

**Reprint
as at 1 January 2011**



**Electoral (Advertisements of a
Specified Kind) Regulations 2005**
(SR 2005/147)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 7th day of June 2005

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 267A of the Electoral Act 1993, Her Excellency the Governor-General, acting on the advice and with the consent of

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Justice.

the Executive Council, and on the recommendation of the Minister of Justice whose recommendation has been made—

- (a) after consultation on regulations 5 to 8 with the Minister who is for the time being responsible for the administration of the Land Transport Act 1998; and
- (b) after being satisfied that—
 - (i) regulations 5 to 8 do not restrict the rights of candidates and political parties any more than is reasonably necessary to ensure that an advertisement of a specified kind does not endanger the safety of road users; and
 - (ii) the recommendation is agreed by at least half of the parliamentary leaders of all political parties represented in Parliament; and
 - (iii) the members of Parliament of the political parties whose parliamentary leaders agree with the recommendation comprise at least 75% of all members of Parliament—

makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	3
4 Application	3
5 Use of reflective material or illumination	4
6 Shape and colour of advertisement of a specified kind	4
7 Advertisement of a specified kind not to have moving parts	4
8 Size of lettering and line spacing	4

Regulations

- 1 Title**
These regulations are the Electoral (Advertisements of a Specified Kind) Regulations 2005.
- 2 Commencement**
These regulations come into force on 13 June 2005.

3 Interpretation

In these regulations, unless the context otherwise requires,—
advertisement of a specified kind means an advertisement displayed in a public place or on private property that does not exceed 3 m² in size and that—

- (a) encourages or persuades or appears to encourage or persuade voters to vote for a party registered under Part 4 of the Electoral Act 1993; or
- (b) is used or appears to be used to promote or procure the election of a constituency candidate; but
- (c) does not include—
 - (i) an advertisement published in any newspaper, periodical, or handbill, or in any poster less than 150 cm² in size; or
 - (ii) an advertisement broadcast over any television station or by any electronic means of communication

reflective material means any material or surface that tends to reflect a beam of light parallel to the path of the beam and in an opposite direction to that path

traffic sign means a traffic control device within the meaning of Part 2 of Land Transport Rule 54002: Traffic Control Devices 2004.

4 Application

For the avoidance of doubt,—

- (a) these regulations apply only to advertisements of a specified kind:
- (b) regulations 5 to 8 apply only during the period beginning 2 months before polling day and ending with the close of the day before polling day:
- (c) nothing in these regulations limits or prevents the display before polling day of any advertisement relating to an election that complies with all applicable prohibitions or restrictions imposed in any enactment or by-law, or imposed by any local authority:
- (d) these regulations do not override the provisions of the Electoral Act 1993, but do override the provisions of

any other enactment or bylaw, or any other instrument,
that is inconsistent with these regulations.

5 Use of reflective material or illumination

An advertisement of a specified kind that is erected on any road or in any place visible from a road must not—

- (a) be made of, or have affixed to it, any reflective material that is likely to reflect the light from the headlights of any approaching vehicle:
- (b) be internally illuminated by any means:
- (c) be externally illuminated by any artificial lighting that is designed specifically to illuminate the advertisement.

6 Shape and colour of advertisement of a specified kind

An advertisement of a specified kind may not be erected on any road or in any place visible from a road if the advertisement of a specified kind—

- (a) is similar to or the same as any traffic sign in its shape and colour; and
- (b) is liable to be mistaken for a traffic sign.

7 Advertisement of a specified kind not to have moving parts

An advertisement of a specified kind that is erected on any road or in any place visible from a road must not—

- (a) have information displayed by means of a flashing or revolving mechanism:
- (b) have, or have affixed to it, any moveable part that is intended to draw attention to the advertisement of a specified kind.

8 Size of lettering and line spacing

- (1) On any road controlled by the New Zealand Transport Agency the lettering on an advertisement of a specified kind must be not less than—

- (a) 120 mm in height where the advertisement of a specified kind is erected on any road, or in any place visible from a road, that has a speed limit of less than 70 km per hour:

- (b) 160 mm in height where the advertisement of a specified kind is erected on any road, or in any place visible from a road, that has a speed limit of 70 km per hour or more.
- (2) On any road controlled by the New Zealand Transport Agency the spacing between lines of text on an advertisement of a specified kind that is erected on any road or in any place visible from a road must be not less than 50 mm.
- (3) Subclauses (1) and (2) do not apply to—
 - (a) the lettering on any party logo displayed in an advertisement if that logo has been registered by the Electoral Commission under section 67A of the Electoral Act 1993;
 - (b) the promoter statement required by section 204F of the Electoral Act 1993 to be included in the advertisement;
 - (c) an advertisement of a specified kind that is published in the form of a poster that is less than 1 500 cm² in size.

Regulation 8(1): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 8(2): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 8(3)(b): substituted, on 1 January 2011, by section 43 of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 9 June 2005.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 General

This is a reprint of the Electoral (Advertisements of a Specified Kind) Regulations 2005. The reprint incorporates all the amendments to the regulations as at 1 January 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 ***List of amendments incorporated in this reprint
(most recent first)***

Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137): section 43

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(2)
