
DRAFT STATUTORY INSTRUMENTS

2011 No.

The London Olympic Games and Paralympic Games
(Advertising and Trading) (England) Regulations 2011

PART 2

Advertising Activity

Exceptions modelled on the Town and Country Planning Regulations

- 9.—(1) Regulation 6 does not apply to advertising activity that consists of—
- (a) the display of an advertisement within a Class specified in column (1) of Schedule 1 to the Town and Country Planning Regulations so long as the display or (as the case may be) the advertisement complies with the conditions referred to in regulation 1(3) of those Regulations, or
 - (b) the display of an advertisement within a Class specified in Part 1 of Schedule 3 to the Town and Country Planning Regulations subject to the conditions and limitations referred to in regulation 6(1)(a) and (b) of those Regulations.
- (2) But this exception does not apply to the display of any of the following advertisements—
- (a) an advertisement within Class A (advertisements displayed on enclosed land) where the enclosed land on which the advertisement is displayed is—
 - (i) a railway station (and its yards) or bus station (together with its forecourt, whether enclosed or not), or
 - (ii) enclosed land (including a sports stadium or other building) on or in which a London Olympic Event⁽¹⁾ is taking place or to take place,
 - (b) an advertisement within Class C (advertisements incorporated in the fabric of buildings) that was not in existence on the date on which these Regulations came into force,
 - (c) an advertisement within Class I (advertisements displayed inside buildings), other than an exempt business advertisement, where the building in which the advertisement is displayed—
 - (i) is or forms part of a railway station or bus station, or
 - (ii) is a sports stadium or other building in which a London Olympic Event is taking place or to take place,
 - (d) an advertisement within Class 1B (advertisements displayed by local planning authorities) that—
 - (i) is not displayed wholly for the purpose of announcement or direction in relation to any of the functions of the local planning authority by which it is displayed, and
 - (ii) is not reasonably required to be displayed for the safe or efficient performance of those functions,

(1) “London Olympic Event” is defined in section 1(3)(b) of the Act.

- (e) an advertisement within Class 3D (advertisements announcing local events and activities) that promotes or advertises—
 - (i) a good or service, or
 - (ii) a person or body (excluding a not-for-profit body) that provides a good or service,
 - (f) an advertisement within Class 3F (advertisements relating to travelling circuses, fairs or similar travelling entertainments),
 - (g) an advertisement within Class 7B (flags on residential development sites) that does not relate to the development or to a person carrying out the development or an aspect of the development,
 - (h) an advertisement within Class 8 (advertisements on hoardings),
 - (i) an advertisement within Class 9 (advertisements on highway structures),
 - (j) an advertisement within Class 12 (advertisements displayed inside buildings), other than an exempt business advertisement, where the building in which the advertisement is displayed—
 - (i) is or forms part of a railway station or bus station, or
 - (ii) is a sports stadium or other building in which a London Olympic Event is taking place or to take place,
 - (k) an advertisement within Class 13 (advertisements on sites used for preceding ten years for display of advertisements without express consent),
 - (l) an advertisement within Class 14 (advertisements displayed after expiry of express consent),
 - (m) an advertisement within Class 15 (advertisements on balloons), and
 - (n) an advertisement within Class 16 (advertisements on telephone kiosks).
- (3) In this regulation—
- (a) “exempt business advertisement” means an advertisement (whether illuminated or not) displayed on business premises within a building (or a forecourt associated with such premises) that refers wholly to any or all of the following: the business carried on, the goods or services provided, or the name or qualifications of the person carrying on the business or providing the goods or services, on those premises,
 - (b) a reference to a “Class” of advertisement is a reference to the corresponding Class of advertisement in Schedule 1 or (as the case may be) 3 to the Town and Country Planning Regulations⁽²⁾, and
 - (c) “business premises” and “forecourt” have the same meanings as in Schedule 3 to the Town and Country Planning Regulations⁽³⁾.
- (4) For the purposes of this regulation—
- (a) Part 2 of Schedule 3 to the Town and Country Planning Regulations applies for the interpretation of that Schedule,
 - (b) a reference to a building or a railway station in Schedule 1 or 3 to the Town and Country Planning Regulations is to be construed in accordance with the relevant definition in regulation 3 of these Regulations,
 - (c) a reference to displaying an advertisement (however phrased) in Schedule 1 or 3 to the Town and Country Planning Regulations is to be construed in accordance with regulation 5 of these Regulations, and

(2) Class 5 in Schedule 3 to the Town and Country Planning Regulations was amended by regulation 2 of S.I. 2007/1739.

(3) See paragraph 1(1) of Part 2 of that Schedule.

- (d) a reference to a vehicle in Schedule 1 to the Town and Country Planning Regulations includes a bicycle.