



SEANAD ÉIREANN

**AN BILLE CRAOLACHÁIN 2008
BROADCASTING BILL 2008**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE CRAOLACHÁIN 2008 —AN COISTE

BROADCASTING BILL 2008 —COMMITTEE STAGE

Leasuithe Amendments

**Government Amendments are distinguished by an asterisk.*

SECTION 2

1. In page 14, between lines 10 and 11, to insert the following:

“ “Food of low nutritional value” is defined as foods or beverages containing nutrients and substances excessive intakes of which in the overall diet are not recommended (in particular fat, trans-fatty acids, salt/sodium and sugars);”.

—*Senator Rónán Mullen.*

2. In page 14, line 46, to delete “Oireachtas has” and substitute “Houses of the Oireachtas have”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 3

3. In page 16, before section 3, to insert the following new section:

“Laying of Orders, schemes, rules and regulations.

3.—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.”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 4

4. 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 shall”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 8

5. In page 18, subsection (1), between lines 3 and 4, to insert the following:

[SECTION 8]

“(c) The proposed Board Members shall go before an oral hearing at the Joint Oireachtas Committee for Communications, Energy and Natural Resources to allow that committee to direct questions to the proposed Board Members as to their competence for that office having regard to experience and/or qualifications as set out in *section 9* of this Part.”

—*Senator Joe O'Reilly.*

SECTION 9

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

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 10

7. In page 20, subsection (4), line 16, after “terms” to insert “qualifications.”

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

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

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 16

*9. In page 27, subsection (9), line 43, to delete “scheme” and substitute “arrangements”.

SECTION 19

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

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 21

11. 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.”

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 23

*12. In page 31, subsection (1), line 42, after “up” to insert “and adopt”.

SECTION 25

13. In page 32, subsection (2)(d), line 29, after “disabilities” to insert “requiring the use of sign language and sub-titles”.

—*Senator Joe O'Reilly.*

[SECTION 25]

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

“establishing a quota of mandatory programming in the Irish language”.
—*Senator Joe O'Reilly.*

15. 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”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

16. In page 32, subsection (2), between lines 31 and 32, to insert the following:

“(f) facilitate and encourage the broadcasting of religious programmes with a mandatory quota.”.

—*Senator Joe O'Reilly.*

SECTION 26

17. In page 33, subsection (1), lines 5 to 17, to delete paragraphs (a) to (c) and substitute the following:

“(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, the Irish Film Channel, and the Heritage Channel,

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

(c) direct the Contract Awards Committee to make arrangements, in accordance with this Act, to invite, consider and recommend to the Authority, and the Authority shall follow such recommendation, proposals for the provision of broadcasting services additional to any broadcasting services provided by RTÉ, TG4, the Houses of the Oireachtas Channel, the Irish Film Channel and the Heritage Channel under this Act.”.

—*Senator Rónán Mullen.*

*18. In page 33, subsection (1)(b), line 9, to delete “strategy”.

SECTION 27

19. In page 34, before section 27, to insert the following new section:

“27.—It is a function of the Contract Awards Committee at the direction of the Authority, to make arrangements, in accordance with this Act, to invite, consider and recommend to the Authority, and the Authority shall follow such recommendation, proposals for the provision of broadcasting services additional to any broadcasting services provided by RTÉ, TG4, the Houses of the Oireachtas Channel, the Irish Film Channel and the Heritage Channel under this Act.”.

—*Senator Rónán Mullen.*

Section opposed.

—*Senator Rónán Mullen.*

[SECTION 33]

SECTION 33

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

“(2) The levy referred to in *subsection 15* shall be capped at a maximum annual figure to be determined by the Minister, following consultation with both the Authority and the Joint Oireachtas Committee on Communications, Energy and Natural Resources. Such levy will be laid before the Houses of the Oireachtas for confirmation.”.

—*Senator Joe O'Reilly.*

SECTION 37

21. In page 41, subsection (5), line 15, after “Oireachtas” to insert “not later than 30th April each year”.

—*Senator Feargal Quinn.*

SECTION 39

22. In page 42, subsection (1), between lines 27 and 28, to insert the following:

“(d) in the case of sound broadcasting a minimum of not less than 10 per cent of the broadcasting time is devoted to the broadcasting of programmes at people over 65 years.”.

—*Senator Rónán Mullen.*

23. In page 42, subsection (1)(d), line 30, after “crime” to insert the following:

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

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 40

24. 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
- (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.”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

[SECTION 41]

SECTION 41

25. In page 43, subsection (2), line 33, to delete “any hour” and substitute “any two hours”.

—*Senator Joe O'Reilly.*

26. In page 43, subsection (2), line 34, after “minutes” to insert “in either hour”.

—*Senator Joe O'Reilly.*

27. In page 43, lines 38 to 41, to delete subsection (4) and substitute the following:

“(4) A broadcaster shall not broadcast an advertisement which promotes the merits or otherwise of fortune-telling services, psychic services, palmistry or tarot card services.”.

—*Senator Rónán Mullen.*

28. In page 43, lines 46 to 49 and in page 44, lines 1 and 2, to delete subsection (6).

—*Senator Rónán Mullen.*

29. In page 44, between lines 2 and 3, to insert the following subsection:

“(7) A broadcaster shall not broadcast an advertisement, promoting alcoholic beverages, which is aimed at minors.

A broadcaster shall not broadcast an advertisement promoting alcoholic beverages before 9pm.

Any advertisements for alcoholic beverages shall not encourage immoderate consumption of such products.

A broadcaster will ensure prior to transmission that any such advertisements conform with appropriate broadcasting codes.”.

—*Senator Rónán Mullen.*

30. In page 44, between lines 2 and 3, to insert the following subsection:

“(7) A broadcaster shall not broadcast an advertisement, promoting food of low nutritional value, which is aimed at minors. Any advertisements for food of low nutritional value shall not encourage immoderate consumption of such products.

A broadcaster will ensure prior to transmission that any such advertisements conform with appropriate broadcasting codes.”.

—*Senator Rónán Mullen.*

31. In page 44, between lines 2 and 3, to insert the following subsection:

“(7) A broadcaster shall not broadcast an advertisement which is directed towards the promotion of sex services.”.

—*Senator Rónán Mullen.*

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

“(9) It shall be illegal to broadcast any advertisement for alcoholic beverages. Breach of this section shall incur a fine up to a maximum of 100,000 Euros.”.

—*Senator David Norris.*

[SECTION 42]

SECTION 42

33. In page 44, subsection (2), lines 15 to 23, to delete paragraphs (a) and (b) and substitute the following:

“(a) that all news broadcast by a broadcaster is reported and presented in a balanced, objective and impartial manner and without any expression of the broadcaster’s own views,

(b) that the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in a balanced, objective and impartial manner and without any expression of the broadcaster’s own views;”.

—*Senator Rónán Mullen.*

34. In page 44, subsection (2)(f)(ii), line 41, after “children” to insert the following:

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

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

35. In page 44, subsection (2), between lines 41 and 42, to insert the following:

“(g) A broadcasting code on alcohol advertising, or related matters, shall be drawn up by the Authority in consultation with the relevant industry representatives. If such a code cannot be drawn up, the Authority may, as a matter of last resort, prohibit the advertising of alcohol products in such manner and at such times as the Authority deems necessary.”.

—*Senator Joe O'Reilly.*

36. In page 44, subsection (2), between lines 41 and 42, to insert the following:

“(g) A broadcaster shall not broadcast an advertisement which is sexually explicit in nature,”.

—*Senator Rónán Mullen.*

SECTION 47

37. In page 48, subsection (1), line 29, to delete “on” and substitute “including”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

38. In page 49, subsection (3)(a), line 1, after “complainants” to insert the following:

“which shall include a facility for communication of the complaint by electronic mail”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

- *39. In page 49, subsection (4), line 6, to delete “on the Internet”.

- *40. In page 49, subsection (4), line 7, to delete “of” and substitute “of the”.

[SECTION 48]

SECTION 48

*41. In page 49, subsection (2)(b), line 45, to delete “and” and substitute “or”.

42. In page 52, between lines 6 and 7, to insert the following subsection:

“(18) The Compliance Committee shall carry out its task as soon as is practicable with due regard to the urgency of the complaint where appropriate.”.

—*Senator Rónán Mullen.*

SECTION 49

43. In page 53, subsection (7), line 3, to delete “10” and substitute “30”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

44. In page 54, subsection (18), line 21, to delete “10” and substitute “30”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

*45. In page 54, subsection (21)(b), line 38, before “is” to insert “a right of reply”.

46. In page 55, subsection (21)(m), line 16, after “statement” to insert “equivalent to a right to reply”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 50

*47. In page 56, lines 36 to 40, to delete subsection (1) and substitute the following:

“(1) The Compliance Committee may for any of the reasons specified in *subsection (2)* conduct an investigation into the operational, programming, financial, technical or other affairs of a holder of a contract under *Part 6* or *8* (“contractor”).”.

*48. In page 57, between lines 17 and 18, to insert the following subsection:

“(3) The Compliance Committee shall notify the contractor concerned of the matter under investigation and afford the contractor an opportunity to respond, within 7 days of the date of the notification, or such further period as the Committee allows, to the matter under investigation. It is the duty of the contractor to co-operate in the investigation.”.

*49. In page 58, lines 6 to 10, to delete subsection (8).

SECTION 51

*50. In page 58, subsection (1), to delete lines 13 to 16, and substitute the following:

“, on foot of a finding under *section 50(6)*, recommend to the Authority that the Authority terminate or suspend, for such period of suspension as the Compliance Committee considers reasonable and specifies in the recommendation, a contract entered into by the Authority under *Part 6* or *8*—”.

[SECTION 51]

*51. In page 58, subsection (1), lines 21 to 28, to delete paragraph (b) and substitute the following:

“(b) if the holder of the contract has, upon a finding by the Compliance Committee under *section 50(6)*, having regard to the investigation concerned under that section, failed on one or more occasions to comply with a term or condition of the contract or caused interference referred to in *section 50(2)(b)* and the nature of that failure or interference, as the case may be, is of such seriousness as, in the opinion of the Compliance Committee, warrants the termination or suspension of the contract.”.

*52. In page 58, subsection (1)(i), lines 30 and 31, to delete all words from and including “suspend” in line 30 down to and including “suspended” in line 31 and substitute the following:

“where the Compliance Committee recommends that the contract be suspended, suspend the contract concerned”.

*53. In page 58, subsection (1), lines 35 to 38, to delete paragraph (ii) and substitute the following:

“(ii) where the Compliance Committee recommends that the contract be terminated, terminate the contract concerned or having regard to all the circumstances suspend the contract for such period as the Authority considers appropriate.”.

*54. In page 58, subsection (2), lines 39 and 40, to delete “to consider the making of” and substitute “to make”.

*55. In page 59, between lines 2 and 3, to insert the following subsection:

“(5) The members of the Authority making a decision under *subsection (1) (i)* or *(ii)* in relation to the suspension or termination of a contract shall not include a member of the Compliance Committee who made the recommendation to the Authority. The Authority may allow the holder of the contract concerned to make further submissions to it, if it considers it appropriate, in accordance with any rules it makes (which may include the possibility of a hearing).”.

SECTION 54

*56. In page 61, lines 20 to 45, to delete subsections (3) and (4) and substitute the following:

“(3) Where the Compliance Committee, having considered a report under *subsection (1)* and any submissions made under *subsection (2)*, finds that—

- (a) there has been a breach by the broadcaster concerned, or
- (b) the broadcaster concerned has failed to co-operate in an investigation,

the Committee may recommend to the Authority that the Authority notify the broadcaster concerned in accordance with *subsection (4)*. The Authority shall comply with the recommendation.

(4) A notification under *subsection (3)* shall—

- (a) set out the reasons for the notification,

[SECTION 54]

- (b) state that the Authority intends to apply to the Court for a determination that there has been a breach or a failure to co-operate with an investigation, unless the broadcaster concerned requests, in writing within 14 days of the date of the notification or such further period as the Authority allows, that the Authority deal with the matter under *section 55 (2)*, and
- (c) indicate the amount of the financial sanction (not exceeding €250,000) that it proposes, if the matter is dealt with by the Authority under *section 55(2)*,

and the Authority may indicate in the notification the amount of the financial sanction (not exceeding €250,000) that it intends to recommend to the Court if the matter is dealt with by the Court under *section 55(1)*.”

***57.** In page 61, after line 45, to insert the following subsection:

“(5) Where the broadcaster concerned fails to make a request under *subsection (4) (b)* within the period referred to in that paragraph or informs the Authority that no such request will be made, the Authority shall apply to the Court for a determination that there has been a breach or a failure to co-operate with an investigation by the broadcaster concerned.”

SECTION 55

***58.** In page 62, subsection (3), line 46, after “€250,000” to insert the following:

“as proposed in a notification in accordance with *section 54(4)(c)*”.

SECTION 57

***59.** In page 64, subsection (1), line 33, to delete “other person” and substitute “contractor”.

***60.** In page 64, subsection (1), line 34, to delete “other person” and substitute “contractor”.

***61.** In page 64, subsection (1), line 35, to delete “other person” and substitute “contractor”.

***62.** In page 64, subsection (1)(a), line 36, to delete “other person” and substitute “contractor”.

***63.** In page 64, subsection (1)(b), line 38, to delete “other person” and substitute “contractor”.

***64.** In page 64, subsection (1)(c), line 40, to delete “other person” and substitute “contractor”.

***65.** In page 64, subsection (1)(c), line 41, to delete “other person” and substitute “contractor”.

***66.** In page 64, subsection (1)(d), line 43, to delete “direction or reply” and substitute “notification”.

***67.** In page 64, subsection (1)(d), line 44, to delete “other person” and substitute “contractor”.

[SECTION 57]

- *68. In page 65, subsection (1)(d), line 2, to delete “other person” and substitute “contractor”.
- *69. In page 65, subsection (1)(e), line 7, to delete “other person” and substitute “contractor”.
- *70. In page 65, subsection (1)(e), line 9, to delete “other person” and substitute “contractor”.
- *71. In page 65, subsection (2), line 21, to delete “(3),” and substitute “(1),”.
- *72. In page 65, subsection (3), line 28, to delete “direction or reply” and substitute “notification”.

SECTION 60

- *73. In page 66, subsection (2)(a), to delete lines 45 to 49 and substitute the following:

“broadcasting licence, the Regulator shall, by notice in writing, inform the Authority of the Regulator’s intentions and of the reasons for it. The Authority shall, within 7 days of receiving the notice, give notice in writing to the broadcasting contractor concerned of the intention.”.

- *74. In page 67, subsection (4), line 23, to delete “notification” and substitute “notice”.
- *75. In page 67, subsection (4), line 24, to delete “broadcaster” and substitute “broadcasting”.
- *76. In page 67, subsection (4), line 26, to delete “or other person”.
- *77. In page 67, subsection (4)(d), line 36, to delete “direction or reply” and substitute “notice”.
- *78. In page 67, subsection (4)(e), line 47, to delete “or other person, that address” and substitute “, that address,”.
- *79. In page 68, subsection (4)(e)(i)(II), line 3, to delete “notification” and substitute “notice”.
- *80. In page 68, subsection (4)(e)(ii), line 5, to delete “notification” and substitute “notice”.
- *81. In page 68, between lines 6 and 7, to insert the following subsection:

“(5) For the purposes of *subsection (4)*, a company registered under the Companies Acts is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body is deemed to be ordinarily resident at its principal office or place of business.”.

SECTION 66

- *82. In page 72, between lines 28 and 29, to insert the following subsection:

[SECTION 66]

“(4) In considering the suitability of any applicant for the award of a broadcasting contract to provide a broadcasting service in respect of an area in which more than 10 per cent of the population is over 65, the Contract Awards Committee shall have particular regard to the needs of this population in relation to programming content.”

—*Senator Rónán Mullen.*

SECTION 67

83. In page 74, subsection (9), line 14, to delete “5” and substitute “7”.

—*Senator Joe O'Reilly.*

SECTION 71

84. In page 78, subsection (3), lines 11 to 13, to delete paragraph (b) and substitute the following:

“(b) RTÉ, TG4, Houses of the Oireachtas Channel, Irish Film Channel, the Heritage Channel or the holder of a broadcasting contract for the purposes of a free-to-air service.”

—*Senator Rónán Mullen.*

SECTION 78

85. In page 84, before section 78, to insert the following new section:

“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.”

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 82

86. In page 87, lines 6 to 7, to delete subsection (6).

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

[SECTION 89]

SECTION 89

*87. In page 93, subsection (1), line 23, to delete “príomh-stiúrthóir” and substitute “ard-stiúrthóir”.

SECTION 95

*88. In page 98, subsection (1), line 23, after “up” to insert “and adopt”.

SECTION 96

*89. In page 99, subsection (16), line 44, after “shall” to insert “, not later than 30 June in each year,”.

SECTION 101

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

“(b) the nature and number of hours of television programming aimed at people over 65 years, to be broadcast by the corporation,”.

—*Senator Rónán Mullen.*

SECTION 103

*91. In page 103, lines 28 to 41, to delete subsections (11) and (12) and substitute the following:

“(11) In this section “ancillary services” means the provision by a corporation of services, which—

- (a) are ancillary to the public service objects of the corporation,
- (b) the corporation has not engaged in a significant manner in the previous 5 years,
- (c) require expenditure by the corporation in excess of €5 million in each year, and
- (d) for which the corporation proposes to use funding received by the corporation under *section 123*,

but does not include the provision by a corporation of a service in pursuance of *paragraphs (d), (f) and (i) of section 114(1) and paragraphs (d) and (f) of section 118(1)*.”.

SECTION 104

*92. In page 104, subsection (5), lines 14 and 15, to delete “*subsections (1), (2), (3) and (4) such*” and substitute “this section”.

SECTION 105

*93. In page 104, line 18, to delete “ensure” and substitute “secure”.

[SECTION 109]

SECTION 109

*94. In page 107, subsection (7)(a), line 1, to delete “the” and substitute “its”.

SECTION 111

*95. In page 109, subsection (5)(a), line 2, to delete “Irish language programme material” and substitute the following:

“programme material used for the purpose of Irish language broadcasts”.

SECTION 112

*96. In page 110, subsection (9), line 10, after “Committee” to insert “shall”.

SECTION 116

97. In page 117, lines 10 to 18, to delete subsection (15) and substitute the following:

“(15) In the first financial year following the year of the passing of this Act, a minimum of 1.25 per cent of the monies paid into the account shall be used by RTE for the purpose of—

(a) commissioning the making of independent sound broadcasting programmes,

(b) procuring the formulation by persons of proposals for the commissioning by RTE of the making of the above programmes,

and for no other purpose.

The percentage specified above shall be increased to 2 per cent in the second financial year, 3 per cent in the third financial year, 4 per cent in the fourth financial year and 5 per cent in the fifth financial year following the year of the passing of this Act. It shall remain at 5 per cent minimum in each subsequent financial year.”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly., Joe O’Toole, Rónán Mullen.*

98. In page 117, subsection (15), lines 11 and 12, to delete “€500,000 standing to the credit of the account” and substitute “1.25 per cent of the monies paid into the account”.

—*Senator Joe O’Reilly.*

99. In page 117, between lines 18 and 19, to insert the following subsection:

“(16) The percentage specified in *subsection 15* shall be increased to 2 per cent in the second financial year, 3 per cent in the third financial year, 4 per cent in the fourth financial year and 5 per cent in the fifth financial year following the year of the passing of this Act and shall remain at that value unless changed by the Minister by regulation.”.

—*Senator Joe O’Reilly.*

SECTION 118

[SECTION 118]

*100. In page 117, subsection (1), line 36, to delete “shall be” and substitute “are”.

SECTION 121

101. In page 121, subsection (1), line 25, after “licence” to insert the following:

“and at all times practicable that RTE 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.”

—*Senator Joe O’Toole.*

102. In page 121, between lines 25 and 26, 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.”

—*Senators David Norris, Joe O’Reilly.*

SECTION 122

103. In page 121, between lines 39 and 40, to insert the following subsection:

“(2) That RTÉ 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.”

—*Senators David Norris, Joe O’Reilly.*

SECTION 125

104. In page 125, subsection (1), line 5, to delete “Oireachtas has” and substitute “Houses of the Oireachtas have”.

—*Senators Michael McCarthy, Alex White, Brendan Ryan, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 127

105. In page 126, lines 12 to 18, to delete subsections (4) and (5) and substitute the following:

“(4) The Irish Film Channel shall be permitted to broadcast advertisements for a charge. Advertisements should not interrupt film showings and should be limited to an average of 5 minutes out of every hour.”

—*Senator Joe O’Reilly.*

SECTION 129

106. In page 126, before section 129, but in Part 7, to insert the following new section:

“129.—(1) RTÉ shall establish a television broadcasting service to be known as the Heritage Channel.

(2) The Heritage Channel shall as its principal purpose provide a programme material relating to Irish heritage and culture.

[SECTION 129]

(3) RTÉ may enter into such contracts as are necessary to establish and maintain the heritage Channel.

(4) The Heritage Channel shall not broadcast advertisements and material which, if transmitted, would constitute a direct offer to the public for the sale or supply to them of goods or other property (whether real or personal) or services.”

—*Senator Rónán Mullen.*

SECTION 130

*107. In page 128, subsection (1)(b)(i)(I), line 8, after “means,” to insert “and”.

SECTION 134

108. In page 133, subsection (8), lines 18 and 19, to delete “shall be not more than 4 years” and substitute “shall not be more than 7 years”.

—*Senator Joe O'Reilly.*

SECTION 138

*109. In page 136, subsection (2)(a)(iv), line 13, to delete “Authority;” and substitute “Authority; and”.

*110. In page 136, subsection (2)(b), line 21, to delete “shall” and substitute “may”.

*111. In page 136, subsection (2)(b)(iii), line 37, to delete “area;” and substitute “area; and”.

*112. In page 136, subsection (3)(a), lines 46 and 47, to delete all words from and including “a multiplex” in line 46 down to and including “-tract,” in line 47 and substitute “the multiplex contract, or any interest in it,”.

*113. In page 137, subsection (3)(b), line 5, to delete “a company” and substitute “the company”.

*114. In page 137, subsection (3)(b), line 6, to delete “a multiplex contractor” and substitute “the multiplex contractor”.

*115. In page 137, subsection (5), line 22, to delete “furnish” and substitute “give”.

SECTION 140

*116. In page 139, subsection (1), between lines 32 and 33, to insert the following:

“ “prescribed” means prescribed by regulations made by the Minister;”.

SECTION 142

*117. In page 140, lines 38 to 43, to delete subsection (4).

SECTION 143

*118. In page 141, subsection (3), lines 6 to 8, to delete all words from and including “and” in line 6 down to and including “section” in line 8.

[SECTION 143]

*119. In page 141, between lines 8 and 9, to insert the following subsection:

“(4) All licences for the keeping and possession of a television set (within the meaning of section 1 of the Act of 1972) which were granted under section 5 of the Act of 1926 and are in force on the passing of this Act continue in force for the remainder of their period of validity and are deemed to have been granted under this section and this Part applies to all such licences accordingly.”.

SECTION 144

*120. In page 141, subsection (1), line 11, to delete “such” and substitute “television”.

*121. In page 141, subsection (2), line 34, to delete “the licence” and substitute “the television licence”.

SECTION 145

*122. In page 142, subsection (5), line 13, to delete “*section 148*” and substitute “148”.

SECTION 148

*123. In page 144, line 13, to delete “(1) Every person” and substitute “A person”.

*124. In page 144, subsection (1)(a), line 18, to delete “and” and substitute “or”.

125. In page 144, subsection (1), between lines 19 and 20, to insert the following:

“(c) No person shall be sent to jail as a consequence of any conviction for non-possession of a TV licence. However, an order for attachment of earnings may be made by the court in order to discharge such an obligation.”.

—*Senator David Norris.*

SECTION 149

*126. In page 144, subsection (1), line 21, to delete “send” and substitute “send by post or deliver personally”.

*127. In page 144, subsection (2), line 29, after “person” to insert “personally or”.

*128. In page 145, subsection (7)(b), line 34, to delete “in regulations made by the Minister”.

SECTION 159

*129. In page 151, subsection (1), line 34, after “assigned” to insert “to it”.

SECTION 181

*130. In page 164, subsection (2), lines 7 to 9, to delete all words from and including “functions,” in line 7 down to and including “subsection.” in line 9 and substitute the following:

“functions. RTÉ and TG4 shall comply with the direction.”.

[SECTION 181]

- *131. In page 164, lines 12 and 13, to delete “Broadcasting Authority of Ireland” and substitute “BAI”.
- *132. In page 164, lines 13 and 14, to delete “Broadcasting Authority of Ireland” and substitute “BAI”.
- *133. In page 164, lines 17 and 18, to delete “Broadcasting Authority of Ireland” and substitute “BAI”.
- *134. In page 164, lines 21 and 22, to delete all words from and including “functions,” in line 21 down to and including “Ireland” in line 22 and substitute “functions. The BAI”.
- *135. In page 164, lines 22 and 23, to delete “a direction under this subsection.” and substitute “the direction.”.
- *136. In page 164, after line 23, to insert the following:
 - “(4) In this section—
 - ‘BAI’ means Broadcasting Authority of Ireland;
 - ‘RTÉ’ and ‘TG4’ have the meaning assigned to them, respectively, by *section 2* of the Broadcasting Act 2008.”.