



**An Bille Craolacháin (Táillí Ceadúnais Teilifíse a
Ghnóthú), 2019**
**Broadcasting (Television Licence Fees Recovery) Bill
2019**

Meabhrán Míitheach
Explanatory Memorandum



**AN BILLE CRAOLACHÁIN (TÁILLÍ CEADÚNAIS TEILIFÍSE
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BROADCASTING (TELEVISION LICENCE FEES
RECOVERY) BILL 2019**

EXPLANATORY MEMORANDUM

Purpose of Bill

In its 2018 report and recommendations on the five-year review of public funding, conducted under section 124 of the Broadcasting Act 2009, the Broadcasting Authority of Ireland highlighted the very difficult situation faced by public service broadcasters and urged the Government to take urgent, decisive and substantive action.

Specifically, the BAI found that –

- public service broadcasting and public service broadcasters faced critical and urgent challenges and it was clear that the current funding situation was not sustainable,
- at a minimum RTÉ should receive an increase in its annual public funding of €30 million, with immediate effect, on the basis that the broadcaster met certain conditions which were strategic in nature and had audiences at the core of their consideration, and
- there should be an increase of €6 million per annum in public funding for TG4, over and above TG4's 2017 public funding provision, with full effect from 2018 and onwards over the period of TG4's strategy.

In response to the BAI report, the Government has announced that the TV licence fee funding system will be replaced by a 'device-independent' broadcasting charge which will take account of technological change and will enable the sustainable funding of public service content in the longer term.

However, this would take time to develop and implement and, in the interim, the current TV licence collection contract will be retained and is to be put out to public tender, for a five-year period.

The TV licence fee evasion rate is difficult to quantify. A rate of between 12 per cent and 14 per cent is generally accepted.

In 2018, €221 million in licence fees was collected, of which €189 million was received by RTÉ. The rest supports other public service broadcasters and independent producers.

In the same year RTÉ made a loss of €13 million.

It seems clear that a more efficient collection system could increase licence fee revenue by up to €25-€30 million – which is more than double the amount of RTÉ's annual losses.

Without prejudice to any preferred permanent funding solution, data sharing between An Post – or any future licence fee collector – and the current TV service providers would reduce evasion rates. A simple cross-checking between lists of licence fee payers and of subscribers to Sky, Virgin and others would identify those who should be paying for a TV licence but are not.

The purpose of this Bill is to confer statutory authority for such data sharing.

Provisions of Bill

The Bill is by its long title an Act to provide for the provision of data by television broadcasting service providers, for the purpose of assisting in the recovery of television licence fees; and to provide for connected matters.

Section 1 inserts a new section 145A into Part 9 of the Broadcasting Act 2009. The new section is headed ‘Collection of licence fees: provision of television service subscription lists’.

The section provides that, on being requested to do so by the TV licence issuing agent (currently An Post), a TV broadcasting service provider must make available such data, or information extracted from that data, as the issuing agent may reasonably require for the purpose of assisting in identifying persons who may have TV sets not authorised by a licence, and for the performance of other functions conferred on the issuing agent under the legislation.

The section specifies that data made so available to the issuing agent may be processed by it for the purposes referred to in the section.

The section also provides appropriate definitions for ‘data’, ‘personal data’, ‘processing’ and ‘television broadcasting service provider’.

Section 2 provides in standard form for the short title, collective citation and construction of the Bill.

*Sean Sherlock, TD,
Samhain, 2019.*