



Circular Letter LU 04/09

31st March 2009

Amendment to Section 19(7) of the Litter Pollution Acts 1997-2003

I have been asked by Mr. John Gormley, T.D., Minister for the Environment, Heritage and Local Government to inform local authorities that the Electoral (Amendment) Bill 2009 has now been enacted.

Section 9 of the Act provides for the amendment of section 19(7) of the Litter Pollution Acts 1997 to 2003. Section 19(7) of the Litter Pollution Act makes it an offence to exhibit any article or advertisement on any structure that is visible from a public place unless the exhibitor is authorised in writing by the owner to do so. An exemption from prosecution under this section is provided for public meeting, election or referendum posters; however such posters have to be removed within 7 days of the date of any poll or public meeting in order for the exhibitor to avoid prosecution. Section 19(7) however was silent on the start date from which such posters may be erected. This amendment rectifies this.

The amendment introduces a time limit prior to public meetings / elections / referenda from which posters can be erected. This time period commences on the date that the Minister makes the order for the holding of the poll or 30 days prior to the date of the poll, whichever is the shorter period. The time limit for Referendum posters will not be restricted to 30 days. These posters will be allowed from the date the Polling Day Order is signed.

The new time limits will apply to the forthcoming European & local elections. In both instances, the Polling Day Orders will be signed in excess of 30 days prior to the poll, therefore the 30 day limit will apply. Accordingly, no posters should be erected before Wednesday 6th May 2009.

Enquiries in relation to the amendment to the Litter Pollution Act should be directed to Ms. Jeannine Rowe (tel. 053 - 91 85024) in the Litter Policy Unit.

Yours sincerely,

Fiona Quinn
Assistant Principal Officer
Litter Policy Unit

To each County and City Manager
cc: Directors of Services: Environment Division