



---

AN BILLE UM ÚDARÁS CRAOLACHÁIN ÁITIÚIL  
NEAMHSPLEÁCH, 1983  
INDEPENDENT LOCAL BROADCASTING AUTHORITY BILL,  
1983

---

*Mar a tionscnaíodh  
As initiated*

---

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Appointment of establishment day.
3. Establishment of Authority.
4. Members of Authority.
5. Remuneration and terms of office of members of Authority.
6. Removal of member of Authority.
7. Chairman of Authority.
8. Disclosure by member of Authority of interest in proposed contract.
9. Seal of Authority.
10. Meetings and procedure of Authority.
11. Chief executive.
12. Officers and servants (other than chief executive) of Authority.
13. Tenure of office or employment etc.
14. Performance of functions by officers or servants.
15. Nomination of officer or servant of Authority for membership of or election to either House of Oireachtas or Assembly of the European Communities.
16. Superannuation of officers and servants of Authority.
17. Functions and powers of Authority.
18. General duty of Authority in relation to programmes.
19. Impartiality.
20. Broadcasting Complaints Commission.

Section

21. Retention of recordings of programmes.
22. Selection of programme contractors.
23. Advertisements.
24. Programme prizes.
25. Hours of broadcasting.
26. Advice to Authority.
27. Repayable advances.
28. General duty of Authority with respect to its revenue.
29. Accounts and audits.
30. Annual report and information to Minister.
31. Borrowing powers for general purposes.
32. Temporary borrowing.
33. Investment by Authority.
34. Acquisition and disposal of land.
35. Directions by Minister.
36. Contracts for programmes.
37. Provisions to be included in contracts.
38. Payments by programme contractors.
39. Co-operation of Authority with Radio Telefís Éireann in use of broadcasting installations.
40. General power of direction regarding programmes.
41. Amendment of Wireless Telegraphy Act, 1926.
42. Expenses.
43. Short title.

---

ACTS REFERRED TO

Broadcasting Authority Act, 1960	1960, No. 10
Broadcasting Authority (Amendment) Act, 1976	1976, No. 37
Copyright Act, 1963	1963, No. 10
Performers' Protection Act, 1968	1968, No. 19
Wireless Telegraphy Act, 1926	1926, No. 45



AN BILLE UM ÚDARÁS CRAOLACHÁIN ÁITIÚIL  
NEAMHSPLEÁCH, 1983  
INDEPENDENT LOCAL BROADCASTING AUTHORITY BILL,  
1983

**BILL**

*entitled*

5

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE  
INDEPENDENT LOCAL BROADCASTING AUTHORITY,  
10 TO AMEND THE WIRELESS TELEGRAPHY ACT, 1926,  
AND TO PROVIDE FOR OTHER MATTERS CONNECTED  
THEREWITH.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

15 “the Authority” means the Independent Local Broadcasting Authority established by this Act;

“broadcast” has the meaning assigned to it by the Wireless Telegraphy Act, 1926 (as amended);

“broadcasting station” has the meaning assigned to it in the Wireless Telegraphy Act, 1926 (as amended);

20 “the chief executive” means the chief executive officer of the Authority;

“the establishment day” means the day appointed to be the establishment day for the purposes of this Act by order of the Minister under *section 2* of this Act;

25 “functions” includes powers and duties;

“the Minister” means the Minister for Posts and Telegraphs;

“programme contractor” has the meaning assigned to it by *section 17* of this Act.

30 (2) A reference in this Act to performance of functions includes, with respect to powers, a reference to exercise of powers.

2.—The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

Appointment of establishment day.

3.—(1) There shall, by virtue of this section, be established on the establishment day an authority to be known as the Independent Local  
35 Broadcasting Authority (in this Act referred to as the Authority).

Establishment of Authority.

(2) The Authority shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

Members of Authority.

4.—(1) The members of the Authority shall be appointed by the Government and shall be not less than eight and not more than twelve in number. 5

(2) The period of office of a member of the Authority shall be such period, not exceeding five years, as the Government may determine when appointing him.

(3) A member of the Authority whose term of office expires by effluxion of time shall be eligible for reappointment. 10

(4) A member of the Authority may at any time resign his office as member by letter sent to the Government, and the resignation shall take effect on receipt of the letter.

(5) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, or is for the time being a representative in the Assembly of the European Communities, shall be disqualified from becoming or remaining a member of the Authority. 15

Remuneration and terms of office of members of Authority.

5.—(1) A member of the Authority shall be paid, out of funds at the disposal of the Authority,— 20

(a) such remuneration as may be fixed from time to time by the Government, and

(b) such amounts in respect of expenses as the Authority considers reasonable. 25

(2) Subject to *subsection (1)* of this section, a member of the Authority shall hold office on such terms as the Government may determine from time to time.

(3) The Minister shall cause the terms of employment and remuneration of the members of the Authority to be laid before both Houses of the Oireachtas. 30

Removal of member of Authority.

6.—The Government may at any time remove a member of the Authority from office.

Chairman of Authority.

7.—(1) The Government shall from time to time as occasion requires appoint a member of the Authority to be chairman thereof. 35

(2) The chairman of the Authority shall, unless he sooner dies, resigns the office of chairman or ceases to be chairman under *subsection (4)* of this section, hold office until the expiration of his period of office as a member of the Authority.

(3) The chairman of the Authority may at any time resign his office as chairman by letter sent to the Government, and the resignation shall, unless it is previously withdrawn in writing, take effect at the commencement of the meeting of the Authority held next after the  
5 Authority has been informed by the Government of the resignation.

(4) Where the chairman of the Authority ceases during his term of office as chairman to be a member of the Authority, he shall also then cease to be chairman of the Authority.

8.—A member of the Authority who has—

10 (a) any interest in any company or concern with which the Authority proposes to make any contract, or

(b) any interest in any contract which the Authority proposes to make,

15 shall disclose to the Authority the fact of the interest and the nature thereof, and shall take no part in any deliberation or decision of the Authority relating to the contract, and the disclosure shall be recorded in the minutes of the Authority.

Disclosure by member of Authority of interest in proposed contract.

9.—(1) The Authority shall as soon as may be after its establishment provide itself with a seal.

Seal of Authority.

20 (2) The seal of the Authority shall be authenticated by the signature of the chairman of the Authority or some other member thereof authorised by the Authority to act in that behalf and the signature of an officer of the Authority authorised by the Authority to act in that behalf.

25 (3) Judicial notice shall be taken of the seal of the Authority, and every document purporting to be an instrument made by the Authority and to be sealed with the seal (purporting to be authenticated in accordance with this section) of the Authority shall be received in evidence and be deemed to be such instrument without further proof  
30 unless the contrary is shown.

10.—(1) The Authority shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.

Meetings and procedure of Authority.

(2) The Minister may fix the date, time and place of the first meeting of the Authority.

35 (3) At a meeting of the Authority—

(a) the chairman of the Authority shall, if present, be chairman of the meeting,

40 (b) if and so long as the chairman of the Authority is not present or if the office of chairman is vacant, the members of the Authority who are present shall choose one of their number to be chairman of the meeting.

45 (4) Every question at a meeting of the Authority shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

	(5) The Authority may act notwithstanding one or more vacancies among its members:	
	(6) Subject to the provisions of this Act, the Authority shall regulate its procedure by rules.	
	(7) The quorum for a meeting of the Authority shall be fixed by rules made under <i>subsection (6)</i> of this section, but—	5
	(a) it shall not be less than three, and	
	(b) until it is so fixed, it shall be three.	
Chief executive.	<b>11.</b> —The Authority shall from time to time appoint a person to be the chief executive officer of the Authority, and such person shall be known, and is in this Act referred to, as the chief executive.	10
Officers and servants (other than chief executive) of Authority.	<b>12.</b> —The Authority shall, as well as appointing the chief executive, appoint such and so many other persons to be officers and servants of the Authority as the Authority from time to time thinks proper.	
Tenure of office or employment etc.	<b>13.</b> —(1) An officer or servant of the Authority shall hold his office or employment on such terms and conditions as the Authority from time to time determines.	15
	(2) There shall be paid by the Authority to its officers and servants such remuneration and allowances for expenses as the Authority thinks fit, subject to, in the case of its chief executive, the approval of the Minister given with the consent of the Minister for the Public Service.	20
	(3) In determining the remuneration or allowances for expenses to be paid to its officers or servants or the terms or conditions subject to which such officers or servants hold or are to hold their employment, the Authority shall comply with any directive with regard to such remuneration, allowances, terms or conditions which the Minister may give from time to time to the Authority with the consent of the Minister for the Public Service.	25
	(4) The Authority may at any time remove any officer or servant of the Authority from being its officer or servant.	30
	(5) Notwithstanding the foregoing provisions of this section, the consent of the Minister shall be necessary before the Authority appoints or removes the chief executive, or alters his remuneration or his terms and conditions of holding office.	35
Performance of functions by officers or servants.	<b>14.</b> —The Authority may perform any of its functions through or by any of its officers or servants duly authorised by the Authority in that behalf.	
Nomination of officer or servant of Authority for membership or election to either House of Oireachtas or Assembly of the European Communities.	<b>15.</b> —(1) Where a person who is an officer or servant of the Authority is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas, or is nominated as a candidate for election to, or appointed to be a representative in, the Assembly of the European Communities, he shall stand seconded from employment by the Authority and shall not be paid by, or be entitled to receive from, the Authority any remuneration or allowance—	40 45

- (a) in case he is nominated as a member of Seanad Éireann, in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that House,
- 5 (b) in case he is nominated for election to either House, in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that House or fails to be elected or withdraws his candidature, as the case may be,
- 10 (c) in case he is nominated as a candidate for election to, or is appointed to be a representative in, the Assembly of the European Communities, in respect of the period commencing on his acceptance of such nomination or appointment, as the case may be, and ending when he ceases to be a representative in that Assembly, or fails to be elected or withdraws his candidature, as the case may be.
- 15

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, or is for the time being a representative in the Assembly of the European Communities, shall be disqualified from becoming an officer or servant of the Authority.

20

(3) If a person who is or was an officer or servant (including the chief executive) of the Authority becomes a member of either House of the Oireachtas, or of the Assembly of the European Communities, and such person is for the time being entitled under the Standing Orders of either House of the Oireachtas or of the Assembly of the European Communities to sit therein, such person shall, while so entitled, be disqualified from reckoning such period for any superannuation benefits payable under a scheme or schemes made in accordance with the provisions of *section 16* of this Act.

25

30

16.—(1) The Authority may prepare a contributory scheme or schemes for the granting of pensions, gratuities and other allowances on retirement or death to or in respect of such whole time officers or servants of the Authority (including the chief executive) as it may think fit and the Authority shall submit any such scheme to the Minister for his approval.

35

Superannuation of officers and servants of Authority.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom pensions, gratuities or allowances on retirement are payable under the scheme, and different times and conditions may be fixed in relation to different classes of persons.

40

(3) The Authority may at any time prepare and submit to the Minister a scheme amending a scheme previously submitted and approved of under this section.

(4) A scheme submitted to the Minister under this section shall provide that if any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or other allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for the Public Service, whose decision shall be final.

45

50

(5) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the concurrence of the Minister for the Public Service, be carried out by the Authority in accordance with its terms.

(6) No pension, gratuity or other allowance shall be granted by the Authority on the resignation, retirement or death of an officer or servant of the Authority otherwise than in accordance with a scheme under this section.

(7) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Functions and powers of Authority.

17.—(1) The Authority shall, in accordance with the provisions of this Act, provide, as a public service of information, education and entertainment, such local broadcasting services, additional to the broadcasting services of Radio Telefis Éireann, as may from time to time be reasonably practicable and the Authority shall have all such powers as are necessary for or incidental to that purpose.

(2) Without prejudice to the powers conferred on the Authority by this Act, the programmes broadcast by the Authority shall, so far as may be consistent with the provisions of this Act, be provided by persons (in this Act referred to as "programme contractors") who, under contracts with the Authority, have, in consideration of payments made to the Authority and subject to the provisions of this Act, the right and duty to provide programmes or parts of programmes to be broadcast by the Authority.

(3) Without prejudice to the generality of *subsection (1)* of this section, the Authority shall have power:

- (a) to establish, maintain and operate broadcasting stations and for that purpose to acquire, install and operate, or to arrange for the acquisition, installation and operation of, apparatus for broadcasting; provided that the Authority shall not establish a broadcasting station in an area unless the Authority is satisfied that—
  - (i) the establishment of a local broadcasting service in such area would be in accordance with good economic principles, and
  - (ii) suitable persons or bodies desire to acquire a contract to provide programmes in such area;
- (b) to provide or arrange for the provision of such programmes as may be necessary by reason of the temporary lack of suitable persons able and willing to become or continue as programme contractors;
- (c) to make such contracts, agreements and arrangements and do such other things, as are incidental or conducive to the objects of the Authority;
- (d) to acquire and make use of copyrights, patents, licences, privileges and concessions;
- (e) to compile, prepare, publish and distribute, with or without charge, such magazines, books, papers and other printed matter and aural material as may seem to the Authority to be conducive or incidental to its objects;



(f) subject to the consent of the Minister, to provide services for and on behalf of other Ministers or to arrange for the provision of such services by programme contractors.

5 (4) The powers conferred on the Authority by virtue of *subsection*  
(3) (a) of this section shall not be exercised save under licence issued by the Minister and in accordance with any conditions attached by the Minister to such licence.

10 (5) During any emergency declared under section 10 of the Wireless Telegraphy Act, 1926, the Minister may suspend any licence under *subsection* (4) of this section and, while any such suspension continues, the Minister may operate any service which was provided by the Authority under the suspended licence.

15 (6) A copy of every licence under *subsection* (4) of this section and of the conditions attached thereto shall be laid before each House of the Oireachtas as soon as may be after the issue of the licence.

18.—(1) In performing its functions the Authority shall, as far as possible, ensure that—

General duty of Authority in relation to programmes.

(a) the local broadcasting services provided by it—

- (i) maintain high standards in all respects,
- 20 (ii) are responsive to the varied interests and concerns of the whole community served by each station,
- (iii) have regard to Irish cultural traditions,
- (iv) offer a broad range of news, information and entertainment consistent with the local character of the services, and
- 25 (v) to utilise to the greatest possible extent Irish produced, recorded, published and performed material

and

30 (b) the programmes broadcast from different stations for reception in different localities do not consist of identical or similar material to such an extent as would be inconsistent with the character of the services as local broadcasting services.

35 (2) For the purposes of performing its functions under *subsection* (1) of this section, the Authority shall have power to require programme contractors to submit in advance to the Authority programme schedules for the approval of the Authority and shall have power to direct a programme contractor to amend a schedule so submitted.

40 (3) For the purpose of maintaining supervision and control over the programmes (including advertisements) broadcast by it, the Authority may make recordings of those programmes or any part thereof; and the making and use by the Authority of any such record exclusively for that purpose—

45 (a) shall not constitute an infringement of the copyright in any work, sound recording, cinematograph film or video recording, or

(b) shall not constitute an offence under any of the provisions of the Performers' Protection Act, 1968.

Impartiality.

19.—(1) Subject to *subsection (2)* 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 or the programme contractor's own views; 5
- (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 either the Authority's, or the programme contractor's own views; 10
- (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 the provisions of this Act, is published, distributed or sold by the Authority is presented by it in an objective and impartial manner. 15

*Paragraph (b)* of this subsection, in so far as it requires the Authority, or the programme contractor, not to express its, or his, own views shall not apply to any broadcast in so far as the broadcast relates to any proposal, 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. 20 25

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.

(2) The Authority is hereby prohibited from including in any of its broadcasts or in any matter referred to in *subsection (1) (c)* 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. 30

(3) The Authority shall ensure that in programmes broadcast by it and in the means employed to make such programmes the privacy of any individual is not unreasonably encroached upon. 35

(4) Nothing in this section shall prevent the Authority from transmitting political party broadcasts.

(5) The Authority shall ensure that editorial control of matters specified in *paragraphs (a)* and *(b)* of *subsection (1)* of this section shall not be vested in any person who controls or exercises editorial control over a newspaper. 40 45

Broadcasting  
Complaints  
Commission.

20.—(1) The Broadcasting Complaints Commission (in this Act referred to as "the Commission") established by section 18A of the Broadcasting Authority Act, 1960, (inserted by section 4 of the Broadcasting Authority (Amendment) Act, 1976) may investigate and decide any of the following complaints— 45

- (a) a complaint that in broadcasting news specified in the complaint, the Authority did not comply with one or more of the requirements of *section 19 (1)* of this Act,
- 5 (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 was in breach of the prohibition contained in *section 19 (2)* of this Act,
- 10 (c) a complaint that by broadcasting matter so specified, the Authority failed to comply with the requirements of *section 35 (1)* of this Act as regards an order made under the said *section 35 (1)* and so specified,
- (d) a complaint that on an occasion so specified, there was an encroachment contrary to *section 19 (3)* of this Act,
- 15 (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,
- 20 (f) a complaint that the Authority failed to comply with the requirements of *subsection (1)* or *subsection (2)* of *section 19* of this Act in relation to a matter so specified which is a matter mentioned in *paragraph (c)* of the said *subsection (1)*.

25 (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:

- 30 (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—
- 35 (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
- 40 (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,
- 45 (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—
- 50 (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. 5
- (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. 10
- (5) When the Commission proposes to investigate a complaint made under this section, the Commission shall afford to the programme contractor concerned (if any) an opportunity to comment on the complaint. 15
- (6) Where a complaint is made to the Commission and a person employed by the Authority or by a programme contractor 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 or by the programme contractor, as the case may be, may, because of the complaint, be adversely affected, the Commission shall afford to the person such an opportunity. 20 25
- (7) 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. 30
- (8) 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.
- (9) 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 (8)* of this section) send to the advertiser concerned a statement in writing of their decision. 35
- (10) When the Authority receives a statement of a decision from the Commission pursuant to *subsection (8)* 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. 40
- (11) The consideration by the Commission of a complaint made to it under this Act shall be carried out by the Commission in private. 45
- (12) 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. 50

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

5 (14) 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.

10 (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.

15 (16) A member of the Authority, an officer or servant of the Authority, a programme contractor, or any officer or servant of a programme contractor shall be disqualified from becoming or being a member of the Commission.

20 (17) The report which the Commission is required to make pursuant to section 18C of the Broadcasting Authority Act, 1960 (inserted by section 4 of the Broadcasting Authority (Amendment) Act, 1976) as soon as may be after the end of each year shall include such statements (if any) as the Commission thinks fit giving particulars of decisions made by it pursuant to this section and, in case the Authority pursuant to *subsection (10)* of this section 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  
25 statement giving particulars of that decision.

30 21.—(1) Whenever a complaint which the Commission may investigate and decide pursuant to *section 20* of this Act is received by the Authority and the complaint relates to a broadcast made by the Authority of matter provided by a programme contractor, the Authority shall require the programme contractor to transmit to the Authority a recording of that broadcast along with a recording of any other broadcast of matter provided by the programme contractor which the Authority considers relevant to the complaint.

Retention of recordings of programmes.

35 (2) 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 broadcast made by the Authority pursuant to *section 17 (3) (b)* of this Act.

40 (3) Recordings transmitted to the Authority pursuant to *subsection (1)* of this section or made by the Authority pursuant to *subsection (2)* of this section shall be retained by the Authority for at least one hundred and eighty days from the date on which the Authority receives or makes, as the case may be, the recording or for such other period as may be agreed by the Authority and the Commission and when a complaint is being investigated by the Commission, the  
45 recording of the broadcast to which the complaint relates, together with the recording, made or 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  
50 such period.

(4) The making or retaining of a recording by the Authority, by a programme contractor or by the Commission for the purposes of *subsections (1)* or *(2)* of this section shall not be a contravention of section 2 or section 3 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.

Selection of  
programme  
contractors.

22.—(1) Before entering into a programme contract in respect of any particular area the Authority shall— 5

(a) hold such consultations or public meetings as it considers necessary for the purpose of establishing whether there is a genuine demand for an independent local sound broadcasting service in that area, and

(b) if such a demand exists, invite proposals from persons or bodies interested in being appointed as programme contractors, hold such consultations as it considers necessary, and adjudicate on the proposals. 10

(2) In adjudicating on proposals received by it from persons or bodies interested in being appointed programme contractors, the Authority shall have regard to— 15

(a) the quality and range of programmes (including programmes of Irish culture and in the Irish language) likely to be provided by each proposer,

(b) the adequacy of the expertise and resources that will be available to each proposer, 20

(c) the extent to which each proposer is based in or is associated with the local community to be served by the station,

(d) the extent to which employment will be created,

(e) the existing involvement of those persons or bodies in local broadcasting, and 25

(f) any other matters which the Authority sees fit to consider.

Advertisements.

23.—(1) The programmes broadcast by the Authority may include advertisements inserted therein in consideration of payments made to the appropriate programme contractor or, in respect of programmes provided under *section 17 (3) (b)* of this Act, to the Authority. 30

(2) The charges made by any programme contractor for advertisements shall be in accordance with tariffs fixed by him from time to time, being tariffs prepared in such detail and published in such form and manner as the Authority may determine. 35

(3) Charges for advertisements which are contained in programmes provided by the Authority pursuant to *section 17 (3) (b)* of this Act shall be fixed from time to time by the Authority.

(4) 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. 40

(5) It shall be the duty of the Authority to draw up, from time to time, a code governing standards and practice in advertising and to ensure that such code is complied with as regards the advertisements included in the broadcasts made by the Authority. 45

(6) The Authority may from time to time direct a programme contractor that—

(a) no advertisement shall be presented for broadcasting during any broadcast specified in the direction,

5 (b) a particular advertisement, any advertisement of a particular class or any advertisement using a particular method of advertising shall not be presented for broadcasting and such a direction may relate to different circumstances and to different times.

10 (7) No advertisement shall be broadcast which is directed towards any religious or political end or which has any relation to any industrial dispute.

(8) The Authority, at its discretion, may reject the whole or part of any advertisement presented for broadcasting.

15 (9) The Authority may direct a programme contractor to allocate such amount as it considers reasonable of the time allowed for the broadcasting of advertisements to advertisements of a local nature.

(10) Neither the Authority nor any programme contractor shall carry on business as an advertising agent but orders for the insertion  
20 of advertisements may be received direct from an advertiser.

(11) It shall be the duty of the Authority to ensure that in the acceptance of advertisements by a programme contractor there shall be no unreasonable discrimination either against or in favour of a particular advertiser or advertising agent.

25 24.—The Authority may make rules governing the value of any prize or other award which is offered by a programme contractor in connection with a game, competition or test organised for the purpose of a programme broadcast by the Authority and the Authority may require that the rules governing the conduct of such game, competition  
30 or test be submitted to the Authority for its approval before the programme is broadcast.

Programme prizes.

25.—The Authority shall determine the hours of broadcasting of any broadcasting station established by it under this Act.

Hours of broadcasting.

35 26.—(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.

Advice to Authority.

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

45 (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.

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

(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. 5

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

(4) The Authority shall have regard to, but shall not be bound by, the advice of any committee or adviser under this section. 10

(5) The Authority may pay to a member of any committee under this section or an adviser under this section such amounts in respect of expenses as the Authority considers reasonable.

27.—(1) The Minister for Finance may make advances to the Authority for capital purposes (including working capital purposes). 15

(2) Advances under this section—

(a) shall be made out of the Central Fund or the growing produce thereof,

(b) shall not exceed £10,000,000 in the aggregate,

(c) shall be made on the recommendation of the Minister, 20

(d) shall be made on such terms and conditions as to repayment as the Minister for Finance thinks proper.

(3) The Minister for Finance may, for the purpose of providing for the advance of sums out of the Central Fund under this section, borrow on the security of the Central Fund or the growing produce thereof any sums required for that purpose, and, for the purposes of such borrowing, he may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or any other matter as he thinks fit, and shall pay all moneys so borrowed into the Exchequer. 25 30

(4) The principal of and the interest on all securities issued under this section shall be charged on and payable out of the Central Fund or the growing produce thereof.

General duty of Authority with respect to its revenue.

28.—(1) It shall be the duty of the Authority so to conduct its affairs as to secure that its revenue becomes at the earliest possible date, and thereafter continues, at least sufficient— 35

(a) to meet all sums properly chargeable to current account, and

(b) to make suitable provision with respect to capital expenditure.

(2) Any excess of the revenue of the Authority over its expenditure shall be applied for the development of local broadcasting subject to approval of the Minister for Posts and Telegraphs. 40



29.—(1) The Authority shall keep in such form as shall be approved by the Minister, after consultation with the Minister for Finance, all proper and usual accounts of all moneys received or expended by it, and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister on his own motion, or at the request of the Minister for Finance, shall from time to time direct.

Accounts and audits.

(2) Accounts kept in pursuance of this section shall be submitted annually by the Authority to the Comptroller and Auditor General for audit at such time as the Minister, with the concurrence of the Minister for Finance, directs.

(3) Immediately after every audit under this section of its accounts, the Authority shall send to the Minister—

(a) a copy of the income and expenditure account and balance sheet as certified by the Comptroller and Auditor General,

(b) a copy of the Comptroller and Auditor General's report, and

(c) copies of such of the accounts submitted for audit as the Minister may appoint as accounts of which copies are to be furnished to him.

(4) The Minister shall cause the documents furnished to him under this section to be laid before each House of the Oireachtas.

30.—(1) The Authority shall, in each year, at such date as the Minister may direct, make a report to the Minister of its proceedings under this Act during the preceding year, and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

Annual report and information to Minister.

(2) Whenever the Minister so directs, the annual report shall also include information on such particular aspects of the Authority's proceedings under this Act as the Minister may specify.

(3) The Authority shall submit to the Minister such information regarding the performance of its functions as the Minister may from time to time require.

31.—(1) The Authority may, with the consent of the Minister for Finance and the Minister, borrow money (including money in 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.

Borrowing powers for general purposes.

(2) The borrowing powers conferred by this section on the Authority may be exercised for any purpose arising in the performance of its functions, but there may be attached to consent to borrow the condition that the moneys shall be utilised only for the purpose of a programme of capital works approved of by the Minister.

(3) The terms upon which moneys are borrowed under this section may include provisions charging the moneys and interest thereon upon all property of whatsoever kind for the time being vested in the Authority or upon any particular property of the Authority and provisions establishing the priority of such charges amongst themselves and in relation to charges in respect of advances made to the Authority out of the Central Fund and such terms may provide that

any charge in respect of moneys so borrowed may rank before or equally with charges in respect of such advances.

Temporary borrowing.

32.—(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. 5

(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, borrow temporarily by arrangement with bankers such sums (in the currency of the State) as it may require for the purpose of a programme of capital works approved of by the Minister. 10

Investment by Authority.

33.—The Authority may invest any of its funds in any manner in which a trustee is empowered by law to invest trust funds. 15

Acquisition and disposal of land.

34.—(1) The Authority may acquire by agreement any land or any easement, wayleave or other right in respect of land.

(2) (a) The Authority may acquire land compulsorily for the purpose of providing a site for, or approaches to, any broadcasting station, being a station intended to be used solely for transmitting, repeating or relaying. 20

(b) The Authority may acquire compulsorily any easement, wayleave or other right in respect of land if it is to be acquired in relation to a site for any broadcasting station, being a station intended to be used solely for transmitting, repeating or relaying. 25

(3) The Authority may dispose of any land vested in it which it no longer requires.

(4) The provisions of the First Schedule to the Broadcasting Authority Act, 1960, shall apply to the exercise by the Authority of its powers under *subsection (2)* of this section, and, for the purposes of this Act, every reference in that Schedule to the Authority shall be construed as a reference to the Authority established by this Act. 30

Directions by Minister.

35.—(1) Where the Minister is of the opinion that the broadcasting of a particular matter or any 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. 35 40

(2) 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 an order or resolution under this subsection shall not exceed a period of twelve months. 45

(3) 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.

(4) The Minister may direct the Authority in writing to allocate broadcasting time for any announcements by or on behalf of a Minister in connection with the functions of that Minister, and the Authority shall comply with the direction.

36.—(1) The Authority shall not enter into any contract with any person or body of persons for the provision of programmes for a period of more than five years, but that shall not preclude the Authority from entering into successive contracts with the same programme contractor.

Contracts for programmes.

(2) The Authority shall not knowingly enter into any programme contract in which a person being an individual or a body corporate specified in *subsection (3)* of this section or two or more such persons has or have control of the programme contractor.

(3) A person referred to in *subsection (2)* of this section is a person who—

(a) alone or with others carries on business as a newspaper publisher, an advertising agent, a manufacturer of records, a music publisher, an entertainment promoter or a theatrical agent,

(b) controls a body corporate which carries on any of the businesses specified in *paragraph (a)* of this subsection,

(c) being a body corporate, is under the control of a person specified in either *paragraph (a)* or *paragraph (b)* of this subsection, or of any two or more such persons, or

(d) is a director or officer of a body corporate of the type referred to in *paragraph (a)*, *(b)* or *(c)* of this subsection.

(4) No contract and no interest in a contract between a programme contractor and the Authority shall be assignable either in whole or in part without the previous consent in writing of the Authority.

(5) In this section “control” in relation to a body corporate means the power of a person to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other body corporate, or by virtue of any powers conferred by the articles of association or other document regulating that or any other body corporate, that the affairs of the first mentioned body corporate are conducted in accordance with the wishes of that person.

37.—Every contract made between the Authority and a programme contractor shall include all such provisions as may be necessary to comply with, or to secure compliance with, the provisions of this Act and, in particular, every such contract shall include a provision that, if the proposal submitted to the Authority pursuant to *section 22* of

Provisions to be included in contracts.

this Act, or any other information in relation to the proposal, whether orally or in writing, given to the Authority prior to the making of the contract, is shown to contain any statement which is false or misleading, the Authority may terminate the contract.

Payments by  
programme  
contractors.

38.—(1) Every contract entered into by the Authority with a programme contractor shall contain a provision that the programme contractor in addition to any other payments provided for by the contract shall pay to the Authority such amount as the Authority may direct as a contribution to, or the whole of, an amount which may be specified in an order made by the Minister pursuant to *subsection (2)* of this section (being an amount payable by the Authority to the Minister). 5 10

(2) If it appears to the Minister at any time that excessive profits are accruing to programme contractors in respect of programmes, the Minister may, after consultation with the Authority, and with the consent of the Minister for Finance, by order prescribe that a specified amount in respect of a financial year of the Authority shall be paid by the Authority into the Central Fund. 15

(3) Every order made by the Minister pursuant to *subsection (2)* of this section shall be made by him before the commencement of the financial year, to which it relates, of the Authority. 20

(4) Any order made under *subsection (2)* of this section in respect of a financial year of the Authority may, by a further order made by the Minister, after consultation with the Authority and with the consent of the Minister for Finance,— 25

(a) be revoked, or

(b) be varied by substituting a lesser amount for the amount specified in the order,

and any such further order may be made either before or after the beginning of the financial year to which it relates. 30

(5) Every order made under *subsection (2)* or (4) of this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either House, within the next twenty-one days on which that House has sat after the order is laid before it, passes a resolution annulling the order, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 35

(6) Every contract entered into by the Authority with a programme contractor shall require the programme contractor to furnish such information as may appear to the Authority, after consultation with the Minister, to be necessary to enable the Authority— 40

(a) to furnish to the Minister such information as he may require for the purpose of determining—

(i) whether he should make an order under *subsection (2)* or (4) of this section, and 45

(ii) what amount should be specified in such order, if made,

(b) to comply with any order made under *subsection (2) or (4)* of this section,

5 and the Authority shall, whenever so required by the Minister, furnish to him such information (whether obtained from programme contractors or otherwise) as is required by the Minister for the purposes of this section.

39.—(1) The Minister may at any time by notice in writing—

Co-operation of Authority with Radio Telefis Éireann in use of broadcasting installations.

10 (a) require the Authority to radiate such of their broadcast transmissions as may be specified in the notice from a mast, tower or other installation belonging to Radio Telefis Éireann, or

15 (b) require the Authority to permit such of Radio Telefis Éireann's broadcast transmissions as may be so specified to be radiated from a mast, tower or other installation belonging to the Authority, or

20 (c) require the Authority to co-operate with Radio Telefis Éireann in providing and using a mast, tower or other installation and to radiate such of the Authority's broadcast transmissions as may be so specified from that mast, tower or other installation,

and it shall be the duty of the Authority to comply with any such notice.

25 (2) Before giving a notice under this section to the Authority the Minister shall consult with the Authority and with Radio Telefis Éireann.

30 (3) Whenever, after consultation with the Authority and Radio Telefis Éireann, the Minister serves a notice pursuant to *subsection (1)* of this section on the Authority, a copy of that notice shall also be served on Radio Telefis Éireann and it shall be the duty of Radio Telefis Éireann to comply with any such notice in so far as it relates to them.

40.—For the purposes of performing its functions and fulfilling the duties imposed on it by this Act, the Authority shall have power—

General power of direction regarding programmes.

35 (a) to direct a programme contractor that any particular matter, or any matter of a particular class, shall not be presented to the Authority for broadcasting, and

(b) to refuse to broadcast any matter presented to the Authority for broadcasting.

41.—Section 2 of the Wireless Telegraphy Act, 1926 is hereby amended by the substitution for the definition of "broadcast" therein of the following:

Amendment of Wireless Telegraphy Act, 1926.

45 "‘broadcast’ means a broadcast by wireless telegraphy of communications, sounds, signs, visual images or signals, whether such communications, sounds, signs, visual images or signals are actually received or not;"

Expenses.

**42.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title.

**43.**—This Act may be cited as the Independent Local Broadcasting Authority Act, 1983.

5

42 - The ... of the ...  
43 - This ... of the ...  
Author: ...

Bill

Bill

The ... of the ...  
The ... of the ...

The ... of the ...

The ... of the ...

The ... of the ...

AN BILLE ÚDARÁS CRAOLACHÁIN  
ÁITIÚIL NEAMHSPLEÁCH, 1983

---

BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do dhéanamh socrú chun an tÚdarás Craolacháin Áitiúil Neamhspleách a bhunú, chun an tAcht Radio-Thelegrafaíochta, 1926, a leasú, agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe sin.

---

*An Teachta Tarlach Ó Leideáin a thíolaic,  
24 Bealtaine, 1983*

---

BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,  
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha  
Cliath 2, nó trí aon díoltóir leabhar.

---

Clóbhualte ag CAHILL PRINTERS LIMITED.

90p

INDEPENDENT LOCAL BROADCASTING  
AUTHORITY BILL, 1983

---

BILL

*(as initiated)*

*entitled*

An Act to provide for the establishment of the Independent Local Broadcasting Authority, to amend the Wireless Telegraphy Act, 1926, and to provide for other matters connected therewith.

---

*Presented by Deputy Terry Leyden,  
24th May, 1983*

---

DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly  
from the Government Publications Sale Office,  
Sun Alliance House, Molesworth Street, Dublin 2.

---

Printed by CAHILL PRINTERS LIMITED.

90p