



# London Local Authorities Act 2007

## 2007 CHAPTER ii

### PART 2

#### PUBLIC HEALTH AND THE ENVIRONMENT

##### *Advertising*

#### **5 Portable advertisements, etc.**

- (1) No portable advertisement may be displayed within a designated area, except in accordance with subsection (2) below.
- (2) The display of an advertisement—
  - (a) for which express consent has been given; or
  - (b) for which deemed consent has been given,is in accordance with this subsection.(3)
- (3) Subsection (1) above is without prejudice to any prohibition or restriction on the display of a portable advertisement contained in advertising regulations or any other enactment or rule of law relating to the display of advertisements.
- (4) Any person who—
  - (a) displays a portable advertisement in contravention of subsection (1) above; or
  - (b) causes or permits any person so to do,shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) Without prejudice to the generality of subsection (4) above, a person shall be deemed to display a portable advertisement for the purposes of that subsection if the advertisement gives publicity to his goods, trade, business or other concerns.
- (6) A person shall not be guilty of an offence under subsection (4) above by reason only of his goods, trade, business or other concerns being given publicity by the portable advertisement if he proves any of the matters specified in subsection (7) below.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (7) The matters are—
- (a) that the portable advertisement was displayed without his knowledge; or
  - (b) that he took all reasonable steps and exercised all due diligence to prevent the display; or
  - (c) that the advertisement was displayed on an item used wholly or mainly for purposes other than advertising.
- (8) The reference in subsection (4) above to a person who displays a portable advertisement in contravention of subsection (1) above shall be deemed to include a reference to a person who displays a portable advertisement on or from land within 7 metres of any street or way designated under subsection (1)(c) of section 6 (advertisements: designation of areas) of this Act and who is not—
- (a) the owner of that land;
  - (b) the person liable to be assessed to the uniform business rate in respect of that land; or
  - (c) on that land with the consent in writing of either of the persons mentioned in paragraphs (a) and (b) above.
- (9) In any proceedings for an offence under this section, it shall be presumed, unless the contrary is shown, that the area in which the alleged offence took place was designated in accordance with the said section 6.
- (10) In this section—
- “advertising regulations” means regulations made under section 220 of the Planning Act (regulations controlling display of advertisements);
- “designated area” means an area designated in accordance with the said section 6; the
- “display” of an advertisement means (subject to subsection (11) below) the display of the advertisement in the course of a business by means of an individual or individuals holding or carrying it or otherwise having control of it in person at the place where it is located;
- “express consent” and “deemed consent” mean express consent and deemed consent for the purposes of any advertising regulations;
- “portable advertisement” means any thing which is capable of being held or carried and which is an advertisement as defined in section 336(1) of the Planning Act but as if for “wholly or partly” there were substituted “wholly or mainly”.
- (11) A portable advertisement shall, for the purposes of this section, be deemed to be displayed as a portable advertisement notwithstanding that it is placed upon, leant against or attached to apparatus, street furniture or any other structure or object situated—
- (a) in a designated area; or
  - (b) on any land within 7 metres of any street or way designated under subsection (1)(c) of the said section 6.