

**COMHAIRLE CONTAE FHINE GALL  
FINGAL COUNTY COUNCIL**

**COUNTY COUNCIL MEETING**

**MONDAY 10<sup>th</sup> JANUARY 2022**

**ITEM NO. 38**

**BYE-LAWS ON ELECTION POSTERS**

**Motion: Councillor D. Healy**

“That the Chief Executive draft bye-laws for consideration by the Council under s.199 of the Local Government Act to restrict the placing of election posters on land in the ownership or in charge of the Council including public roads to some dedicated Council-provided sites as is common in many other jurisdictions.”

**Report:**

The requirements for election posters are set out under Section 19 of the Litter Pollution Act 1997 and the Election (Amendment) (No. 2) Act 2009. Posters may only be erected for a certain specified time period before an election and this is provided for within the legislation - posters must be removed within 7 days of polling day. There is a requirement for candidates to remove all posters including any cable ties within 7 days of the poll. Failure to comply with these conditions constitutes an offence.

Statutory legislation is in place for the erection of election posters. Therefore Bye-Laws cannot be made under Section 199 of the Local Government Act that prohibits the erection of posters on public spaces as the erection of posters is provided for and allowed under national legislation - Litter Pollution Act 1997:

Section 21 (1) A local authority may, where it deems it necessary for the purpose of preventing the creation of litter, by bye-law prohibit or regulate the distribution to the public of advertising material or specified categories of advertising material.

(2) A bye-law under subsection (1) ***shall not apply to—***

(a) the distribution of advertising material by means of a direct delivery to a place having an address, or

(b) the distribution of advertising material relating to a presidential election within the meaning of the Presidential Elections Act, 1993, a general election or a bye-election, within the meaning, in each case, of the Electoral Act, 1992, a local election within the meaning of the Local Government Act, 1994, a referendum, within the meaning of the Referendum Act, 1994, or an election of representatives to the Assembly of the European Communities.