

Version
as at 1 January 2023



**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 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

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Justice.

- (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.

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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,—

Act means the Electoral Act 1993

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.

Regulation 3 Act: inserted, on 1 January 2023, by section 42 of the Electoral Amendment Act 2022 (2022 No 80).

4 Application

- (1) 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 specified period:
- (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 bylaw, or imposed by any local authority:
- (d) these regulations do not override the provisions of the Act, but do override the provisions of any other enactment or bylaw, or any other instrument, that is inconsistent with these regulations.

- (2) In this regulation, **specified period** means whichever of the following applies:

- (a) the period specified in section 221B(1) of the Act; or
- (b) both of the periods specified in section 221B(1A) of the Act.

Regulation 4(1)(b): replaced, on 1 January 2023, by section 43(1) of the Electoral Amendment Act 2022 (2022 No 80).

Regulation 4(1)(d): amended, on 1 January 2023, by section 43(2) of the Electoral Amendment Act 2022 (2022 No 80).

Regulation 4(2): inserted, on 1 January 2023, by section 43(3) of the Electoral Amendment Act 2022 (2022 No 80).

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 Act;
 - (b) the promoter statement required by section 204F of the Act 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)(a): amended, on 1 January 2023, by section 44 of the Electoral Amendment Act 2022 (2022 No 80).

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).

Regulation 8(3)(b): amended, on 1 January 2023, by section 44 of the Electoral Amendment Act 2022 (2022 No 80).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 9 June 2005.

Notes

1 *General*

This is a consolidation of the Electoral (Advertisements of a Specified Kind) Regulations 2005 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Electoral Amendment Act 2022 (2022 No 80): sections 42–44

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)