



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

*Mar a ritheadh ag Seanad Éireann
As passed by Seanad Éireann*

ARRANGEMENT OF SECTIONS

Section

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18. Regulation of local programmes for distribution on cable systems.
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Broadcasting
Complaints
Commission

Definitions

1926, No. 42.

1960, No. 10.

Removal of
member of
Authority.

Impartiality



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

BILL

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

Definitions.

1.—In this Act—

1926, No. 45.

“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

Removal of member of Authority.

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.

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

“(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 Authority’s own views, 30

(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 published, distributed or sold by the Authority is presented by it in an objective and impartial manner. 35

Paragraph (b) of this subsection, in so far as it requires the Authority not to express its own views, shall not apply to any broadcast in so far as the broadcast relates to any proposal, 40 being a proposal concerning policy as regards broadcasting, which is of public controversy or the subject of current public debate and which is being considered by the Government or the Minister.

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 transmitted within a reasonable period.

5 (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.

10 (1B) The Authority shall not, in its programmes and in the means employed to make such programmes, unreasonably encroach 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 following sections after section 18 :

Broadcasting
Complaints
Commission.

20 " 18A.—(1) Not later than the 1st day of March, 1976, there shall be established by the Government, on the request of the Minister, a body to be known as the Broadcasting Complaints Commission and which is in this Act referred to as the Commission.

25 (2) The Commission shall consist of a Chairman and not less than two other members who shall be appointed by the Government.

30 (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.

35 (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.

40 (5) A member of the Commission may at any time 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 by the Government.

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

50 (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.

55 (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.

60 (9) Where a member of the Commission is nominated as a member of Seanad Éireann or for

election to either House of the Oireachtas, he shall, upon accepting such nomination, cease to be a member of the Commission.

(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 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.

(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 Commission shall regulate its procedure and business.

(13) The Minister for the Public Service shall assign to the Commission such officers and servants as in his opinion are necessary to enable it to perform its functions.

18B.—(1) Subject to the provisions of this section, the Commission may investigate and decide any of the following complaints—

(a) a complaint that in broadcasting news given by it and specified in the complaint, the Authority did not comply with one or more of the requirements of section 18 (1) of this Act (inserted by section 3 of the *Broadcasting Authority (Amendment) Act, 1975*),

(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 in breach of the prohibition contained in section 18 (1A) of this Act (inserted by the said section 3),

(c) a complaint that by broadcasting matter so specified, the Authority failed to 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 section 31 (1) and so specified,

(d) a complaint that on an occasion so specified, there was an encroachment by the Authority contrary to section 18 (1B) of this Act (inserted by the said section 3),

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

(f) a complaint that the Authority failed 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 mentioned in paragraph (c) of the said subsection (1).

(2) A complaint described in subsection (1) of this section may be made to the Commission by 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 provisions are complied with, namely;

(a) prior to its being made to the Commission, the complaint is made to 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, and

(ii) in case the complaint relates to two or more related broadcasts of which at least two are made on different dates, the later or latest 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 complainant to the Authority and is so received not later than—

(i) in case within the period of thirty days beginning on the day on which the complaint is so sent by 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) (a) Subject to subsection (2) of this section, the Commission may, after consultation with the Authority, make rules of procedure as regards complaints described in paragraph (f) of subsection (1) of this section.

(b) Where the Commission makes rules under this section, the Commission shall give public notice of the making of the rules in such manner as the Minister shall approve and the Commission shall make a copy of such rules available to any person on request.

(4) 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.

(5) Where a complaint is made to the Commission and a person employed by the Authority requests, for reasons specified by him, the Commission to afford him an opportunity to comment on the complaint, if, having considered the reasons so specified, the Commission is satisfied that an interest of the person, being an interest which the Commission considers relevant to the person's employment by the Authority, may, because of the complaint, be adversely affected, the Commission shall afford to the person such an opportunity.

(6) When the Commission proposes to consider a complaint described in *subsection (1) (e)* of this section, the Commission shall afford to the relevant advertiser an opportunity of making to the Commission submissions in relation to the relevant advertisement.

(7) 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 their decision on the complaint.

(8) In case the Commission decide on a complaint described in *subsection (1) (e)* of this section, as soon as may be after their decision, the Commission shall, (in addition to complying with the requirement of *subsection (7)* 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.

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

(10) The consideration by the Commission of a complaint made to it under this Act shall be carried out by the Commission in private.

(11) Unless it considers it inappropriate, the Commission shall, as soon as may be, publish particulars of its decision on a complaint in such manner as it considers suitable and where it considers that the publication should be by the Authority, or should include publication by the Authority, the particulars shall be published by the Authority in such manner as shall be agreed between the Commission and the Authority.

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

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

(14) 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*.

(15) *Subsection (1)* of this section shall not apply to a complaint which, in the opinion of the Commission, is frivolous or vexatious, nor, unless

the Commission considers that there are special reasons for investigating the complaint (which reasons shall be stated by the Commission when giving its decision), shall that subsection apply to a complaint which is withdrawn.

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Reports of Commission.

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 Commission thinks fit giving particulars of decisions made by it pursuant to this Act, and copies of the report shall, as soon as may be, be laid before both Houses of the Oireachtas.

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(2) In case the Authority pursuant to section 18B (9) 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."

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

Advice to Authority.

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"(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.

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(2) (a) A committee under this section shall consist of so many members (not being less than three) as the Authority considers proper.

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(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 when appointing him and no longer, but shall be eligible for re-appointment.

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(c) A committee under this section shall meet whenever summoned by the Authority.

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(3) (a) An adviser under this section shall, unless he previously dies or resigns, continue as adviser for the period determined by the Authority when appointing him and no longer, but shall be eligible for re-appointment.

(b) An adviser under this section shall advise the Authority whenever requested by the Authority."

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6.—(1) The Minister may, after consultation with the Authority, 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.

Minister may direct Authority to rebroadcast specified programmes.

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(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 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 annulment.

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

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7.—(1) It shall be the duty of the Authority, by means of its own facilities and in a manner approved of for the purposes of this section by the Commission, to record for those purposes every

Authority to record every broadcast.

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 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 Commission, and when a complaint is being investigated by the Commission, the recording of the broadcast to which the complaint relates, 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.

1968, No. 19.
1963, No. 10.

(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 copyright, and nothing contained in the Copyright Act, 1963, shall be construed as prohibiting or restricting the making of such a recording.

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 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.

(2) The Minister may by order amend or revoke an order under 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 sat after the draft is laid before it, the order shall not be made.

Annual amounts to be paid to Authority by Minister.

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—

(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 collection of those fees,

(ii) any expenses certified by the Minister as having been incurred by him in that year in respect of the performance of his functions under *sections 12* or *12A* of the Act of 1926 in relation to interfering with or injuriously affecting wireless telegraphy apparatus for receiving only, and

(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 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.

Increase of limit on repayable advances.

10.—The following is hereby substituted for paragraph (b) of *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 subsection (1) as so amended is set out in the Table to this section.

Extension of borrowing powers of Authority.

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TABLE

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 the creation of stock or other forms of security to be issued, transferred, dealt with and redeemed in such manner and on such terms and conditions as the Authority with the consents aforesaid, may determine.

Amendment of sections 19 and 20 of Principal Act.

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

Amendment of section 15 of Principal Act.

“(6A) (a) In applying paragraph (c) of section 2 of the Perpetual Funds (Registration) Act, 1933, to a scheme under this section, that paragraph shall be construed as if ‘other than subparagraphs (b) and (c) of paragraph 6’ were added thereto.

1933, No. 22.

(b) Subsection (3) of section 7 of the Perpetual Funds (Registration) Act, 1933, shall in relation to an application under the said section 7 by 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 paragraph (a).

Amendment of section 28 of Principal Act.

(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 6’ were inserted after ‘the Schedule to this Act’.”

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

Amendment of section 16 of Principal Act.

“(b) to rebroadcast in its entirety a service of programmes to which a direction given by the Minister under section 6 of the *Broadcasting Authority (Amendment) Act, 1975*, applies;

(bb) subject to any regulations under the *Wireless Telegraphy Act, 1926*, which are for the time being in force, to provide for the distribution by means of wired broadcast relay stations of programmes broadcast by the Authority and such other programmes as the Authority may decide;”.

14.—The Principal Act is hereby amended by the substitution of the following section for section 17:

Amendment of section 17 of Principal Act.

“General duty of Authority. 17.—In performing its functions the Authority shall in its programming—

(a) be responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace within the whole island of Ireland, ensure that the programmes 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 distinguish that culture and in particular for the Irish language,

(b) uphold the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, and

(c) have regard to the need for the formation of public awareness and understanding

of the values and traditions of countries other than the State, including in particular those of such countries which are members of the European Economic Community.”

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Amendment of sections 19 and 20 of Principal Act.

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.

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

(a) its television service,

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(b) its sound broadcasting service,

shall neither exceed a maximum nor be less than a minimum fixed by the Authority, with the approval of the Minister, for that service.”

(2) Section 20 of the Principal Act is hereby amended by the 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.”

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Amendment of section 28 of Principal Act.

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

“ Temporary borrowing.

28.—(1) The Authority may, with the consent of the Minister, borrow temporarily by arrangement with bankers such sums (including sums in currency 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 also require the consent of the Minister for Finance.

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(2) The Authority may, other than for the purpose of providing for current expenditure, with the consent of the Minister, which consent shall only be given if he is satisfied that the circumstances are exceptional, 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.”

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Amendment of section 31 of Principal Act.

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

“ (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 authority of the State, he may by order direct the Authority to refrain from broadcasting the matter or any matter of the particular class, and the Authority shall comply with the order.

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(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 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

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an order or resolution under this subsection shall not exceed a period of twelve months.

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

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

Regulation of local programmes for distribution on cable systems.

"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.

(2) On and after 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, electro-chemical or electro-mechanical energy, on,

(a) apparatus for wireless telegraphy for receiving only sound and visual images, or

(b) apparatus for wireless telegraphy for receiving only sound,

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.

(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 conviction to a fine not exceeding one hundred pounds.

(6) In this section—

'local programme matter' means any programme matter which—

(a) serves either by means of visual images with or without sounds, or only by means of sounds to inform persons of anything or to educate or entertain them, and

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

(c) is not transmitted, relayed or distributed solely by wireless telegraphy;

'service points' means points in a premises or part of a premises which are connected by wire to a station and to which programme matter is conveyed by the wire for reception on wireless telegraphy apparatus in the possession of the occupier of the premises or part;

'station' means any apparatus (including wireless telegraphy apparatus) used to relay programme matter to service points."

Amendment of section 2 of Act of 1926.

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

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

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

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

(a) is electrically coupled to wireless telegraphy apparatus, and

(b) is used in receiving and conveying messages, sounds or visual images sent by wireless telegraphy, shall be regarded as being wireless telegraphy apparatus."

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

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 provided 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 signals.

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—

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

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

(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;

(b) 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 sold otherwise than for export, or offered or advertised for sale otherwise than for export, or let on hire or offered or advertised for letting on hire by any person who in the course of business manufactures, assembles or imports such apparatus;

(c) 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 sold for export to a country or territory which is for the time being declared under this section by the

Minister to be a country or territory to which this paragraph applies or offered or advertised for such sale, by any person mentioned in paragraph (b) of this subsection.”;

5 (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—

10 (a) in case the Minister is of the opinion that the apparatus does not comply with the requirements applicable to it under regulations so made for the purposes specified in the said paragraph (b), he may serve on or send by registered post to any person who has manufactured or imported 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, otherwise than for export, or offering or advertising it for such sale, or letting it on hire or advertising it for letting on hire,

15 (b) in case the Minister is of the opinion that the apparatus does not comply with the requirements applicable to it under regulations so 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,

20 and in any such case requiring the person within such a period so specified,—

25 (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 is for the time being in force, an officer or servant of the Authority or any other body specified in the order and authorised by the Authority or the other body, as may be appropriate, to make the inspection,

30 (ii) if requested by such officer or servant to transport, at the expense of the person, to a place specified by the officer or servant a sample or samples (which such officer or servant is hereby empowered to select) of the apparatus, or of any part of the apparatus specified by such officer or servant, for testing pursuant to subsection (9A) of this section.

35 (9A) Where apparatus or any other thing is transported pursuant to a request made under subsection (9) of this section, the apparatus or other thing may be subjected by the person by whom the request was made or by any other officer or servant of the Mini-

ster, the Authority or the other body, as may be appropriate, to tests for the purpose of ascertaining 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 (b) of subsection (10):

“(b) after the expiration of the period specified in the notice, such person contravenes the provisions, or fails to comply with the requirements, of the notice,”; and

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

“(14) The Minister may by order (which he may at any time revoke or amend by a further order) declare that the Authority or any other body specified in the order shall have all the powers which the Minister may exercise under subsection (9) of this section and, whenever such an order is for the time being in force, the Authority or the other body so specified shall have those powers and subsection (9) of this section shall have effect as if each of the references therein to the Minister included a reference to the Authority or to the other body so specified, as may be appropriate.

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

(16) In this section ‘the Authority’ means Radio 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 possession regulated apparatus,

(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.

(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 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 apparatus.

(b) Any search warrant granted in relation to regulated apparatus under the said section 8, as applied by paragraph (a) of this subsection, shall, in relation to such apparatus, be expressed and operate in the manner specified in subsection (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 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.

Amendment of section 12A of Act of 1926.

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

5 (4) Section 12 of the Act of 1926 shall apply to regulated apparatus 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*.

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

(a) section 6,

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

20 (c) in paragraph (m) of section 16 (2) (inserted by section 5 of the *Broadcasting Authority (Amendment) Act, 1966*) the words “subject to the consent of the Minister.”

23.—(1) This Act may be cited as the *Broadcasting Authority (Amendment) Act, 1975*.

Short title,
construction
and collective
citation.

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

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

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.

An Seanadóir Micheál Ó hUiginn a thug isteach

Introduced by Senator Michael J. O'Higgins

*Ordáiodh ag Seanad Éireann a chlóbhualadh,
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