

### AN BILLE UM UDARAS CRAOLACHAIN (LEASU), 1975 BROADCASTING AUTHORITY (AMENDMENT) BILL, 1975

obacter interaction of the state

1 .--- In this Act---

Mar leasaíodh i gCoiste As amended in Committee

AN ACT TO AMEND THE BROADCASTING

ARRANGEMENT OF SECTIONS

Broadcasting Complaints Complation

CONNECTED WITH THE MOIS

1. Definitions.

2. Removal of member of Authority.

3. Impartiality.

4. Broadcasting Complaints Commission.

5. Advice to Authority.

(1B) The Authority a

6. Minister may direct Authority to rebroadcast specified programmes.

7. Authority to record every broadcast. I to recond a lo win

8. Assignment of additional functions to Authority.

9. Annual amounts to be paid to Authority by Minister.

11. Extension of borrowing powers of Authority.

12. Amendment of section 15 of Principal Act.

13. Amendment of section 16 of Principal Act.

14. Amendment of section 17 of Principal Act.

15. Amendment of sections 19 and 20 of Principal Act.

16. Amendment of section 28 of Principal Act. A and to visib

17. Amendment of section 31 of Principal Act.

18. Regulation of local programmes for distribution on cable systems.

19. Amendment of section 2 of Act of 1926.

20. Amendment of section 12A of Act of 1926.

21. Application of sections 7, 8, 10 and 12 of Act of 1926 in relation to certain apparatus.

22. Repeals. 10 lanua motivity

memory to section 16 of this Act is 35

30

23. Short title, construction and collective citation.

is presented by it in an objective and impartial manner.

and a Should it prove impracticable in a single programme to apply been paragraph (b) of this subsection, two or more related broadcasts yet may be considered as a whole provided that the broadcasts are and transmitted within a reasonable period. Removal of

Definitions.

1926, No. 45.

1960, No. 10.

member of Authority.

Impartiality.



## AN BILLE UM UDARAS CRAOLACHAIN (LEASU), 1975 BROADCASTING AUTHORITY (AMENDMENT) BILL, 1975



#### entitled

AN ACT TO AMEND THE BROADCASTING AUTHORITY 5 ACTS, 1960 TO 1974, TO AMEND THE WIRELESS TELEGRAPHY ACT, 1926, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE FORE-GOING.

#### BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 10

Impartiality.

Definitions. 1926, No. 45.

1.	-In	this	Act	t

"the Act of 1926" means the Wireless Telegraphy Act, 1926;

1960, No. 10.

"the Principal Act" means the Broadcasting Authority Act, 1960;

"rebroadcast" means the simultaneous broadcast by the Authority of a broadcast of another broadcasting organisation.

15

Assignment of additional functions to Authority. Annual amounts to be paid to Authority by Minist

2.—A member of the Authority may be removed by the Government from office for stated reasons, if, and only if, resolutions are passed by both Houses of the Oireachtas calling for his removal.

Impartiality.

Removal of member of Authority.

> 3.—The Principal Act is hereby amended by the substitution of the following subsections for section 18 (1): 20

12. Amendment of section 15 of Principal Act.

"(1) Subject to subsection (1A) of this section, it shall be the duty of the Authority to ensure that—

- (a) all news broadcast by it is reported and presented in an objective and impartial manner and without any expression of the Authority's own views,
- 25
- (b) the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the 30 Authority's own views,
  - (c) any matter, whether written, aural or visual, and which relates to news or current affairs, including matters which are either of public controversy or the subject of current public debate, which pursuant to section 16 of this Act is 35 published, distributed, sold or exchanged by the Authority is presented by it in an objective and impartial manner.

Should it prove impracticable in a single programme to apply paragraph (b) of this subsection, two or more related broadcasts may be considered as a whole; provided that the broadcasts are 40 transmitted within a reasonable period.

(1A) The Authority is hereby prohibited from including in any of its broadcasts or in any matter referred to in paragraph (c) of subsection (1) of this section anything which may reasonably be regarded as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

(1B) The Authority shall not, in its programmes and in the means employed to make such programmes, unreasonably intrude on the privacy of an individual.

(1C) The foregoing subsections of this section shall not apply to anything rebroadcast by the Authority pursuant to a direction given by the Minister under section 6 of the Broadcasting Authority (Amendment) Act, 1975.".

4.—The Principal Act is hereby amended by the insertion of the Broadcasting following sections after section 18:

) maintalk he disqualified from becoming or

Complaints Commission.

"18A.-(1) Not later than the 1st day of March, 15 fit, from time to 61 1976, there shall be established by the Government, on the request of the Minister, a body to be known as the Broadcasting Complaints Commis-02 on this Act referred to as the 20 has employed & Commission.

to incomo in puragraph (c) of the said

(2) The Commission shall consist of a Chairliste obvise oild man and not less than two other members who -108 bas another shall be appointed by the Government.

> (3) The Minister may out of moneys provided by the Oireachtas, with the consent of the Minister for Finance, in each financial year make a grant or grants to the Commission of such amount or amounts as he considers necessary to enable the Commission to perform its functions.

> (4) When appointing a member of the Commission, the Government shall fix his term of office which shall not exceed five years and, subject to subsections (8) and (9) of this section, he shall hold his office on such terms and conditions (other than terms or conditions relating to remuneration or the payment of allowances) as are determined by the Government at the time of his appointment.

(5) A member of the Commission may at any to ano drive violatime resign his office by letter addressed to the Government and the resignation shall take effect as on and from the date of receipt of the letter betreeni) to A sidt by the Government.

> (6) A member of the Commission whose term of office expires by the effusion of time shall be eligible for re-appointment.

s Act (inserted by (7) There shall be paid to members of the Commission such remuneration (if any) and allowances (if any) as the Minister, with the consent of the Minister for the Public Service, from time to time determines.

> (8) A member of the Commission may be removed from office by the Government for stated reasons, if, and only if, resolutions are passed by each House of the Oireachtas calling for his removal.

25

30

35

40

45

for

5

10

igate and decide

oadcasting news

ssary to enable it 25

her number as

the requirements the Broadcasting ent) Act, 1975),

fied, the Authority irements or were

uthority failed to 4

specified.

s an intrusion by

adcasting a pro-

adcasting Autho-Act. 1975) as de under the said

50

ary to section 18 serted by the said 55

ni paibuloui mort (9) Where a member of the Commission is (a) depression of nominated as a member of Seanad Éireann or for videncessor yand election to either House of the Oireachtas, he as to string of at shall, upon accepting such nomination, cease to 50 be a member of the Commission.

unceasonably intrude

brity pursuant to a direction b of the Broadcasting

by the insertion of the

Ist day of March,

msent of the Minifinancial year make a

ommission may at any

letter addressed to the

ommission whose term

and to members of the Comtion (if any) and allowances

er, with the consent of the

a Service from time to time

a (b) Commission diay be

the Government for stated

if, resolutions are passed by

Streachtitis calling ofor his

Authority's onso

the Govern-

a body to be plaints Commis-

and at both souther (10) (a) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming a member of 10 the Commission.

> (b) A member of the Authority or an officer or servant of the Authority shall be disqualified from becoming or being a member of the Commission. 15

(11) The quorum for a meeting of the Commission shall be two or such higher number as the Commission may, if it thinks fit, from time to time by resolution determine.

(12) Subject to the provisions of this Act, the 20 Commission shall regulate its procedure and 1.--- In this Act-business.

consist of a Chairon and the official o assign to the Commission such officers and servants as in his opinion are necessary to enable it 25 behiven avenue to perform its functions.

Functions of 18B.-(1) Subject to the provisions of this sec-Commission. tion, the Commission may investigate and decide any of the following complaints-

(a) a complaint that in broadcasting news 30 given by it and specified in the comgiven by it and specified in the comnot exceed five years and, plaint, the Authority did not comply ts (8) and (9) of this section. with one or more of the requirements lice on such tarms and conof section 18 (1) of this Act (inserted by section 3 of the Broadcasting 35 terms or conditions relating the payment of allowances) Authority (Amendment) Act, 1975), othe Government at the time

(b) a complaint that in broadcasting a programme so specified, the Authority either did not comply with one or more of the said requirements or were 40 in breach of the prohibition contained date playeosipi of the letter in section 18 (1A) of this Act (inserted by the said section 3),

od linds sentitive main (c) a complaint that by broadcasting matter so specified, the Authority failed to 45 comply with the requirements of section 31 (1) of this Act (inserted by section 17 of the Broadcasting Authority (Amendment) Act, 1975) as regards an order made under the said 50 section 31 (1) and so specified,

> complaint that on an occasion so specified, there was an intrusion by the Authority contrary to section 18 (1C) of this Act (inserted by the said 55 section 3),

PACE the Commission inisions and for (f) a complaint that the Authority failed a assistement (in writing of 01

un traisRarros

5

15

20

25

30

35

40

nmission.decide on a com-

is accepted by the

W unitted and W. Manufacturer 45

(e) a complaint that an advertisement so specified contravened a code drawn up specified contravened a code drawn up -sist of brolls lister nois by the Authority governing standards and practice in broadcast advertising insystem of the state of prohibiting either certain methods of advertising in broadcasting or the broadcast in particular circumstances of advertising,

to comply with the requirements of subsection (1) or subsection (1A) of section 18 of this Act (inserted by the said section 3) in relation to a matter so specified which is a matter menmod and noisiosh risk and tioned in paragraph (c) of the said subsection (1).

(2) A complaint described in subsection (1) of ton ai od in may be made to the Commission by right to gaining any person in writing but, if the complaint is a complaint other than one described in paragraph (f) of the said subsection (1), it shall only be considered by the Commission if the following pro-visions are complied with, namely;

machini regioner and (a) prior to its being made to the Commission, the complaint is made to the writing whether or not the Authority in writing and is received by the Authority not more than thirty days after-

- (i) in case the complaint relates to one broadcast or to two or more unrelated broadcasts, if it relates to one broadcast, the date of the broadcast, or if it relates to two or more such broadcasts, the date of the earlier or earliest, as the case may be, of those broadcasts, phase shall not act as a mambar of the
- (ii) in case the complaint relates to two or more related broadcasts of which at least two are made on animityne of whom you linds main different dates, the later or latest -conib a of interesting winodayA and of those dates,

(b) the complaint is received by the Commission not sooner than thirty days after the day on which it is sent by the adeidw to awarded is a deader complainant to the Authority and is so received not later than-Commission, is frivolous or

(i) in case within the period of thirty days beginning on the day on which the complaint is so sent by no has not refler and on him, the complainant receives from the Authority a statement in writing of its decision on the complaint, thirty days after the receipt by him of the statement, and

(ii) in any other case, sixty days after the day on which the complaint is sent by the complainant to the Authority.

(3) When the Commission proposes to investigate a complaint made under this section, the Commission shall afford to the Authority an opportunity to comment on the complaint.

trader section 6 of the 40

45

50

55

adt to guitzesbeo advertisement.

Authority failed requirements of bsection (1A) of t (inserted by the elation to a matter is a matter men-(c) of the said

subsection (1) of : Commission by e complaint is a bed in paragraph hall only be conthe following pro-

to the Commisis made to the more than thirty

two or more unts, if it relates to the date of the it relates to two c carliest, as the I those broadcasts.

plaint relates to ated broadcasts of vo are made on s, the later or latest

ed by the Comthan thirty days Authority and is

ou the day on

Reports of a lais Commission.

ty a statement in sion on the coms after the receipt tement, and

this section, the he Authority an

os inemesitavha (4) When the Commission proposes to consider gu must show a La complaint described in subsection (1) (e) of this abashaste gainney section, the Commission shall afford to the releprizitrovbe tasobe vant advertiser an opportunity of making to the abodism minimum Commission submissions in relation to the relevant 5

> (5) As soon as may be after they decide on a complaint made under this Act, the Commission shall send to the person making the complaint and to the Authority a statement in writing of 10 their decision on the complaint.

> (6) In case the Commission decide on a complaint described in subsection (I) (e) of this section, as soon as may be after their decision, the Commission shall, (in addition to complying with the 15 requirement of subsection (5) of this section) send to the person with whom the Authority agreed to broadcast the relevant advertisement (if he is not the complainant) a statement in writing of their decision. 20

> (7) When the Authority receives a statement of a decision from the Commission pursuant to subsection (5) of this section, the Authority shall, not later than fourteen days after its receipt, inform the Commission in writing whether or not the 25 Commission's decision is accepted by the Authority.

one of setalet misler(8) The consideration by the Commission of a complaint or request made to it under this Act shall be carried out by the Commission in private. 30

> (9) As regards proceedings under this section, the Commission shall not have any power to award to any party costs or expenses.

(10) A person shall not act as a member of the Commission in relation to any matter with respect 35 to which he has a material financial or other beneficial interest.

(11) This section shall not apply to anything rebroadcast by the Authority pursuant to a direction given by the Minister under section 6 of the 40 Broadcasting Authority (Amendment) Act, 1975.

and yet these as is doind (12) Subsection (1) of this section shall not apply to a complaint which is withdrawn or which, in the opinion of the Commission, is frivolous or strict in period of thirty.

45

35

18C.-(1) As soon as may be after the end of each year, the Commission shall make to the Minister a report of its activities during that year and, subject to subsection (2) of this section, the report shall contain such statements (if any) as the 50 Commission thinks fit giving particulars of decisions made by it pursuant to this Act, and copies a trislamoo and d of the report shall, as soon as may be, be laid of the Oireachtas.

> (2) In case the Authority pursuant to section 55 18B (7) of this Act informs the Commission that it does not accept a decision of the Commission, the Commission's report for the year in which the Commission was so informed shall contain a statement giving particulars of the decision.". 60

5.—Section 21 of the Principal Act is hereby amended by the sub- Advice to stitution of the following subsections for subsections (1), (2) and (3):

Authority.

"(1) For the purpose of enabling the Authority to have advice in performing its functions, the Authority may, with the consent of the Minister, from time to time appoint advisory committees or advisers.

5

10

- (2) (a) A committee under this section shall consist of so many members (not being less than three) as the Authority considers proper.
- (b) A member of a committee under this section shall, unless he previously dies or resigns, retain his membership for the period determined by the Authority this section, a when appointing him and no longer, but shall be Oireachtas and, eligible for re-appointment. by either such
- 15 and it doud (c) A committee under this section shall meet whenever shart of issummoned by the Authority has a starb off rafter the
- (3) (a) An adviser under this section shall, unless he previously dies or resigns, continue as adviser for the period conserved to determined by the Authority when appointing him 20 and no longer, but shall be eligible for re-appoint-, pay to .tnem.uthority out of
  - (b) An adviser under this section shall advise the Authority whenever requested by the Authority.".
- 6.-(1) The Minister may, after consultation with the Authority, Minister 25 direct the Authority to rebroadcast in its entirety a service of programmes specified in the direction and broadcast from any source other than the Authority and so specified.

(2) Every direction made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after 30 it is made and, if a resolution annulling the direction is passed by either such House within the next twenty-one days on which that House has sat after the direction is laid before it, the direction shall be annulled accordingly but without prejudice to its validity prior to the annullment. tion 4 of this Act), and

(3) The Authority shall comply with a direction under this section unless it has been annulled by a resolution under the preceding subsection.

by him in that year in relation to the collection of

7.-(1) It shall be the duty of the Authority, by means of its own Authority to facilities and in a manner approved of for the purposes of this section by the Commission, to record for those purposes every 40 broadcast made by the Authority (other than broadcasts made pursuant to section 6 of this Act); provided that as regards a television broadcast the Authority shall be regarded as complying with the requirements of this section if it records in sound only the broadcast.

- (2) Recordings made in compliance with subsection (1) of this 45 section shall be retained by the Authority for at least sixty days or for such other period as shall be agreed by the Authority and the 21 Commission, and when a complaint is being investigated by the Commission, the recording of the broadcast to which the complaint relates, 50 together with the recording, made and being retained pursuant to this section, of any other broadcast which in the opinion of the Commission is relevant to that broadcast, shall be supplied by the Authority to the Commission on a request made by the Commission at any time during such period.
- 55 (3) The making of a recording in compliance with subsection (1) of this section shall not be a contravention of section 2 (1) or section 3 (1) of the Performers' Protection Act, 1968, or an infringement of 1968, No. 19. copyright, and nothing contained in the Copyright Act, 1963, shall be 1963, No. 10. construed as prohibiting or restricting the making of such a recording.

may direct Authority to rebroadcast specified programmes.

record every broadcast.

Assignment of additional functions to Authority. 1966, No. 7.

8.-(1) The Minister may, with the consent of the Minister for Finance and the Minister for the Public Service, by order assign to the Authority such functions (in addition to the functions conferred on it by section 16 of the Principal Act, as amended by section 5 of the Broadcasting Authority (Amendment) Act, 1966, and by section 5 13 of this Act) as the Minister thinks proper and specifies in the order, and any such order may contain such ancillary provisions as the Minister thinks necessary or expedient for giving full effect to the order. A onit as (boaddat

(2) The Minister may by order amend or revoke an order under 10 this section (including an order under this subsection).

(3) When an order is proposed to be made under this section, a draft thereof shall be laid before both Houses of the Oireachtas and, if a resolution disapproving of the draft is passed by either such House within the next subsequent twenty-one days on which it has 15 sat after the draft is laid before it, the order shall not be made.

Annual amounts to be paid to Authority by Minister.

may direct

Authority to rebroadcast

9.—The Minister, with the approval of the Minister for Finance, may in respect of each financial year after the financial year ending on the 31st day of December, 1975, pay to the Authority out of moneys provided by the Oireachtas-20

(a) an amount equal to the total of the receipts in that year in respect of broadcasting licence fees less-

(i) any expenses certified by the Minister as having been incurred by him in that year in relation to the -ong to solves collection of those fees, 25

(ii) any expenses certified by the Minister as having been incurred by him in that year in respect of the perflads notices an formance of his functions under sections 12 or 12A tofla of yam as of the Act of 1926 in relation to interfering with or yd bezzed ai no injuriously affecting wireless telegraphy apparatus 30

and dointw no for receiving only, and linds note (iii) the amount of a grant or grants made by the Minister under section 18A of the Principal Act (inserted by section 4 of this Act), and

(b) an amount equal to the total of the receipts in that year in 35 respect of wired broadcast relay licence fees less any expenses certified by the Minister as having been incurred by him in that year in relation to the collection of those fees.

0b an-h(l) thankl to should by the Authority, by means of its own ourposes of this

Increase of limit on repayable advances.

Extension of borrowing powers of Authority.

10.—The following is hereby substituted for paragraph (b) of 40 section 23 (2) of the Principal Act:

"(b) shall not exceed fifteen million pounds in the aggregate,".

11.-Subsection (1) of section 27 of the Principal Act is hereby amended by the insertion after "money" of "(including money in a currency other than the currency of the State)", and the said sub- 45 section (1) as so amended is set out in the Table to this section.

(2) Recordings made in compliance with subsection (1) of this

#### this-sections of any princip broas least which in the opinion of the on is relovant to BIGAT acast shall be supplied by the

27.-(1) The Authority may, with the consent of the Minister for Finance and the Minister, borrow money (including money in a currency other than the currency of the State) by means of 50 the creation of stock or other forms of security to be issued, et of see to transferred, dealt with and redeemed in such manner and on of or the such terms and conditions as the Authority with the consents construed as prohibiting or restricting () anitointer to anitididorg as bourtanoo

12.-The Principal Act is hereby amended by the insertion in Amendment of section 15 of the following subsection after subsection (6):

"(6A) (a) In applying paragraph (c) of section 2 of the Perpetual Funds (Registration) Act, 1933, to a scheme 1933, No. 22. under this section, that paragraph shall be construed as if 'other than subparagraphs (b) and (c) of paragraph 6' were added thereto.

(b) Section 7 (3) of the Perpetual Funds (Registration) Act, 1933, shall in relation to a trustee of a scheme under this section be construed as if 'other than subparagraphs (b) and (c) of paragraph 6' were inserted after 'the Schedule to this Act' in paranended by the (a). advertisements

and of 100 (c) Section 12 (2) of the Perpetual Funds (Registration) Act, 1933, shall in relation to a trustee of a scheme under this section be construed and have effect as if 'other than subparagraphs (b) and (c) of paragraph to nothilizing 6' were inserted after ' the Schedule to this Act '.'

13.—The following is hereby substituted for paragraph (b) of Amendment of 20 section 16 (2) of the Principal Act:

28.44(1). The Authority may, with the consent of In the Minister, borrow temporarily by arrangement 01

(b) to rebroadcast a programme to which a direction given by mi am the Minister under section 6 of the Broadcasting Autho-State shall 25 rity (Amendment) Act, 1975, applies; inister for

(bb) subject to any regulations under the Wireless Telegraphy 25 off 30 most Act, 1926, which are for the time being in force, to provide of it noving for the distribution by means of wired broadcast relay Innoises stations of programmes broadcast by the Authority and and musuch other programmes as the Authority may decide;".

n the currency of the State) as it may require for the purpose mentioned in section 27

r matter or a matter

le by the Minister or by

an order under the said

30

r be less than

so fixed to be

5

10

15

14.—The Principal Act is hereby amended by the substitution of Amendment of 30 the following section for section 17: and a toA legiona 9 and

section 17 of Principal Act. incipal Act

"General duty 17.-In performing its functions the Authority of Authority. shall in its programming-

stomore of yield of (a) be responsive to the interests and con-04 and animabhu of best bluow a cerns of the whole community, be 35 and the need for understanding te, he may by order direct the 35 to balance within the whole island from broadcasting the matter off bas seels minuting of Ireland, ensure that the programmes . robio add driw vigo reflect the varied elements which make up the culture of the people of the whole island of Ireland, and have special regard for the elements which under subsection (1) of this 1 in force for such period not 04 nonths as is specified in the distinguish that culture and in particuod for which the order is to lar for the Irish language, asy be extended or further

and to assert (b) uphold the democratic values enshrined in the Constitution, and for its extension; provided

vd bebnette extended by (c) have regard to the need for the formation 25 IIsda noisoedus and understanding of public awareness and understanding entrom eview to of the values and traditions of countries other than the State, including in particular those of such countries ed to sauoH does anoted bial which are members of the European 

made by the Minister under 07

50

45

section 15 of Principal Act.

Amendment of

Principal

ection 16 of

Principal Act.

Amendment of sections 19 and 20 of Principal Act.

1933, No. 22.

15.-(1) The Principal Act is hereby amended by the substitution of the following section for section 19:

" Approval of total time per year for broadcasting.

sister of a schome.

19.—The total number of hours per year of broadcasting by the Authority in providing-

5

15

(a) its television service,

(b) its sound broadcasting service.

shall neither exceed a maximum nor be less than (noise the Authority, with the approval of the Minister, for that service.".

(2) Section 20 of the Principal Act is hereby amended by the 10 substitution of the following subsection for subsection (3):

"(3) The total daily times for broadcasting advertisements fixed by the Authority and the maximum period so fixed to be given to advertisements in any hour shall be subject to the approval of the Minister.". and Hada . EEPI . to

16.-The Principal Act is hereby amended by the substitution of the following for section 28:

" Temporary borrowing.

10 (d) dat

direction given by

celess Telegraphy

Inproadcast relay

be Authority and

substitution of

nterests and con-

community, be

e whole island of

he elements which.

and in particu-

section (1) as .#280

28.-(1) The Authority may, with the consent of the Minister, borrow temporarily by arrangement with bankers such sums (including sums in cur- 20 rency other than the currency of the State) as it may require for the purpose of providing for current expenditure; provided that borrowing by the Authority under this subsection of sums in currency other than the currency of the State shall 25 also require the consent of the Minister for Finance.

a inforce, to provide (2) The Authority may, with the consent of the Minister, which consent shall only be given if he is satisfied that the circumstances are exceptional, 30 "shipsb yarn y borrow temporarily by arrangement with bankers such sums (in the currency of the State) as it may require for the purpose mentioned in section 27 (2) of this Act.".

The Principal Act is h

Amendment of section 31 of Principal Act.

17.-The Principal Act is hereby amended by the substitution of 35 the following subsections for subsection (1) of section 31: Authority

"(1) Where the Minister is of the opinion that the broadcasting of a particular matter or a matter of a particular class would be likely to promote, or incite to, crime or would tend to undermine the 40 authority of the State, he may by order direct the Authority to refrain from broadcasting the matter seminary of any matter of the particular class, and the same doing a subscription of the particular class, and the same doing with the order.

> (1A) An order under subsection (1) of this section shall remain in force for such period not exceeding twelve months as is specified in the order and the period for which the order is to remain in force may be extended or further extended by an order made by the Minister or by 50 a resolution passed by both Houses of the Oireachtas providing for its extension; provided that the period for which an order under the said subsection (1) is extended or further extended by an order or resolution under this subsection shall 55 not exceed a period of twelve months.

(1B) Every order made by the Minister under of this section shall be laid before each House of the Oireachtas as soon as may be after it is made and,

Amendment of of Principal

Amendment of section 16 of Principal Act.

section 28

Act.

o values enshrined

the people of the colande and have

of the European

if a resolution annulling the order is passed by either such House within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to its validity prior to the annullment.".

Amendment of section 2 of Act of 1926.

section 12A

18.—The Act of 1926 is hereby amended by the insertion of the Regulation following section after section 3:

natiated electro-magnetic waves" of

19 .--- Section 2 of the Act of 1926 is hereby amended by--

of local programmes for distribution on cable systems.

bas ." vigergelot zee" 3A.-(1) The Minister may by order fix a day to be the appointed day for the purposes of this section, and the day so fixed is in this section subsequently referred to as the appointed day.

violange of the appointed day a person shall not provide or distribute, otherwise than pursuant to and in accordance with a licence granted by the Minister under this section, for ultimate reception, through the agency of electric, magnetic, electro-magnetic, electrochemical or electro-mechanical energy, on,

- to a paratus for wireless telegraphy for receiving only sound and visual images, or
  - (b) apparatus for wireless telegraphy for receiving only sound,

of brad he expres

baimeltave available

#### any local programme matter.

(3) A person who provides or distributes local programme matter contrary to subsection (2) of this section shall be guilty of an offence.

tructed for the pur (4) Where local programme matter is distributed or provided contrary to subsection (2) of this section, the person who directed or produced, or who was in overall control or otherwise in charge of, the local programme matter shall be guilty of an offence.

(5) A person who is guilty of an offence under this section shall be liable on summary convic-(1) noitosedue to tion to a fine not exceeding one hundred pounds.

#### The section for any or

'local programme matter' means any probeilgmoo ed of al gramme matter whichratifs to which this

beeu so of en annex (a) serves either by means of visual images with or without sounds, or only by requirements to be complied means of sounds to inform persons of anything or to educate or entertain my apparatus to which this them, and

(b) is conveyed by wire from or through a station to service points, and

24 associated to serve and (c) is not transmitted, relayed or distributed -raque dous strong in to sold solely by wireless telegraphy;

'service points' means points in a premises or boilgmoo of of e part of a premises which are connected by wire and to which programme matter is sol blozed of a conveyed by the wire for reception on wireless self to a doided telegraphy apparatus in the possession of the ont yd noitobe aldoccupier of the premises or part;

11

20

5

10

15

any apparatus

by wireless teleg-

s being wireless

ms and includes

en words, music,

-magnetic energy

sounds, signs, or

dvertised for letting on

25

35

40

45

50

50

55

vd bezzeg a station' means any apparatus (including wireevaluation of the state of the bial ai robro ant to gramme matter to service points.".

Amendment of section 2 of Act of 1926

> Regulation of local programmes for distribution on

19.-Section 2 of the Act of 1926 is hereby amended by-

before it, the order shall be annulled accordingly but without prejudice to its validity prior to the

(a) the substitution for "radiated electro-magnetic waves" of 5 "emission, over paths which are not provided by any material substance constructed or arranged for that purpose, of electric, magnetic or electro-magnetic a with rebrienergy " in the definition of " wireless telegraphy ", and

10 83 (b) by the addition of the following to the section:

10

21

20

25

5

"For the purposes of this Act, any apparatus which-

accord a vab (a) is electrically coupled to wireless telegraphy shall not provbne , subaraque te, otherwise than

(b) is used in receiving and conveying messages, 15 sounds or visual images sent by wireless telegwith a licence ottoologing many, shall be regarded as being wireless telegraphy apparatus.", 20

29gami, provided that

and the definition of "wireless telegraphy", as so amended, is set out in the Table to this section.

#### amua lo noliceadua (aviapparatus) for wireless telegraphy for bruce vino TABLE

The expression "wireless telegraphy" means and includes any system of communicating messages, spoken words, music, images, pictures, prints, or other communications, sounds, signs, or signals by means of emission, over paths which are not pro-25 vided by any material substance constructed or arranged for that purpose, of electric, magnetic or electro-magnetic energy originating in an apparatus or device constructed for the purpose of originating such communications, sounds, signs, or this section, the person who directed orslangis ced. 30

35

Amendment of section 12A of Act of 1926.

20.-Section 12A of the Act of 1926 (inserted by section 34 (f) of the Act of 1960) is hereby amended by-

or who was in overall control or otherwise in charge of, the local programme matter shall be

(a) the substitution of the following subsection for subsection (1):

"(1) The Minister may make regulations for any or all of the following purposes :

35

(a) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be used; aunds, or only by

to anoanog muo (b) for prescribing the requirements to be complied nichter of electric with in the case of any apparatus to which this 40 section applies if the apparatus is to be sold otherwise than for export, or offered or advers deponds to more tised for sale otherwise than for export, or let on hire or offered or advertised for letting on baludintaib to bey hire by any person who in the course of business 45 tyrigeneois manufactures, assembles or imports such appar-50

atus; in a premises or

ception on wireless

only yo better (c) for prescribing the requirements to be complied a notisen some sign with in the case of any apparatus to which this section applies if the apparatus is to be sold for 50 out to a country or territory which is for the 55 time being declared under this section by the

ad your as yood Minister to be a country or territory to which animation of this paragraph applies or offered or advertised for such sale, by any person mentioned in odd robau it of paragraph (b) of this subsection.";

#### (b) the substitution of the following for subsection (9):

"(9) Whenever the Minister is of the opinion that any apparatus does not comply with the requirements applicable to it under regulations under this section for the purposes specified in paragraphs (b) or (c) of subsection (1) of this section-

(a) in case the Minister is of the opinion that the apparatus does not comply with the requirements applicable to it under regulations so yam of dointw) to made for the purposes specified in the said (reproduction and paragraph (b), he may serve on or send by believer ybod rediscred post to any person who has manuand doited apparatus in the and to (3) notice course of business a notice prohibiting the perand and so a son, as from the expiration of a period (not or yood and being less than seven days) specified in the (9) non-sedure bas notice, from selling the apparatus, otherwise than for export, or offering or advertising it for sonorslor a hobition such sale, or letting it on hire or advertising it as bolliooq or abo for letting on hire,

(b) in case the Minister is of the opinion that the apparatus does not comply with the requirements applicable to it under regulations so duz to (5) depress made for the purposes specified in the said paragraph (c), he may serve on or so send to any person who has manufactured or exported the apparatus in the course of business a notice prohibiting the person, as from the expiration of a period (not being less than seven days) specified in the notice, from selling the apparatus for export to the countries or territories specified in the relevant regulations under this section, or offering or advertising it for such sale, or has not in his (a) whether he does a

Application of octions 7, 8, 0 and 12 of

of 1926 in

and in any such case requiring the person within such (b) if he keeps or has in h-, bilices os specified, - d hi and no separatus, the

(i) to make the apparatus available for inspection by an officer of the Minister and authorised by him, or in case an order made under subsection (14) of this section of the Act of 1926 on grant a search warrant is for the time being in force, an officer dance with that section or servant of the Authority or any other but enteredge bolding body specified in the order and authorised off lo (1) noticeadure by the Authority or the other body, as ireless telegraphy shall may be appropriate, to make the inspection,

(ii) if requested by such officer or servant to transport, at the expense of the person, to on to regulated apparaa place specified by the officer or servant (a) doorsarrag vd beilgg a sample or samples (which such officer autanage dous of notion servant is hereby empowered to select) -due ni bellioege second of the apparatus, or of any part of the ibom and ot topidus bnapparatus specified by such officer or and digenerated and to servant, for testing pursuant to subsection to autraseque of noilo (9A) of this section. ill be construed as a reference to

(9A) Where apparatus or any other thing is transported pursuant to a request made under subsection of yiggs lise (9) of this section, the apparatus or other thing may be -only tol subjected by the person by whom the request was issing over made or by any other officer or servant of the Mini-

25

if each of the

means Radio

20

5

10

15

30

35

40

45

50

55

nce to regulated

ster, the Authority or the other body, as may be appropriate, to tests for the purpose of ascertaining ni bonoine whether or not the apparatus or other thing complies with the requirements applicable to it under the relevant regulations under this section.";

(c) the substitution of the following paragraph for paragraph tadt noini (b) of subsection (10):

"(b) after the expiration of the period specified in the notice, such person contravenes the pro-visions, or fails to comply with the require- 10 ments, of the notice,"; and

5

35

(d) the insertion of the following subsections after subsection oz anoits (13):

"(14) The Minister may by order (which he may d bree to at any time revoke or amend by a further order) 15 unsar and on declare that the Authority or any other body specified and an anter in the order shall have all the powers which the and anisid Minister may exercise under subsection (9) of this section and, whenever such an order is for the time a period (not and a hading being in force, the Authority or the other body so 20 seivenents of specified shall have those powers and subsection (9) to the section shall have effect as if each of the it antisimoubs preferences therein to the Minister included a reference to the Authority or to the other body so specified, as may be appropriate. 25 inion that the (b) in case the

(15) The Minister may by regulations declare any os another country or territory specified in the regulations to be a country or territory to which paragraph (c) of subof base section (1) of this section applies. dian exported

(16) In this section 'the Authority' means Radio 30 Telefís Éireann.".

21.-(1) A person may be required under section 7 of the Act of 1926 to state in a declaration-

(a) whether he does or does not keep or has or has not in his dous middle possession regulated apparatus, and in any

(b) if he keeps or has in his possession any such apparatus, the nature of such apparatus and the place at which he keeps or has the same. ister and

(2) (a) The powers conferred by section 8 of the Act of 1926 on a Justice of the District Court to grant a search warrant 40 shall also be exercisable in accordance with that section by such Justice in relation to regulated apparatus and, accordingly, the first reference in subsection (1) of the said section 8 to apparatus for wireless telegraphy shall be construed as including a reference to regulated 45 of insvice apparatus.

(b) Any search warrant granted in relation to regulated apparareaction do tus under the said section 8, as applied by paragraph (a) of this subsection, shall, in relation to such apparatus, and to make expressed and operate in the manner specified in sub-50 to reaction (1) of that section with and subject to the modification that, for the purposes of this paragraph, the second reference in that subsection to apparatus for wireless telegraphy shall be construed as a reference to 55 regulated apparatus.

(3) Subsection (2) of section 10 of the Act of 1926 shall apply to regulated apparatus in the manner it applies to apparatus for wireless telegraphy, and, accordingly, that subsection shall have effect

Application of sections 7, 8, 10 and 12 of Act of 1926 in relation to certain apparatus.

(seven davs)

as if ", of regulated apparatus within the meaning of section 21 of the Broadcasting Authority (Amendment) Act, 1975" were inserted after "electro-magnetic radiation".

(4) Section 12 of the Act of 1926 shall apply to regulated appara-5 tus in the manner in which it applies to apparatus for wireless telegraphy, and, accordingly, the first reference in subsection (1) of the said section 12 and every reference in subsections (2), (3) and (4) of that section to apparatus for wireless telegraphy shall be construed as including a reference to regulated apparatus.

10 (5) In this section "regulated apparatus" means apparatus which is used in the provision or distribution in the manner described in subsection (2) of section 3A of the Act of 1926 (inserted by section 18 of this Act) of local programme matter within the meaning of the said section 3A.

22.-The following provisions of the Act of 1960 are hereby Repeals. 15 repealed :

(a) section 6,

other matters connected with the foregoing.

(b) in paragraph (j) of section 16 (2) the words "subject to the consent of the Minister,", and

(mar a leasaíodh i sCoiste)

dhéanamh socrú i dtaobh nithe cile a bhain-

cann leis na mithe téamhraite to

(c) in paragraph (m) of section 16 (2) (inserted by section 5 of words "subject to the consent of the Minister,". ot, 1926, and to provide for

> 23.-(1) This Act may be cited as the Broadcasting Authority Short title, (Amendment) Act, 1975.

construction and collective

aniggill 0 25 (2) The Broadcasting Authority Acts, 1960 to 1974, and this citation. Act shall be construed together as one Act and may be cited together as the Broadcasting Authority Acts, 1960 to 1975.

Ordaíodh ag Seanad Éireann a chlóbhualadh. 11 Meitheamh, 1973 A thatairt a vi Ordered hy Seanad Éireann to be printed.

Providence of ductal generation for distribution on each

15

ARNA FHOILSTO AG OFFIG AN MOLATHAIR. PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or direct from the Government Publications Sale Office, G.P.O. Areade, Dublin

Printed by CAHUL & Co., LTD.

150

1946, 5b of 1975)

150 WL--. 111810/F/6. 100. 6/75. C.&Co. (7045). G.16.

Cló-bhuailte ag CAHILL & COL, ETD.

Le ceannach direach da Oifig Dioite Foilesachta Rialtais An Steann, Ard-Oifig an Phoist, Baile Átha Cliath, nó trí aca dioitéir leabhar.

BAILE ATHA CLIARESHID OVIDISTICS

#### AN BILLE UM UDARAS CRAOLACHAIN (LEASU), 1975

#### BROADCASTING AUTHORITY (AMEND-MENT) BILL, 1975

(4) Section 12 of the Act of 1826 shall apply to regulated appara-5 tus in the manner in which it applies to apparatus for wireless telegraphy, and, accordingly, the first reference in subsections(i) (of the said section 12 and every reference in subsections (2), (3) and (4) of that section to apparatus for wireless telegraphy shall be construed as including a reference to regularid apparatus.

(5) fin this section, regulated apparatus, means apparatus which is used in the provision or distribution in the manner described in 01 subsection (2) of section 3.4 of the Act of 1926 (inserted by section 18 of this Act) of local programme matter within the meaning of the said section 3A, which was retained and (41) "

heiBroadcasting Authority Acts, 1960 to 1975.

21.-(1) A person may be rong red under section 7 of the Act

(a) whether he does or does not keep or has or has not in his

(2) (a) The powers conferred by section 8 of the Act of 1525 on

(b) Any search warrant granted in relation to regulated appare-

15

a Justice of the District Court to grant a starch warrant 40 than also be exercisable in accordance with that section by such Justice in relation to regulated apparatus and

accordingly, the first atletence in subsection (1) of the said section 8 to appendue for wireless telegraphy shall be construed as including a reference to regulated 45

at any time revolution are smead by a further order) is

ver such an ord

bority or any other body specified

23.-(1) This Act may be en th Act, 1975.

# LLL Ballowing provisions of the Act of BULTLAND Repeats

(mar a leasaíodh i gCoiste)

Acht do leasú na nAchtanna um Údarás Craolacháin, 1960 go 1974, do leasú an Achta Radio-Thelegrafaíochta, 1926, agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

ed as the Broadcasting Authority Short title,

An Seanadóir Micheál Ó hUiginn a thug isteach is one Act and may be cited to-

(as amended in Committee) a leasaioun r georae) a dá ngairtear abrow add (C) al poitese to (i) aquangane entitled bas pairie and to mean of the mean of

> An Act to amend the Broadcasting Authority Acts, 1960 to 1974, to amend the Wireless Telegraphy Act, 1926, and to provide for other matters connected with the foregoing.

Introduced by Senator Michael J. O'Higgins be construed together

Ordaiodh ag Seanad Éireann a chlóbhualadh, 11 Meitheamh, 1975

Ordered by Seanad Éireann to be printed, mh, 1975 11th June, 1975

BAILE ATHA CLIATH : ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais An Stuars, Árd-Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

Cló-bhuailte ag CAHILL & CO., LTD.

15p

Wt.-.. 111810/F/6. 100. 6/75. C.&Co. (7045). G.16.

DUBLIN : PUBLISHED BY THE STATIONERY OFFICE.

a 8, as applied by paragraph (a)

To be purchased through any bookseller, or direct from the Government Publications Sale Office, G.P.O. Arcade, Dublin

Printed by CAHILL & Co., LTD.

at subsoction shall hal5p effect