

## **Election Posters – Frequently Asked Questions**

The Litter Pollution Act was recently amended to introduce a time limit prior to elections from which posters can be exhibited. Previously there was no specific date from which posters could be erected but, in practise, local authorities did not allow posters until the polling day order or equivalent had been completed.

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### **Q. What amendment has been made to the Litter Pollution Act – how many days before an election can candidates erect posters?**

**A.** Posters are only allowed to be erected for a certain specified time period before an election now. This time period is **either** (a) 30 days before the poll date or (b) from the date the polling day order (or equivalent) for the election has been completed, whichever provides the shorter period of time.

**Example:** for the upcoming local and European elections, 30 days prior to the poll date is 6<sup>th</sup> May; the polling orders have been completed well in advance of this date (i.e. more than 30 days before the poll). The 30 day limit will therefore apply to candidates erecting posters for the local and European elections because the 30-day limit is the shorter time period.

1. Local Election Polling Day Order signed 31 March, therefore the number of days to the poll = 66 days which is greater than 30 days, so the 30 day period applies in this case.
  2. European Election Polling Day Order signed 29 April, therefore number of days to the poll = 37 days which is greater than 30 days, so the 30 day period applies in this case.
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### **Q. How come some candidates already have posters up on billboards?**

**A.** This is commercial advertising, not election postering – any person may buy this advertising space at any time of the year to advertise their product / service. Note, there are planning regulations relevant to this type of advertising space so check with your local authority planning section.

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### **Q. Can candidates put posters up in road-side fields / their campaign office window?**

**A.** Owners, occupiers and persons in charge of property can exhibit election posters on their property, subject to planning regulations. If a candidate is exhibiting posters on someone else's property, they must be authorised in advance to do so in writing by the owner, occupier or person in charge.

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### **Q. Can candidates put public meeting posters up?**

**A.** Public meeting posters can be exhibited for up to 30 days before the date of the meeting and must be taken down within 7 days of the meeting. It must

be a valid public meeting and the poster must clearly advertise it for the exemption from prosecution to apply.

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**Q. What about candidates parking vehicles with election slogans printed on the side in free parking spots?**

**A.** This is not an offence under the Litter Pollution Acts, however, section 19 does make it an offence to place adverts (e.g. flyers) on mechanically propelled vehicles unless they are secured by mechanical means. This, therefore, prohibits the placement of flyers under wiper blades, etc.

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**Q. Are there different rules for the bye-elections in Dublin?**

**A.** Yes, the posters can only be exhibited for either 30 days **or** from the date the Polling Day Order is signed, whichever provides the shortest time period for posters to be in place. The Polling Day Order for the bye-elections has not yet been signed and it is not expected that it will be signed before the 6<sup>th</sup> May (30 days from the polling date). The shortest time period for election posters for bye-elections to be in place will therefore be from the date the Polling Day Order is signed as this is less than the alternative 30-day period. Any Bye-election candidates should not erect election posters until they confirm that the Minister for the Environment has signed the Polling Day Order for these elections (likely to be sometime during the second week of May).

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**Q. Has there been a change to the number of days candidates have to remove posters?**

**A.** No, all election posters must be removed within 7 days of the latest date of the poll.

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**Other General Considerations:**

1. The Road Traffic Acts contain requirements in relation to maintaining clear lines of sight for road users which may impact on where posters can be placed, e.g. not at traffic junctions or on roundabouts where they may cause road safety risks – check with the Roads section of your local authority.
  2. The planning regulations contain various requirements for postering which should be checked to ensure that posters meet them.
  3. Section 20 of the Litter Pollution Acts gives local authorities powers to serve notices on occupiers of property in or visible from a public place to remove advertisements if it appears to the local authority that it is in the interests of amenity or of the environment of an area that any advertisement exhibited thereon should be removed – see section 20 of the Litter Pollution Act 1997 for further details.
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**Consolidated Section 19 of the Litter Pollution Acts 1997 to 2009 –  
Unofficial Version**

**NOTE – This consolidation of Section 19 of the Litter Pollution Acts is for illustrative purposes only and is not official legislation – please refer to the Litter Pollution Act 1997, the Protection of the Environment Act 2003 and the Electoral (Amendment) (No. 2) Act 2009 for official legislation.**

Prohibition of articles and advertisements on and defacement of certain structures, etc.

**19.—(1)** Where any structure or other land, door, gate, window, tree, pole or post is in or is visible from a public place, a person who is not the owner, occupier or person in charge thereof shall not—

( a ) exhibit or cause to be exhibited thereon any article or advertisement, or

( b ) carry out or cause to be carried out any defacement thereof by writing or other marks,

Unless, in either case, the person is authorised in advance to do so in writing by such owner, occupier or person in charge or by or under any enactment, and, in addition, in the case of paragraph (a), the article or advertisement-

(i) if it relates to a meeting or an event, carries the name and address of the person who is promoting or arranging the meeting or event, and

(ii) in any other case, carries the name and address of the person on whose behalf it is exhibited.

**(2)** A person shall not place advertising material on a mechanically propelled vehicle in a public place otherwise than by securing the material by some mechanical means to the body of the vehicle.

**(2A)** For the purposes of subsection (2)-

‘body’, in relation to a mechanically propelled vehicle, does not include-

( a ) any windscreen wiper, wiperblade, mirror or aerial, or

( b ) any other part of the vehicle concerned that is not specifically designed or adapted for the purpose of securing to it the material concerned;

‘mechanical means’ does not include any means relying on or involving

any pressure (of whatever amount or in whatever direction) exerted by-

( a ) any windscreen wiper or wiper blade, or

( b ) any other part of the vehicle that is not specifically designed or adapted for the purpose of employing pressure in order to secure the material concerned to the body of the vehicle;

‘place advertising material on a mechanically propelled vehicle’ does not include paint, emboss, inscribe or apply by any method of transfer letters, figures or images on or to the body of the vehicle or place in the interior of the vehicle any such material.

(3) Without limiting the liability of any other person under *subsection (1)* or *(2)*, where there is a contravention of that subsection in relation to—

( a ) an advertisement that pertains to a meeting or other event, the person who is promoting or arranging the meeting or event, or

( b ) any other advertisement, the person on whose behalf the advertisement is exhibited,

shall be deemed also to have contravened that subsection.

(4) A local authority may, on such terms and conditions as may be agreed upon by it and the occupier concerned, in the case of an article, advertisement or defacement in its functional area in relation to which there is a contravention of *subsection (1)*—

( a ) by its employees or agents, remove or obliterate all or a part of the article or advertisement or, as the case may be, remove or otherwise remedy the defacement, and

( b ) for those purposes, by its employees or agents, enter on the structure or other land concerned or the structure or other land on which is situated the door, gate, window, tree, pole or post concerned.

(5) In a prosecution of a person in relation to a contravention of *subsection (1)* it shall not be necessary for the prosecution to show and it shall be assumed, in the absence of evidence to the contrary, that the person was not the owner, occupier or person in charge of the structure or other land, door, gate, window, tree, pole or post to which the contravention relates and was not authorised as referred to in *subsection (1)*.

(6) A person who contravenes or is deemed to have contravened

*subsection (1) or (2) or who obstructs or impedes a local authority or its employees or agents acting in the exercise of the functions conferred on a local authority by subsection (4) shall be guilty of an offence.*

(7) Notwithstanding subsection (6), it shall not be an offence for a person to exhibit an advertisement if the advertisement—

( a ) is exempted development within the meaning of the Planning and Development Act 2000, or is a notice displayed or erected in pursuance of a requirement by or under any enactment,

( b ) advertises a public meeting, other than an auction, unless the advertisement has been in place for 30 days or more prior to, or for 7 days or more after, the date specified in the advertisement for the meeting,

( c ) relates to—

- (i) a presidential election within the meaning of the Presidential Elections Act 1993,
- (ii) a general election or a bye-election, within the meaning, in each case, of the Electoral Act 1992,
- (iii) a local election within the meaning of the Local Government Act 2001, or
- (iv) an election of members of the European Parliament under the European Parliament Elections Act 1997,

unless the advertisement has been in place prior to the making of an order by the Minister appointing the day upon which the relevant poll shall be taken or for 30 days prior to the date of the poll, whichever is the shorter period, or for 7 days or more after the latest day upon which the poll was taken for the election or bye-election concerned,

( d ) relates to an election of members of *Údarás na Gaeltachta* under the *Údarás na Gaeltachta Act 1979*, unless the advertisement has been in place prior to the making of an order by the Minister for Community, Rural and Gaeltacht Affairs appointing the day upon which the poll shall be taken or for 30 days prior to the date of the poll, whichever is the shorter period, or for 7 days or more after the latest day upon which the poll was

taken, or

( e ) relates to a referendum, within the meaning of the Referendum Act 1994, unless the advertisement has been in place prior to the making of an order by the Minister appointing the day upon which the poll shall be taken, or for 7 days or more after the latest day upon which the poll was taken.

(8) In this section and in *section 20*—

"occupier" in relation to a door, gate, window or tree, means the occupier of the structure or other land on which the door, gate, window or tree, as the case may be, is situated and, in relation to a pole or post, means the owner of the pole or post;

"structure" has the meaning assigned by the [Local Government \(Planning and Development\) Act, 1963](#) .

#### **Relevant Legislation:**

1. **Litter Pollution Act 1997 -**  
<http://www.irishstatutebook.ie/1997/en/act/pub/0012/index.html>  
**(Section 19 & 20)**
2. **Protection of the Environment Act 2003 –**  
<http://www.irishstatutebook.ie/2003/en/act/pub/0027/index.html> **(Part 4)**
3. **Electoral (Amendment) (No. 2) Act 2009 -**  
<http://www.oireachtas.ie/ViewDoc.asp?DocId=-1&CatID=87&m=a>  
**(Section 9)**