

Parliamentary Elections (Election Advertising) (Amendment) Regulations 2011

Table of Contents

Enacting Formula

- 1 Citation and commencement**
- 2 Amendment of regulation 2**
- 3 Amendment of regulation 3**
- 4 Amendment of regulation 4**
- 5 Amendment of regulation 5**
- 6 Deletion and substitution of Division 2 in Part III**
- 7 Amendment of regulation 7**
- 8 Amendment of regulation 9**
- 9 Amendment of regulation 10**
- 10 Amendment of regulation 11**
- 11 Amendment of regulation 15**
- 12 Amendment of regulation 16**
- 13 New regulation 19A**
- 14 Deletion and substitution of Schedule**

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

PARLIAMENTARY ELECTIONS (ELECTION ADVERTISING) (AMENDMENT)
REGULATIONS 2011

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:

Citation and commencement

1. These Regulations may be cited as the Parliamentary Elections (Election Advertising) (Amendment) Regulations 2011 and shall come into operation on 14th March 2011.

Amendment of regulation 2

2. Regulation 2 of the Parliamentary Elections (Election Advertising) Regulations (Rg 3) (referred to in these Regulations as the principal Regulations) is amended —

(a) by deleting the definition of “campaign period” and substituting the following definitions:

““campaign period”, in relation to an election, means the period —

(a) beginning with the closure of the place of nomination on nomination day after the election is adjourned under section 34(1)(a) or 34A(1)(a), as the case may be, of the Act to enable a poll to be taken in accordance with the Act; and

(b) ending with the start of the eve of polling day of that election;

“chat room” or “discussion forum” means a website or similar online facility (including a facility made available by or through a social networking service or web log) through which a number of persons can communicate by text messages and that allows text messages to be visible to all other users or to a designated segment of users;

“display”, in relation to a public place, includes display on the exterior of a vehicle (whether or not mechanically propelled) in a public place;

“election meeting” means an assembly in a public place organised by or on behalf of a candidate or group of candidates nominated for election in an electoral division —

(a) to promote or procure the electoral success at the election for one or more identifiable political parties, candidates or groups of candidates or to otherwise enhance the standing of any such political parties, candidates or groups of candidates with the electorate in connection with the election (referred to in these Regulations as an election rally); or

(b) to show support for the candidate at or about the time the results of the election may be declared under section 49(7) or (7E) or 49A(5) of the Act;”;

(b) by deleting the words “the close of all polling stations on polling day” in the definition of “election period” and substituting the words “the start of polling day”;

(c) by inserting, immediately after the definition of “electronic mail address”, the following definitions:

“electronic media application” includes —

(a) any banner, logo or small icon that is capable of being posted on any social networking service, micro-blog, website or other form of electronic media; or

(b) any other software or programme used in connection with a computer or other electronic device and which may be used for communicating or transmitting election advertising among users in any format,

such as but not limited to digital banners, RSS feed readers,

widgets, mobile applications and other instant messaging software or programmes;

“micro-blog” means a web service that allows a user to post and send a micro-blog post that can be viewed by a selected group of persons or by anyone who uses the web service;

“micro-blog post” means a short text message (ordinarily not exceeding 140 characters) sent through a micro-blog;

“MMS message” means a message (whether or not accompanied by any sound) sent using an MMS service;

“MMS service” means a system that enables the transmission of visual communication, voice communication or electronic mail from a digital mobile telephone —

(a) to another digital mobile phone; or

(b) to an electronic mail address,

but does not include a micro-blog post;”;

(d) by inserting, immediately after the definition of “poster”, the following definition:

“ “public place” means —

(a) any place (open to the air or otherwise) to which members of the public have access as of right or by virtue of express or implied permission, whether or not on payment of a fee, and whether or not access to the place may be restricted at particular times or for particular purposes; or

(b) a part of a place that the occupier of the place allows members of the public to enter, but only while the place is ordinarily open to members of the public;”;

(e) by deleting the definition of “relevant person” and substituting the following definitions:

““SMS message” means a text message sent using an SMS service;

“SMS service” means a system that enables the transmission of short text messages from a digital mobile telephone to another digital mobile telephone;

“social networking service” means any online website or web service —

- (a) that allows users to create webpages or profiles providing information that can be viewed in whole or in part by other users; and
- (b) that enables or supports multiple-user digital communication, connection, social interaction or related activities;

“web log” means a website or part of a website maintained by one or more persons —

- (a) that allow the person or persons to upload entries that include (but is not limited to) text messages, images or videos; and
- (b) may allow visitors to the website or part thereof to post their comments thereon.”.

Amendment of regulation 3

3. Regulation 3 of the principal Regulations is amended —

- (a) by deleting the words “as those in sub-paragraph (a)” in paragraph (1)(b) and substituting the words “as those on the first opening page of that website”; and
- (b) by deleting paragraph (2) and substituting the following paragraphs:

“(2) For the purposes of section 61(1)(c)(ii) of the Act, the relevant particulars shall be shown as follows on every election advertising sent by electronic mail or micro-blog or by or through a social networking service, an SMS service or MMS service, or sent as a web log entry or as a message in a chat room or discussion forum:

- (a) in the case of electronic mail, the relevant