

Parliamentary Elections (Election Advertising) Regulations 2001

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THE SCHEDULE

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

PARLIAMENTARY ELECTIONS (ELECTION ADVERTISING) REGULATIONS
2001

In exercise of the powers conferred by sections 78, 78A and 102 of the Parliamentary Elections Act, the Prime Minister hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Parliamentary Elections (Election Advertising) Regulations 2001 and shall come into operation on 17th October 2001.

Definitions

2. In these Regulations, unless the context otherwise requires —

“banner” means any election advertising that is a flag, bunting, ensign or standard;

“campaign period”, in relation to an election, means the period beginning on nomination day and ending on polling day of that election;

“election period”, in relation to an election, means the period beginning on the day the writ is issued for the election under section 24 of the Act and ending with the close of all polling stations on polling day at that election;

“electronic mail address” means a destination (commonly expressed as a string of characters) to which electronic mail can be sent or delivered, and includes such an address consisting of a user name or mailbox or an Internet domain;

“nomination day”, in relation to an election, means the date specified as the day of nomination in the writ issued under section 24 of the Act for that election;

“permit” means a permit issued under Part IV for the display of any poster or banner;

“polling day”, in relation to an election, means the date specified in a notice under section 34(6) or 34A(6) of the Act as the date on which the poll for that election will be taken;

“poster” means any election advertising that —

- (a) is a label, set of colours, drawing, painting, handbill or placard;
- (b) is a replica of a voting paper or of the symbol of any political party;
and
- (c) is written, printed, drawn or depicted on any material,

and where any election advertising is written, printed, drawn or depicted in sections, such sections, both severally and collectively, shall be deemed to be a poster;

“recipient”, in relation to any electronic mail message, advertisement or material, means the person to whom such message, advertisement or material is addressed, and if the person has more than one electronic mail address, the person shall be regarded as a separate recipient with respect to each such address;

“relevant person” has the same meaning as in section 78A(3) of the Act.

PART II

ELECTION ADVERTISING PARTICULARS

Non-print election advertising particulars

3.—(1) For the purposes of section 61 (1)(c)(ii) of the Act, the relevant particulars of any election advertising in any web site shall be shown conspicuously —

- (a) on the first opening page of the web site containing any election advertising; and
- (b) on the page first displayed for every sub-directory of the web site if the relevant particulars of the election advertising in the sub-directory are not the same as those in sub-paragraph (a).

(2) For the purposes of section 61 (1)(c)(ii) of the Act, the relevant particulars shall be shown on every election advertising sent by electronic mail or a short message system as follows:

- (a) in the case of electronic mail, the relevant particulars shall appear at the beginning of the message in a font that is not smaller than the font of the message text; and
- (b) in the case of advertising using the short message system, the relevant

particulars shall appear at the bottom of the screen displaying the message text.

(3) In this regulation, “relevant particulars”, in relation to any election advertising, means —

- (a) the name and address (not being a post-office box) of the publisher of the election advertising; and
- (b) the name and address (not being a post-office box) of every person for whom or at whose direction the election advertising is published.

(4) Where the publisher of any election advertising or the person for whom or at whose direction any election advertising is published is an unincorporated association or society, it shall be sufficient for the purposes of this regulation to state the name and address of the association or society, as the case may be.

PART III

INTERNET ELECTION ADVERTISING

Division 1 — Candidates and political parties

Positive list of election advertising

4.—(1) For the purposes of section 78A(1)(b) of the Act, during the election period, only any of the following election advertising and no other may be published by any political party or any candidate or his election agent on what is commonly known as the Internet:

- (a) any photograph of any candidate or group of candidates or any drawing or illustration which purports to depict any such candidate or group of candidates or to be a likeness or representation of any candidate;
- (b) any historical or biographical information about, and any manifesto or declaration of policies or ideology of, the political party or the candidate or group of candidates;
- (c) any message by electronic mail that promotes or opposes any political party or the election of any candidate or group of candidates, including one that takes a position on an issue with which a political party or candidate or group of candidates, as the case may be, is associated, and that complies