
STATUTORY INSTRUMENTS

2021 No. 1198

**SPORTS GROUNDS AND
SPORTING EVENTS, ENGLAND**

**The Birmingham Commonwealth Games
(Advertising and Trading) Regulations 2021**

<i>Made</i>	- - - -	<i>25th October 2021</i>
<i>Laid before Parliament</i>		<i>29th October 2021</i>
<i>Coming into force</i>	- -	<i>19th November 2021</i>

The Secretary of State, in exercise of the powers conferred by sections 13(2), 13(4), 15(2), 16(2), 16(4), 19(1) and 31(2) of the Birmingham Commonwealth Games Act 2020⁽¹⁾, makes the following Regulations.

In accordance with sections 15(3) and 19(2) of that Act, the Secretary of State has consulted with the Organising Committee, the local authorities for areas that include any place where the Regulations will have effect, and other persons whom the Secretary of State considered it appropriate to consult.

PART 1

Introductory

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Birmingham Commonwealth Games (Advertising and Trading) Regulations 2021.

(2) They come into force on 19th November 2021.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in relation to England only.

General interpretation

2.—(1) In these Regulations—

“the Act” means the Birmingham Commonwealth Games Act 2020;

(1) 2020 c. 10.

“event road” means any road on a relevant map that is marked with a blue line;

“hand-held device” means a hand-held mobile telephone or other personal interactive communication device;

“railway station” includes a West Midlands Metro station;

“relevant map” has the meaning given by regulation 5;

“street” has the same meaning as in paragraph 1(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982⁽²⁾.

(2) Any reference in these Regulations to a person doing something in or on a railway station includes doing something in or on any part of a railway station (including its yards), whether on, above or under the ground.

PART 2

Specified Games locations, advertising or trading in, or in the vicinity of, a Games location, and specified periods

Specified Games locations

3. The Games locations⁽³⁾ which are specified for the purposes of section 13(2) (advertising offence) and section 16(2) (trading offence) of the Act are set out in Schedule 1.

Advertising or trading in, or in the vicinity of, a Games location

4.—(1) Subject to paragraph (2), a person is to be treated, for the purposes of section 13 and section 16 of the Act, as advertising⁽⁴⁾ or trading⁽⁵⁾ in, or in the vicinity of, a Games location when that person is—

- (a) advertising or trading in or on a railway station where any part of that station is on, above or under the ground in the non-shaded area that is bounded by a dotted green line on a relevant map;
- (b) advertising or trading on an event road;
- (c) advertising or trading in any other place within the non-shaded area that is bounded by a dotted green line on a relevant map;
- (d) advertising or trading—
 - (i) on any pavement that is outside the non-shaded area that is bounded by a dotted green line on a relevant map but is on any side of any part of a road that is within the non-shaded area that is bounded by a dotted green line on a relevant map (including on anything on or above the pavement), or
 - (ii) on any land or water that is outside the non-shaded area that is bounded by a dotted green line on a relevant map but is within two metres of any side of any part of a road that is within the non-shaded area that is bounded by a dotted green line on a relevant map (including on anything on or above the land or water) where there is no pavement, or where any pavement extends less than two metres from the side of the road;

(2) 1982 c. 30.

(3) “Games location” is defined in section 24(1) of the Act.

(4) “Advertising” is defined in section 24(1) of the Act.

(5) “Trading” is defined in section 16(2) of the Act.

- (e) advertising or trading on any part of any bridge which is outside the non-shaded area that is bounded by a dotted green line on a relevant map where the bridge carries an event road; or
 - (f) advertising on the frontage or roof of any building or frontage of any bridge, where—
 - (i) that frontage or roof can be seen from any place within sub-paragraphs (a) to (e), and
 - (ii) any part of the frontage or roof is within 25 metres of that place.
- (2) Where the Games location is the road race course or the time trial course—
- (a) a person is not to be treated as advertising on any pavement or land in the circumstances described in paragraph (1)(d) where that person is advertising on the frontage of any building on that pavement or land;
 - (b) paragraph (1)(f) does not apply.
- (3) In this regulation—
- “road race course” means the Games location specified in paragraph 9 of Schedule 1;
 - “time trial course” means the Games location specified in paragraph 13 of Schedule 1.
- (4) Any reference in this regulation to a place (including references to a railway station, event road, pavement, land or water) includes the airspace above that place.

Meaning of “relevant map”

5. A “relevant map” is a map of a specified Games location and its vicinity, bearing the name of the specified Games location, the title of these Regulations and the date October 2021, of which copies are set out in Schedule 2 and are available by appointment for inspection during normal office hours at:

- (a) the Department for Digital, Culture, Media and Sport, 100 Parliament Street, Westminster, London, SW1A 2BQ; and
- (b) the Birmingham Organising Committee for the 2022 Commonwealth Games, One Brindley Place, Birmingham, West Midlands, B1 2JB.

Specified periods

6. Schedule 3 sets out the periods which are specified for the purposes of section 13(2) and section 16(2) of the Act.

PART 3

Exceptions to the advertising offence

Exceptions for charities

7.—(1) Section 13(1) of the Act (advertising offence) does not apply to Games location advertising⁽⁶⁾ carried out by a charity wholly or partly for the purpose of—

- (a) promoting that charity; or
- (b) promoting a service listed in paragraph (3).

(2) The exception in paragraph (1) does not apply to anything done by a charity partly for the purpose of—

- (a) promoting a product; or

(6) “Games location advertising” is defined in section 13(2) of the Act.

- (b) promoting a business, other than a charity.
- (3) The services listed in this paragraph are—
 - (a) the prevention or relief of poverty;
 - (b) the advancement of health or the saving of lives;
 - (c) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
 - (d) the relief of those in need because of youth, age, ill-health, disability, financial hardship or other disadvantage;
 - (e) the promotion of the efficiency of the police, fire and rescue services or ambulance services.
- (4) In this regulation—

“charity” has the meaning given to it in section 1 of the Charities Act 2011⁽⁷⁾, but does not include relevant higher education providers;

“relevant higher education provider” means an institution which is registered in the register of English higher education providers maintained by the Office for Students⁽⁸⁾ under section 3 of the Higher Education and Research Act 2017 (register of English higher education providers)⁽⁹⁾, but does not include an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992 (interpretation of Education Acts)⁽¹⁰⁾.

Exceptions modelled on the Town and Country Planning Regulations

8.—(1) Section 13(1) of the Act does not apply to Games location advertising consisting of the display of an advertisement within—

- (a) a class specified in column (1) of Schedule 1 to the Town and Country Planning Regulations⁽¹¹⁾ (subject to paragraph (2)), provided that the display (or as the case may be) the advertisement complies with the conditions referred to in regulation 1(3) of those Regulations⁽¹²⁾; or
- (b) a class specified in Part 1 of Schedule 3 to the Town and Country Planning Regulations listed in paragraph (3), subject to—
 - (i) paragraph (4),
 - (ii) the conditions set out in Schedule 2 to the Town and Country Planning Regulations, and
 - (iii) in the case of any class other than Class 12, the conditions and limitations specified in Part 1 of Schedule 3 to the Town and Country Planning Regulations in relation to that class.

(2) The exception in paragraph (1)(a) (classes specified in column (1) of Schedule 1 to the Town and Country Planning Regulations) does not apply to the display of any of the following advertisements—

(7) 2011 c. 25.

(8) The Office for Students is a body corporate established by section 1 of the Higher Education and Research Act 2017 (c. 29).

(9) 2017 c. 29.

(10) 1992 c. 13; section 91(3) was amended by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), Schedule 8, paragraph 13.

(11) Class E in Schedule 1 to the Town and Country Planning Regulations was amended by S.I. 2018/1310; Class H in Schedule 1 was amended by S.I. 2012/2372, 2021/617.

(12) Regulation 1(3) of the Town and Country Planning Regulations was amended by S.I. 2021/617.

- (a) an advertisement within Class A (advertisements displayed on enclosed land) where the advertisement is displayed—
 - (i) on enclosed land⁽¹³⁾, or part of enclosed land, where that enclosed land, or that part of the enclosed land, is a railway station or bus station, including its forecourt (whether enclosed or not),
 - (ii) on or in a sports stadium, or
 - (iii) on enclosed land where a sporting event forming part of the Games⁽¹⁴⁾ is taking place, is to take place, or has taken place on or in that enclosed land;
- (b) an advertisement within Class C (advertisements incorporated in the fabric of buildings) that was not in existence on the date on which these Regulations came into force;
- (c) an advertisement within Class I (advertisements displayed inside buildings), other than an exempt business advertisement, where the advertisement is displayed—
 - (i) in a building, or in part of a building, where that building (or that part of the building) is, or forms part of, a railway station or bus station,
 - (ii) in a sports stadium, or
 - (iii) in part of a building where a sporting event forming part of the Games is taking place, is to take place, or has taken place in that part of the building.
- (3) The classes referred to in paragraph (1)(b) (classes specified in Part 1 of Schedule 3 to the Town and Country Planning Regulations) are—
 - (a) Class 1 (functional advertisements of government departments and their agencies, local authorities, public transport undertakers, statutory undertakers and Transport for London);
 - (b) Class 2 (miscellaneous advertisements relating to the premises on which they are displayed);
 - (c) Class 3 (miscellaneous temporary advertisements);
 - (d) Class 4 (illuminated advertisements on business premises);
 - (e) Class 5 (other advertisements on business premises)⁽¹⁵⁾;
 - (f) Class 6 (advertisements on forecourts of business premises);
 - (g) Class 7 (flag advertisements)⁽¹⁶⁾;
 - (h) Class 10 (advertisements for neighbourhood watch and similar schemes)⁽¹⁷⁾;
 - (i) Class 11 (directional advertisements);
 - (j) Class 12 (advertisements inside buildings)⁽¹⁸⁾;
 - (k) Class 17 (advertisements on charging points for electric vehicles)⁽¹⁹⁾.
- (4) The exception in paragraph (1)(b) does not apply to the display of any of the following advertisements—
 - (a) an advertisement within Class 3D (advertisements announcing local events and activities) that promotes—
 - (i) a product or service, or
 - (ii) a business, other than a charity;

⁽¹³⁾ “Enclosed land” is defined in column (2) of Schedule 1 to the Town and Country Planning Regulations.

⁽¹⁴⁾ The “Games” are defined in section 1(3) of the Act.

⁽¹⁵⁾ Class 5 in Schedule 3 to the Town and Country Planning Regulations was amended by regulation 2 of [S.I. 2007/1739](#).

⁽¹⁶⁾ Class 7 in Schedule 3 to the Town and Country Planning Regulations was amended by regulation 2 of [S.I. 2012/2372](#) and regulations 2, 5 and 6 of [S.I. 2021/617](#).

⁽¹⁷⁾ Class 10 in Schedule 3 to the Town and Country Planning Regulations was amended by regulation 23 of [S.I. 2011/3058](#).

⁽¹⁸⁾ Class 12 in Schedule 3 to the Town and Country Planning Regulations was amended by regulation 2 of [S.I. 2011/2057](#).

⁽¹⁹⁾ Class 17 of Schedule 3 to the Town and Country Planning Regulations was inserted by regulation 2 of [S.I. 2011/2057](#).