
STATUTORY INSTRUMENTS

1990 No. 582

**The Non-Domestic Rating (Alteration
of Lists and Appeals) Regulations 1990**

PART II

ALTERATION OF LOCAL RATING LISTS

Advertising rights

5.—(1) For the purposes of regulation 4 an advertising hereditament shall be treated as coming into existence at the earliest time at which either

- (a) any structure or sign is erected, after the right constituting the hereditament has been let out or reserved, to enable the right to be exercised; or
- (b) any advertisement is exhibited in pursuance of the right;

and not before; and such a hereditament shall be treated for the purposes of Part III of the Act as coming into occupation at that earliest time.

(2) After the time at which an advertising hereditament is treated by paragraph (1) as coming into existence, the erection, dismantling or alteration of any structure or sign for enabling the advertising right to be exercised shall be treated for the purposes of paragraph 2(7) of Schedule 6 to the Act, as applied by regulation 4(5), as a matter affecting the physical enjoyment of the hereditament, and for the purposes of regulation 9(4) as a material change of circumstances.

(3) In this regulation—

“advertising hereditament” means a hereditament consisting of a right to which section 64(2) of the Act applies; and “advertising right” means a right which is such a hereditament; and “structure” includes a hoarding, frame, post or wall.