

1990 No. 881

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning (Control of
Advertisements) (Amendment) Regulations 1990**

<i>Made</i> - - - -	<i>5th April 1990</i>
<i>Laid before Parliament</i>	<i>18th April 1990</i>
<i>Coming into force</i>	<i>9th May 1990</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 63 and 287(1) of the Town and Country Planning Act 1971(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

1.—(1) These Regulations may be cited as the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1990 and shall come into force on 9th May 1990.

(2) In these Regulations “the principal Regulations” means the Town and Country Planning (Control of Advertisements) Regulations 1989(b).

2. In regulation 2 of the principal Regulations (interpretation)—

(a) in paragraph (1), in the definition of statutory undertaker, after “the Gas Act 1986”, insert “any public electricity supplier within the meaning of Part I of the Electricity Act 1989(c), the Post Office, the National Rivers Authority, any water undertaker, any sewerage undertaker”;

(b) in paragraph (2), for sub-paragraph (c) substitute—

“(c) in any other case, the relevant district planning authority or metropolitan district or London borough council.”

3. In regulation 7(1) of the principal Regulations (directions restricting deemed consent) omit “11B.”.

4. For regulation 19 of the principal Regulations (control in areas of special control) substitute—

“19.—(1) Subject to the following provisions of this regulation, no advertisements may be displayed in an area of special control unless they come within—

- (a) Classes B to J in Schedule 2;
- (b) Classes 1 to 3, 5 to 7 and 9 to 14 in Schedule 3;
- (c) paragraph (2).

(2) Advertisements of the following descriptions displayed with express consent come within this paragraph—

- (a) hoardings or similar structures to be used only for the display of notices relating to local events, activities or entertainments;

(a) 1971 c.78; section 63 has been amended by section 45 of the Housing and Planning Act 1986 (c.63).

(b) S.I. 1989/670.

(c) 1989 c.29.

- (b) any advertisement for the purpose of announcement or direction in relation to buildings or other land in the locality, reasonably required having regard to the nature and situation of such buildings or other land;
- (c) any advertisement required in the interests of public safety;
- (d) any advertisement which could be displayed by virtue of paragraph (1)(b) but for some non-compliance with a condition or limitation imposed by Schedule 3 as respects size, height from the ground, number or illumination or but for a direction under regulation 7;
- (e) any advertisement within Class 4A, 4B or 8 in Schedule 3.

(3) Express consent may not be given for the display in an area of special control of an illuminated advertisement falling within sub-paragraph (2)(a) or (b).

(4) Where an area is designated as an area of special control, advertisements within paragraph (5) which are being displayed immediately before the relevant order comes into force may only continue to be displayed for the period specified in relation thereto unless, in the case of an advertisement referred to in paragraph (2), express consent is granted for the continued display of the advertisement.

(5) The advertisements and specified periods are—

- (a) any advertisement within Class 4A or 4B in Schedule 3 for which express consent has not been granted, 5 years from the date on which the order comes into force;
- (b) any advertisement within Class 8 for which express consent has not been granted, 1 year from the date on which the order comes into force or 2 years from the date on which the advertisement was first displayed, whichever period expires later;
- (c) any advertisement for which express consent has been granted, other than an advertisement referred to in paragraph 2(d) or (e), 6 months from the date on which the order comes into force or for the remainder of the period of the express consent, whichever period expires later.

(6) Nothing in the foregoing provisions of this regulation shall—

- (a) affect a notice served under regulation 8 at any time;
- (b) override any condition attached to a consent, whereby the advertisement is required to be removed;
- (c) restrict the powers of a local planning authority, or of the Secretary of State, in regard to any contravention of these Regulations.”

5. In Schedule 3, Part I (classes of advertisements which may be displayed with deemed consent)—

- (a) in condition (1) of Class 4A, 4B and 8 omit “an area of special control”;
- (b) in Class 5, for the heading “Advertisements (other than illuminated advertisements) on business premises” substitute “Advertisements on business premises” and for condition (3) substitute—

“(3) Illumination is not permitted unless the advertisement states that medical or similar services or supplies are available at the premises on which the advertisement is displayed and the illumination is in a manner reasonably required to fulfil the purpose of the advertisement.”;

- (c) in Class 11, in condition (4) of Class 11A omit “, or within 25 metres of a Class 11B advertisement” and omit Class 11B.

6. In Schedule 3, Part II (interpretation of Part I of that Schedule), delete paragraph 2.

4th April 1990

Chris Patten
Secretary of State for the Environment

5th April 1990

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make minor changes to the principal Control of Advertisements Regulations. These are—

- (a) additions to the bodies treated as statutory undertakers for the purposes of the Regulations (regulation 2(a));
- (b) amendments to regulation 19 (control in areas of special control) to permit the display of Class 4A, 4B and 8 advertisements in areas of special control in certain circumstances (regulations 4 and 5(a));
- (c) a change to Class 5 in Schedule 3, in relation to the illumination of advertisements concerning medical and similar services (regulation 5(b));
- (d) the deletion of Class 11 B in Schedule 3, Part I (which relates to the Ashford, Dover and Shepway experimental area) and the consequential deletion of references to that class (regulations 3, 5(c) and 6); and
- (e) the incorporation of drafting amendments in the revised regulation 19 and the clarification of the meaning of local planning authorities in regulation 2(2) (regulations 2(b) and 4).