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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 458**

**The London Olympic Games and Paralympic Games  
(Advertising and Trading) (Scotland) 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 the display of an advertisement—

- (a) to which the Town and Country Planning Regulations do not apply, by virtue of regulation 3(1) and (3) (application) of those Regulations;
- (b) for which consent is granted by regulation 10(1) (deemed consent for display of advertisement) of those Regulations, as long as the display or advertisement complies with the conditions set out in Schedule 1 and 4 to those Regulations.

(2) But the exception in paragraph (1) does not apply to the display of the following:—

- (a) an advertisement described in regulation 3(1)(c) (advertisements incorporated in the fabric of a building) of those Regulations if the advertisement was not in existence at the date these Regulations came into force;
- (b) an advertisement described in regulation 3(1)(d) (advertisements displayed on enclosed land) of those Regulations, if the enclosed land on which the advertisement is displayed is—
  - (i) a railway station (and its yards);
  - (ii) a bus station (together with its forecourt whether enclosed or not); or
  - (iii) enclosed land (including a sports stadium or other building) in which a London Olympic event<sup>(1)</sup> is taking place or will take place;
- (c) an advertisement mentioned in regulation 3(1)(e) or regulation 3(3) (display on or consisting of a balloon) of those Regulations;
- (d) an advertisement mentioned in regulation 13(1) and (3) (advertisements on sites used for the display of advertisements on 16th August 1948) of those Regulations;
- (e) an advertisement under regulation 19 (display of advertisements after expiry of express consent) of those Regulations;
- (f) an advertisement within Class I(2) if the advertisement—
  - (i) is not displayed wholly for the purpose of announcement or direction in relation to the functions of the planning authority by which it is displayed; and

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<sup>(1)</sup> “London Olympic event” is defined in section 1(3) of the Act.

- (ii) is not reasonably required to be displayed for the safe or efficient performance of those functions;
  - (g) an advertisement within Class III(4) (certain advertisements of a temporary nature-) if the advertisement promotes or advertises—
    - (i) a good or service;
    - (ii) a person or body (excluding a not-for-profit body) that provides a good or service;
  - (h) an advertisement within Class III(6) (certain advertisements of a temporary nature-  
hoardings);
  - (i) an advertisement within Class V (advertisements within buildings) other than an exempt business advertisement, if the building where 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 is to take place.
- (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 out the business or supplying 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 4 to the Town and Country Planning Regulations;
  - (c) a reference to a building in Schedule 4 to the Town and Country Planning Regulations is to be construed in accordance with the definition of building in regulation 3(1) of these Regulations; and
  - (d) “forecourt” includes any fence, wall or similar screen or structure enclosing a forecourt and not forming part of the fabric of a building constituting business premises.