



**AN BILLE UM IMEACHTAÍ OIDHREACHTA AGUS
CULTÚIR (ROCHTAIN THEILIFÍSEACH A CHOSAINT),
1997
THE HERITAGE AND CULTURAL EVENTS (TELEVISUAL
ACCESS PROTECTION) BILL, 1997**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Commencement.
3. Powers of the Minister.
4. Event.
5. Prohibition of certain acts.
6. Penalties.
7. Short title.

Acts Referred to

Broadcasting Act, 1960	1960, No. 10
Petty Sessions (Ireland) Act, 1851	1851, c. 93
Radio and Television Act, 1988	1988, No. 20
Wireless Telegraphy Acts, 1926 to 1988	



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BILL

entitled

AN ACT TO PROTECT ACCESS BY THE PUBLIC TO THE
TELEVISIONING IN THE STATE OF AN EVENT, OR
10 EVENTS OF KIND, DEEMED BY THE MINISTER TO BE
OF SIGNIFICANCE TO THE HERITAGE AND CULTURE
OF THE STATE, OR OTHERWISE DEEMED TO BE OF
NATIONAL IMPORTANCE, THE TELEVISIONING OF
15 WHICH SHOULD IN THE OPINION OF THE MINISTER,
BE AVAILABLE FREE TO THE GENERAL PUBLIC AND
TO PROVIDE FOR OTHER MATTERS CONNECTED
WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Interpretation.

20 “event” has the meaning assigned to it by *section 7*;

“free” in *section 3 (1)* means without an additional cost or charge
other than those charges or costs which relate to the regulation of
licences made under the Wireless Telegraphy Acts, 1926 to 1988 and
regulations made thereunder;

25 “the Independent Radio and Television Commission” means the
Commission established pursuant to the Radio and Television Act,
1988;

“the Minister” means the Minister for Arts, Culture and the
Gaeltacht;

30 “the RTE Authority” means the authority established pursuant to
the Broadcasting Act, 1960, as amended;

2.—This Act shall come into operation on such day as the Minister
shall order. Commencement.

35 **3.**—(1) The Minister may, subject to *subsection (2)*, by way of
notice published in *Iris Oifigiúil*, specify an event, or events of a kind
within the State, the televising of which should, in his or her opinion,
be free to the general public for reception within the State. Powers of the
Minister.

(2) The Minister shall, before publishing a notice referred to in *subsection (1)*, consult with the following:

- (a) the relevant person from whom the rights to televise an event, or events of kind, may be acquired,
- (b) the RTE Authority, and 5
- (c) the Independent Radio and Television Commission.

(3) The Minister shall, in a notice to which *subsection (1)* applies, stipulate the date and period during which *subsection (1)* applies.

(4) The Minister, may at any time, by way of notice published in *Iris Oifigiúil*, remove an event, or events of a kind, when in his or her opinion *subsection (1)* no longer applies. 10

(5) For the purposes of this Act, the televising of an event, or events of a kind, within the meaning of *subsection (1)* shall apply to the rights to televise the whole or any part of an event, or events of a kind, whether recorded or live, made for reception within the State by any person entitled as a matter of law to acquire the rights to televise such events. 15

(6) For the purposes of this section a person within the meaning of *subsection (5)* shall include—

- (a) such person who provides television programme services without any charge being made for the reception within the State of programmes included in the service, other than those charges lawfully made under the Wireless Telegraphy Act, 1926, as amended, and 20
- (b) such person to whom the provisions of *paragraph (a)* of *subsection (2)* do not for the time being apply. 25

Event.

4.—(1) An event, or events of a kind, to which *section 3* applies, shall be an event which in the opinion of the Minister, is:

- (a) an event, sporting or otherwise, of national importance;
- (b) an event, sporting or otherwise, of cultural importance; 30
- (c) an event, sporting or otherwise, of importance to the heritage of the State.

Prohibition of certain acts.

5.—(1) Any contract entered into after the commencement of this Act under which a person acquires rights to televise the whole or any part of an event, or events of a kind, for reception within the State, to which *subsection (1)* of *section 3* applies, shall be void so far as it purports to grant those rights exclusively to any one such person and this will occur if a person within the meaning of *paragraph (a)* of *subsection (2)* of *section 3* has not granted such right to any other person, who is entitled as a matter of law to acquire the rights to televise such events and is precluded by contractual terms from doing so. 35 40

(2) A person who knowingly, with intent or belief enters into a contract with the intent, knowledge or belief of contravening the conditions of *subsection (1)* shall be guilty of an offence. 45

6.—(1) A person guilty of an offence under *section 5* shall be liable— Penalties.

5 (a) on summary conviction, to imprisonment for a term not exceeding three months and banned from entering into a contract in connection with the televising of any event held within the State for a period of five years, whether or not such an event is one to which *section 4* applies or, at the discretion of the Court, to a fine not exceeding £1,000 or to such imprisonment, ban and such fine, or

10 (b) on conviction on indictment, to imprisonment for a term not exceeding two years and banned from entering into a contract in connection with the televising of any event held within the State for a period of five years, whether or not such an event is one to which *section 4* applies or, at the discretion of the court, to a fine not exceeding
15 £20,000 or to such imprisonment, ban and fine.

(2) Where an offence under *section 5* has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of,
20 a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against accordingly.

(3) Notwithstanding Section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under *section 5* of
25 this Act may be instituted at any time within two years from the time when the offence was committed.

7.—This Act may be cited as the Heritage and Cultural Events (Televsual Access Protection) Act, 1997. Short title.