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DRAFT STATUTORY INSTRUMENTS

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**2004 No.**

European Parliamentary Elections  
(Northern Ireland) Regulations 2004

PART 2

*The Election Campaign*

**Details to appear on election publications**

**68.**—(1) Subject to paragraph (4), a person shall not—

- (a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate, or
- (b) post or cause to be posted any such bill, placard or poster as mentioned above, or
- (c) distribute or cause to be distributed any printed document for that purpose,

unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.

(2) For the purposes of paragraph (1), any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly.

(3) A candidate or election agent acting in contravention of this regulation shall be guilty of an illegal practice, and any other person so acting shall on summary conviction be liable to a fine not exceeding level 5 on the standard scale.

(4) Where any act or omission would satisfy the requirements of paragraphs (5) to (10), that act or omission shall be deemed to be lawful despite paragraphs (1) to (3).

- (5) The provisions of this paragraph and paragraphs (6) to (15) apply to any material which—
- (a) is, or is contained in, such a document as is mentioned in paragraph (8), (9) or (10); and
  - (b) can reasonably be regarded as intended to promote or procure the election of a candidate at an election (whether or not it can be so regarded as intended to achieve any other purpose as well).

(6) No material to which paragraph (5) applies shall be published unless the requirements of paragraph (8), (9) or (10) are complied with.

(7) For the purposes of paragraphs (8) to (10) the following details are “the relevant details” in the case of any material falling within paragraph (5), namely—

- (a) the name and address of the printer of the document;
- (b) the name and address of the promoter of the material; and
- (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

(8) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

(9) Where the material is a printed document other than one to which paragraph (8) applies, the relevant details must appear either on the first or the last page of the document.

(10) Where the material is an advertisement contained in a newspaper or periodical—

(a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and

(b) the relevant details specified in paragraph (7)(b) and (c) must be included in the advertisement.

(11) Where any material falling within paragraph (5) is published in contravention of paragraph (6), and paragraph (3) does not apply then (subject to paragraphs (12) and (13))—

(a) the promoter of the material,

(b) any other person by whom the material is so published, and

(c) the printer of the document,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(12) It shall be a defence for a person charged with an offence under paragraph (11) to prove—

(a) that the contravention of paragraph (6) arose from circumstances beyond his control; and

(b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.

(13) Where a candidate or his election agent would (apart from this paragraph) be guilty of an offence under paragraph (11), he shall instead be guilty of an illegal practice.

(14) In paragraphs (5) to (15)—

“print” means print by whatever means, and “printer” shall be construed accordingly;

“the promoter”, in relation to any material to which this regulation applies, means the person causing the material to be published;

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

(15) For the purpose of determining whether any material is material such as is mentioned in paragraph (5), it is immaterial that it does not expressly mention the name of any candidate.