

advertisement most recently displayed was illuminated.

(d) An advertisement that—

- (i) comprises sequential displays; or
- (ii) otherwise includes moving parts or features; or
- (iii) features intermittent lighting in a manner designed to give the appearance of movement,

is not permitted unless it is displayed on 19th February 2009 and falls within the description specified in any of the subparagraphs (i) to (iii); or it is first displayed after that date, and the advertisement most recently displayed fell within any such description.

CLASS 13

Advertisements relating to an election

Description	An advertisement relating specifically to a pending Parliamentary, European Parliamentary, Northern Ireland Assembly or district council election.
Conditions	The advertisement is removed within 14 days after the close of the poll in the election to which it relates.

PART 2

INTERPRETATION

1.—(1) In Part 1 of this Schedule—

“agricultural” has the same meaning as in section 43(1) of the Agriculture Act (Northern Ireland) 1949(a);

“business premises” means any building or part of a building normally used for the purpose of any professional, commercial or industrial undertaking or for the purpose of providing services to members of the public or of any association, and includes a public restaurant, licensed premises and a place of public entertainment, but not—

- (a) unless it was normally used immediately before 1st October 1973 for any such purpose or has been adapted for use for any such purpose by the construction of a shop front or the making of a material alteration to its external appearance, a building designed for use as one or more separate dwellings;
- (b) a building used as an institution of a religious, educational, cultural, recreational or medical character;
- (c) any forecourt or other land forming part of the curtilage of a building;
- (d) any fence, wall or similar screen or structure, unless it forms part of the fabric of a building;

“existing directional advertisement” does not include any advertisement displayed without express or deemed consent;

“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;

“ground level”, in relation to the display of advertisements on any building, means the ground floor level of that building;

“joined boards” means boards joined at an angle, so that only 1 surface of each is suitable for advertising;

(a) 1949 c.2 (N.I.)

PART 2
DEEMED CONSENT

Deemed consent for the display of advertisements

5.—(1) Subject to regulations 6 and 7, deemed consent is hereby granted for the display of an advertisement falling within any class specified in Part 1 of Schedule 3, subject—

- (a) to any conditions and limitations specified in that Part in relation to that class; and
- (b) to the standard conditions, except that paragraph 4 of Schedule 1 does not apply in the case of any Class 13 advertisement.

(2) Part 2 of Schedule 3 applies for the interpretation of that Schedule.

Directions restricting deemed consent

6.—(1) If the Department is satisfied, upon a proposal made to it by a council, that the display of advertisements of any class or description specified in Schedule 3, other than Class 10 or 12, should not be undertaken in any particular area or in any particular case without express consent, it may direct that the deemed consent for that class or description shall not apply in that area or in that case, for a specified period or indefinitely.

(2) Before making any such direction, the Department shall—

- (a) where the proposal relates to a particular area, publish, or cause to be published, in at least one newspaper circulating in the locality and, where the Department maintains a website for the purpose of advertisement, on its website a notice that such a proposal has been made, and such a notice shall—
 - (i) contain a full statement of the effect of the direction,
 - (ii) name a place or places in the locality where a copy of the proposed direction and of a map defining the area concerned may be inspected at all reasonable hours; and
- (b) where the proposal relates to a particular case, serve, or cause to be served, on the owner and occupier of the land affected and on any other person who, to its knowledge, proposes to display on that land an advertisement of the class or description concerned, a notice that a proposal has been made, specifying the land and the class or description of advertisement concerned.

(3) A notice under paragraph (2) shall state that any representation about the making of a direction may be made to the Department in writing within such period, being not less than 21 days from the date when the notice was first published or served (as the case may be), as is specified in the notice.

(4) The Department shall not make a direction under this regulation until after the expiry of the specified period.

(5) In determining whether to make a direction, the Department—

- (a) shall take into account any representation made in accordance with paragraph (3) (a “paragraph (3) representation”);
- (b) where any paragraph (3) representation consists of an objection, may give to the council and to any other person who has made a paragraph (3) representation, an opportunity of appearing before and being heard by the commission and shall take into account any report produced by the commission; and
- (c) may modify the proposal of the council if—