# [IE] Political Advertising

**IRIS 2001-7:1/19**

*Candelaria van Strien-Reney*
*Faculty of Law, National University of Ireland, Galway*

The recent referendum in Ireland on the question of whether to accept the Nice Treaty re-awakened some of the controversy surrounding political advertising. In the referendum campaign, activists from both sides of the debate were prevented from placing advertisements relating to the campaign on national and local radio and television.

Section 10 subsection 3 of the Radio and Television Act, 1988 prohibits the broadcasting on radio or television of advertisements directed towards any religious or political end, or related to an industrial dispute. Earlier challenges to the constitutionality of this provision had been unsuccessful (see IRIS 1998-9: 6 (political advertising); IRIS 1998-1: 6 and IRIS 1998-7: 9 (religious advertising)).

During the campaign leading up to the referendum on the Nice Treaty, an Irish businessman set up a website to encourage a "No" vote. He sought to advertise his website on a local radio station, but was prevented from doing so by the 1988 Act. In future, section 65 of the new Broadcasting Act, 2001 (see IRIS 2001-4: 9) will allow some religious advertising, but the prohibition on political advertising will remain.

During the recent campaign, an exception to the general prohibition on political advertising was made for broadcasts sponsored by the Referendum Commission, because it was providing a public information service in a neutral way. The Referendum Commission is an independent body that may be set up by the government when referendums are being held. It provides information on both sides of the proposed amendment in a simple and impartial manner. It was first established as a result of a successful challenge to the manner in which the national broadcaster RTÉ had allocated uncontested broadcasting time during a referendum on the issue of divorce (see IRIS 1998-6: 7 and IRIS 2000-2: 7).

***"Ban prevents activists from placing radio ads", The Irish Times, 2 June 2001***

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