to inform and guide tourists in the final stages of their journeys;

“tower, bridge and pylon advertisement” means a billboard affixed to or painted on a tower, bridge or pylon that is not used primarily for advertising purposes;

“tower structure” means a structure used for advertising in a parking area of a shopping centre and at an important transport node such as an airport, railway station or bus or taxi station;

“traffic sign” means a road traffic sign or signal contemplated in the National Road Traffic Act or a rail traffic sign or signal;

“urban areas of maximum control”, subject to regulation 4(1)(b), include, but are not limited to, natural open spaces and urban conservation areas, interface of natural landscape with built-up areas, bodies of water, rivers, ridges, forests, open recreational areas, characteristic vistas, heritage sites or buildings, special tourist areas, skylines, residential areas of lower density, and visual zones along freeways in urban areas, unless the Agency after obtaining a strategic environmental assessment designates areas along such freeways as urban areas of partial or minimum control;

“urban areas of minimum control”, subject to regulation 4(1)(b), are areas which require minimum control such as areas of concentrated economic activity where business is the main focus, commercial districts, central shopping centres, central office precincts, commercial enclaves and shopping centres in industrial areas and industrial parks, entertainment districts or complexes and prominent transport nodes excluding nodes of an exceptional historical or architectural value.

“urban areas of partial control”, subject to regulation 4(1)(b), are areas characterised by a greater degree of integration and complexity of land use which require a lesser degree of control, such as high density mixed residential areas, medium density areas in transition and residential areas where office and commercial encroachment has taken place and low density suburbs, small commercial enclaves in residential areas, suburban shopping centres and office parks, ribbon development along main streets, educational institutions, sports fields or stadia, commercialised squares, government enclaves and smallholdings of an urban nature with a higher population density than rural smallholdings;

“vehicle” means a motor vehicle as defined in the National Road Traffic Act;

"visual zone" means the road reserve of a national road and any area that is visible from any spot on such road reserve, but does not include an area situated at a distance of more than 250 metres from the road reserve boundary of a freeway in an urban area.

2. Scope of these regulations

- (1) These regulations are designed to regulate advertising on or visible from national roads, within the scope of section 50 of the Act, and apply only to national roads, as defined in the Act, including freeways.
- (2) Unless these regulations provide specifically that the approval of the Agency is required for a particular advertisement, such approval is not required, but all of the conditions of these regulations applicable to that type of advertisement must be complied with.

3. Areas in relation to categories of advertisements

- (1) For the purpose of determining the places where advertisements may be displayed, the Agency may designate areas in which national roads are situated in accordance with the categories described in regulation 4, subject to sub-regulation (4) of this regulation.
- (2) For the purpose of determining the nature, content and size of advertisements, they are divided into the categories defined in regulations 16 to 39.
- (3) The advertisements which may be displayed on or so as to be visible from national roads in the various categories of areas, are regulated in regulations 16 to 39, subject to the general provisions in Part B.
- (4) These regulations shall not apply to areas outside of visual zones.
- (5) Despite these regulations, the Agency may, by notice in the *Government Gazette*, designate areas along national roads, either individually or in respect

of a class or type of such roads, where the erection or display of advertisements shall not be permitted.

4. Designation of areas

- (1) The Agency may, subject to sub-regulation (2) of this regulation and sub-regulations (4) and (5) of regulation 3—
 - (a) designate areas outside of urban areas in which national roads are situated as either natural areas or rural areas;
 - (b) in urban areas, after consultation with relevant municipalities, designate areas in which national roads are situated as—
 - (i) urban areas of maximum control;
 - (ii) urban areas of partial control;
 - (iii) urban areas of minimum control,

provided that where a relevant municipality has already designated an area as one of such categories, the Agency must designate it as such.

- (2) Where a national road falls within an area which has not been designated into a particular category under sub-regulation (1), the area in which it falls shall be deemed to be an area of maximum control.
- (3) The Agency must make details of a designation under sub-regulation (1), with appropriate maps or diagrams, available for inspection by the public during the Agency's office hours at the Head Office and the relevant regional office of the Agency.

5. Regulations not applicable in some municipal urban areas

- (1) Subject to sub-regulation (2) and in terms of section 156, read with Part B of Schedule 5, and Chapter 3 of the Constitution of the Republic of South Africa Act 108 of 1996, these regulations shall not apply in an urban area, except for regulation 6 which will apply, where the relevant municipality has promulgated a by-law—
 - (a) dealing substantially with the matters covered by these regulations, and
 - (b) that is applicable to national roads in that area,

or in any urban area which the Minister has declared these Regulations not applicable by notice in the Government Gazette.

- (2) Where in terms of sub-regulation (1) these regulations do not apply, the municipality, when considering any application for an advertisement equal to or larger than six square metres which will face a national road, must make its approval conditional upon the applicant also obtaining the approval of the Agency, and the Agency in considering such an application must consider only

road traffic, road traffic sign and safety considerations as contemplated in regulation 6.

PART B: PROVISIONS APPLICABLE TO ALL ADVERTISEMENTS

6. Road safety and traffic considerations

- (1) Despite the other provisions of these regulations, no advertisement may—
 - (a) constitute a danger to persons or property;
 - (b) be so placed as to distract, or contain an element which distracts, the attention of drivers of vehicles in a manner likely to lead to unsafe driving conditions;
 - (c) be illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers of vehicles;
 - (d) be attached to traffic signs, combined with traffic signs (unless specifically authorised by the National Road Traffic Act), obscure traffic signs, create confusion with traffic signs, interfere with the functioning of traffic signs or create road safety hazards;
 - (e) obscure the view of pedestrians or drivers, or obscure road or rail vehicles and road, railway or sidewalk features such as junctions, bends and changes in width;
 - (f) project over pedestrian or cycle circulation routes, unless the clear height of the advertisement exceeds 2,4 metres;
 - (g) obstruct fire escapes or the means of egress to fire escapes;
 - (h) be placed closer than the minimum clearance with regard to overhead power lines as prescribed by any law;
 - (i) be erected in the vicinity of a signalised intersections which display the colours red, yellow or green if such colours will constitute a road safety hazard;
 - (j) have light sources that are visible to vehicles travelling in either direction;
 - (k) be erected without approval where such approval is required by the Act or these regulations or any other law.

- (2) In considering applications for approval for advertisements that will face a national road, the Agency must evaluate whether, according to road traffic sign standards published under applicable road traffic legislation, prevailing traffic conditions and the roadside environment—
 - (a) the size of the advertisement, together with other advertisements in the area, if any, will affect the conspicuousness of road traffic signs by virtue of potential visual clutter;
 - (b) the size of the advertisement, or any portion thereof by way of its colour, letter size, symbol, logo, graphics or illumination, will result in the advertisement having a distracting effect on the attention of drivers of

- vehicles to the task of driving and lead to unsafe driving conditions;
 - (c) the number of road traffic signs and advertisements in any area constitute a driving hazard, due to the attention of drivers of vehicles being deviated from the task of driving and leading to unsafe driving conditions;
 - (d) the colour, or combination of colours, contained in the advertisement correspond with the colours or combinations of colours specified for road traffic signs in the regulations promulgated under the National Road Traffic Act;
 - (e) the speed limit, and the measure of the traffic's adherence thereto, the traffic volume, the average following headway and accident history of the road demand more stringent control of outdoor advertising;
 - (f) the amount of information contained in the advertisement, measured in bits, is within prescribed limits;
 - (g) the advertisement is suitably positioned and orientated;
 - (h) the position of the advertisement will negatively affect the visibility of, sight distance to or efficiency of any road traffic sign, or series of such signs;
 - (i) the advertisement could be mistaken to represent a road traffic sign;
 - (j) the illumination of advertisements is likely to distract drivers' attention from road traffic signs which are not illuminated;
 - (k) the position of an advertisement would disrupt the flow of information from road traffic signs to drivers who encounter a series of road traffic signs intended for traffic regulation, warning or guidance, in cases where the applicable speed limit on the road exceeds 60 km per hour;
 - (l) the position of any advertisement would potentially distract drivers' attention at places where traffic turns, negotiates curves, merges or diverges, or in the area of intersections or interchanges, or where drivers' uninterrupted attention to the driving task is important for road safety;
 - (m) the distance of any advertisement before any road traffic sign, an advertisement's position in between road traffic signs or an advertisement's distance behind any road traffic sign is of such a nature as to distract a driver's attention from any road traffic sign.
- (3) The Agency may increase the minimum spacing between advertisements, or place further restrictions on the position, size and content of any advertisement it considers necessary, in the interests of road safety.
- (4) No advertisement will be allowed that emits a noise, sound, smoke, smell or odours.

7. Amenity and decency

Despite the other provisions of these regulations, no advertisement may—

- (a) be detrimental to the environment or to the amenity of a human living

- environment by reason of size, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
- (b) be in its content objectionable, indecent, offensive or suggestive of indecency or prejudicial to public morals or be in conflict with the guidelines or standards laid down from time to time by the South African Outdoor Advertising Association;
 - (c) obscure, partially or wholly, an advertisement owned by another person that has been erected previously and legally displayed.

8. Advertisement to be concise

An advertisement positioned on or next to a national road and visible from a national road must be concise and legible and comply with the following requirements:

- (a) No advertisement displaying a single message may exceed six bits of information in a visual zone and 10 bits on a road other than a freeway;
- (b) No combination sign, or any other advertisement displaying more than one advertisement or message, may contain more than six bits of information per enterprise, service or property, or per individual advertisement or message displayed on a combination sign;
- (c) Numbers longer than eight digits are not allowed;
- (d) A street number indicating specific premises must have a minimum size of 150 millimetres and a maximum size of 350 millimetres;
- (e) No message may be spread across more than one advertisement.

9. Design and construction

- (1) Any advertisement must—
 - (a) be neatly and properly constructed according to generally accepted design and construction standards;
 - (b) not be detrimental to or have a negative aesthetic impact on the streetscape or character of the surrounding area by way of the design of the structure or device;
 - (c) have a neat appearance and consist of durable materials suited to the function, nature and permanence of the advertisement, and materials such as cloth, canvas, cardboard, paper or synthetic cardboard may be used only when essential to the nature and function of a particular advertisement;
 - (d) have a neat appearance in terms of advertisement content and sign writing, and may not contain untidy handwritten messages;
 - (e) not deface building facades with electrical services provisions and other accessories;
 - (f) be rigidly and securely attached, supported or anchored in a safe manner so that unwanted movement in any direction is prevented;
 - (g) be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the

- advertisement may be subjected, including wind pressure;
 - (h) wherever necessary in accordance with the nature of the advertisement and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side;
 - (i) not be secured by water soluble adhesive, adhesive tape or similar material to display the advertisement;
 - (j) have all exposed metalwork painted or otherwise treated to prevent corrosion and all timber treated to prevent decay;
 - (k) have measures taken to prevent entry of water into and the accumulation of water or moisture on or in the advertisement or any part of its supporting framework, brackets or other members.
- (2) No advertisement may—
- (a) obstruct any window or opening provided for the ventilation of a building or obstruct any stairway or doorway or other means of exit from a building or prevent the movement of persons from one part of a roof to another part;
 - (b) be painted on any fence or boundary wall in an area of maximum control.

10. Glass

- (1) All glass used in an advertisement, other than glass tubing used in a neon and similar advertisement, must be safety glass at least three millimetres thick.
- (2) Glass panels used in an advertisement must not exceed 0,9 square metres in area, each panel being securely fixed in the body of the advertisement, structure or device independently of all other panels.

11. Electrical

Every illuminated advertisement and every advertisement in which electricity is used, must—

- (a) have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly;
- (b) be constructed of material that is not combustible;
- (c) be provided with an external switch in an accessible position and at a height of at least three metres from the ground whereby the electricity supply to the advertisement may be switched off;
- (d) be wired and constructed in accordance with and subject to the provisions of all applicable laws.

12. Maintenance

- (1) An advertisement must—
- (a) be located at a height that discourages vandalism;
 - (b) be serviced on a regular basis;
 - (c) be maintained in good repair and in a safe condition.
- (2) Any person who displays an advertisement or permits it to be displayed shall be responsible for the maintenance in a safe and proper condition of the advertisement and the repainting thereof, and be liable for the consequences of not doing so, and must undertake at least one annual inspection of the advertisement with a view to satisfying himself or herself of the safety thereof.

13. Position of advertisements

An advertisement shall not, except where specifically authorised by these regulations—

- (a) cause any obstruction to a motorist's view of the roadway or its approaches, regardless of the direction the motorist is travelling;
- (b) be positioned on a road island or road median;
- (c) be suspended across a national road;
- (d) be erected within or suspended above a visual zone;
- (e) be permitted at urban street corners.

14. Illumination and electronic advertisement

- (1) Illumination is permitted on an advertisement only if it does not lead to unsafe driving conditions, and where it is specifically not prohibited.
- (2) The luminance level on any advertisement where illumination is permitted, and where the applicable speed limit on the national road is higher than 60 km per hour, shall not exceed the following:

Illuminated area	Maximum luminance
Less than 0,5 square metres	1000 candela per square metre
0,5 to 2,0 square metres	800 candela per square metre
2,0 to 10 square metres	600 candela per square metre
10 or more square metres in visual zones	350 candela per square metre
10 or more square metres in other areas	400 candela per square metre

- (3) In a visual zone an advertisement may not be illuminated unless the freeway, or other national road if the speed limit applicable thereto exceeds 80 km per hour, is lit by overhead lighting over the full distance within which the advertisement is visible from the freeway or such national road and the source

of the illumination is concealed from oncoming traffic.

- (4) A variable or animated message shall not exceed the following frame update limits:

Speed limit 60 km per hour or less	Full video
Speed limit more than 60 km per hour	One single complete frame that changes every 30 seconds as a maximum

- (5) An electronic advertisement may not inhibit the view of a driver or pedestrian or be in the direct line of sight of a traffic light.
- (6) An electronic advertisement may not have subliminal flashes.
- (7) Light not intended for illumination may only be utilised if it is allowed for in the environmental plans of the relevant municipality.
- (8) No person may display light not meant for illumination in a visual zone, or in a natural area, or in an urban area of maximum control if it will be visible from a national road.
- (9) No person may display light not meant for illumination in a rural area of economic activity visible from a national road, or in an urban area of partial or minimum control visible from a national road, without the written approval of the Agency.
- (10) No light beam may be moved or directed in such a manner as to distract the attention of drivers of vehicles from the task of driving.
- (11) No light source or beam of light not meant for illumination may be positioned or aimed so as to shine directly onto, or at, a national road.

15. Floodlighting

- (1) Subject to regulation 14, a light source for an advertisement must be positioned to ensure effective distribution and minimise light wastage or “spill”.
- (2) Any light source for an advertisement must not be visible to traffic travelling in either direction.

PART C: TYPES OF ADVERTISEMENTS AND REGULATION OF THEIR ERECTION OR DISPLAY

16. Electronic billboards

- (1) No person may erect an electronic billboard in a visual zone and facing a national road without first obtaining the written approval of the Agency. In deciding whether to grant or refuse such approval, the Agency must have regard to—
 - (a) the matters set out in regulation 6;
 - (b) whether it is allowed for in environmental plans of the relevant municipality;
 - (c) aesthetic and ecological aspects;
 - (d) the nature of the proposed messages;
 - (e) other factors specified in the Act or these regulations or that the Agency regards as relevant.
- (2) A large electronic billboard must be displayed perpendicular to oncoming traffic.
- (3) No large electronic billboard may be erected closer than five kilometres to another large electronic billboard on the same side of a national road, unless this is allowed for in the environmental plans of the relevant municipality.
- (4) An electronic billboard may not be erected within a radius of 50 metres from the centre of an intersection on a national road where the speed limit on the national road is less than or equal to 60 kilometres per hour, or within a radius of 100 metres from the centre of an intersection or from a ramp gore at an interchange on a national road where the speed limit exceeds 60 kilometres per hour but does not exceed 100 kilometres per hour, or within a radius of 200m from the centre of any intersection or from any ramp gore at an interchange on any portion of a freeway where the speed limit exceeds 100 kilometres per hour.
- (5) The approval contemplated in sub-regulation (1) must be granted for a specified period.
- (6) No electronic billboard 18 square metres or smaller in area of advertisement, may be erected closer than 1,5 kilometres to another electronic billboard or large electronic billboard on a national road, unless this is allowed for in the environmental plans of the relevant municipality.
- (7) No one may erect an electronic billboard or large electronic billboard in a visual zone in an area other than an urban area of partial or minimum control.

17. Large billboards

- (1) No person may erect a large billboard in a visual zone or facing a national road without first obtaining the written approval of the Agency. In deciding whether to grant or refuse such approval, the Agency must have regard to—
- (a) the matters set out in these regulations;
 - (b) whether it is allowed for in environmental plans of the relevant municipality;
 - (c) aesthetic and ecological aspects;
 - (d) other factors specified in the Act or these regulations or that the Agency regards as relevant.
- (2) The clear height of a large billboard shall be not less than 2,4 metres.
- (3) Large billboards must be spaced as follows:

On a national road where a speed limit of more than 80 km/hour has been imposed	At least 250 metres apart and at least 250 metres from any product replica or three dimensional advertisement when in view of each other or of such product replica or three dimensional advertisement and on the same side of the national road, and at least 200m from any road traffic sign.
On a national road where a speed limit of more than 60 and up to 80 km/hour has been imposed	At least 200 metres apart and at least 200 metres from any product replica or three dimensional advertisement when in view of each other or of such product replica or three dimensional advertisement and on the same side of the national road, and at least 100m from any road traffic sign.
On a national road where a speed limit of 60 km/hour or less has been imposed	At least 120 metres apart and at least 120 metres from any product replica or three dimensional advertisement when in view of each other or of such product replica or three dimensional advertisement and on the same side of the national road, and at least 50m from any road traffic sign

- (4) A large billboard may not be erected within a radius of 50 metres from the centre of an intersection on a national road where the speed limit on the national road is less than or equal to 60 kilometres per hour, or within a radius of 100 metres from the centre of an intersection or from a ramp gore at an interchange on a national road where the speed limit exceeds 60 kilometres per hour but does not exceed 100 kilometres per hour, or within a radius of 200m from the centre of any intersection or from any ramp gore at an interchange on any portion of a freeway where the speed limit exceeds 100 kilometres per hour.
- (5) The approval contemplated in sub-regulation (1) must be granted for a specified period.
- (6) No person may erect a large billboard in a visual zone in an area other than an

urban area of partial or minimum control

18. Small billboards and tower structures

- (1) Small billboards may not exceed 18 square metres in area of advertisement and 10m in height, and must have a clear height of not less than 2,4m. Tower structures may be pole-mounted units of not more than four panels. No panel or board on a tower structure may exceed 4,5 square metres. The clear height of a tower structure may not be less than 2,4m, while the maximum height shall not exceed five metres.
- (2) No person may erect a small billboard or tower structure in a visual zone in an area other than an urban area of partial and minimum control.
- (3) No person may erect a small billboard or tower structure on or visible from a national road without first obtaining the written approval of the Agency. In deciding whether to grant or refuse such approval, the Agency must have regard to—
 - (a) the matters set out in these regulation;
 - (b) aesthetic and ecological aspects;
 - (c) the consideration that tower mounted advertisements must be “internally oriented” and not be aimed at road users outside the shopping centre or transport node;
 - (d) the consideration that tower structures must be of a high visual standard and harmonize with buildings and streetscapes;
 - (e) other factors specified in the Act or these regulations or that the Agency regards as relevant.
- (4) The approval contemplated in sub-regulation (3) must be granted for a specified period.

19. Large posters and other advertising on street furniture

- (1) A large poster, other than on a bus or taxi shelter incorporating posters —
 - (a) is not allowed in a natural and rural area;
 - (b) may not be used for the primary purpose of directing or guiding travellers;
 - (c) is not allowed on or next to a freeway;
 - (d) may not be closer than 1800 millimetres from the edge of a roadway and not less than 300 mm from the edge of a cycle path; and
 - (e) may not be closer than 120m to another large poster;
 - (f) may not be placed so as to obstruct pedestrian movement on a national road.
- (2) The size of a large poster and other advertising on street furniture facing in any

one direction may not exceed 2,2 square metres in area of advertisement. Street furniture carrying an advertisement shall not exceed three metres in height, except that a maximum height of four metres will be allowed where the structure serves as a visual focal point and is of a high visual quality.

- (3) A large poster and advertising on street furniture shall not be illuminated or animated in an urban area of maximum control, but may be illuminated, but not animated, in an urban area of partial or minimum control.
- (4) A large poster advertising on street furniture may be displayed on the road reserve, but not on a road median or island.
- (5) No person may erect a large poster or advertise on street furniture without first obtaining the written approval of the relevant municipality.

20. Flags

- (1) A flag may be used only for—
 - a) locality-bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda;
 - b) locality-bound advertisements displaying of the name, corporate symbol and nature of enterprises;
 - c) streetscaping urban areas such as pedestrian malls and gateways,
 - d) non-locality bound advertisements of campaigns supported by government.
- (2) A flag is not permitted in a natural area.
- (3) No-one may display a flag larger than five square metres in a rural area or urban area of maximum control and six square metres in an urban area of partial or minimum control without obtaining the approval of the Agency.
- (4) A flag must be attached to or supported by poles or other supports on the site, or against the building where the function or event is to be held, or where the enterprise is located.
- (5) A flag may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.

21. Suburban advertisements

- (1) A suburban advertisement shall be permitted only in an urban area where the applicable speed limit on the road in question does not exceed 80 km per hour, but not on or next to a freeway.

- (2) Subject to sub-regulation (1), no person may erect a suburban advertisement facing a national road without first obtaining the written approval of the relevant municipality.
- (3) A suburban advertisement must be rectangular, and must be not more than 0,4 metres in height and not wider than the suburb name sign. It must be less conspicuous than the suburb name sign.
- (4) A suburban advertisement may not bear colours that may cause confusion with road traffic signs and may not be illuminated or animated.
- (5) Suburban advertisements must comply with the requirements of the suburb name GL2 sign as prescribed in the National Road Traffic Act.

22. Estate agents' boards

- (1) An estate agents' board may not contain information other than the words "for sale", "to let" or "sold" and the name, logo, and telephone number of the selling or letting agent.
- (2) An estate agents' board is permissible in any area, but not more than one such board per estate agent may be erected on any erf and not more than three agents may display their boards simultaneously on the same erf.
- (3) An estate agents' board may only be a single board or two duplicate boards joined together.
- (4) The maximum size of an estate agent's board shall be—

Natural and rural areas;	2,0 square metres for single boards or 2,3 square metres in total for two joined boards
Urban areas of maximum or partial control	0,55 square metres for single boards or a total area of 0,65 square metres for two joined boards
Urban areas of minimum control	2,8 square metres for single boards or 3,2 square metres for two joined boards

- (5) An estate agents' board must be attached to the boundary fence of the property concerned or displayed within the boundaries of premises.
- (6) An estate agents' board must be removed not later than 14 days after conclusion of a contract of sale or lease for the property in question.
- (7) Not more than 10 direction boards indicating the position of a property (known as "trail blazer boards"), are permitted per erf, if allowed by the relevant municipality, but not on or along freeways, and such boards may not show more than direction arrows and the name and logo of the estate agent

- (8) Estate agents' boards may not be displayed on the road reserve, or road reserve boundaries of freeways
- (9) The size of estate agents' trailblazer boards may not exceed 0,65 square metres and a height of three metres.
- (10) No illumination or animation of estate agents' boards is allowed.

23. Advertisements for sale of goods or livestock

- (1) Only one advertisement for sale of goods or livestock per sale shall be allowed facing a national road.
- (2) The size of such an advertisement may not exceed two square metres in a natural or rural area or an urban area of maximum or partial control, and 2,8 square metres in an urban area of minimum control, and no part of the advertisement shall be higher than three metres above the ground.
- (3) Such an advertisement may be displayed only on the premises or property where the advertised sale is to take place, or be attached to the boundary fence of such a property or premises.
- (4) No illumination or animation of such an advertisement shall be allowed.
- (5) Such an advertisement may be erected no earlier than one day before the sale in question and must be removed not later than one day after such sale, and advertisements of a permanent nature are not allowed.
- (6) Advertisements for the sale of goods or livestock may not be displayed on the road reserve or road reserve boundary of freeways.

24. Sidewalk posters and notices

- (1) A sidewalk poster or notice may be displayed only in an urban area of partial or minimum control.
- (2) No person may erect a sidewalk poster or notice without first obtaining the written approval of the relevant municipality.
- (3) A sidewalk poster or notice may be displayed only on an electric light standard or other structure which is provided for the express purpose of pasting or affixing the poster or notice, and may not be attached or affixed to a road traffic sign or a signal, wall, column or post of a veranda or balcony, electricity box, tree or bridge.

- (4) A sidewalk poster or notice may not cover municipal markings or painted stripes on lampposts.
- (5) A sidewalk poster or notice may not be illuminated or animated.
- (6) A sidewalk poster or notice must be fixed by means of suitable cords acceptable to the relevant municipality, and metal clamps or wire may not be used.
- (7) No person may advertise commercial products, services or events by means of a sidewalk poster or notice.
- (8) Only one sidewalk notice or poster may be displayed per post or standard, except that in the case of election or referendum campaigns, not more than three posters per post or standard shall be allowed.
- (9) The name of the institution, body or organisation, the date of the function or event and the venue thereof must appear on each sidewalk notice or poster in letters not smaller than 50 millimetres in height.
- (10) A sidewalk poster or notice may not exceed 0,55 square metres in area and must be at least two metres below any light fixture.
- (11) A sidewalk poster or notice, except for an election or referendum poster, may not be erected more than 14 days before the relevant event and must be removed not later than seven days thereafter.
- (12) A parliamentary, provincial or municipal election or referendum poster may not be erected before the date on which the notice or proclamation in the *Government Gazette* or provincial gazette announcing the election or referendum is published and must be removed not later than 14 days after the date of the election or referendum.
- (13) A sidewalk poster or notice, except for an election or referendum poster, must bear an official stamp or sticker from the relevant municipality which displays the expiry date prominently, and may not be displayed without such a stamp or sticker.
- (14) Sidewalk posters and notices may not be displayed on the road reserve or road reserve boundaries of freeways.

25. Project boards

- (1) A project board must be approved by the relevant developer or employer, and may display only—

- (a) a description of the building or structure being erected or other work or activity being carried out;
 - (b) the names and the company symbols or logos of the contractors or consultants;
 - (c) the branches of their industry or profession;
 - (d) a description of the development being carried out;
 - (e) where relevant, details of the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or the agent of the developer.
- (2) Only one combined project board listing contractors and consultants shall be allowed per street front of a site.
 - (3) A project board shall not exceed 1,5 square metres in area of advertisement per consultant or contractor, and may not exceed a total area of 9 square metres.
 - (4) A project board may be erected on a road reserve, but not on a freeway, and only if there is insufficient space on the development site, but a board concerning road construction may be positioned in any road reserve.
 - (5) A project board may not be illuminated or animated.
 - (6) A project board may be displayed only while the relevant works are actually taking place on the site.

26. Street name advertisements

- (1) A street name advertisement shall be permitted only in an urban area on a road other than a freeway.
- (2) A street name advertisement which omits the street name shall not be permitted.
- (3) No one may erect a street name advertisement without first obtaining the written approval of the relevant municipality.
- (4) The advertising and street name sections of a street name advertisement must both be rectangular in shape. The street name section must be below the advertising section but not closer than 200 millimetres to it and not closer than 2,1 metres to the ground. The advertising section of the advertisement may not exceed 1,64 square metres in area of advertisement.
- (5) Where illuminated, the illuminated portion of the advertisement must be above the level of standard pole-mounted traffic lights and may not extend over the road surface.
- (6) A street name advertisement may be erected only at an intersection and may be

erected on a road reserve or road median.

- (7) Illumination on a street name advertisement must be static and the degree of illumination of the advertising section may equal, but may not exceed, the street name section. The advertisement may not be animated and may not flash. The colour of the street name and background must be determined by the relevant municipality..
- (8) Any street name on the advertising space of a street name advertisement must be smaller and less conspicuous than the actual street name on the street name panel, and the layout must be such that there is no confusion with the street name on the street name panel.
- (9) Only two street name advertisements will be permitted per intersection, and such advertisements may not be placed on the same side of any of a national road.
- (10) The street name advertisement shall comply with the requirements for the street name GL1 sign as prescribed in the National Road Traffic Act.

27. Security advertisements

- (1) A security advertisement must refer only to the existence and operation of a commercial security service, burglar alarm system, neighbourhood watch, farm watch or similar system or scheme.
- (2) A security advertisement may not exceed 0,35 square metres in area of advertisement, except a farm advertisement, which may not exceed 1,5 square metres in area of advertisement. All such advertisements may not exceed a height of three metres above ground level.
- (3) In an urban area in a visual zone only one security advertisement per street boundary of the premises may be erected and must be firmly affixed to the building, boundary wall, fence or gate on the street frontage or within the boundaries of the erf.
- (4) A security advertisement on a farm must be displayed at the intersection of a national road and private access road or at the entrance to the property. Only one advertisement per farm or holding shall be allowed. The advertisement may be erected within a road reserve other than a freeway, but not on a road island or median.
- (5) A security advertisement may not be illuminated or animated.

28. Product replicas and three-dimensional advertisements

- (1) A product replica or three-dimensional advertisement is allowed only in an urban area of partial or minimum control and then only in a shopping centre or other commercial area or in an entertainment or industrial area. It shall be allowed only if the prior written approval of the Agency has been obtained.
- (2) The highest point of a free-standing product replica or three-dimensional advertisement above ground level shall not exceed three metres in an urban area of partial control and four metres in an urban area of minimum control.
- (3) A product replica or three-dimensional advertisement aimed at road users must be spaced at the following minimum distances when in view of another such replica or advertisement or of any large billboard and on the same side of a national road:

On a national road where a speed limit of more than 80 km/hour has been imposed	At least 250 metres from any other product replica, three dimensional advertisement or large billboard
On a national road where a speed limit of more than 60 and up to 80 km/hour has been imposed	At least 200 metres from any other product replica, three dimensional advertisement or large billboard
On a national road where a speed limit of 60 km/hour or less has been imposed	At least 120 metres from any other product replica, three dimensional advertisement or large billboard

29. Balcony or under awning advertisements

- (1) A balcony or under awning advertisement may be erected only on premises used for commercial, office, industrial or entertainment purposes.
- (2) In the case of an advertisement contemplated in paragraph (a), (b) or (c) of the definition of “balcony or under awning advertisement”—
 - (a) no advertisement may project at any point more than 100 millimetres from the surface to which it is affixed;
 - (b) no advertisement may exceed a vertical dimension of 750 mm and a horizontal dimension of 2400 mm;
 - (c) no advertisement may extend above or below or beyond any extremity of a parapet wall, balustrade, railing, beam or fascia;
 - (d) not more than one advertisement per facade per enterprise shall be allowed, unless the facade exceeds 20m in length, where more than one advertisement is allowed if they are spaced at a minimum of 6m intervals and the total horizontal advertisement length does not exceed

4000 mm.

- (3) In the case of an advertisement contemplated in paragraph (d) of the definition of “balcony or under awning advertisement”—
- (a) the advertisement must be painted on or affixed flat onto the supporting column, pillar or post;
 - (b) a projecting advertisement may be affixed only to a column, pillar or post supporting a roof over fuel pumps at a filling station or roadside service area, and may not exceed one square metre per sign face or two square metres in total area;
 - (c) an advertisement affixed flat onto a supporting column, pillar or post may not project more than 50 mm from the surface to which it is affixed;
 - (d) no advertisement may extend beyond any extremity of the column, pillar or post;
 - (e) an advertisement affixed flat onto a non-rectangular supporting structure must be curved to fit the form of such a structure;
 - (f) only one advertisement per column, pillar or post is allowed;
 - (g) no poster or placard may be pasted onto a supporting column, pillar or post.
- (4) A balcony or under awning advertisement may be suspended above a sidewalk or road reserve.
- (5) No illuminated advertisement or advertisement designed to reflect light may be attached to or displayed on a splayed or rounded corner of a balcony at a street intersection, unless the bottom of the advertisement is at least six metres above the street immediately below it.

30. Forecourt advertisements

- (1) A forecourt advertisement may be displayed only in an urban area. In any other area, it may only be displayed in a centre of economic activity.
- (2) An individual, free standing forecourt advertisement may not exceed 1,7 square metres in area of advertisement for single sided advertisement and 3,4 square metres for a double-sided advertisement.
- (3) The total area of advertisement of all free-standing forecourt advertisements may not exceed 5,0 square metres on each forecourt frontage, except in the case of filling stations and roadside service areas, where it may not exceed 8,0 square metres. In the case of filling stations and roadside service areas, additional non-free standing advertisements with a maximum area of 0,15 square metres per advertisement shall be allowed if attached to fuel pumps, vending machines and other non-advertising structures.

- (4) A forecourt advertisement must be free-standing, except for an advertisement attached to a fuel pump, vending machine or other non-advertising structure in a filling station or roadside service area.
- (5) A forecourt advertisement may not be displayed in a road reserve and may not interfere with pedestrian circulation.
- (6) A forecourt advertisement may not be animated.

31. Residential or community advertisements

- (1) A residential or community advertisement may be affixed flat or painted on a gate or wall, or on a pole mounted advertisement or an advertisement with supporting structures forming a visual structure around the sign panel.
- (2) A direction or warning sign may not exceed 0,5 square metres in total area of advertisement per premises, except where there is more than one entrance to the same premises on different road frontages, where a total sign area of advertisement of 1,0 square metre and 0,5 square metres per frontage is permitted.
- (3) In the case of an advertisement showing the name and nature of an enterprise or place of residence or the name of a proprietor or practitioner, one advertisement per premises is allowed, that may not exceed 1,5 square metres in area of advertisement per premises, but where there is more than one entrance to the same premises on different road frontages, two advertisements with a total sign area of advertisement of 1,5 square metres each may be displayed, each on a different frontage.
- (4) Despite sub-regulations (2) and (3), where the advertisement has a solid supporting structure other than a framework, the maximum area per advertisement may be 3,0 square metres.
- (5) Where more than one enterprise or property is involved, a combination advertisement must be provided with not more than 1,0 square metre per premises or per property.
- (6) The highest point of a free standing advertisement may not exceed 3,0 metres above ground level, except for a combination sign, where the highest point of the sign shall not exceed 4,0 metres above ground level.
- (7) In the case of a residential or community advertisement, a name or logo of a sponsor of the advertisement may not be displayed except on the name of a farm or smallholding. The sponsor advertisement may not exceed one third of the total advertisement area.
- (8) A residential or community advertisement may be displayed only on the

premises to which it refers, or on the boundary wall, fence or gate of such premises.

- (9) A farm or smallholding name sign must be displayed next to the entrance of the access road thereto or affixed to the gate at the entrance of such access road. Where more than two farms or smallholdings share an unnumbered or private access road, a direction road traffic sign must be used to indicate the access road.
- (10) A free standing residential or community advertisement is allowed only where it is not aesthetically or practically acceptable to attach a sign to a building or boundary wall, fence or gate, and may not be erected in a road reserve.
- (11) A residential or community advertisement may not be animated, and may be illuminated only in an urban area. It must harmonise with the buildings and other structures on the premises as to materials, colour, texture, form, style and character.

32. On-premises business advertisements

- (1) An on-premises business advertisement must be locality bound and may provide information only of the name and nature of the enterprise, the nature of goods sold or services provided and the name of the proprietor(s) or practitioner(s), and may be erected as a free standing advertisement.
- (2) An on-premises business advertisement may not be displayed unless—
 - (a) the building housing the enterprise is situated in relation to the road which it faces such that passing pedestrians or motorists may have difficulty noticing advertisements affixed to the building;
 - (b) it is not structurally possible or visually feasible to affix appropriate advertisements to a building;
 - (c) the advertisement is needed to locate the entrance to business premises or the private access road to a business;
 - (d) there are no tourism road traffic signs reducing the need for such advertisements.
- (3) No one may erect or display an on-premises business advertisement facing a national road without first obtaining the written approval of the Agency. In deciding whether to grant or refuse such approval, the Agency must have regard to the manner and type of illumination of the advertisement, if applicable, and the consideration that—
 - (a) a proliferation of advertisements must be prevented and that combination advertisements must be promoted.
 - (b) the design of combination advertisements must harmonise with the architecture of shopping centres or other buildings or structures;

- (c) messages on individual panels of combination advertisements must be concise and legible;
 - (d) advertisements at access roads to farms and smallholdings must be co-ordinated with residential and community advertisements to form combination advertisements;
 - (e) combination advertisements must be harmonious in terms of form, letter types and colour.
- (4) Only one on-premises business advertisement shall be allowed per enterprise, unless there is more than one entrance on different road frontages, where two will be allowed, one per frontage.
- (5) An on-premises business advertisement in areas of maximum control shall be limited to a size not exceeding 6 square metres and a height of 7m. In an urban area of partial or minimum control, the advertisement will be limited to a size not exceeding 12 square metres and a height of 10m.
- (6) In the case of an on-premises business advertisement, the name or logo of the sponsor of the advertisement may be displayed, but may not occupy more than one third of the total area of the advertisement.
- (7) An on-premises business advertisement may not have letters, figures or symbols or similar features that exceed 0,35m in height in a natural or rural area and an urban area of maximum control, and 0,75m in an urban area of partial or minimum control.
- (8) An on-premises business advertisement may not be closer than five metres from the road reserve boundary.
- (9) An on-premises business advertisement may be illuminated, subject to regulation 14, but may not be animated.
- (10) An on-premises business advertisement may refer only to the name and nature of the business on the premises, the brand name and nature of goods for sale or produced or the nature of the service provided and the name of the person(s) or firm(s) who own the business or provide the goods or services.

33. Tower, bridge and pylon advertisements

- (1) No person may erect or display a tower, bridge or pylon advertisement in a visual zone in a natural or rural area, or an urban area of maximum control, or over a freeway in any area. No one may erect or display such an advertisement in an urban area of partial or minimum control without first obtaining the written approval of the Agency, which must consider the matters set out in regulation 40(16) and whether such advertisements are allowed for in the environmental plans of the relevant municipality.

- (2) The maximum area of advertisement of tower bridge and pylon advertisements per structure shall not exceed 36 square metres.
- (3) The clear height of a pylon advertisement may not be less than 2,4m.
- (4) No person may erect or display a tower, bridge or pylon advertisement that is illuminated or animated except in an urban area of minimum or partial control, subject to regulation 14, and then only if—
 - (a) it is not a safety hazard;
 - (b) it does not cause undue disturbance; and
 - (c) the source of the illumination is concealed from oncoming traffic.
- (5) No person may attach an advertisement to a pylon unless the pylon is independently supported without the aid of guys, stays, brackets or other restraining devices, and is properly secured to an adequate foundation in the ground.

34. Construction site advertisements

- (1) No person may erect or display a construction site advertisement without first obtaining the written approval of the Agency, unless the advertisement does not exceed 6,0 square metres in size.
- (2) Construction site advertisements may be erected only for the duration of the relevant construction works.
- (3) Construction site advertisements may not exceed a vertical dimension of 3,0 metres and a total area of advertisement of 18 square metres
- (4) Construction site advertisements will not be allowed along or on freeways.
- (5) Construction site advertisements may be illuminated but not animated.
- (6) Construction site advertisements may not exceed a vertical dimension of 3,0 metres and a total area of 18 square metres.

35. Advertisements for sponsored road traffic projects

- (1) The Agency may approve conditionally or unconditionally, or reject proposals for sponsored road traffic projects at its discretion.
- (2) The Agency, when considering whether to approve or reject proposals for sponsored road traffic projects, must consider -
 - a) the environmental plans of the relevant municipality or municipalities;

- b) the benefits to be gained in respect of road services provision, the promotion of road safety, the management and conserving of road environments, or the obtaining of additional funds for national roads;
 - c) road safety.
- (3) The Agency may approve advertisements for sponsored road traffic projects -
- a) in natural and rural areas and urban areas of maximum control, provided that the area of advertisement of any advertisement does not exceed 0,5 square metres;
 - b) covered by regulations 16 to 19, 26, 28, 33 and 36 in urban areas of partial and minimum control.
- (4) In addition to any other permissible contents in terms of these regulations, an advertisement for a sponsored road traffic project may also contain the name of, or details of the project and the name, message or logo of the sponsor.
- (5) No advertisement for a sponsored a road traffic project may be combined with or be attached to a road traffic sign.
- (6) No road traffic sign, or symbol used in any road traffic sign, may be used in an advertisement for a sponsored road traffic project.
- (7) An advertisement for a sponsored road traffic project may be displayed in a road reserve, but not on a road island.
- (8) An advertisement for a sponsored road traffic project may not be animated.

36. Service facility advertisements

- (1) A service facility advertisement may refer only to the name or logo of a business providing a service, and the type of service provided.
- (2) A service facility advertisement must be locality-bound and may be erected or displayed only in service facilities adjacent to and directly accessible from a national road at which the advertisement is directed. Only one such advertisement per direction of traffic flow will be allowed.
- (3) No one may erect or display a service facility advertisement without first obtaining the written approval of the Agency. An applicant for such approval must submit with the application a location plan, detailed drawings of the advertisement and a certificate issued by an engineer verifying that it was designed by such engineer.
- (4) No service facility advertisement may exceed the following dimensions:

Natural areas and urban freeways	10m in height and 3m in width
Other urban areas	7m in height and 2m in width
Rural areas	20m in height and 6m in width

- (5) The Agency may, in the approval referred to in sub-regulation (3), stipulate requirements for the positioning of the advertisement.
- (6) A service facility advertisement may not be animated, and illumination is allowed only while the services concerned are being provided.
- (7) No advertisement shall be allowed in a roadside service area except a service facility advertisement permitted under this regulation, unless used for internal direction and orientated and aimed at motorists within the facility.
- (8) No person may erect a service facility advertisement in a road reserve without the approval of the Agency.
- (9) No person may erect a service facility advertisement in the road median or on an island.

37. **Banners**

- (1) A banner may be used only for—
 - a) locality-bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda;
 - b) locality-bound advertisement displaying of the name, corporate symbol and nature of enterprises;
 - c) streetscaping urban areas such as pedestrian malls and gateways,
- (2) A banner is not permitted in a natural area.
- (3) No one may display a banner in a natural or rural area or an urban area of maximum or partial control without first obtaining the written approval of the Agency.
- (4) No banner may be larger than five square metres in a rural or urban area of maximum control and six square metres in an urban area of partial or minimum control.
- (5) The total area of the advertisement per event, -function or enterprise may not exceed ten square metres in a rural area or an urban area of maximum control and 15 square metres in an urban area of partial and minimum control.
- (6) A banner must be attached to or supported between poles or other supports on

the site or against the building where the function or event is to be held or where the enterprise is located.

- (7) A banner may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.

38. Development Advertisements

- (1) A development advertisement board must be approved by the relevant developer or employer, and may display only—
 - a) a description of the building or structure being erected or other work or activity being carried out;
 - b) a description of the development being carried out;
 - c) where relevant, details of the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or the agent of the developer.
- (2) Only one advertisement describing the type of development shall be allowed. No person may erect such an advertisement without first obtaining the written approval of the Agency.
- (3) An advertisement describing a type of development may not exceed three metres in height. It may not exceed 6.0 square metres in area of advertisement in an area of maximum control and 12 square metres in any other area.
- (4) Development advertisements may be illuminated but not animated.
- (5) A development advertisement may be displayed only while the relevant works are actually taking place on the site.

39. Aerial advertisements

- (1) No person may display an aerial advertisement in a natural or a rural area. In an urban area, no one may do so in a visual zone without the written approval of the Agency.
- (2) An aerial advertisement may not be illuminated or animated, except that an airship may be illuminated.
- (3) With the exception of a moored airship, an aerial advertisement may be displayed only in daylight hours.

PART D: GENERAL PROVISIONS

40. Approval by Agency

- (1) Any application for approval required by these regulations must be made by completing the application form prescribed in Annexure A and lodging the completed form with the application fee determined by the Agency from time to time.
- (2) The Agency may refuse to consider an application where the relevant form has not been completed properly or the relevant fee has not been paid.
- (3) An application in terms of sub-regulation (1) must be signed by the owner of the proposed structure or device upon which the advertisement will be displayed and by the owner of the land on which it is to be erected or displayed, or by the agent of such persons authorised in writing, and must be accompanied by any additional information or documents requested by the Agency.
- (4) The Agency may, in respect of road safety considerations and before granting approval, require the applicant to submit letter sizes and length of the proposed message, and may impose the condition that the message may not be changed without the prior approval of the Agency.
- (5) The Agency, when granting approval for any advertisement, or structure upon which an advertisement is to be displayed in an urban area, must make its approval conditional on the applicant also obtaining the approval of the relevant municipality.
- (6) The Agency may refuse to consider an application for approval unless or until a strategic environmental management plan has been prepared by the relevant municipality, and is available.
- (7) The Agency may grant approval subject to conditions, which must be complied with by the owner of the advertisement, the owner of the structure upon which an advertisement is to be displayed, the person or persons who erect or display it, the owner of the land on which it is displayed or erected and any occupier or other person in charge of such land.
- (8) The Agency may invite applications for approval to erect non locality-bound advertisements on or visible from a particular national road or portion thereof, by public notice within a period specified in the notice, and hold all applications received in respect of such road or portion in abeyance until expiry of that period.
- (9) Where the Agency has granted approval for the erection or display of an advertisement, the advertisement may not be moved or re-erected nor shall any

alteration be made to the electric wiring system thereof, except for the purpose of renovation or maintenance, without first obtaining the further written approval of the Agency.

- (10) The Agency must register every advertisement approved by it and allocate to it a registration number, which must be displayed on the advertisement in a clearly visible position by the owner of the advertisement, and, if so directed by the Agency, in more than one place on the advertisement, in a manner so directed and in a manner which will ensure that the number is not removed or obscured. The name and address of the advertiser must also appear on the advertisement in the manner directed by the Agency, in letters that conform with the sizes stipulated by the Agency.
- (11) Approvals granted in terms of these regulations may be renewed after expiry of the period for which the approval was granted by—
 - (a) making application for such renewal to the Agency on the form provided by the Agency, and;
 - (b) lodging the completed form with the renewal fee determined by the Agency (which may include an inspection fee).
- (12) The Agency may reject an application for renewal of an approval that does not comply with sub-regulation (11).
- (13) Where an approval has so lapsed, application may be made afresh on compliance with sub-regulations (1), (2) and (3).
- (14) The owner of the land on which an advertisement is erected or displayed in terms of an approval obtained under this regulation, must retain certified copies of all documentation relating to the application and the approval issued by the Agency and any renewal thereof for as long as the advertisement is erected or displayed, and must present it to any person authorised by the Agency on request. The owner of the advertisement, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documentation.
- (15) Approvals granted by the Agency in terms of the Act or these regulations shall be additional to, and not in substitution of, consent or approval required by any other law.
- (16) Where these regulations provide that the approval of the Agency will be required for the erection or display of an advertisement, in the absence of other specific criteria provided, the Agency must consider, where applicable in each case—
 - (a) the matters set out in regulation 6, road safety considerations being the most important and overriding factor;

- (b) any other matters set out in these regulations;
 - (c) environmental considerations, which must include aesthetic, ecological and traffic safety aspects;
 - (d) the visual content of the advertisement, with regard to letter sizes and length of messages, colours, impact etc.;
 - (e) whether the advertisement complies with the Act and these regulations and with the requirements and standards of the Agency;
 - (f) requirements and guidelines published by the South African Advertising Standards Authority or similar regulatory bodies established by the industry.
- (17) The Agency may withdraw any approval given under this regulation where the relevant advertisement does not or ceases to comply with these regulations, or a condition imposed in such approval has not been complied with.
- (18) The Agency may set a fee as portion of the application fee which will be held in trust for the period of the approval and may use this amount to defray any expenses it may incur as a result of the conditions of the approval, and these regulations, not being complied with. If not so used, the Agency must return the amount, or what is left thereof, to the holder of the approval on termination of the period of the approval.

41. Transitional provisions

- (1) Subject to section 50 of the Act, any advertisement that was erected or displayed on the date of commencement of these regulations that is prohibited by these regulations, and is not an advertisement for which the Agency may grant approval, must be removed within 90 days of such date of commencement.
- (2) Where an advertisement has been erected or displayed on the date of commencement of these regulations, which, in terms of these regulations, may not be so erected or displayed without the approval of the Agency or another authority, the owner of the advertisement must apply to the Agency or the other authority, as the case may be, for such approval, within 90 days of such date of commencement, failing which the advertisement must be removed forthwith. No such application may be made in respect of an advertisement contemplated in sub-regulation (1).
- (3) If approval for an advertisement contemplated in sub-regulation (2) has been refused, the owner must remove it within 30 days of receipt of notification of such refusal. Where such a notification has been posted by registered post, the owner will be deemed to have received it eight days after posting thereof.

42. Short title

These regulations shall be known as the Regulations on Advertising On or Visible

From National Roads, 2000.

**ANNEXURE A: APPLICATION FORM FOR APPROVAL OF AN ADVERTISEMENT
THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL
ROADS ACT, 1998 (ACT NO. 7 OF 1998)
APPLICATION FOR APPROVAL OF AN ADVERTISEMENT IN TERMS OF THE
REGULATIONS ON ADVERTISING ON OR VISIBLE FROM NATIONAL ROADS,
2000**

- (1) This application must be accompanied by an application fee in the amount determined by the Agency from time to time.
- (2) The Agency may refuse to consider the application if this form has not been completed properly or if the application fee has not been paid.
- (3) Applications must be submitted to the address, or addresses published in the Gazette from time to time.
- (4) A separate application must be submitted for each advertisement. An application fee must be paid for each such application.

Advertisement identifying information

Office to which submitted

Route number Section number Kilometre distance

Advertisement is located on the side of road on which traffic is travelling in direction (N,E,S,W)

Advertisement details

Description of property on which advertisement will be situated.....

Reference number of regulation in terms of which the approval is required.....

Advertisement category description

Full description of approval required

Agent of applicant (if applicable)

Name of representative of agent

Identification number of representative

Name of agent or company, corporation or other juristic person

First names of agent

Identity/registration number/other identification number of agent

Street address and code

Postal address and code

Telephone no (s)

Fax no

E-Mail address

Signature of representative of agent Date

Applicant (owner of advertisement structure)

Name of representative of applicant

Identification number of representative

Name of applicant or company, corporation or other juristic person

First names of applicant

Identity/registration number/other identification number of applicant

Trade name (if applicable).....

Type of business

Street address and code

Postal address and code

Telephone no (s)

Fax no

E-Mail address

Signature of representative of applicant..... Date

Land owner (if different from applicant)

Name of representative of land owner

Identification number of representative

Name of land owner or company, corporation or other juristic person

First names of land owner

Identity/registration number/other identification number of applicant

Street address and code

Postal address and code

Telephone no (s)

Fax no

E-Mail address

Signature of representative of land owner..... Date

Local authority or municipality

Name of representative of local authority or municipality

Identification number of representative

Name of local authority or municipality

Postal address and code

Telephone no (s)

Fax no

E-Mail address

Name of local by-law dealing with advertisement

Area designation by local authority (not allowed, natural, rural, urban area of maximum control, urban area of partial control or urban area of minimum control)

Note – letter of approval by local authority or municipality to be submitted when requested by the Agency.

Advertisement structure

Detailed information regarding the size, height, width and clearance height of the advertisement as well as areas to be illuminated or animated.

Site sketch plan

A sketch plan of the site on which the advertisement is to be erected or displayed; drawn to a scale of roughly 1:500 and for a distance not less than 100m upstream and downstream of the advertisement, showing all natural features and also buildings and structures which may affect sight distance, roads and streets, the national road reserve boundary, street names, route and section numbers, kilometre distances along the national road, all existing advertisements in the area, road traffic signs and traffic signals, the approximate extent of the visual zone, and the dimensional position of the advertisement being applied for.

Elevation plan or photographs

Elevations of the proposed advertisement to a scale of not less than 1:500, or photographs of a size not less than 200 x 250 mm, taken from points on the road reserve from which the advertisement will be visible, at 50 metre intervals along the left hand-most lane of the roadway over a distance of 500 metres upstream of the advertisement, showing the proposed advertisement superimposed thereon. Elevation plans or photographs are only required for large and small electronic billboards, large and small billboards, tower structures, product replicas and three-dimensional advertisements, balcony and under-awning advertisements, forecourt advertisements, tower and pylon advertisements and aerial advertisements. Details of the position from which an elevation plan is provided or a photograph has been taken, the distance from the advertisement, the position of the advertisement and its structure in relationship to its surroundings and the national road must be provided, as well as any other information subsequently required by the Agency.

Additional information to be submitted when requested

When required, the Agency will request the applicant to submit any or all of the following additional information:

Layout plan

A layout plan, drawn to a scale of at least 1:2000 and showing a distance of not less than 500m upstream and downstream of the proposed site of the advertisement being applied for. This plan must accurately show all the information as required for the site sketch plan, the positions from which elevations or photographs are provided, horizontal curve positions, road gradients, speed limits, street and road lighting poles, as well as any other information required by the Agency which will allow a detailed evaluation of any factor which could affect road safety.

Such layout plans may be prepared using 1:2000 completion survey drawings obtainable, when available, from the Agency.

Electrical engineer's certificate

When electricity is used, an electrical certificate signed by a licensed electrical engineer or by an inspector duly authorised by a municipality must be submitted stating that the advertisement will comply with the requirements of these regulations as well as any other regulations and requirements related to the use of electricity. The certificate must also show the engineer's name, registration number, postal address, telephone no, fax no and e-mail address.

Structural engineer's certificate

If required by the Agency, additional drawings, calculations and other information and a certificate by an engineer giving details to the Agency's satisfaction to enable it to establish the adequacy of the proposed means of securing, fixing or supporting the advertisement, to resist all loads and forces to which the advertisement may be exposed and the sufficiency of the margin of safety against failure to comply with the provisions of the national building regulations contemplated in section 17 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977). The certificate must also show the engineer's name, registration number, postal address, telephone no, fax no and e-mail address.

Additional information on advertisement contents

When required, the Agency will request the applicant to submit a drawing or photograph at a suitable scale of the advertisement, showing all details of the contents of the advertisement, including words, numbers, symbols, colours, graphics, illumination and animation

The Agency may also require the applicant to submit an electronic photograph of the erected advertisement, showing the advertisement structure as well as the contents of the advertisement.

Letter of approval by local authority or municipality

A letter approval the advertisement structure and contents from the local authority or municipality must be submitted when requested by the Agency.

Other information

The Agency may request you to submit additional information or documents.