



DÁIL ÉIREANN

AN BILLE CRAOLACHÁIN 2008 BROADCASTING BILL 2008

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE CRAOLACHÁIN 2008 —ROGHCHOISTE

BROADCASTING BILL 2008 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 12, to delete lines 17 to 22 and substitute the following:

“ “broadcasting service” means a service which comprises a compilation of programme material of any description and which is transmitted, relayed or distributed by means of an electronic communications network, directly or indirectly for simultaneous or near-simultaneous reception by the general public, whether that material is actually received or not, and where the programmes are provided in a pre-scheduled and linear order, but does not include:

(a) a service provided for viewing in a non-linear manner where each viewer chooses a programme from a catalogue of programmes, or

(b) other audio and audiovisual services provided by way of the Internet;”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

2. In page 13, line 3, to delete “18 December” and substitute “11 December”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

3. In page 13, line 20, after “television” to insert “and internet protocol television”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

4. In page 15, line 9, to delete “or” and substitute the following:

“(c) the processes by which individuals and communities can create and publish audio or audio-visual material by means of broadcast and related electronic media, and”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

5. In page 16, line 1, to delete “Radio” and substitute “Raidió”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

6. In page 16, line 3, to delete “Radio” and substitute “Raidió”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 4

7. In page 16, line 43, after “Act” to insert the following:

“shall be estimated and planned by the Minister on a multi-annual basis and”.

—Liz McManus.

[SECTION 5]

SECTION 5

8. In page 16, before section 5, but in Part 1, to insert the following new section:

“Laying of orders, schemes, rules and regulations.

5.—Any order, scheme, rule or regulation made pursuant to this Act shall be laid before both Houses of the Oireachtas as soon as may be after it is made, and, if a resolution annulling the order or regulation is passed by either such House within the next twenty-one days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”

—Liz McManus.

SECTION 8

9. In page 17, subsection (1), lines 39 and 40 and in page 18, lines 1 to 3, to delete paragraphs (a) and (b) and substitute the following:

“(a) members shall be proposed for appointment by the Government on the nomination of the Minister,

(b) approval of members appointments shall be given to the Joint Oireachtas Committee following an approval hearing by the Joint Oireachtas Committee with the nominees present, and

(c) the final approval decision for the members of the board shall be taken by a single vote on the make up of the entire board.”

—Simon Coveney.

10. In page 18, lines 4 and 5, to delete subsection (2) and substitute the following:

“(2) the nomination and approval process shall have regard to the need for gender balance and representation from the disability sector.”

—Simon Coveney.

11. In page 18, subsection (4), lines 13 to 15, to delete all words from and including “among” in line 13 down to and including “women.” in line 15 and substitute the following:

“(a) among the members of the Contract Awards Committee there is an equal balance between men and women,

(b) when nominating members there is regard given for industry experience, technical experience and consumer affairs.”

—Simon Coveney.

12. In page 18, subsection (6), lines 23 to 25, to delete all words from and including “among” in line 23 down to and including “women.” in line 25 and substitute the following:

“(a) among the members of the Compliance Committee there is an equal balance between men and women,

(b) when nominating members there is regard given for industry experience, technical experience and consumer affairs.”

—Simon Coveney.

13. In page 18, lines 26 to 48, to delete subsections (7) to (12) and substitute the following:

[SECTION 8]

“(7) The Minister shall inform the Joint Oireachtas Committee if any vacancy in the membership of the authority and shall, within 90 days, inform the Joint Oireachtas Committee of the name of the new nominee to fill the vacant position.”.

—Simon Coveney.

SECTION 9

14. In page 19, between lines 19 and 20, to insert the following subsection:

“(2) The Authority or a statutory committee shall include at least one member who has had experience of or shown capacity in each of the following areas—

(a) matters pertaining to disability and ageing,

(b) broadcasting,

(c) digital media technologies.”.

—Liz McManus.

15. In page 19, lines 29 and 30, to delete subsection (5).

—Liz McManus.

SECTION 10

16. In page 20, subsection (4), line 18, after “Oireachtas” to insert “and published in *Iris Oifigiúil*”.

—Liz McManus.

SECTION 12

17. In page 23, between lines 27 and 28, to insert the following subsection:

“(7) A person who holds an interest in an undertaking which publishes a newspaper in the State shall be disqualified from becoming or ceases to be a member of the Authority or a statutory committee.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 13

18. In page 24, between lines 23 and 24, to insert the following subsection:

“(11) Subject to any rule made under *subsection (3)*, a member of the Authority or a statutory committee shall be regarded as present at a meeting of the Authority or statutory committee where he or she communicates by means of a telecommunications service with the other members present at the meeting.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 15

19. In page 26, subsection (6), line 18, to delete “the provisions of this Act” and substitute “this section”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 19

20. In page 29, lines 7 to 10, to delete subsection (2).

—Liz McManus.

[SECTION 20]

SECTION 20

21. In page 29, subsection (4), line 26, after “committee” to insert “to”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
22. In page 29, subsection (5), line 32, after “committee” to insert “to”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 21

23. In page 30, subsection (1)(a), line 15, to delete “concerns” and substitute “concern”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

24. In page 31, between lines 15 and 16, to insert the following subsection:

“(6) A disclosure under this section or *section 22* shall be recorded in a register together with particulars of any interest of members of the Authority or persons to whom *section 22* applies, and the register shall be available to public inspection during office hours.”.

—Liz McManus.

SECTION 22

25. In page 31, subsection (1), line 19, to delete “in any” and substitute “, in any contract”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
26. In page 31, subsection (1), line 20, to delete “or any proposed” and substitute “or in any agreement or arrangement or proposed”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

27. In page 31, between lines 35 and 36, to insert the following subsection:

“(3) *Subsection (1)* does not apply to a person as regards a contract or proposed contract for services in respect of that person.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 25

28. In page 32, subsection (2), between lines 25 and 26, to insert the following:

“(d) provide a regulatory environment that will sustain independent and impartial journalism,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

29. In page 32, subsection (2)(e), line 30, to delete “facilitate” and substitute “promote and stimulate”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

30. In page 32, subsection (2)(e), line 31, after “services” to insert the following:

“and

(f) ensure the protection of children from commercialisation and ensure that children are not otherwise exposed to broadcasting that could undermine their welfare”.

—Liz McManus.

[SECTION 26]

SECTION 26

- 31.** In page 33, subsection (1)(h), lines 23 to 25, to delete all words from and including “consult” in line 23 down to and including “116(5),” in line 25 and substitute the following:

“consult with the Minister under sections 101(4), 102(2), 103(4), 104(1), (2) and (3), 106(3), 107(3), 111(3), 112(6) and (10) and 116(5).”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 32.** In page 34, between lines 10 and 11, to insert the following subsection:

“(3) In fulfilling its function under *subsection (1)(a)* the Authority shall consider the needs of community sound broadcasters in respect of digital broadcasting.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 28

- 33.** In page 34, subsection (1)(c)(ii), line 46, to delete “and (4)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 34.** In page 35, subsection (1)(d)(ii), line 3, to delete “and (4)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 35.** In page 35, subsection (6), line 41, after “Minister” to insert “and the Joint Oireachtas Committee”.

—Simon Coveney.

SECTION 29

- 36.** In page 36, subsection (3), line 18, to delete “a strategy” and substitute “the strategy”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 32

- 37.** In page 37, line 33, to delete line 33 and substitute the following:

“32.—(1) In this section “commercially sensitive information” means —

(a) financial, commercial, technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the party to which it relates, or could prejudice the competitive position of that party in the conduct of its business, or

(b) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the party to which it relates.

(2) It is the duty of the Authority to so conduct its affairs as”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 38.** In page 38, subsection (4), line 8, to delete “day” and substitute “day and shall be for a period of 3 years”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 39.** In page 38, between lines 22 and 23, to insert the following subsections:

[SECTION 32]

“(9) The Authority shall not disclose commercially sensitive information obtained from a corporation or the holder of a contract under *Part 6* or *8* in pursuance of the Authority’s functions under this Act.

(10) The Authority is not contravening *subsection (9)* if the disclosure —

(a) is made with the consent of the corporation or the holder of a contract under *Part 6* or *8* to which it relates, or

(b) is required by law.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 33

40. In page 38, between lines 27 and 28, to insert the following subsection:

“(2) Prior to making a levy order the Authority shall once every three years present to the relevant Joint Oireachtas Committee a three year budget including the levy intended to be imposed for the approval and consent of the Joint Committee prior to a levy order being made.”.

—Liz McManus.

41. In page 39, subsection (5), lines 1 and 2, to delete paragraph (a).

—Simon Coveney.

42. In page 39, lines 8 to 18, to delete subsection (7) and substitute the following:

“(7) (a) The Authority shall be required to bring an estimate before each House of the Oireachtas and get approval from the Minister for Finance for such an estimate before the beginning of each financial year.

(b) Approval of the Minister of Finance and the Houses of Oireachtas will be required for the estimate of expenditure for the financial year, before any levy orders are constructed or made.

(c) The detail of a levy order shall require the approval of the Minister for Finance.

(d) A request shall be made available to the Joint Oireachtas Committee at least once every two years on the Levy order mechanism being adopted by the authority and the multi-annual budgeting in place for the Authority.”.

—Simon Coveney.

SECTION 34

43. In page 39, subsection (1), line 27, to delete “its functions” and substitute “their functions”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 37

44. In page 40, lines 25 to 33, to delete subsection (1) and substitute the following:

[SECTION 37]

“37.—(1) The chief executive, following the agreement of the Authority, shall not later than 30 September in each year, submit estimates of income and expenditure to the Minister in respect of the subsequent three financial years, in such form as may be required by the Minister, and shall furnish to the Minister any information which the Minister may require in relation to such estimates, including proposals and future plans relating to the performance by the Authority, the Contract Awards Committee and the Compliance Committee of their functions, as required.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

45. In page 40, subsection (3)(a), lines 48 to 50, to delete all words from and including “,” in line 48 down to and including “Minister” in line 50.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

46. In page 41, subsection (7), lines 24 and 25, to delete all words from and including “part” in line 24 down to and including “(1)” in line 25 and substitute the following:

“such estimates of income and expenditure as are required to be prepared under subsection (1) or a summary of them”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 38

47. In page 41, subsection (4), line 39, after “broadcasting” to insert “services”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 39

48. In page 42, subsection (1)(d), lines 30 and 31, to delete “offending against good taste or decency” and substitute “causing harm or offence”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

49. In page 42, subsection (1)(d), line 32, after “crime” to insert the following:

“, anti-social behaviour, exploitation or commercialisation of children or bullying”.

—Liz McManus.

SECTION 40

50. In page 43, before section 40, to insert the following new section:

“Advertising aimed at children.

40.—The Authority shall require, in respect of any person engaged in the transmission or broadcast of television programmes in respect of whom the Authority exercises functions, that:

- (a) no advertising, teleshopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service, being advertising and other activities as aforesaid which relate to matters likely to be of direct or indirect interest to children may be transmitted or broadcast by the person concerned; and

[SECTION 40]

- (b) for a period of at least 3 hours per weekday being hours during which in the opinion of the Authority a significant number of children are likely to be consumers of such programmes, no advertising, teleshopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service, being advertising and other activities as aforesaid of any kind may be transmitted or broadcast by the person concerned.”.

—Liz McManus.

SECTION 41

51. In page 43, subsection (2), lines 33 to 37, to delete subsection (2), and substitute the following:

(2) The total daily times for broadcasting advertisements in a television broadcasting service must not exceed a maximum of 20 per cent of the total daily broadcasting time and the maximum time to be given to advertisements in any hour shall not exceed a maximum of 12 minutes, as set out in the Council Directive.

—Simon Coveney

52. In page 43, subsection (2), line 37, after “minutes” to insert “averaged over two consecutive hours”.

—Liz McManus.

53. In page 43, lines 41 to 44, to delete subsection (4).

—Simon Coveney.

54. In page 44, lines 1 to 6, to delete subsection (6).

—Simon Coveney.

SECTION 42

55. In page 44, subsection (2)(f), lines 37 and 38, to delete all words from and including “that” in line 37 down to and including “particular,” in line 38 and substitute the following:

“that in respect of programme material broadcast by a broadcaster that audiences are protected from harmful or offensive material, in particular, that programme material”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

56. In page 44, subsection (2)(f)(ii), line 45, after “children” to insert the following:

“and the impact of such programming on members of the audience for such material”.

—Liz McManus.

57. In page 45, subsection (2)(j), line 16, to delete “IIB,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

58. In page 45, subsection (2), between lines 16 and 17, to insert the following:

[SECTION 42]

“(k) That any advertising, teleshopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service which relates to religious faith, or the promotion of religious organisation, publication or teaching is in no way divisive or discriminatory in relation to any community, section of community or person and that a positive tolerance towards diversity and multiculturalism is shown at all times.”

—Simon Coveney.

59. In page 45, subsection (3)(e), line 33, to delete “services” and substitute “a broadcasting service”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

60. In page 45, subsection (3)(e), line 35, to delete “a service” and substitute “the service”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

61. In page 45, subsection (4), line 45, after “contain” to insert “alcohol.”

—Simon Coveney.

62. In page 45, between lines 45 and 46, to insert the following subsection:

“(5) a broadcasting code prepared by the Authority under *subsection (2)(k)* may prohibit advertising in a broadcasting service of religious advertising considered by the Authority to be intolerant of diversity or divisive in its content or message indeed the Authority shall reserve the right to prohibit all forms of religious advertising, as was the case prior to the *Broadcasting Act 2008* should the Authority deem it necessary to introduce a new code to do so.”

—Simon Coveney.

63. In page 46, between lines 14 and 15, to insert the following subsection:

“(10) The Authority shall appear before the Joint Oireachtas Committee at least once every year to report on the effectiveness of the Broadcasting Codes that are in existence, to outline the proposed amendments to establishing codes and to outline the introduction of any new codes that may be under consideration.

(11) The Authority shall be required to obtain approval from the Minister for amendments to existing codes and for the introduction of new codes.”

—Simon Coveney.

SECTION 43

64. In page 46, subsection (1), line 16, to delete “make” and substitute the following:

“prepare, and from time to time as occasion requires, revise”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

65. In page 47, subsection (4), line 17, to delete “IIB,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 44

66. In page 47, subsection (1), line 40, after “the” to insert “broadcasting”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

67. In page 47, subsection (1), line 43, after “the” to insert “broadcasting”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SECTION 46]

SECTION 46

68. In page 48, before section 46, to insert the following new section:

“46.—(1) In this section “self-regulatory system” means a system whereby the members of a group of persons with a shared interest voluntarily adhere to rules or code of conduct established by that group.

(2) The Authority may co-operate with or give assistance to one or more persons (whether residing or having their principal place of business in the State or elsewhere) in—

- (a) the preparation by that person or those persons of standards, or
- (b) the establishment and administration by that person or those persons of a self-regulatory system,

in respect of broadcasting content or related electronic media.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[Acceptance of this amendment involves the deletion of section 46 of the Bill.]

SECTION 47

69. In page 48, subsection (1), line 36, to delete “on” and substitute “including”.

—Liz McManus.

SECTION 48

70. In page 50, subsection (4), line 20, to delete “not exceeding 21 days”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

71. In page 50, subsection (5), line 34, to delete “not exceeding 21 days”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

72. In page 51, subsection (6), line 1, to delete “not exceeding 21 days”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 49

73. In page 54, subsection (17), lines 13 and 14, to delete “may as soon as may be but not later than” and substitute “shall endeavor to within”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

74. In page 54, subsection (21), line 42, after “opinion” to insert “*inter alia*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

75. In page 55, subsection (21)(c), line 1, to delete “a proposed” and substitute “the proposed”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

76. In page 55, subsection (21)(d), line 3, to delete “a proposed” and substitute “the proposed”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

77. In page 55, subsection (21)(g), lines 8 and 9, to delete “transgress standards of public decency” and substitute “be harmful or offensive”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SECTION 49]

- 78.** In page 55, subsection (22)(b), line 43, to delete “such” and substitute “the end of such longer”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 79.** In page 56, subsection (23), line 3, to delete “not complied with such notification” and substitute “not remedied its non-compliance”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 80.** In page 56, subsection (23), line 7, to delete “with the notification” and substitute “with a decision under *subsection (17)*”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 81.** In page 56, subsection (24)(a), line 11, to delete “with the notification” and substitute “with a decision under *subsection (17)*”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 82.** In page 56, subsection (26)(a), line 21, to delete “made” and substitute “prepared”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 50

- 83.** In page 57, lines 1 to 17, to delete subsection (2) and substitute the following:

“(2) The Compliance Committee may conduct by appointing as an investigator a member of the staff of the Authority or another person the Committee considers to be suitably qualified to conduct, an investigation under this section if it has reasonable grounds for believing that a contractor is not providing a service in accordance with the terms of the contractor’s contract.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 84.** In page 57, subsection (2), between lines 17 and 18, to insert the following:

“(c) if a complaint is made that the Contactor is not respecting intellectual property rights.”

—Simon Coveney.

- 85.** In page 57, lines 34 to 42, to delete subsection (5) and substitute the following:

“(5) Where an investigator, having conducted an investigation under *subsection (2)*, forms a view that a contractor is not providing the service referred to in that subsection in accordance with the terms of the contractor’s contract, then he or she shall notify the finding to the contractor and afford that contractor an opportunity to make submissions in accordance with any rules made under *subsection (8)* at a hearing before the Compliance Committee in respect of the matter under investigation.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 86.** In page 57, subsection (5), between lines 38 and 39, to insert the following:

“(c) is in breach of Irish Copyright Law.”

—Simon Coveney.

- 87.** In page 58, subsection (7)(a), lines 2 and 3, to delete all words from and including “*subsection*” in line 2 down to and including “both” in line 3 and substitute the following:

[SECTION 50]

“subsection (2) in accordance with the terms of the contractor’s contract”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 88.** In page 58, subsection (7)(a), line 3, to delete “or both” and substitute the following:

“or is acting contrary to the provisions of *subsection (2)(c)* or all of the foregoing”.

—Simon Coveney.

- 89.** In page 58, between lines 10 and 11, to insert the following subsection:

“(9) In this section “investigator” means a person appointed as such under *subsection (1)*.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 51

- 90.** In page 58, subsection (1)(b), lines 25 to 27, to delete all words from and including “or”, where it secondly occurs in line 25 down to and including “interference” in line 27 and substitute “and the nature of that failure”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 91.** In page 58, subsection (1)(b), line 26, before “and” to insert “or is in breach of *section 50(2)(c)*”.

—Simon Coveney.

SECTION 52

- 92.** In page 59, line 22, to delete “failure” and substitute “serious or repeated failure”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 53

- 93.** In page 59, subsection (1), line 38, to delete “, 106(3) or (4)” and substitute “or *106(3)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 94.** In page 59, subsection (2), line 40, after “particular” to insert “apparent”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 95.** In page 60, subsection (5), line 14, to delete “a breach” and substitute “an apparent breach”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 96.** In page 60, subsection (5), line 26, to delete “they are” and substitute “the Committee is”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 55

- 97.** In page 62, subsection (1), line 32, to delete “54(3)(i)” and substitute “54(5)”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SECTION 56]

SECTION 56

- 98.** In page 64, paragraph (g), line 4, after “programme” to insert “material”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 99.** In page 64, paragraph (i), lines 9 and 10, to delete “a programme’s content” and substitute “the programme material”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 100.** In page 64, paragraph (o), line 28, to delete “has” and substitute “had”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 101.** In page 64, paragraph (r), line 38, to delete “Authority or another person” and substitute “Court or Authority”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 57

- 102.** In page 65, subsection (3), line 41, to delete “investigations officer” and substitute the following:

“investigator under *Chapter 1* or investigating officer under *Chapter 2*, as the case may be”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha

SECTION 61

- 103.** In page 68, subsection (1), to delete line 32 and substitute the following:

(1) In this section “network provider” means a person providing or operating an electronic communications network which is used for the distribution, transmission or retransmission of broadcasting services to the public.

(2) During the continuance of any national emergency, the

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 104.** In page 68, subsection (2), line 38, to delete “power” and substitute “the power”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 105.** In page 68, subsection (2), line 39, to delete “to” and substitute “and network providers to”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 106.** In page 69, subsection (4), line 11, to delete “Government, and the” and substitute “Government. The”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 107.** In page 69, between lines 12 and 13, to insert the following subsection:

“(5) At the request of the Minister, the Authority shall direct a network provider, in a manner to be specified by the Authority, to carry broadcast announcements for and on behalf of any Minister of the Government, in the event of a major emergency, in connection with the functions of that Minister of the Government. The network provider shall comply with the direction.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 108.** In page 69, subsection (5), line 13, to delete “*subsection (4)*” and substitute “*subsection (5) or (6)*”.

[SECTION 61]

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 109.** In page 69, subsection (5), line 14, to delete “contractor” and substitute “contractor or network provider”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 62

- 110.** In page 69, line 20, to delete “5 years” and substitute “3 years”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 64

- 111.** In page 69, paragraph (a), line 37, after “of” to insert “, and accountable to,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 65

- 112.** In page 70, subsection (5), line 30, to delete “will” and substitute “shall”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 67

- 113.** In page 74, subsection (4)(i), lines 1 and 2, to delete “sound broadcasting contracts” and substitute “a sound broadcasting contract”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 114.** In page 74, subsection (6)(c), line 16, to delete “to” and substitute “of”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 115.** In page 74, subsection (9), line 32, to delete “shall not exceed 7 years” and substitute “shall not exceed 10 years”.

—Simon Coveney, Liz McManus.

SECTION 71

- 116.** In page 78, subsection (2)(b), lines 20 and 21, to delete “other than the Internet, but”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 117.** In page 78, subsection (2)(b), line 23, after “network” to insert “, an internet protocol television network”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 118.** In page 78, subsection (4), line 33, to delete “other”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 72

- 119.** In page 79, subsection (1), line 26, to delete “community” and substitute “community or community of interest”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 120.** In page 79, subsection (2)(a), line 36, after “of” to insert “, and accountable to,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SECTION 72]

- 121.** In page 80, subsection (3), line 1, to delete “77(6)” and substitute “77(7)”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 122.** In page 80, subsection (6), line 17, to delete “community” and substitute “community or community of interest”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 123.** In page 80, subsection (7), line 38, to delete “*subsection (6)*” and substitute “*subsection (7)*”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 74

- 124.** In page 82, subsection (9), line 7, to delete “a contractor” and substitute “the contractor”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 125.** In page 82, between lines 12 and 13, to insert the following subsection:

“(11) Community content provision contract holders are exempt from any fees and are to be provided with a minimum level of service identifying the programmes being broadcast.”.

—Liz McManus.

SECTION 76

- 126.** In page 82, subsection (2), line 41, to delete “(a)”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 127.** In page 82, subsection (4), line 50, to delete “*subsection (3)*” and substitute “*subsection (1)*”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
- 128.** In page 83, subsection (4), line 2, to delete “community” and substitute “community or community of interest”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha, Liz McManus..
- 129.** In page 83, subsection (7), line 9, to delete “*subsection (3)*” and substitute “*subsection (1)*”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 77

- 130.** In page 83, subsection (1), lines 37 to 40, to delete paragraph (e).
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 131.** In page 83, after line 49, to insert the following subsection:

“(3) In the case where the appropriate network is a digital system, the appropriate network provider shall ensure the re-transmission, by or through his or her appropriate network, of the Houses of the Oireachtas Channel and the Irish Film Channel.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 132.** In page 84, subsection (3), line 3, to delete “service” and substitute “television service”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SECTION 77]

133. In page 84, subsection (7), lines 28 and 29, to delete “the appropriate network,” and substitute the following:

“specified appropriate networks (whether analogue or digital) maintained by the appropriate network provider,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

134. In page 84, subsection (7), line 29, after “network” to insert the following:

“and to all the customers subscribed to that network”.

—Liz McManus.

135. In page 84, subsection (7), line 31, to delete “community” and substitute “community or community of interest”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha, Liz McManus.

136. In page 84, subsection (8), line 36, to delete “(6)” and substitute “(7)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

137. In page 84, subsection (9), line 39, to delete “(6)” and substitute “(7)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

138. In page 84, between lines 43 and 44, to insert the following subsections:

“(10) Without prejudice to the requirements imposed under *subsection (4)*, RTÉ, TG4 and the television service programme contractor shall ensure that their must-offer services are at all times offered for re-transmission (subject to agreement as to fair, reasonable and non-discriminatory terms of use) by means of any appropriate network that is available for reception in an intelligible form by members of the public in the whole of or in part of the State.

(11) RTÉ, TG4 and the television service programme contractor shall ensure that their must-offer services are at all times offered for broadcast or re-transmission (subject to agreement as to fair, reasonable and non-discriminatory terms of use) by means of every satellite television service.

(12) Arrangements entered into under *subsection (11)* shall not result in an additional charge on any subscriber to a satellite television service by reason of the making available to that subscriber of any must-offer service by way of the satellite television service.

(13) Subject to the requirements of any contract made under *section 74* any arrangement entered into under *subsection (11)* shall ensure that the electronic programme guide by which members of the public access the satellite television service shall prioritise the positioning of the must-offer service for the purposes of that satellite television service and for the purposes of any other satellite television service which also utilises the same electronic programme guide for the purposes of making a satellite television service available for reception in an intelligible form by members of the public in the whole of or in part of the State.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

139. In page 85, lines 5 and 6, to delete subsection (12) and substitute the following:

“(12) In this section—

[SECTION 77]

“must-offer service” means a free-to-air television service provided for the time being by RTÉ, TG4 and the free-to-air service provided under *section 70* by the television service programme contractor;

“re-transmission” means near-simultaneous, unaltered and unabridged transmission;

“satellite television service” means a service which consists in or involves the distribution or transmission of television broadcasting services from a satellite, such services then offered to the public with the intention that such services be used by a significant number of the persons in the whole or part of the State by whom the broadcasts are received in an intelligible form as their principal means of receiving television programmes.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 78

140. In page 85, before section 78, to insert the following new section:

78.—(1) The Authority shall not conclude a satellite content contract with a person for the purpose of material being supplied for its transmission as a broadcasting service (intended for reception in the State) by means of a satellite device unless satisfied that recipients of the service will be in a position to receive by satellite device each free to air service provided by RTÉ, TG4 and the television service programme contractor as a basic programme service.

(2) This section applies to satellite content contracts whether concluded before or after the passing of this Act.

(3) In this section—

“basic programme service” means the programme material made available to persons by means of a satellite device at the lowest rate in any scale of charges that are made for the reception of such services by means of a satellite device;

“free to air services” includes such free to air services as are available at the date of passing of this Act.”

—Liz McManus.

SECTION 81

141. In page 86, subsection (1)(d), line 1, to delete “as defined in *section 89*” and substitute “(as defined in *section 89*)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 82

142. In page 87, between lines 6 and 7, to insert the following subsection:

“(2) The board of a corporation shall include at least one member who has had experience of or shown capacity in each of the following areas—

(a) matters pertaining to disability and ageing,

(b) broadcasting,

(c) digital media technologies.”

—Liz McManus.

[SECTION 82]

143. In page 87, subsection (2), line 7, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
144. In page 87, lines 17 and 18, to delete subsection (6).
—Liz McManus.

SECTION 83

145. In page 88, subsection (12), line 38, to delete “expressly”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 84

146. In page 89, subsection (3), line 30, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
147. In page 89, subsection (5), line 38, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
148. In page 89, subsection (5), line 39, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
149. In page 90, subsection (8), line 12, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
150. In page 90, subsection (10), line 33, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
151. In page 90, subsection (10), line 36, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
152. In page 90, subsection (10), line 38, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
153. In page 90, subsection (10), line 41, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
154. In page 91, subsection (12), line 3, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
155. In page 91, subsection (12), line 6, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
156. In page 91, subsection (12), line 9, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
157. In page 91, subsection (12), line 12, after “of” to insert “the board of”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 86

158. In page 91, subsection (1)(b), line 40, to delete “in”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
159. In page 92, subsection (2)(b), line 5, to delete “in”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
160. In page 92, subsection (2), line 15, to delete “in”.

[SECTION 86]

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

161. In page 92, subsection (4), line 23, to delete “and” and substitute “or”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

162. In page 92, subsection (4), line 24, after “of” to insert “the board of”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

163. In page 92, subsection (5), line 29, after “of” to insert “the board of”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 87

164. In page 93, between lines 11 and 12, to insert the following:

“(e) ensure that the corporation acts responsibly in commercial dealings and in a manner that recognises the competitive market for broadcasting activities in Ireland and does not abuse any position of market dominance.”.

—Simon Coveney.

SECTION 88

165. In page 93, subsection (1), line 12, to delete “A board” and substitute “The board”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

166. In page 93, subsection (2), line 15, to delete “a board” and substitute “the board”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

167. In page 93, subsection (3), line 23, to delete “a board” and substitute “the board”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

168. In page 93, between lines 33 and 34, to insert the following subsections:

“(7) Subject to any rule made under *subsection (3)* a member of the board of a corporation shall be regarded as present at a meeting of the board where he or she communicates by means of a telecommunications service with the other members of the board present at the meeting.

(8) The board of a corporation may delegate any of its functions to a subcommittee of the board of the corporation subject to such conditions as the board of the corporation considers appropriate.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 93

169. In page 97, subsection (2)(iv), line 30, to delete “a corporation” and substitute “the corporation”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 94

170. In page 98, subsection (1), line 12, to delete “in any” and substitute “, in any contract, agreement or arrangement”.

[SECTION 94]

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 96

171. In page 99, lines 17 and 18, to delete subsection (7).

—Simon Coveney.

172. In page 100, subsection (16), line 9, to delete “subsection” and substitute “section”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 97

173. In page 100, subsection (2), line 30, after “and” to insert “allowances for”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 99

174. In page 100, subsection (1), line 42, to delete “3 years” and substitute “5 years”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

175. In page 100, subsection (1), line 44, to delete “a strategic development plan” and substitute “statement of strategy”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

176. In page 100, subsection (2), line 45, to delete “strategic development plan” and substitute “statement of strategy”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

177. In page 101, subsection (2), line 1, to delete “plan” and substitute “statement”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

178. In page 101, subsection (3), lines 3 and 4, to delete “strategic development plan” and substitute “statement of strategy”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 100

179. In page 101, subsection (2), between lines 19 and 20, to insert the following:

“(d) the impact of the proposal on other commercial activity within the market.”

—Simon Coveney.

SECTION 101

180. In page 101, subsection (1), line 28, to delete “broadcasting charter (“broadcasting charter”)” and substitute “statement”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

181. In page 101, lines 31 to 43 and in page 102, lines 1 to 3, to delete subsection (2).

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

182. In page 101, subsection (2), lines 33 to 36, to delete paragraph (a) and substitute the following:

[SECTION 101]

“(a) the nature and number of hours of children’s television programming, including children’s television programming in the Irish language, to be broadcast by the corporation should include a minimum of 30 per cent of programming originally produced by the corporation and/or independent producers.”.

—Simon Coveney.

183. In page 101, subsection (2), lines 33 to 36, to delete paragraph (a) and substitute the following:

“(a) the nature and number of hours of children’s television programming, including children’s television programming in the Irish language, to be broadcast by the corporation should include a minimum of 30 per cent of programming originated by the corporation and/or independent producers.”.

—Liz McManus.

184. In page 102, subsection (3), line 4, to delete “broadcasting charter” and substitute “public service statement”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

185. In page 102, subsection (4), line 7, to delete “broadcasting charter” and substitute “public service statement”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

186. In page 102, subsection (4), line 9, to delete “broadcasting charter” and substitute “public service statement”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

187. In page 102, subsection (5), lines 11 and 12, to delete all words from and including “broadcasting” in line 11 down to and including “charter” in line 12 and substitute the following:

“public service statement, or any revision to it cause a copy of the public service statement”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 102

188. In page 102, lines 13 to 17, to delete subsection (1) and substitute the following:

“102.—(1) A corporation shall, by 31 January in each year, prepare an annual statement of performance commitments, in accordance with—

- (a) its objects,
- (b) any extant statement of strategy prepared under *section 99*, and
- (c) any extant public service statement prepared under *section 101*,

and including the activities to which the corporation intends to commit in that financial year and associated performance indicators.

(2) An annual statement of performance commitments prepared by a corporation under *subsection (1)* shall address, *inter alia*—

[SECTION 102]

- (a) original children’s programming, including animation and children’s programming in the Irish language, to be broadcast by the corporation,
- (b) Irish language programming to be broadcast by the corporation,
- (c) science and technology programming to be broadcast by the corporation,
- (d) magazines and books to be prepared, published and distributed in pursuance of the corporation’s public service objects, and
- (e) the recorded audio material to be compiled, published and distributed in pursuance of the corporation’s public service objects.”
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

189. In page 102, subsection (2), line 19, to delete “commitments” and substitute “performance commitments”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

190. In page 102, subsection (2), line 20, to delete “*subsection (1)*” and substitute “*subsection (1)*, or a summary thereof”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 106

191. In page 105, lines 1 to 5, to delete subsection (1) and substitute the following:

“106.—(1) A corporation may broadcast advertisements, broadcast acknowledgement of sponsorship, may fix charges and conditions for such broadcasts in fixing such charges shall ensure that all charging practices are conducted strictly in accordance with the terms of *section 108* of this Act.”
—Liz McManus.

192. In page 105, lines 8 to 22, to delete subsections (3) and (4) and substitute the following:

“(3) Subject to the requirements of *section 41(2)*, a corporation in providing a broadcasting service under this Part shall, subject to the approval of the Minister following consultation with the Authority, fix—

- (a) the total daily time for broadcasting advertisements, and
- (b) the maximum period given to advertisements in any hour.”
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

193. In page 105, subsection (5), line 24, to delete “with the” and substitute “with a”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

194. In page 105, subsection (5), line 25, to delete “a corporation” and substitute “the corporation”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

195. In page 105, subsection (5), line 27, to delete “a corporation” and substitute “the corporation”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SECTION 106]

196. In page 105, subsection (5), line 29, to delete “a corporation” and substitute “the corporation”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 108

197. In page 106, subsection (2), line 30, after “length” to insert “and on commercial terms”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

198. In page 106, subsection (2), line 30, after “length” to insert “and carried out in line with market practices”.

—Simon Coveney.

SECTION 109

199. In page 107, subsection (7)(a), lines 32 to 34, to delete all words from and including “examination,” in line 32 down to and including “Minister” in line 34 and substitute “examination”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

200. In page 108, subsection (9)(b)(ii), line 7, to delete “opportunity” and substitute “opportunities”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 110

201. In page 109, between lines 5 and 6, to insert the following subsection:

“(7) At the direction of the Minister, and at intervals of no greater than three years, the Authority shall prepare a report analysing the arrangements for the funding of public service broadcasting in a representative section of EU Member States with particular reference to:

- (a) The amount of the subsidy;
- (b) the intensity of the subsidy in the context of the broadcaster’s total revenues;
- (c) the arrangements in place to ensure the maximisation of revenue to offset the requirement for subsidy;
- (d) the arrangements in place to ensure the public broadcaster carries out its commercial activities in line with market practices.”.

—Simon Coveney.

SECTION 111

202. In page 109, between lines 13 and 14, to insert the following subsection:

“(3) A corporation may enter into an arrangement with a public service broadcaster for the reuse with or without charge by the public service broadcaster, in pursuance of its public service objects and functions under this Part, of items contained in any archive or library maintained by the corporation, such charge not to exceed the estimated cost of the search and retrieval of such items.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SECTION 111]

203. In page 109, subsection (5), lines 25 and 26, to delete “the corporation” and substitute “a corporation”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 112

204. In page 110, before section 112, to insert the following new section:

“Code of fair trading practice.

112.—(1) It is the duty of a corporation to prepare and publish, within 12 months of the passing of this Act, and every fourth year thereafter, a code of fair trading practice (in this section referred to as a “code”) setting out the principles that it shall apply when agreeing terms for the commissioning of programming material from independent producers.

(2) The Authority, having consulted with the Minister, a corporation, and independent producers (or such persons appearing to the Authority to represent them), shall within 6 months of the passing of this Act and every fourth year thereafter, prepare and issue guidance to the corporation on the format of a code required under *subsection (1)*.

(3) The guidance issued by the Authority under *subsection (2)* shall be general in nature and shall not specify the particular items to be included in a code to which the guidance relates.

(4) A corporation, having considered the guidance received under *subsection (2)*, shall prepare and submit for approval to the Minister a code.

(5) A code shall include reference to a corporation’s approach to—

- (a) multi-annual commissioning;
- (b) transparency in respect of each category of rights;
- (c) timetable for contractual negotiations;
- (d) matters relating to duration and exclusivity of each category of those rights;
- (e) arrangements adopted in accordance with the code for demonstrating compliance with it.

(6) The Minister shall, in considering a code, consult with the Authority.

(7) On approval by the Minister a code shall be deemed to have come into force and a corporation shall comply with such a code.

(8) A corporation shall ensure that provision is made for resolving disputes arising in respect of the provisions of a code (by independent arbitration or otherwise) in a manner that appears to the Minister and the parties involved to be appropriate.

(9) The Compliance Committee, at the direction of the Minister, report to the Minister on compliance by a corporation with a code prepared under this section.

(10) A corporation may with the approval of the Minister, the Minister having consulted with the Authority, revise and publish amendments to a code.”

—Simon Coveney.

205. In page 110, before section 112, to insert the following new section:

[SECTION 112]

“112.—(1) It is the duty of a corporation to prepare and publish, within 12 months of the passing of this Act, and every fourth year thereafter, a code of fair trading practice (in this section referred to as a “code”) setting out the principles that it shall apply when agreeing terms for the commissioning of programming material from independent producers.

(2) The Authority, having consulted with the Minister, a corporation, and independent producers (or such persons appearing to the Authority to represent them), shall within 6 months of the passing of this Act and every fourth year thereafter, prepare and issue guidance to the corporation on the format of a code required under *subsection (1)*.

(3) The guidance issued by the Authority under *subsection (2)* shall be general in nature and shall not specify the particular items to be included in a code to which the guidance relates.

(4) A corporation, having considered the guidance received under *subsection (2)*, shall prepare and submit for approval to the Minister a code.

(5) A code shall include reference to a corporation’s approach to—

- (a) multi-annual commissioning;
- (b) that there is what appears to the Authority and the Minister to be sufficient transparency about the amounts to be paid in respect of each category of rights;
- (c) timetable for contractual negotiations;
- (d) that what appears to the Authority and the Minister to be satisfactory arrangements are made about the duration and exclusivity of those rights;
- (e) that procedures exist for reviewing the arrangements adopted in accordance with the code for demonstrating compliance with it.

(6) The Minister shall, in considering a code, consult with the Authority.

(7) On approval by the Minister a code shall be deemed to have come into force and a corporation shall comply with such a code.

(8) A corporation shall ensure that provision is made for resolving disputes arising in respect of the provisions of a code (by independent arbitration or otherwise) in a manner that appears to the Minister and the parties involved to be appropriate.

(9) The Compliance Committee, at the direction of the Minister, report to the Minister on compliance by a corporation with a code prepared under this section.

(10) A corporation may with the approval of the Minister, the Minister having consulted with the Authority, revise and publish amendments to a code.”

—Liz McManus.

206. In page 110, subsection (1), line 11, to delete “18” and substitute “15”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

207. In page 110, between lines 32 and 33 , to insert the following subsection:

“(6) In meeting the requirements of *subsection (5)(b)* the corporation shall address the arrangements it proposes to adopt in respect of the duration and exclusivity of the various categories of rights it intends to acquire.”

[SECTION 112]

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 208.** In page 110, subsection (7), line 35, to delete “a code” and substitute “the code”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 209.** In page 110, subsection (7), line 36, to delete “a corporation” and substitute “the corporation”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

Section opposed.

—Simon Coveney , Liz McManus.

SECTION 113

- 210.** In page 111, subsection (1), line 5, to delete “Radio” and substitute “Raidió”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 211.** In page 111, subsection (2), line 7, to delete “Radio” and substitute “Raidió”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 114

- 212.** In page 112, subsection (4), line 42, to delete “shall be” and substitute “are”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 213.** In page 113, subsection (4)(j), line 24, to delete “companies” and substitute “organisations”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 214.** In page 113, subsection (4)(l), line 29, to delete “provide” and substitute “to provide”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 215.** In page 113, subsection (4)(l), line 32, to delete “and” where it secondly occurs.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 216.** In page 113, subsection (4)(m), line 33, to delete “facilitate” and substitute “to facilitate”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 217.** In page 113, subsection (4), line 36, to delete paragraph (n) and substitute the following:

“(n) to invest a minimum of 1 per cent of the amount attributed in the preceding financial year by RTÉ of revenues in the Television Integrated Business Division (IBD) in the notes forming part of the group financial statements as published annually by RTÉ (made up of commercial revenue and licence fee revenue as reported in the RTÉ accounts) in, originate or procure films”.

—Liz McManus.

- 218.** In page 113, subsection (4)(q), line 42, to delete “in” and substitute “of”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 219.** In page 114, lines 20 to 22, to delete subsection (8).

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SECTION 114]

220. In page 114, subsection (9), line 27, to delete “television” and substitute “television and sound”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 116

221. In page 115, subsection (5), line 24, to delete “these monies or a specified portion of it” and substitute “those monies or a specified portion of them”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha..

222. In page 116, lines 3 to 19, to delete subsection (8) and substitute the following:

“(8) In Part 1 of the Table to this section, “appropriate amount” means twenty (20) per cent of the amount of commercial revenues and licence fee revenues attributed by RTÉ to the Television Integrated Business Division (IBD) in the notes forming part of the group financial statements for the immediately preceding financial year concerned.”.

—Simon Coveney

223. In page 116, lines 3 to 19, to delete subsection (8) and substitute the following:

“(8) In Part 1 of the Table to this section, “appropriate amount” means thirty five per cent (35 %) of the amount of commercial revenues and licence fee revenues attributed by RTÉ to the Television Integrated Business Division (IBD) in the notes forming part of the group financial statements for the immediately preceding financial year concerned.”.

—Liz McManus.

224. In page 116, subsection (11), line 35, to delete “television”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

225. In page 117, subsection (15)(a), line 48, after “programmes,” to insert “and”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

226. In page 118, subsection (16)(a), line 8, after “programmes,” to insert “and”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

227. In page 118, to delete lines 13 to 20 and substitute the following:

“TABLE

Part 1

Independent Programmes account

Financial year (1)	Amount of monies to be paid by RTÉ into the account (2)
2008	Twenty (20%) of the amount of commercial revenues and licence fee revenues attributed by RTÉ to the Television Integrated Business Division (IBD) in the notes forming part of the group financial statements for the immediately preceding financial year concerned.
Each subsequent financial year	The appropriate amount mean at least 20%

”.

—Simon Coveney.

[SECTION 116]

228. In page 118, to delete lines 13 to 20 and substitute the following:

“TABLE

Part 1

Independent Programmes account

Financial year (1)	Amount of monies to be paid by RTÉ into the account (2)
2008	Thirty five per cent (35%) of the amount of commercial revenues and licence fee revenues attributed by RTÉ to the Television Integrated Business Division (IBD) in the notes forming part of the group financial statements for the immediately preceding financial year concerned.
Each subsequent financial year	The appropriate amount

”.

—Liz McManus.

229. In page 118, to delete lines 23 to 34 and substitute the following:

“

Financial Year	Minimum % of monies paid into account to be expended by RTÉ on independent sound broadcasting programmes
2009	1.25%
2010	2.00%
2011	3.00%
2012	4.00%
Each subsequent financial year	5.00%

”.

—Liz McManus.

230. In page 118, to delete lines 30 to 33 and substitute the following:

“

2010	1.75%
2011	2.50%
2012	3.50%
2013	5.00 (and each subsequent year)

”.

—Simon Coveney.

SECTION 118

231. In page 119, subsection (1)(a), line 5, after “Ireland” to insert the following:

“in a way that is consistent with and in the spirit of the Good Friday Agreement 1998”.

—Simon Coveney.

232. In page 121, subsection (4)(j), line 11, to delete “companies” and substitute “organisations”.

[SECTION 118]

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 233.** In page 121, subsection (4)(g), lines 27 and 28, to delete all words from and including “to” in line 27 down to and including “service” in line 28 and substitute the following:

“to establish and maintain an “electronic communications service” meaning a service”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 120

- 234.** In page 122, subsection (1), line 24, to delete “and” and substitute “and at”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 121

- 235.** In page 122, between lines 36 and 37, to insert the following subsection:

“(2) At all times practicable save other than for operational and maintenance purposes that RTÉ use the maximum power levels as sanctioned by the ITU and licensed by ComReg in the case of an LF broadcast transmitter serving the island of Ireland and/or Irish communities abroad.”.

—Liz McManus.

SECTION 122

- 236.** In page 122, subsection (1), line 47, to delete “and (2) and *section 133(1)* and” and substitute “or (2) or *section 133(1)* or”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 237.** In page 123, between lines 3 and 4, to insert the following subsection:

“(2) RTÉ shall provide and maintain LF broadcast infrastructure capable of operating at the full allocated power as licensed by the ITU and ComReg being an emergency service across the island of Ireland, its offshore islands and territorial waters.”.

—Liz McManus.

SECTION 123

- 238.** In page 123, lines 46 to 47, and in page 124, lines 1 to 3, to delete subsection (3) and substitute the following:

“(3) The Minister, with the consent of the Minister for Finance may from time to time pay to RTÉ such an amount as he or she determines to be reasonable for the purposes of defraying the expenses incurred by RTÉ in pursuance of its Public Service Objects, subject always to RTÉ being in compliance with *section 108* of this Act.”.

—Liz McManus.

- 239.** In page 124, between lines 9 and 10, to insert the following subsection:

“(5) The Minister when determining allocation of funding to TG4 shall take note of the importance of multi annual funding to the ability of TG4 to develop and broadcast at consistently high standard.”.

—Simon Coveney.

[SECTION 124]

SECTION 124

240. In page 124, lines 18 to 22, to delete subsection (2) and substitute the following:

“(2) The Authority shall in each year carry out a review of the extent to which a corporation has during the previous financial year fulfilled the commitments stated in an annual statement of commitment for that Financial Year and the adequacy or otherwise of public funding to enable the Corporation to meet its public service objects. The Authority shall take the Corporation’s compliance with *sections 106* and *108* of this Act into account in the context of any such review.”

—Liz McManus.

241. In page 124, subsection (2), lines 20 and 21, to delete all words from and including “commitments” in line 20 down to and including “commitments” in line 21 and substitute the following:

“commitments in respect of its public service objects stated in an annual statement of performance commitments”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

242. In page 125, subsection (9)(e), line 13, to delete “broadcasting charter” and substitute “public service statement”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 125

243. In page 126, subsection (2), line 12, before “, fund” to insert the following:

“or work in partnership with RTÉ or another established broadcaster”.

—Simon Coveney.

244. In page 126, subsection (4), line 23, to delete “in” and substitute “of”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 128

245. In page 127, subsection (1), line 27, to delete “broadcasting charter” and substitute “public service statement”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

246. In page 127, subsection (2), line 33, to delete “broadcasting charter” and substitute “public service statement”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 129

247. In page 128, lines 12 and 13, to delete “and (2) and *section 133(1)* and” and substitute “or (2), *section 133(1)* or”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 130

248. In page 130, subsection (9), lines 19 and 20, to delete “a provider of such television service” and substitute “the provider”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SECTION 131]

SECTION 131

249. In page 131, subsection (4), line 22, to delete “Contract Awards Committee” and substitute “Authority”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

250. In page 131, between lines 31 and 32, to insert the following subsection:

“(6) Powers under this Part to make television and radio frequency spectrum available, both analogue and digital, shall be exercised having due regard to the proposition that the service provided by community media is not to be assessed in terms of opportunity cost or justification of the cost of spectrum allocation but rather in the social value it represents.”.

—Liz McManus.

SECTION 132

251. In page 132, subsection (5), line 19, to delete “and” and substitute “or”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 133

252. In page 132, subsection (3), line 38, to delete “sound broadcasting multiplex licences” and substitute “a sound broadcasting multiplex licence”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

253. In page 133, subsection (6), line 14, to delete “and” and substitute “or”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 134

254. In page 134, subsection (7)(d), lines 20 to 21, to delete all words from and including “sound” in line 20 down to and including “contractors” in line 21 and substitute the following:

“sound broadcasting multiplex contractor or contractors”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

255. In page 134, subsection (8), lines 23 and 24, to delete “shall be not more than 4 years” and substitute “shall not be more than 7 years”.

—Simon Coveney , Liz McManus

256. In page 134, subsection (9), line 26, to delete “and” and substitute “or”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 136

257. In page 135, subsection (1), lines 3 and 4, to delete all words from and including “as” in line 3 down to and including “thereafter,” in line 4.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 138

258. In page 137, subsection (2)(b)(ii), line 33, to delete “multiplexes” and substitute “multiplex or multiplexes”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

259. In page 138, subsection (4)(b), line 23, to delete “and” and substitute “or”.

[SECTION 138]

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 139

260. In page 139, subsection (4), line 37, to delete “after” and substitute “with effect from”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

261. In page 140, subsection (9), line 17, to delete “after” and substitute “with effect from”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 140

262. In page 140, subsection (1), to delete lines 24 to 28.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

263. In page 140, subsection (1), between lines 37 and 38, to insert the following:

““reminder notification” has the meaning assigned to it in *section 149(1)*.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

264. In page 140, subsection (1), to delete lines 40 to 47.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

265. In page 141, subsection (1), line 3, to delete “broadcasts” and substitute “broadcasting services”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 141

266. In page 141, before section 141, to insert the following new section:

“141.—The Authority shall prepare a report which shall be completed and laid before the Minister and Joint Oireachtas Committee within 12 months, on the most appropriate and efficient method of public funding for public service broadcasting. The report shall consider the following;

- (a) The funding of public service broadcasting outside Ireland, in particular in other EU states.
- (b) The appropriateness of linking funding of public service broadcasting with television ownership and television licence fee system.
- (c) Evasion of payment of Television Licence fee and the cost of enforcement and collection of such a fee.
- (d) Modern advances in technology and new ways of accessing programmes and production financed by funds collected to support public service broadcasting.
- (e) The difficulty in defining what a “television set”, as television programming is being accessed across an increasing number of new media devices.

[SECTION 141]

- (f) The need to ensure a long term, stable and consistent source of public funding to support public service broadcasting that will enable multi-annual budgeting for broadcasters.
- (g) An efficient and fair collection mechanism of funds that will minimise evasion.”.

—Simon Coveney.

SECTION 142

267. In page 141, subsection (1), line 28, to delete “below” and substitute “in subsection (3)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

268. In page 141, between lines 32 and 33, to insert the following subsection:

“(2) The Minister shall report to the relevant Joint Committee on the timeframe for consideration to be given to extending the TV licence provision to include new technologies.”.

—Liz McManus.

269. In page 141, between lines 41 and 42, to insert the following subsection:

“(4) Where a holder of a licence for his or her normal place of residence is temporarily resident for a period not exceeding 3 months in another place in the State, he or she shall not require a licence for the possession of television apparatus in that other place.”.

—Liz McManus.

SECTION 147

270. In page 144, subsection (1), lines 22 and 23, to delete all words from and including “or,” in line 22 down to and including “person” in line 23 and substitute the following:

“, or be served by registered post on, any person requiring that person”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

271. In page 144, subsection (2)(d), lines 39 and 40, to delete “, and office of issue” and substitute “or other identifying information in respect”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

272. In page 144, subsection (2)(e), line 42, after “set” to insert “or any apparatus used in conjunction with it”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 149

273. In page 145, subsection (2), lines 39 to 43, to delete paragraph (c) and substitute the following:

“(c) a prosecution in respect of the alleged offence shall not be instituted during the period specified in the notice, and—

(i) if the payment specified in the notice is made during that period, and

(ii) evidence of having obtained a valid television licence in respect of a specified premises or place to which the notice relates is given,

[SECTION 149]

no prosecution in respect of the alleged offence shall be instituted.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

274. In page 145, subsection (3)(a), line 45, to delete “a person” and substitute “the person”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

275. In page 146, subsection (3), lines 7 to 11, to delete paragraph (c) and substitute the following:

“(c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and—

(i) if the payment specified is made during that period, and

(ii) evidence of having obtained a valid television licence in respect of a specified premises or place to which the notice relates is given,

no prosecution in respect of the alleged offence shall be instituted.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

276. In page 146, subsection (4)(a), line 15, to delete “56 days” and substitute “28 days”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

277. In page 146, subsection (4)(b), line 17, to delete “28 days” and substitute “a further 28 days”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 150

278. In page 146, before section 150, to insert the following new section:

“Reminder notification - effective date of television licence and recovery of licence fees.

150.—(1) Where a person has received a first reminder notification and the person

(a) has held a television licence, within the 12 month period previous to the reminder notification, in respect of keeping or possessing a television set at the premises or place to which the notification relates, any renewal of the licence takes effect from the expiration of the previous licence, unless the person can satisfy the issuing agent that he or she was not in possession of a television set at the premises or place during the material time after the expiration of the previous licence, or

(b) has not held such a licence, any television licence obtained by the person to keep or have possession of a television set at the premises or place takes effect from the date of the notification or such later date as the issuing agent may decide.

(2) Where a person having received a first reminder notification obtains a television licence after the notification, which is not in accordance with *subsection (1)*, to keep and have possession of a television set at the premises or place specified in the notification, the licence is deemed to have effect from the date of expiration of the previous licence or the first notification or such later date as the issuing agent may decide, as the case may be. The issuing agent may alter accordingly any licence so obtained.

[SECTION 150]

(3) An issuing agent may recover, as a simple contract debt in any court of competent jurisdiction, any fee owing by a person in respect of a television licence which has not been obtained by the person to keep or possess a television set at a specified premises or place at any material time.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 151

279. In page 147, lines 18 to 23, to delete subsection (1).

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

280. In page 147, after line 27, to insert the following subsection:

“(3) Section 2(1) of the Communications Regulation Act 2002 is amended by substituting for the definition of “television set” the following:

“ ‘television set’ has the meaning assigned to it by *section 140* of the *Broadcasting Act 2008*;”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 153

281. In page 148, subsection (1), lines 1 to 3, to delete paragraph (a) and substitute the following:

“(a) New television or sound broadcasting programmes of interest and relevance to an Irish audience, for initial broadcast by a free to air broadcasting service located in Ireland including films the subject of which are:”

—Simon Coveney.

282. In page 148, subsection (1), lines 1 to 3, to delete paragraph (a) and substitute the following:

“(a) new television or sound broadcasting programmes including feature films and drama television programming on Irish culture, heritage and experience including—

(i) current issues, events and development at community level, or that might affect the community, and be of general interest and concern to community members”

—Liz McManus.

283. In page 148, subsection (1)(a), line 2, to delete “films” and substitute “feature films, animation and drama”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

284. In page 148, subsection (1)(a), to delete lines 12 and 13 and substitute the following:

“(vii) European and/or International affairs,

(viii) development aid issues in the Developing World,

(ix) current affairs,”

—Simon Coveney.

285. In page 148, subsection (1), between lines 15 and 16, to insert the following:

[SECTION 153]

“(c) new television or sound broadcasting programmes which raise public awareness and understanding of global issues impacting on the State and countries other than the State.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

286. In page 148, subsection (1)(c), lines 16 and 17, to delete “and (b) in the Irish language, and” and substitute “, (b) and (c) in the Irish language.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

287. In page 148, subsection (1)(d), line 19, to delete “State.” and substitute the following:

State, and

(e) such ancillary measures as are necessary to support schemes prepared under *paragraphs (a), (b), (c) or (d)*

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

288. In page 149, subsection (2), lines 1 and 2, to delete paragraph (d).

—Simon Coveney.

289. In page 149, between lines 19 and 20, to insert the following subsection:

“(6) The Authority in preparing a scheme, may have regard to the developmental needs of community broadcasters.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

290. In page 149, between lines 19 and 20, to insert the following subsection:

“(5) The Authority shall take account of other funding sources available to financially support programmes which qualify for funding consideration under *section 153(1)(a) to (d)*, in particular other forms of state funding that may be available, when applying for funding under the Broadcasting Fund.”

—Simon Coveney.

SECTION 155

291. In page 150, subsection (2), line 40, to delete “5 per cent” and substitute “7 per cent”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha, Simon Coveney.

292. In page 150, subsection (2), line 40, to delete “5 per cent” and substitute “7.5 per cent”.

—Liz McManus.

293. In page 150, subsection (2), line 41, after “fees” to insert the following:

“including a specific amount allocated to facilitate growth of community radio”.

—Liz McManus.

SECTION 179

294. In page 162, subsection (3), to delete lines 22 to 29 and substitute the following:

“(3) (a) A person who keeps, has in his or her possession, installs, maintains, works or uses any apparatus (other than a television set) in contravention of this section commits an offence and is liable—

[SECTION 179]

- (i) on summary conviction, to a fine not exceeding €5,000, or
- (ii) on conviction on indictment, to a fine not exceeding €250,000.

(b) In this subsection ‘television set’ has the meaning assigned to it by *section 140 of the Broadcasting Act 2008*.””.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

295. In page 163, subsection (8), line 6, to delete “12(1)(b)” and substitute “12(1)(f)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

296. In page 163, subsection (8)(b), line 10, to delete “pounds.” and substitute “pounds”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 180

297. In page 164, before section 180, to insert the following new section:

“Matters relating to wireless telegraphy. 180.—The Act of 1926 is amended by substituting for sections 5, 6, and 9 the sections set out in Schedule 2.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 181

298. In page 165, line 22, to delete “they” and substitute “RTÉ or TG4”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

NEW SECTION

299. In page 165, after line 41, to insert the following new section:

“Collective exercise of certain rights in relation to DTT retransmissions. 182.—The following section is inserted after section 174 of the Copyright and Related Rights Act 2000:

“174A—(1) The owner of copyright in a literary, dramatic, musical or artistic work, an original database, a sound recording or a film has the right to grant or refuse authorisation for DTT retransmission of a broadcast from another Member State of the EEA in which the work is included.

(2) The DTT retransmission right may be exercised against the person carrying out the DTT retransmission.

(3) Where the owner of the copyright in a work has not transferred his or her DTT retransmission right to a licensing body, the licensing body which manages rights of the same category is deemed to be permitted to manage his or her right.

(4) Where more than one licensing body manages DTT retransmission rights, the owner of the copyright in a work may choose which of them is deemed to be permitted to manage his or her right.

[*NEW SECTION*]

(5) The owner of the copyright in a work to whom subsection (3) or (4) applies has the same rights and obligations resulting from any licensing agreement between the person carrying out the DTT retransmission and the licensing body as copyright owners who have transferred their DTT retransmission right to that licensing body.

(6) Any rights to which the owner of the copyright in a work may be entitled under subsection (5) must be exercised within the period of 3 years commencing on the date of the DTT retransmission concerned.

(7) This section does not affect any rights exercisable by the maker of a broadcast, whether in relation to the broadcast or a work included in it.

(8) In this section—

‘DTT retransmission’ means the reception and immediate retransmission without alteration by means of a television multiplex of a broadcast or a cable programme initially transmitted from another Member State of the EEA;

‘DTT transmission right’ means the right referred to in subsection (1);

‘television multiplex’ has the meaning assigned to it in Part 8 of the *Broadcasting Act 2008*.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SCHEDULE 1

300. In page 166, column 3, to delete lines 4 to 9, and substitute the following:

“Section 3A (inserted by section 17 of No. 37 of 1976) and Part II.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

301. In page 166, column 3, line 21, to delete “14” and substitute “12 and 14”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

302. In page 166, column 3, line 27, to delete “16” and substitute “17”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SCHEDULE

303. In page 167, after line 7, to insert the following:

“Section 180

SCHEDULE 2

Grant of licences.

5.—(1) The appropriate authority may, subject to this Act and on payment of the prescribed fee (if any) grant to any person a licence to keep and have possession of apparatus for wireless telegraphy in any specified place in the State or to keep and have possession of apparatus for wireless telegraphy in any specified ship or other vessel or aircraft.

(2) Every licence granted under this section shall be in such form, continue in force for such period and be subject to such conditions and restrictions (including conditions as to suspension and revocation) as shall be prescribed in regard to it by regulations made by the appropriate authority under section 6.

[*SCHEDULE*]

(3) Where it appears appropriate to the appropriate authority, it may, in the interests of the efficient and orderly use of wireless telegraphy, limit the number of licences for any particular class or classes of apparatus for wireless telegraphy granted under this section.

(4) This section does not apply to television sets.

(5) For the purposes of this Act and any regulations under section 6, a vehicle is itself deemed to be a place separate and distinct from the premises in which the vehicle is ordinarily kept, and place and specified place shall in this Act and in any such regulations be read accordingly.

Regulations in regard to licences.

6.—(1) The appropriate authority may make regulations prescribing in relation to all licences granted by it under section 5 or any particular class or classes of such licences all or any of the matters following that is to say—

- (a) the form of such licences,
- (b) the period during which such licences continue in force,
- (c) the manner in which, the terms on which, and the period or periods for which such licences may be renewed,
- (d) the circumstances in which or the terms under which such licences are granted,
- (e) the circumstances and manner in which such licences may be suspended or revoked by that authority,
- (f) the terms and conditions to be observed by the holders of such licences and subject to which such licences are deemed to be granted,
- (g) the fees to be paid on the application, grant or renewal of such licences or classes of such licences and the time and manner at and in which such fees are to be paid,
- (h) matters which such licences do not entitle or authorise the holder to do.

(2) Regulations made under this section may authorise and provide for the granting of a licence under section 5 subject to special terms, conditions, and restrictions to any person who satisfies the appropriate authority that the person requires the licence solely for the purpose of conducting experiments in wireless telegraphy.

(3) If it appears to be expedient to the appropriate authority to do so it may by instrument in writing recognise as valid a licence issued by another country or state in respect of a class or classes of apparatus for wireless telegraphy subject to such conditions or restrictions as to the use of such apparatus as that authority sees fit.

- (4) (a) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made.
- (b) Either House of the Oireachtas may, within 21 sitting days after the day on which a regulation was laid before it in accordance with paragraph (a), pass a resolution annulling the regulation or order, as the case may be.

[*SCHEDULE*]

- (c) The annulment under paragraph (b) of a regulation takes effect immediately on the passing of the resolution concerned, but does not affect anything that was done under it before the passing of the resolution.

Regulations as to wireless telegraphy in ships and aircraft.

9.—(1) The appropriate authority may make regulations in respect of all or any of the following matters, that is to say:

- (a) requiring operators and other persons engaged in the working of apparatus for wireless telegraphy on—
 - (i) all or any ships registered under the Mercantile Marine Act 1955, or
 - (ii) all or any classes or class of ships or vessels navigating or operating in the State,
to hold certificates of competency;
- (b) requiring operators and other persons engaged in the working of apparatus for wireless telegraphy on all or any classes of aircraft owned or leased by persons in the State to hold certificates of competency;
- (c) the grant and renewal of such certificates of competency, the terms and conditions on which such certificates will be granted, and the qualifications to be possessed and the examinations and other tests to be undergone by persons to whom such certificates are granted;
- (d) the duration, revocation and suspension of certificates of competency granted under the regulations;
- (e) the validity, duration, renewal, revocation, and suspension of certificates of competency granted otherwise than under the regulations whether by the appropriate authority or any other person;
- (f) the fees to be charged for or in connection with the granting and renewal of any such certificates of competence as aforesaid and the collection and disposal of such fees;
- (g) regulating and controlling the times and manner of working apparatus for wireless telegraphy in ships registered under the Mercantile Marine Act 1955 and, while they are in the State, ships registered outside the State and unregistered ships and other vessels;
- (h) regulating and controlling the times and manner of working apparatus for wireless telegraphy in aircraft owned or leased by persons in the State and, while they are in or over the State or the territorial waters thereof, aircraft not so owned;
- (i) giving effect to and securing compliance with the provisions (save in so far as the same relate to ships to which this section and regulations made under it do not apply) of any international convention in relation to wireless telegraphy entered into by the Government.

(2) Regulations made under this section may—

- (a) provide that a breach or contravention of any specified such regulation shall be an offence, and

[SCHEDULE]

(b) in relation to convictions on indictment for such an offence, provide that the court by whom the defendant is convicted may order the interest of the defendant. Whether as owner or otherwise, in all or any apparatus in respect of or by means of which the court is satisfied a breach or contravention of a specified such regulation was committed to be forfeited.

(3) (a) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made.

(b) Either House of the Oireachtas may, within 21 sitting days after the day on which a regulation was laid before it in accordance with paragraph (a), pass a resolution annulling the regulation or order, as the case may be.

(c) The annulment under paragraph (b) of a regulation takes effect immediately on the passing of the resolution concerned, but does not affect anything that was done under it before the passing of the resolution.

(4) A person guilty of an offence by reason of a breach or contravention of a regulation specified, by virtue of paragraph (a) of *subsection (2)*, in regulations made under this section is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction or indictment, to a fine not exceeding €250,000.

(5) For the purposes of this section—

(a) a ship is deemed to be navigating or operating in the State if it is usually kept in Irish waters (within the meaning of section 2 of the Maritime Safety Act 2005), and

(b) an aircraft is deemed to be owned or leased by a person in the State if but only if it is owned or leased by a person who—

(i) in the case of an individual, has his or her place of residence in the State, or

(ii) in the case of an association, company (within the meaning of the Companies Acts) or other body (whether corporate or unincorporate) has its principal office in the State.

(6) In this section, ‘appropriate authority’—

(a) in relation to apparatus for wireless telegraphy on ships, means the Minister for Transport, and

(b) in relation to apparatus for wireless telegraphy on aircraft, means the Commission.”.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.