



DÁIL ÉIREANN

AN BILLE CRAOLACHÁIN 2008 BROADCASTING BILL 2008

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

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AN BILLE CRAOLACHÁIN 2008 —AN TUARASCÁIL

BROADCASTING BILL 2008 —REPORT

Leasuithe Amendments

1. In page 12, lines 24 and 25, to delete all words from and including “for” in line 24 down to and including “viewer” in line 25 and substitute the following:

“in a non-linear manner where each user of the service”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

2. In page 13, between lines 8 and 9, to insert the following:

“ “director general” means a person appointed as the director general of a corporation under *section 89(1)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

3. In page 14, line 6, to delete “6” and substitute “5”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

4. In page 16, between lines 10 and 11, to insert the following:

“ “sectoral” means pertaining to the provision of broadcasting and broadcasting related services;”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

5. In page 17, to delete lines 1 and 2 and substitute the following:

“3.—The enactments mentioned in *Schedule 1* are repealed to the extent specified in the *third column* of *Schedule 1*.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

6. In page 17, line 4, after “Act” to insert the following:

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

—Liz McManus.

7. In page 17, between lines 5 and 6, to insert the following:

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 21 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.

8. In page 18, to delete lines 1 to 7 and substitute the following:

“Laying of orders, schemes, rules and regulations.

“8.—(1) The members of the Authority shall be 9 in number, of which—

(a) 5 of them shall be appointed by the Government on the nomination of the Minister, and

(b) subject to *subsection (2)*, 4 of them shall be appointed by the Government on the nomination of the Minister.

(2) Where an appointment is to be made by the Government under *subsection (1)(b)* or under that paragraph arising from a vacancy referred to in *section 10(11)*—

(a) the Minister shall inform the Joint Oireachtas Committee of the proposed appointment,

(b) the Minister in respect of an appointment under *subsection (1)(a)* shall provide a statement to the Joint Oireachtas Committee indicating the relevant experience and expertise of the persons or person nominated by the Minister for appointment or appointed by the Government on the nomination of the Minister, and such other matters as the Minister considers relevant,

(c) the Joint Oireachtas Committee shall within the period of 90 days of being so informed, advise the Minister of the names of the persons or name of the person it proposes that the Minister should nominate under *subsection (1)(b)* giving reasons, such as relevant experience and expertise, in relation to the proposed named persons or person,

(d) the Minister shall have regard to the advice and may accept the proposed named persons or some of them or the named person or decide to nominate as he or she sees fit other persons or another person, and

(e) inform the Joint Oireachtas Committee of his or her decision.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

9. In page 18, to delete lines 3 to 7 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, to delete lines 8 and 9 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, lines 17 to 19, to delete all words from and including “among” in line 17 down to and including “women.” in line 19 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, lines 27 to 29, to delete all words from and including “among” in line 27 down to and including “women.” in line 29 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, to delete lines 30 to 46 and in page 19, to delete lines 1 to 6 and substitute the following:

“(7) The Minister shall inform the Joint Oireachtas Committee of 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.

14. In page 18, line 31, to delete “*subsection (1)(b)* and *section 10(11)*” and substitute “*subsection (2)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

15. In page 18, to delete lines 45 and 46 and in page 19, to delete lines 1 to 6.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

16. In page 19, between lines 25 and 26, to insert the following:

“(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.

17. In page 19, to delete lines 35 and 36.

—Liz McManus.

18. In page 20, line 25, to delete “*Iris Oifigiúil*” and substitute “*the Iris Oifigiúil*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

19. In page 21, line 25, after “member” to insert the following:

“(other than a member referred to in *subsection (11)*)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

20. In page 24, to delete lines 33 to 37 and substitute the following:

“(11) Subject to any rule made under *subsection (3)*, meetings of the Authority or a statutory committee shall be capable of being held by telephone or other suitable electronic means whereby all the members of the Authority or the relevant statutory committee can hear and be heard.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

21. In page 29, to delete lines 26 to 29.

—Liz McManus.

22. In page 31, between lines 33 and 34, to insert the following:

“(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.

23. In page 33, between lines 4 and 5, to insert the following:

“(e) provide a regulatory environment that will sustain compliance with applicable employment law,

(f) protect the interests of children taking into account the vulnerability of children and childhood to undue commercial exploitation,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

24. In page 33, line 10, after “services” to insert the following:

“and

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

—Liz McManus.

25. In page 33, to delete lines 26 to 44 and in page 34, to delete lines 1 to 13 and substitute the following:

“26.—(1) The principal functions of the Authority are to—

(a) prepare a strategy for the provision of broadcasting services in the State additional to those provided by RTÉ, TG4, the Houses of the Oireachtas Channel and the Irish Film Channel,

(b) prepare a statement under *section 29(1)*,

(c) liaise and consult with the Communications Regulator in the preparation of the allocation plan for the frequency range dedicated to sound and television broadcasting,

(d) make a levy order under *section 33(1)*,

(e) prepare or make broadcasting codes and rules,

(f) prepare a scheme for the exercise of the right of reply,

(g) direct the Contract Awards Committee to make arrangements, in accordance with *Parts 6* and *8*, to invite, consider and recommend to the Authority, and the Authority shall follow such recommendation, proposals for the provision of—

(i) broadcasting services additional to any broadcasting services provided by RTÉ, TG4, the Houses of the Oireachtas Channel and the Irish Film Channel under *Part 7*, and

- (ii) multiplex services additional to any multiplex services provided by RTÉ under *Parts 7 and 8*,
- (h) prepare rules and enter into contracts in respect of electronic programme guides,
- (i) determine disputes arising under *section 76(2)* and *section 77(5)*,
- (j) make a report to the Minister under *section 77(15)*,
- (k) consult with the Minister under *sections 101(3), 102(3), 103(4), 104(1), (2) and (3), 106(3), 107(3), 111(4), 112(2), (7) and (11), 116(5), 127(6)*, 130(1) and 130(12)*,
- (l) prepare and issue guidance to RTÉ and TG4 as to the fulfilment of their obligations under *sections 109(11) and 112(2)*,
- (m) undertake a review under *section 124(2) and (8) and section 128(3)*,
- (n) make a recommendation under *section 124(5) and (12)*,
- (o) make a request under *section 115, section 130(10), section 132(3) or section 133(3) or (4)*,
- (p) make a report to the Minister under *section 139(1)* in respect of preparedness for analogue switch-off,
- (q) provide information to the public on the availability of services by means of television multiplexes, and
- (r) prepare and implement schemes for the granting of funds under *Part 10*.”
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

[*This is the appropriate reference if amendment No. 108 is accepted.]

26. In page 34, line 33, to delete “sound”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

27. In page 35, to delete lines 7 to 13 and substitute the following:

“27.—The principal functions of the Contract Awards Committee, at the direction of the Authority, are to make arrangements in accordance with *Parts 6 and 8*, to invite, consider and recommend to the Authority, and the Authority shall follow such recommendation, proposals for the provision of—

- (a) broadcasting services additional to any broadcasting services provided by RTÉ, TG4, the Houses of the Oireachtas Channel and the Irish Film Channel under *Part 7*, and
- (b) multiplex services additional to any multiplex services provided by RTÉ under *Parts 7 and 8*.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

28. In page 35, to delete lines 25 to 28 and substitute the following:

“(ii) RTÉ and TG4 with *section 106(3)*, and

(iii) the Irish Film Channel with *section 127(6)**,

(d) enforce compliance by—

- (i) broadcasters with *sections 39, 40 and 41*,
 - (ii) RTÉ and TG4 with *section 106(3)*, and
 - (iii) the Irish Film Channel with *section 127(6)**.”
- An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[*This is the appropriate reference if amendment No. 108 is accepted.]

- 29.** In page 35, line 40, to delete “with the requirements of” and substitute “under”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 30.** In page 36, line 25, after “Minister” to insert “and the Joint Oireachtas Committee”.

—Simon Coveney.

- 31.** In page 36, between lines 25 and 26, to insert the following:

“(7) The Minister shall cause a copy of the report referred to in *subsection (6)* to be laid before each House of the Oireachtas.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 32.** In page 39, between lines 26 and 27, to insert the following:

“(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 information of the Joint Committee prior to a levy order being made.”

—Liz McManus.

- 33.** In page 40, to delete lines 1 and 2.

—Simon Coveney.

- 34.** In page 40, to delete lines 8 to 18 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.

- 35.** In page 42, between lines 39 and 40, to insert the following:

“(5) An annual report shall include a report to the Minister in respect of contracts entered into by the Authority under *section 67* and any consequent strategy the Authority proposes to adopt to encourage competition in respect of the award of sound broadcasting contracts, excluding contracts entered into under *sections 64 and 68*.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

36. In page 43, line 29, after “crime” to insert the following:

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

—Liz McManus.

37. In page 44, between lines 8 and 9, to insert the following:

“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
- (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.

38. In page 44, to delete lines 30 to 34 and substitute the following:

“(2) The total daily time for broadcasting advertisements in the 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 averaged over 2 consecutive hours.”.

—Simon Coveney.

39. In page 44, line 34, after “minutes” to insert “averaged over two consecutive hours”.

—Liz McManus.

40. In page 44, to delete lines 38 to 41.

—Simon Coveney.

41. In page 44, to delete lines 46 to 49 and in page 45, to delete lines 1 and 2.

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

42. In page 45, line 42, after “children” to insert the following:

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

—Liz McManus.

43. In page 45, between lines 42 and 43, to insert the following:

“(g) that advertising, teleshopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service, which relates to the promotion of alcoholic beverages, in particular beverages with a high alcohol content, shall have regard to general public health concerns,”.

—Simon Coveney.

44. In page 46, between lines 9 and 10, to insert the following:

“(j) that any advertising, teleshopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service which relates to a 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.

45. In page 46, between lines 34 and 35, to insert the following:

“(4) A broadcasting code prepared by the Authority under *subsection (2)(g)** may prohibit the advertising, in a broadcasting service, of a particular class or classes of alcoholic beverages considered by the Authority to be the subject of serious public concern in respect of general public health interests.”.

—Simon Coveney.

[*This is the appropriate reference if amendment No. 43 is accepted.]

46. In page 46, between lines 40 and 41, to insert the following:

“(5) A broadcasting code prepared by the Authority under *subsection (2)(j)** 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 2009*, should the Authority deem it necessary to introduce a new code to do so.”.

—Simon Coveney.

[*This is the appropriate reference if amendment No. 44 is accepted.]

47. In page 47, between lines 10 and 11, to insert the following:

“(10) The Authority shall appear before the Joint Oireachtas Committee at least once every year to report on the effectiveness of the Broadcasting Codes in place, to outline proposed amendments to established codes and to outline the justification for 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.

48. In page 49, line 40, to delete “on” and substitute “including”.

—Liz McManus.

49. In page 51, line 15, to delete “its” and substitute “their”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

50. In page 53, line 23, after “reply” to insert the following:

“and should such a person be deceased, then a family member or legal representative shall have the right of reply on behalf of that deceased person”.

—Simon Coveney.

51. In page 55, line 16, to delete “it considers” and substitute “they consider”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

52. In page 57, to delete lines 11 to 17 and substitute the following:

“(24) The High Court may, as it thinks fit, on the hearing of the application make an order—

(a) compelling compliance with a decision under *subsection (17)*,

(b) varying a requirement under *subsection (17)*, or

(c) refusing the application.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

53. In page 59, line 9, to delete “*subsection (1)*” and substitute “*subsection (2)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

54. In page 59, lines 24 and 25, to delete “, as the case may be,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

55. In page 60, line 24, to delete “*55(2)*” and substitute “*55(3)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

56. In page 60, line 36, to delete “or *106(3)*” and substitute “*106(3)* or *127(6)**”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[*This is the appropriate reference if amendment No. 108 is accepted.]

57. In page 64, line 36, to delete “comply with an” and substitute “co-operate with the”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

58. In page 65, line 40, to delete “comply” and substitute “co-operate”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

59. In page 70, line 31, to delete “*section 179(2)*” and substitute “*section 180(3)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

60. In page 70, line 32, to delete “3 years” and substitute “12 months”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

61. In page 71, line 3, after “of” to insert “, and seeking to provide a social benefit to,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

62. In page 75, line 13, to delete “*section 65(9)*” and substitute “*section 65(8)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

63. In page 75, line 43, to delete “7 years” and substitute “10 years”.

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

64. In page 76, line 12, to delete “applicant” and substitute “application”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

65. In page 79, line 13, to delete “Commission” and substitute “BCI”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

66. In page 80, lines 41 and 42, to delete “under *section 77(2)*” and substitute “referred to in *section 77(1)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

67. In page 81, line 3, after “of” to insert “, and seeking to provide a social benefit to,”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

68. In page 83, between lines 20 and 21, to insert the following:

“(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.

69. In page 85, line 1, to delete “*subsections (4)*” and substitute “*subsections (3), (4)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

70. In page 85, line 31, to delete “*subsection (4)*” and substitute “*subsection (3), (4)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

71. In page 85, line 38, after “provider,” to insert the following:

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

—Liz McManus.

72. In page 86, after line 52, to insert the following:

“Satellite services:
“must-carry”
obligations.

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.

73. In page 87, to delete lines 27 to 37 and substitute the following:

“81.—(1) The number of members of the board of a corporation shall be 12 in number, of which—

(a) 6 of them shall be appointed by the Government on the nomination of the Minister,

(b) subject to *subsection (2)*, 4 of them shall be appointed by the Government on the nomination of the Minister,

(c) one shall be appointed by the Government following an election in accordance with *section 83*, and

(d) one shall be the director general of the corporation.

(2) Where an appointment is to be made by the Government under *subsection (1)(b)* or under that paragraph arising from a vacancy referred to in *section 84(12)*—

- (a) the Minister shall inform the Joint Oireachtas Committee of the proposed appointment,
 - (b) The Minister in respect of an appointment under *subsection (1)(a)* shall provide a statement to the Joint Oireachtas Committee indicating the relevant experience and expertise of the persons or person nominated by the Minister for appointment or appointed by the Government on the nomination of the Minister, and such other matters as the Minister considers relevant,
 - (c) the Joint Oireachtas Committee shall within the period of 90 days of being so informed, advise the Minister of the names of the persons or name of the person it proposes that the Minister should nominate under *subsection (1)(b)* giving reasons, such as relevant experience and expertise, in relation to the proposed named persons or person,
 - (d) the Minister shall have regard to the advice and may accept the proposed named persons or some of them or the named person or decide to nominate as he or she sees fit other persons or another person, and
 - (e) inform the Joint Oireachtas Committee of his or her decision.”.
- An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

74. In page 88, line 2, to delete “*subsection (1)(b)* and *section 84(12)*” and substitute “*subsection (2)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

75. In page 88, to delete lines 20 to 27.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

76. In page 89, between lines 3 and 4, to insert the following:

“(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.

77. In page 89, to delete lines 14 and 15.

—Liz McManus.

78. In page 91, line 32, after “Oireachtas” to insert “and published in the *Iris Oifigiúil*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

79. In page 92, line 32, after “Minister” to insert “under *section 81(1)(a)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

80. In page 95, between lines 8 and 9, 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,

(f) ensure that any contract between the corporation and an individual or company for which consideration in excess of €400,000 per annum is to be paid to such individual or company, shall be approved by the Minister, with the consent of the Minister of Finance, in advance of their execution,

(g) ensure that a contract between the corporation and an individual or company for which consideration in excess of €400,000 per annum shall not be agreed for a period in excess of 12 months.”

—Simon Coveney.

81. In page 95, to delete lines 29 to 35 and substitute the following:

“(6) The quorum for a meeting of the board of a corporation shall be 7.

(7) Subject to any rule made under *subsection (5)* meetings of the board of a corporation shall be capable of being held by telephone or other suitable electronic means whereby all the members of the board can hear and be heard.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

82. In page 101, to delete lines 22 and 23.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

83. In page 103, line 34, to delete “statement” and substitute “Charter”.

—Simon Coveney.

84. In page 104, to delete lines 13 to 15 and substitute the following:

“(a) original children’s programming, commissioned or produced by the corporation, relevant to the social and cultural needs and interests of children in Ireland and including animation and children’s programming in the Irish language, to be broadcast by the corporation,”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

85. In page 104, to delete lines 13 to 15 and substitute the following:

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

—Simon Coveney.

86. In page 104, to delete lines 26 to 33 and substitute the following:

“(3) As soon as may be after 31 January in each year a corporation shall submit to the Minister and the Authority an annual statement of performance commitments prepared under *subsection (1)* and, having consulted with the Minister and the Authority, shall publish the statement, or a summary of it, as soon as practicable, thereafter.

(4) A corporation shall by 31 March in each year submit to the Minister and the Authority a report on the fulfilment or otherwise of any commitments made in a statement prepared under *subsection (1)* for the previous financial year and an explanation of any difference arising.

(5) A corporation shall include within a report required under section 110 a report on the fulfilment or otherwise of any commitments published under *subsection (3)* for the period concerned and an explanation of any difference arising.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

87. In page 107, to delete lines 8 to 12 and substitute the following:

“106.—(1) A corporation may broadcast advertisements, broadcast acknowledgement of sponsorship, may fix charges and conditions for such broadcasts and, 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.

88. In page 110, line 38, to delete “its” and substitute “the corporation’s”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

89. In page 111, between lines 5 and 6, to insert the following:

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

- (a) the amount of subsidy,
- (b) the percentages of total revenue made up by subsidy and commercial revenue,
- (c) the arrangements in place to ensure fair commercial activity in the market place,
- (d) the percentage spend on independent production companies of public service broadcasters.”

—Simon Coveney.

90. In page 112, to delete lines 13 to 47 and in page 113, to delete lines 1 to 6 and substitute the following:

“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) 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.

91. In page 112, line 18, after “producers” to insert the following:

“, which shall include a duty on the corporation to ensure that any independent producer from whom it commissions programming material demonstrates, in a manner specified in the code, compliance with the Organisation of Working Time Act 1997, the Safety, Health and Welfare at Work Act 2005 and regulations thereunder, and the National Minimum Wage Act 2000, and so demonstrates that it has and applies a policy on dignity and respect in the workplace”.

—Liz McManus.

92. In page 112, line 40, after “with” to insert the following:

“organisations which in the opinion of the Minister are representative of independent producers and with”.

—Liz McManus.

93. In page 113, between lines 6 and 7, to insert the following:

“(12) RTÉ shall co-operate with independent producers in the marketing outside the State of sound broadcasting and television programmes commissioned by RTÉ from independent producers.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

94. In page 115, to delete line 41 and substitute the following:

“(n) to invest a minimum of one 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.

95. In page 116, to delete lines 47 and 48 and in page 117, to delete lines 1 to 3 and substitute the following:

- “(i) commissioning the making of independent television or sound broadcasting programmes,
- (ii) procuring the formulation by persons of proposals for the commissioning by RTÉ of the making of the above programmes, and
- (iii) assisting the completion of independent television or sound broadcasting programmes the making of which has not been commissioned by RTÉ.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 96.** In page 117, line 10, to delete “*subparagraph (ii)*” and substitute “*subparagraphs (ii) and (iii)*”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 97.** In page 118, to delete lines 6 to 22 and substitute the following:

“(8) In Part 1 of the table to this section, “appropriate amount” means at least twenty-five 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.

- 98.** In page 120, to delete lines 1 to 13 and substitute the following:

- “(a) commissioning the making of independent sound broadcasting programmes,
- (b) procuring the formulation by persons of proposals for the commissioning by RTÉ of the making of the above programmes, and
- (c) assisting the completion of independent sound broadcasting programmes the making of which has not been commissioned by RTÉ,

and for no other purpose.

(16) A minimum of 95 per cent of the monies paid into the account shall be used by RTÉ for the purpose of—

- (a) commissioning the making of independent television programmes,
- (b) procuring the formulation by persons of proposals for the commissioning by RTÉ of the making of the above programmes, and
- (c) assisting the completion of independent television broadcasting programmes the making of which has not been commissioned by RTÉ.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 99.** In page 120, line 21, column (1), to delete “2008” and substitute “2009”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

- 100.** In page 120, line 21, column 2, to delete “€40,000,000”.

—Simon Coveney.

- 101.** In page 120, to delete lines 25 to 35, 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.

102. In page 124, between lines 33 and 34, to insert the following:

“(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.

103. In page 124, after line 47, to insert the following:

“(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.

104. In page 125, to delete lines 43 to 47 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.

105. In page 126, between lines 6 and 7, to insert the following:

“(5) The Minister in making a determination under *subsection (4)* shall consider the multi-annual funding needs of TG4.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

106. In page 126, to delete lines 15 to 20 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.

107. In page 127, between lines 5 and 6, to insert the following:

“(c) the multi-annual nature of public funding requirements.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

108. In page 129, to delete lines 15 to 18 and substitute the following:

“(4) The Irish Film Channel may broadcast advertisements, broadcast acknowledgements of sponsorship, may fix charges and conditions for such broadcasts and, in fixing the charges, may provide for different circumstances and for additional special charges to be made in special cases.

(5) The Irish Film Channel may reject any advertisement presented for broadcast in whole or in part.

(6) The Irish Film Channel in providing a broadcasting service under this section shall, subject to the consent of the Minister and the Minister for Arts, Sport and Tourism following consultation with the Authority, fix—

(a) the total daily time for broadcasting advertisements, and

(b) the maximum period given to advertisements in any 3 hour period.

(7) Film and cinema works broadcast by the Irish Film Channel shall be broadcast uninterrupted by advertisements or acknowledgements of sponsorship.

(8) The Minister, if so requested by the Referendum Commission following consultation by the Referendum Commission with the Irish Film Channel and consideration of any proposals of the Irish Film Channel for broadcasts in connection with the referendum that it communicates to the Referendum Commission, shall direct the Irish Film Channel in writing to allocate broadcasting time to facilitate the Referendum Commission in performing its functions, and the Irish Film Channel shall comply with a direction under this subsection.

(9) Charges and conditions referred to in *subsection (4)* may be fixed subject to variations benefiting advertisers who use the Irish language in their advertisements.

(10) A power under this section to fix charges and conditions shall be read as including a power to cancel or vary any charges or conditions fixed under such power and, where charges or conditions are cancelled, to fix other charges or conditions in lieu of those cancelled.

(11) In this section references to advertisements shall be read as including references to teleshopping material and to advertising matter in sponsored programmes, that is to say, programmes supplied for advertising purposes by or on behalf of an advertiser.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

109. In page 129, to delete lines 15 to 18.

—Simon Coveney.

110. In page 130, to delete lines 4 and 5 and substitute the following:

““Acts of 1926 to 2009” means *Wireless Telegraphy Acts 1926 to 2009*.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

111. In page 130, line 16, to delete “(3) or (4)” and substitute “(3), (4) or (5)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

112. In page 130, between lines 22 and 23, to insert the following:

“Restrictions
relating to digital
television services

130.—(1) This section applies where provision contained in any agreement relating to the use of private property (“property agreement”) has the effect of imposing on the occupier a prohibition or restriction under which his choice of—

- (a) the person from whom he obtains digital television services, or particular digital television services, or
- (b) the person through whom he arranges to be provided with digital television services, or particular digital television services,

is confined to a person with an interest in the building subject to the property agreement, to a person selected by a person with such an interest or to persons who are one or the other.

(2) This section also applies where provision contained in a property agreement has the effect of imposing any other prohibition or restriction on the occupier of the building with respect to a digital television matter.

(3) A provision falling within *subsection (1)* shall have effect—

- (a) as if the prohibition or restriction applied only where the person from whom consent is required has not given its consent to a departure from the requirements imposed by the prohibition or restriction; and
- (b) as if the person from whom consent is required or other party were required not to withhold that consent unreasonably.

(4) A provision falling within *subsection (2)* shall have effect—

- (a) in relation to things done inside a building subject to the property agreement, or
- (b) for purposes connected with the provision to the occupier of a digital television service,

as if the prohibition or restriction applied only where the person from whom consent is required has not given its consent in relation to the matter in question and as if they were required not to withhold that consent unreasonably.

(5) Where a provision falling within *subsection (1)* or *(2)* imposes a requirement on any person not unreasonably to withhold its consent—

- (a) in relation to a digital television matter, or
- (b) to the obtaining by the occupier of a building subject to a property agreement of a digital television service from or through a particular person,

the question whether the consent is unreasonably withheld has to be determined having regard to all the circumstances and to the principle that no person should unreasonably be denied access to a digital television service.

(6) Any contravention of this section shall be enforceable by the Competition Authority and in civil proceedings by any person affected by this section.

(7) The Competition Authority may by order provide for this section not to apply in the case of such provisions as may be described in the order.

(8) References in this section to digital television matters are references to—

- (a) the provision of a digital television service;
- (b) the connection of digital television reception apparatus to a relevant electronic communications network or of any such network to another; and

- (c) the installation, maintenance, adjustment, repair, alteration or use for purposes connected with the provision of such a service of digital television reception apparatus.

(9) This section applies to provisions contained in any agreement entered into before the commencement of this section to the extent only that provision to that effect is contained in an order made by the Competition Authority.”

—Liz McManus.

113. In page 131, to delete lines 1 to 22 and substitute the following:

“(i) ensure that the national television multiplex referred to in *paragraph (a)* shall be established as a matter of priority, and—

(I) by 31 December 2009, be operational and available free-to-air to approximately 90 per cent of the population, and

(II) by 31 December 2011, or such later date as may be specified by the Minister by order, be operational, available free-to-air and capable of providing coverage to the same extent as is, on the passing of this Act, available by free-to-air analogue means,

and

(ii) at the request of the Minister, report to the Minister on its progress in relation to the activities set out in *subparagraph (i)*.

(c) RTÉ shall take steps to promote the availability of equipment capable of receiving, identifying, decoding and displaying a national television multiplex operated by RTÉ under *section 114(1)(i)*.

(d) Nothing in this subsection precludes RTÉ from making provision in a multiplex established, maintained and operated by RTÉ under *section 114(1)(i)* for the broadcasting by digital means of programme material and related and other data other than that broadcast as part of a service specified in *paragraph (a)*.

(e) Without prejudice to the requirements of this section, RTÉ may, with the consent of the Minister, the Minister having consulted with the Authority, in respect of the use of spare capacity on a multiplex established, maintained and operated by RTÉ under *section 114(1)(i)*, broadcast programme material in pursuance of its exploitation of commercial opportunities object.”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

114. In page 132, lines 48 and 49, to delete “*subsection 1(a)(iv)* or *subsection (13)*” and substitute “this section”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

115. In page 133, between lines 26 and 27, to insert the following:

“(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.

116. In page 133, line 44, to delete “1988” and substitute “2009”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

117. In page 134, line 1, to delete “1988” and substitute “2009”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
118. In page 134, line 10, to delete “1988” and substitute “2009”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
119. In page 134, line 30, to delete “1988” and substitute “2009”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
120. In page 134, line 38, to delete “1988” and substitute “2009”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
121. In page 134, line 49, to delete “1988” and substitute “2009”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
122. In page 135, line 5, to delete “1988” and substitute “2009”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
123. In page 135, line 40, to delete “multiplex contracts” and substitute “multiplexes”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
124. In page 136, lines 18 and 19, to delete “shall be not more than 4 years” and substitute “shall not be more than 7 years”.
—Liz McManus.
125. In page 136, line 19, to delete “4 years” and substitute “6 years”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
126. In page 136, line 19, to delete “4 years” and substitute “7 years”.
—Simon Coveney.
127. In page 136, line 44, to delete “and subject to *subsection (2)*,”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
128. In page 142, between lines 15 and 16, to insert the following:
- “(9) The Minister, for the purpose of ensuring a smooth and efficient interchange between the provision of analogue and digital television services in the context of analogue switch-off, shall have the power by himself or herself, or in conjunction with any other person, to—
- (a) promote cooperation and coordination between broadcasters, multiplex contractors and other interested parties in relation to analogue switch-off,
 - (b) commission research on matters relating to analogue switch-off,
 - (c) promote public awareness and the dissemination of coordinated information to the public in relation to analogue switch-off, and
 - (d) operate, manage or sponsor, whether in whole or in part, measures, aimed at alleviating the effects of analogue switch-off on classes of communities or persons adversely affected.
- (10) The Minister has all such incidental, supplemental, ancillary and consequential powers as are necessary or expedient for the purpose of the exercise by him or her of the above powers.
- (11) The Minister may, after consultation with the Authority, the Communications Regulator, RTE and such other persons (if any) as he or she considers appropriate, by order—

- (a) confer on the Authority, the Communications Regulator or RTÉ such additional functions connected with preparation for analogue switch-off, as the Minister considers appropriate, subject to the conditions (if any) that may be specified in the order, and
 - (b) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral of those additional functions.
- (12) (a) An order made under *subsection (11)* shall be laid before each House of the Oireachtas as soon as practicable after it is made.
- (b) Either House of the Oireachtas may, within 21 sitting days after the day on which an order was laid before it in accordance with *paragraph (a)*, pass a resolution annulling the order.
 - (c) The annulment under *paragraph (b)* of an order takes effect immediately on the passing of the resolution concerned, but does not affect anything that was done under the order before the passing of the resolution.”.
- An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

129. In page 142, between lines 20 and 21, to insert the following:

“140.—(1) 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 penalties or other fees,
- (d) modern advances in technology and new ways of accessing programmes and production financed by funds collected to support public service broadcasting,
- (e) the effect of technological and media developments on the capacity to define “television set” for the purpose of television licence fee system,
- (f) the need to ensure a long term, stable and consistent source of public funding to support public service broadcasting that will enable multiannual budgeting for broadcasters,
- (g) an efficient and fair collection mechanism of funds that will minimise evasion.

(2) Nothing in *subsection (1)* shall affect the existing mechanisms of television licence fees during the preparation of the report under *subsection (1)*.”.

—Simon Coveney.

130. In page 142, to delete lines 21 to 45 and in page 143, to delete lines 1 to 7.

—Simon Coveney.

131. In page 143, to delete lines 8 to 18.

—Simon Coveney.

132. In page 143, to delete lines 19 to 32.
—Simon Coveney.
133. In page 143, between lines 23 and 24, to insert the following:
“(2) 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.
134. In page 143, to delete lines 33 to 48.
—Simon Coveney.
135. In page 144, to delete lines 1 to 34.
—Simon Coveney.
136. In page 144, to delete lines 35 to 44 and in page 145, to delete lines 1 to 39.
—Simon Coveney.
137. In page 145, to delete lines 40 to 48 and in page 146, to delete lines 1 to 9.
—Simon Coveney.
138. In page 146, to delete lines 10 to 49 and in page 147, to delete lines 1 and 2.
—Simon Coveney.
139. In page 147, to delete lines 3 to 9.
—Simon Coveney.
140. In page 147, to delete lines 10 to 46 and in page 148, to delete lines 1 to 35.
—Simon Coveney.
141. In page 147, line 12, to delete “by post”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
142. In page 148, to delete lines 12 to 18 and substitute the following:
“(4) A fixed payment notice shall not be served on the person unless at least 2 reminder notifications have issued to the person and until—
(a) a period of 28 days has elapsed since the issue of the first reminder notification, and
(b) subsequent to that period, a period of 28 days has elapsed since the issue of the second reminder notification.”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
143. In page 148, to delete lines 36 to 46 and in page 149, to delete lines 1 to 18.
—Simon Coveney.
144. In page 149, to delete lines 19 to 48.
—Simon Coveney.
145. In page 149, to delete lines 49 and 50 and in page 150, to delete lines 1 to 7.
—Simon Coveney.
146. In page 150, line 40, after “adult” to insert “or media”.
—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.
147. In page 151, to delete lines 35 and 36.
—Simon Coveney.

148. In page 153, line 29, after “fees” to insert the following:

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

—Liz McManus.

149. In page 164, line 35, to delete “member” and substitute “member of the board of the corporation”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

150. In page 164, between lines 37 and 38, to insert the following:

“Collective citations
— Wireless
Telegraphy Acts.

180.—(1) The Wireless Telegraphy Acts 1926 to 1988 and *sections 180(1) to (11) and (13) and section 181* may be cited together as the Wireless Telegraphy Acts 1926 to 2009.

(2) The Broadcasting (Offences) Acts 1968 and 1988, sections 9 to 16 of the Broadcasting Act 1990 and section *180(12), (14) and (15)* may be cited together as the Broadcasting (Offences) Acts 1968 to 2009.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

151. In page 164, to delete lines 38 to 44.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

152. In page 165, to delete lines 2 to 9 and substitute the following:

“(a) by substituting for the definition of “the appropriate authority” (inserted by Part 1 of Schedule 1 of the Act of 2007) the following:

“except as provided by section 9, ‘appropriate authority’—

(a) in relation to wireless telegraphy apparatus in ships and vessels associated with safety and security on board them and their operation (including the certificates of competency for the operation of apparatus for wireless telegraphy on ships and vessels), means the Minister for Transport, and

(b) in relation to any other matter, means the Commission;”.

(b) by deleting the definition of “broadcast matter”, and

(c) by inserting after the definition of “signalling station” the following:

“ ‘television set’ has the meaning assigned to it by *section 140 of the Broadcasting Act 2009.*”.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

153. In page 165, to delete lines 13 to 35 and substitute the following:

“(3) 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—

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

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

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

154. In page 166, to delete lines 3 to 6 and substitute the following:

“(9) Section 12 of the Act of 1926 is amended in subsection (1) (as amended by section 34(e) of the Broadcasting Authority Act 1960) by substituting “under the *Broadcasting Act 2009*” for “under Part II of this Act or under the Broadcasting Authority Act, 1960.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

155. In page 166, line 34, after “5,” to insert “or”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

156. In page 167, to delete lines 24 to 26 and substitute “not exceeding €5,000.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

157. In page 167, lines 35 and 36, to delete “5, 6, and 9” and substitute “5 to 9”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

158. In page 167, after line 36, to insert the following:

“Amendment to definitions in Copyright and Related Rights Act 2000.

182.—(1) Section 2 of the Copyright and Related Rights Act 2000 is amended—

(a) by substituting for the definition of “broadcast” the following:

“ ‘broadcast’ means a transmission by wireless means, including by terrestrial or satellite means, whether digital or analogue, for direct public reception or for presentation to members of the public of sounds, images or data or any combination of sounds, images or data, or the representations thereof, but does not include transmission by means of MMDS or digital terrestrial retransmission;”,

(b) in the definition of “cable programme service” by substituting “including MMDS and digital terrestrial retransmission” for “including MMDS”,

(c) by inserting after the definition of “database” the following:

“ ‘digital terrestrial retransmission’ means the reception and immediate retransmission on an encrypted basis without alteration by means of a multiplex of a broadcast or a cable programme initially transmitted from another Member State of the EEA;”,

and

(d) by inserting after the definition of “MMDS” the following:

“ ‘multiplex’ has the meaning assigned to it in *section 129* of the *Broadcasting Act 2009*;”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

159. In page 169, lines 17 and 18, to delete “9(1), (2) and (4)” and substitute “9,” .

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

160. In page 169, lines 31 and 32, to delete “11, 18 and 19” and substitute “11 and 17 to 20”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

161. In page 171, line 3, after “licences” to insert the following:

“, subject to such exceptions as the appropriate authority may prescribe;”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

162. In page 171, lines 30 and 31, to delete “or order, as the case may be”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

163. In page 171, between lines 37 and 38, to insert the following:

“Obligation to furnish certain information.

7.—(1) The appropriate authority may, whenever it considers it appropriate to do so, serve on a person a special notice, accompanied by or including a form of declaration, requiring the person—

- (a) to state on the form of declaration such one or more of the matters specified in subsection (2) as is specified in the notice,
- (b) to complete and sign the declaration, and
- (c) to give or send the completed declaration by post to a specified officer of that authority.

The special notice is required to be in writing and to be sent by registered post.

(2) The matters which a person may be required under this section to state in a declaration are—

- (a) whether he or she does or does not keep or has or has not in his or her possession any apparatus for wireless telegraphy (other than television sets),
- (b) if he or she keeps or has in his or her possession any such apparatus, the nature of such apparatus, the name and address of the person by whom such apparatus was sold, let, hired or otherwise supplied to him or her and the place at which he or she keeps or has the same,
- (c) whether he or she has or has not a licence granted under section 5 and then in force,
- (d) if he or she has such a licence, the number, date, and office of issue of such licence,
- (e) any matter which the Commission may require for the purpose of an order under section 5 of the Wireless Telegraphy Act 1972, and
- (f) any other matter relating to wireless telegraphy (other than television sets).

(3) Every person on whom a special notice is duly served under this section shall, within 14 days after service, duly and correctly complete in accordance with the notice and this section the form of declaration to the officer named in that behalf in the notice. If the person fails or neglects so to complete and give or send the declaration or makes in the declaration any statement which is to his or her knowledge false or misleading he or she commits an offence and is liable on summary conviction to a fine not exceeding €1,000.

(4) In a prosecution for an offence under subsection (3) in which it is shown that a specific notice has been sent by registered post, it shall be presumed, until the contrary is shown, that the person to whom the notice was sent has not complied with the requirements of that subsection.

8.—(1) A judge of the District Court may, upon the information on oath of an officer of the appropriate authority or of a member of the Garda Síochána that there is reasonable ground for believing that apparatus for wireless telegraphy is being kept or is being worked or used at any specified place, specified vehicle or in any specified ship or other vessel in contravention of the *Wireless Telegraphy Acts 1926 to 2009* or any regulation made or condition imposed under those Acts or the *Broadcasting (Offences) Acts 1968 to 2009*, issue to such officer or (with the consent of the appropriate authority) to such member of the Garda Síochána (as the case may be) a search warrant which shall be expressed and shall operate to authorise the officer of that authority or member of the Garda Síochána to whom the same is granted—

- (a) to enter, within one month from the date of issue of the warrant, on production of the warrant, if so requested, and if need be by force, the place, vehicle, ship or other vessel named in the information,
- (b) there to search for apparatus for wireless telegraphy and to examine all such apparatus or any such vehicle found there, and
- (c) to seize and take away all or any part of such apparatus which appears to such officer or member to be kept, worked or used in contravention of the *Wireless Telegraphy Acts 1926 to 2009* or any regulation made or condition imposed under those Acts or the *Broadcasting (Offences) Acts 1968 to 2009*.

(2) A search warrant granted under this section shall operate to authorise any one or more of the following, namely, any member of the Garda Síochána or officer of the appropriate authority or other person authorised by the person to whom the warrant is granted to accompany and assist him or her in the exercise of the powers conferred on him or her by the warrant.

(3) An officer of the appropriate authority may retain anything seized under this section which he or she believes to be evidence of any offence or suspected offence under the *Wireless Telegraphy Acts 1926 to 2009* or the *Broadcasting (Offences) Acts 1968 to 2009*, for use as evidence in proceedings in relation to any such offence, for such period from the date of seizure as is reasonable, or, if proceedings are commenced in which the thing so seized is required for use in evidence, until the conclusion of the proceedings.

(4) The appropriate authority shall, as soon as may be after the conclusion of any proceedings, deliver any thing seized and retained under this section to the person who in its opinion is the owner of it, unless—

- (a) the appropriate authority decides it is unable to ascertain who owns the thing, in which case the Police (Property) Act 1897 applies to the thing so seized and retained, or
- (b) such delivery would result in a contravention of the *Wireless Telegraphy Acts 1926 to 2009* or the *Broadcasting (Offences) Acts 1968 to 2009*, in which case the Police (Property) Act 1897 applies to the thing so seized and retained as though the appropriate authority could not ascertain the owner of the thing.

(5) (a) A person who by act or omission impedes or obstructs an officer of the appropriate authority or a member of the Garda Síochána or any other person in the exercise of a power conferred by a search warrant issued under this section commits an offence.

(b) A person who with intent to impede or obstruct an officer of the appropriate authority or a member of the Garda Síochána or any other person in the exercise of a power conferred by a search warrant issued under this section places, erects, installs, keeps or maintains any thing commits an offence.

(c) A person guilty of an offence under this subsection is liable on summary conviction to a fine not exceeding €2,000.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

164. In page 173, line 3, to delete “defendant. Whether” and substitute “defendant, whether”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

165. In page 173, lines 17 and 18, to delete “or order, as the case may be”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.

166. In page 174, line 3, after “ships” to insert “or other vessels”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha.