



SEANAD ÉIREANN

**AN BILLE UM RIALÁIL SÁBHÁILTEACHTA AR LÍNE AGUS
NA MEÁN, 2022**

ONLINE SAFETY AND MEDIA REGULATION BILL 2022

**LEASUITHE A RINNE AN DÁIL
AMENDMENTS MADE BY THE DÁIL**

SEANAD ÉIREANN

AN BILLE UM RIALÁIL SÁBHÁILTEACHTA AR LÍNE AGUS NA MEÁN, 2022
[BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

ONLINE SAFETY AND MEDIA REGULATION BILL 2022
[SEANAD BILL AMENDED BY THE DÁIL]

Leasuithe a rinne an Dáil
Amendments made by the Dáil

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Seanad Éireann.]*

TITLE

1. In page 7, line 26, after “to”, where it secondly occurs, “local sound broadcasters and” inserted.
2. In page 7, line 26, “sound” deleted.

SECTION 3

3. In page 9, line 32, “section 139ZZ(1)” deleted and “section 139ZZH(1)” substituted.
4. In page 9, line 34, “section 139ZZ(2)” deleted and “section 139ZZH(2)” substituted.
5. In page 9, line 36, “section 139ZZ(3)” deleted and “section 139ZZH(3)” substituted.
6. In page 10, line 30, “definition” where it firstly occurs deleted and “definitions” substituted.
7. In page 10, between lines 31 and 32, the following inserted:

“ ‘E-Commerce Directive’ means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market;”.
8. In page 12, line 16, after “audiovisual”, “or sound” inserted.

[SECTION 3]

9. In page 13, line 7, after “providing”, “sound” inserted.

10. In page 13, line 12, after “to”, “sound” inserted.

11. In page 13, line 35, “or” deleted.

SECTION 5

12. In page 16, line 19, “meaning given by” deleted and “same meaning as in” substituted.

13. In page 16, lines 19 to 22, all words from and including “Directive” in line 19 down to and including “Market” in line 22 deleted and “the E-Commerce Directive” substituted.

SECTION 6

14. In page 16, between lines 30 and 31, the following inserted:

“Meaning of “under the jurisdiction of the State”: providers of other services that may be relevant online services

6. The Principal Act is amended by the insertion of the following section after section 2B:

“2C. (1) For the purposes of this Act, the provider of an information society service, other than a provider to whom section 2A or 2B applies, is under the jurisdiction of the State if the provider of the service is established in the State within the meaning of Article 3(1) of the E-Commerce Directive.

(2) In this section, ‘information society service’ has the same meaning as in Article 1(1)(b) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015.”.

15. In page 16, line 32, “section 2B” deleted and “section 2C” substituted.

16. In page 16, line 33, “2C” deleted and “2D” substituted.

SECTION 7

17. In page 18, line 17, “consent” deleted and “approval” substituted.

18. In page 18, line 17, “approval” deleted and “consent” substituted.

[SECTION 7]

19. In page 22, line 1, “section 48(3), (4) or (5)” deleted and “subsection (3), (4) or (5) of section 48” substituted.
20. In page 22, line 4, “section 139W(6) or (8)” deleted and “subsection (6) or (8) of section 139ZE” substituted.
21. In page 23, line 20, “following consultation with” deleted and “with the consent of” substituted.
22. In page 25, line 36, “a nominee of the person” deleted and “a person acting on behalf of the person” substituted.
23. In page 27, line 29, “consent” deleted and “approval” substituted.
24. In page 27, line 30, “approval” deleted and “consent” substituted.
25. In page 27, line 34, “consent” deleted and “approval” substituted.
26. In page 27, line 35, “approval” deleted and “consent” substituted.
27. In page 27, line 39, “consent” deleted and “approval” substituted.
28. In page 27, line 39, “approval” deleted and “consent” substituted.
29. In page 28, line 18, “consent” deleted and “approval” substituted.
30. In page 28, line 19, “approval” deleted and “consent” substituted.
31. In page 29, line 2, “consent” deleted and “approval” substituted.
32. In page 29, line 2, “approval” deleted and “consent” substituted.
33. In page 30, line 3, “consent” deleted and “approval” substituted.

[SECTION 7]

34. In page 30, line 3, “and” deleted and “, given with the consent of” substituted.
35. In page 32, line 33, “monies” deleted and “moneys” substituted.
36. In page 33, lines 12 and 13, “Central Fund” deleted and “Exchequer” substituted.
37. In page 34, lines 9 and 10, “publish, with the consent of the Minister and the Minister for Public Expenditure and Reform,” deleted and the following substituted:
- “, with the approval of the Minister, given with the consent of the Minister for Public Expenditure and Reform, publish”.
38. In page 44, line 29, “section 139ZK” deleted and “section 139ZS” substituted.

SECTION 9

39. In page 49, line 33, “: **‘relevant media service provider’**” deleted.
40. In page 49, line 34, “Part,” deleted and “Part—” substituted.
41. In page 49, line 34, after “Part,” the following inserted:
- “ ‘party political programme’ means a programme broadcast, or made available in a catalogue of an audiovisual on-demand media service, by or on behalf of a political party for the purpose of promoting the political party;
- ‘political party’ means a political party registered in the Register of Political Parties;”.
42. In page 50, line 5, “million.” deleted and “million;” substituted.
43. In page 50, between lines 5 and 6, the following inserted:
- “ ‘relevant service’ in relation to a relevant media service provider means an audiovisual on-demand media service provided by that provider.”.
44. In page 50, line 6, after “in”, “paragraph (c) of the definition of ‘relevant media service provider’ in” inserted.

[SECTION 9]

45. In page 50, line 6, “(c)” deleted.
46. In page 50, line 22, after “in”, “paragraph (c) of the definition of ‘relevant media service provider’ in” inserted.
47. In page 50, line 22, “(c)” deleted.
48. In page 50, lines 23 to 25 deleted.
49. In page 50, line 32, after “or”, “undue” inserted.
50. In page 52, lines 3 and 4, “they do not give an unfair preference” deleted and “an unfair preference is not given” substituted.
51. In page 53, line 16, “the” deleted and “a” substituted.
52. In page 53, line 35, after “or”, “unduly” inserted.
53. In page 54, between lines 14 and 15, the following inserted:

“(3) Media service codes may provide that party political programmes may be broadcast or made available only at specified times.”.
54. In page 54, between lines 14 and 15, the following inserted:

“(4) Media service codes may provide for standards and practices to promote the following:

 - (a) balanced gender representation of participants in news and current affairs programmes broadcast by broadcasters or made available by providers of audiovisual on-demand media services;
 - (b) the broadcast in programmes broadcast on sound broadcasting services of music composed or performed by women.”.
55. In page 54, line 15, “(3) The Commission” deleted and “(5) The Commission” substituted.

[SECTION 9]

56. In page 54, line 20, “(4) The Commission” deleted and “(6) The Commission” substituted.
57. In page 54, line 40, “(5) Provision” deleted and “(7) Provision” substituted.
58. In page 55, line 5, “(6) In preparing” deleted and “(8) In preparing” substituted.
59. In page 55, line 8, “(7) The Commission” deleted and “(9) The Commission” substituted.
60. In page 55, line 9, “(8) A failure” deleted and “(10) A failure” substituted.
61. In page 55, line 11, “(9) Subject to subsection (10)” deleted and “(11) Subject to subsection (12)” substituted.
62. In page 55, line 20, “(10) After” deleted and “(12) After” substituted.
63. In page 55, line 21, “subsection (9)” deleted and “subsection (11)” substituted.

SECTION 11

64. In page 59, line 34, “**Complaints**” deleted.
65. In page 60, line 23, “or” deleted and the following substituted:
“ (c) the complaint has been resolved effectively under a code of practice prepared under section 47(3), or”.
66. In page 60, line 24, “(c) the complaint” deleted and “(d) the complaint” substituted.
67. In page 60, line 27, “section 139ZA(2)” deleted and “section 139ZI(2)” substituted.

SECTION 12

68. In page 61, between lines 16 and 17, the following inserted:
“(e) in subsection (21), in paragraph (q), by the substitution of “section 31 of the Electoral Reform Act 2022” for “section 3 of the Act of 1998”,.”.

[SECTION 28]

SECTION 28

69. In page 67, lines 2 to 13 deleted.

SECTION 33

70. In page 69, line 24, “subsection (1),” deleted and the following substituted:

“subsection (1)—

- (a) in paragraph (b), by the deletion of “and teletext services”, and
- (b) ”.

SECTION 34

71. In page 69, line 28, “subsection (1),” deleted and the following substituted:

“subsection (1)—

- (a) in paragraph (b), by the deletion of “and teletext services”, and
- (b) ”.

SECTION 39

72. In page 71, line 21, “(1)” deleted.

73. In page 71, lines 24 and 25, “and accessed by the use of a terminal” deleted.

74. In page 72, line 12, “the” deleted and “a” substituted.

75. In page 72, line 18 deleted and “77.” substituted.

76. In page 72, lines 19 to 27 deleted.

SECTION 44

77. In page 81, line 28, after “services”, “the provider of which is” inserted.

78. In page 81, line 32, after “service”, “the provider of which is” inserted.

79. In page 81, line 34, after “service” where it secondly occurs, “the provider of which is” inserted.

[SECTION 44]

80. In page 82, line 16, “Subsection” deleted and “Subsections” substituted.

81. In page 86, line 34, “section 139X” deleted and “section 139ZF” substituted.

82. In page 88, line 36, “and” deleted.

83. In page 88, line 37 deleted and the following substituted:

“(d) specify the co-operation that may be requested by the person appointed, and”.

84. In page 88, between lines 37 and 38, the following inserted:

“(e) require the provider to provide that co-operation, subject to reasonable notice being given by the person appointed.”.

85. In page 89, between lines 9 and 10, the following inserted:

“and shall give the provider an opportunity to make representations in writing to the Commission on the report within such period as the Commission specifies.”.

86. In page 89, line 10, “and” deleted and the following substituted:

“(9) After considering any representations made under subsection (8), the Commission”.

87. In page 89, line 14, “(9) If” deleted and “(10) If” substituted.

88. In page 89, line 19, “(10) A provider” deleted and “(11) A provider” substituted.

89. In page 89, between lines 24 and 25, the following inserted:

“CHAPTER 4

Complaints to Commission about harmful online content

Complaints to Commission about harmful online content

139R. Where a scheme under section 139V provides for the making of a complaint to the Commission on the grounds that harmful online content is available on a designated online service, the Commission may deal

with the complaint in accordance with this Chapter and the provisions of the scheme.

Complaints which may be considered by Commission

139S. (1) Subject to subsection (2), the Commission may not consider a complaint under this Chapter unless it is satisfied that the following conditions are met:

- (a) the complainant has made a complaint to the provider of the designated online service concerned about the availability of the content on the service;
 - (b) a period of more than 2 days has elapsed since the complainant made the complaint to the provider;
 - (c) where the provider operates a process in accordance with an online safety code for handling such a complaint, the complainant has taken reasonable steps in that period to have the complaint resolved through that process.
- (2) Where the Commission is not satisfied that the conditions in subsection (1) are met, it may consider a complaint under this Chapter if it considers it appropriate to do so having regard to the principles referred to in section 139U.
- (3) Where a complaint relates to content which falls within one of the offence-specific categories of harmful online content defined in section 139A(2), the Commission may consider the complaint under this Chapter only if—
- (a) the Commission has brought the complaint to the attention of the Garda Síochána, or any other body the Commission considers appropriate,
 - (b) the Commission has informed the complainant and the provider of the designated online service that it has done so, and
 - (c) where the complaint was brought to the attention of the Garda Síochána, the Garda Síochána has informed the Commission that they do not intend to take any action, or any further action, in relation to the availability of the content on the service concerned.

Resolution of complaints

139T. (1) The Commission may take any of the following actions for the purpose of resolving a complaint under this Chapter:

- (a) referring the complaint to the provider concerned with such advice, guidance or support as the Commission considers appropriate;
- (b) bringing the complaint to the attention of another body, where the Commission considers the complaint relates to the activities of that body;

- (c) giving the provider a notice under section 139ZZD(1);
 - (d) dismissing the complaint where the Commission concludes that the content is not harmful online content, or is no longer available on the designated online service;
 - (e) dismissing the complaint where the Commission finds that the complaint is frivolous or vexatious;
 - (f) taking any other action provided for in a scheme under section 139V.
- (2) Where the Commission concludes its consideration of a complaint under this Chapter but does not consider any action within subsection (1) to be appropriate, it shall provide such advice, guidance or support to the complainant as it considers appropriate.

Principles for resolution of complaints

139U. In dealing with complaints under this Chapter, the Commission shall have regard to—

- (a) the rights of—
 - (i) the complainant,
 - (ii) the person who uploaded the content to the designated online service,
 - (iii) the provider of the designated online service,
 - (iv) the users of the designated online service, and
 - (v) any person to whom the content relates or at whom it is directed,
- (b) the interests of any child concerned as complainant, as the person who uploaded the content to the designated online service, or as a person to whom the content relates or at whom it is directed,
- (c) the levels of risk of harm, and in particular harm to children, from the availability of the content or exposure to it, and
- (d) the desirability of resolving the complaint efficiently.

Complaint scheme: content

139V. (1) Subject to this Chapter the Commission may make a scheme providing for the making and resolution of complaints referred to in section 139R.

- (2) The Commission may make a scheme relating to complaints about the availability of a type of harmful online content on designated online services only if there is an online safety code that—
- (a) applies to the designated online services concerned, and
 - (b) relates to the handling, by those providers, of communications from

users raising complaints about harmful online content of that type.

- (3) A scheme shall provide, in particular, for—
 - (a) the content of a complaint,
 - (b) the procedures by which a complaint may be made,
 - (c) the procedures the Commission shall follow in considering and resolving complaints,
 - (d) the making of representations in relation to the complaint by the person who uploaded the content that the complaint is about to the designated online service,
 - (e) the requirements the Commission may impose on providers of designated online services for the purpose of resolving complaints, and
 - (f) the procedures by which the Commission shall inform the complainant of the Commission's resolution of the complaint.
- (4) A complaint shall contain, in particular—
 - (a) a description of the content that the complaint is about,
 - (b) a description of the category of harmful online content into which the complainant considers the content falls, and the reasons for that consideration,
 - (c) a description of the location of the content on the designated online service, and
 - (d) evidence that the conditions in section 139S(1) are met.

Complaint scheme: procedure

139W. (1) Before making a scheme under section 139V, the Commission shall consult—

- (a) any advisory committee it has established for that purpose under section 19, and
 - (b) any other person the Commission thinks appropriate.
- (2) The Commission shall give the Minister a copy of any scheme made under section 139V as soon as practicable after it is made.
 - (3) The Commission may amend or replace a scheme made under section 139V, and subsections (1) and (2) apply to the amendment of a scheme as they apply to the making of a scheme.
 - (4) A scheme made under section 139V, and any amendment of it, shall be laid by the Commission before each House of the Oireachtas as soon as may be after it is made.

Implementation of schemes

- 139X.** (1) The Commission shall prepare a plan describing the period within which, and the manner in which, it proposes to make schemes under section 139V such that, in any case where there is an online safety code that relates to the handling, by providers of designated online services, of communications from users raising complaints about harmful online content of any type, the Commission is able to deal with complaints about the availability of that type of harmful online content on any designated online service to which the code is applied under section 139L.
- (2) The Commission's proposals in the plan prepared under subsection (1) shall prioritise the making of schemes under section 139V relating to complaints about harmful online content relating to or directed at children.
- (3) A plan prepared under subsection (1) shall be given to the Minister and published on a website maintained by or on behalf of the Commission as soon as practicable after it is prepared.

Review of operation of scheme

- 139Y.** (1) The Commission shall review the operation of this Chapter at the end of the period of 5 years after the date of its coming into operation.
- (2) Without prejudice to subsection (1), the Commission shall review the operation of a scheme under section 139V where the Minister requests the Commission in writing to do so.
- (3) The Commission shall give a report of a review to the Minister as soon as practicable after completing the review.
- (4) The Commission shall publish the following annually on a website maintained by it:
- (a) the number of complaints it has received in the previous year under a scheme and how those complaints were resolved;
 - (b) the categories of harmful online content to which the complaints related;
 - (c) such case studies of complaints as it considers appropriate.”.

90. In page 89, line 25, “4” deleted and “5” substituted.

91. In page 89, line 28, “**139R.**” deleted and “**139Z.**” substituted.

92. In page 89, between lines 29 and 30, the following inserted:

“(a) on identifying harmful online content, and in particular on the

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application of subsection (4) of section 139A,”.

93. In page 89, line 30, “(a) on any matter” deleted and “(b) on any other matter relating to the operation of this Part or” substituted.
94. In page 89, line 32, “(b) otherwise” deleted and “(c) otherwise” substituted.
95. In page 90, line 12, “**139S.**” deleted and “**139ZA.**” substituted.
96. In page 90, line 12, “section 139R” deleted and “section 139Z” substituted.
97. In page 90, line 29, “section 139X” deleted and “section 139ZF” substituted.
98. In page 90, line 31, “**139T.**” deleted and “**139ZB.**” substituted.
99. In page 90, line 32, “section 139R” deleted and “section 139Z” substituted.
100. In page 91, line 7, to delete “5” deleted and “6” substituted.
101. In page 91, line 10, “**139U.**” deleted and “**139ZC.**” substituted.
102. In page 92, line 21, “**139V.**” deleted and “**139ZD.**” substituted.
103. In page 92, line 27, “section 139R” deleted and “section 139Z” substituted.
104. In page 92, line 29, “**139W.**” deleted and “**139ZE.**” substituted.
105. In page 92, line 40, “section 139R” deleted and “section 139Z” substituted.
106. In page 93, line 30, “**139X.**” deleted and “**139ZF.**” substituted.

[SECTION 44]

- 107.** In page 93, line 40, “Directive 2000/31/EC” deleted and “the E-Commerce Directive” substituted.

SECTION 45

- 108.** In page 98, between lines 34 and 35, the following inserted:

“35. Online content by which a person exposes his or her genitals intending to cause fear, distress or alarm to another person contrary to section 45(1) of the Criminal Law (Sexual Offences) Act 2017.

36. Online content by which a person intentionally engages in offensive conduct of a sexual nature contrary to section 45(3) of the Criminal Law (Sexual Offences) Act 2017.”.

- 109.** In page 98, line 36, “35. Online” deleted and substitute “37. Online”.

- 110.** In page 99, line 2, “36. Online” deleted and “38. Online” substituted.

- 111.** In page 99, line 7, “37. Online” deleted and “39. Online” substituted.

- 112.** In page 99, line 12, “38. Online” deleted and “40. Online” substituted.

- 113.** In page 99, line 20, “39. Online” deleted and “41. Online” substituted.

- 114.** In page 99, line 26, “40. Online” deleted and “42. Online” substituted.

SECTION 46

- 115.** In page 100, line 6, “**139Y.**” deleted and “**139ZG.**” substituted.

- 116.** In page 100, line 15, “section 139ZA(1)” deleted and “section 139ZI(1) substituted”.

- 117.** In page 100, line 35, “**139Z.**” deleted and “**139ZH.**” substituted.

- 118.** In page 101, between lines 7 and 8, the following inserted:

“(4) An authorised officer shall be appointed subject to such terms and conditions (including terms as to remuneration and allowances for

[SECTION 46]

expenses (if any)) as the Commission may, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, determine.”.

- 119. In page 101, line 8, to delete “(4) A person’s” and substitute “(5) A person’s”.
- 120. In page 101, line 15, “**139ZA.**” deleted and “**139ZI.**” substituted.
- 121. In page 101, line 25, “**139ZB.**” deleted and “**139ZJ.**” substituted.
- 122. In page 101, line 26, “section 139ZA(1)” deleted and “section 139ZI(1)” substituted.
- 123. In page 101, lines 31 and 32, “section 139ZA(3)” deleted and “section 139ZI(3)” substituted.
- 124. In page 101, line 34, “section 139ZA(3)” deleted and “section 139ZI(3)” substituted.
- 125. In page 102, line 5, “**139ZC.**” deleted and “**139ZK.**” substituted.
- 126. In page 103, lines 24 and 25, “section 139ZF” deleted and “section 139ZN” substituted.
- 127. In page 103, line 28, “section 139ZD” deleted and “section 139ZL” substituted.
- 128. In page 103, lines 33 and 34, “section 139ZD” deleted and “section 139ZL” substituted.
- 129. In page 103, line 37, “section 139ZD” deleted and “section 139ZL” substituted.
- 130. In page 104, line 26, “**139ZD.**” deleted and “**139ZL.**” substituted.
- 131. In page 104, line 33, “section 139ZC” deleted and “section 139ZK” substituted.
- 132. In page 104, line 40, “**139ZE.**” deleted and “**139ZM.**” substituted.

[SECTION 46]

- 133. In page 105, line 5, “section 139ZB(2)” deleted and “section 139ZJ(1)” substituted.
- 134. In page 105, line 6, “section 139ZB(3)” deleted and “section 139ZJ(3)” substituted.
- 135. In page 105, line 8, “section 139ZC” deleted and “section 139ZK” substituted.
- 136. In page 105, line 11, “section 139ZC” deleted and “section 139ZK” substituted.
- 137. In page 105, line 13, “section 139ZC” deleted and “section 139ZK” substituted.
- 138. In page 105, line 32, “section 139ZK” deleted and “section 139ZS” substituted.
- 139. In page 106, line 11, “**139ZF.**” deleted and “**139ZN.**” substituted.
- 140. In page 106, line 21, “**139ZG.**” deleted and “**139ZO.**” substituted.
- 141. In page 106, line 23, “section 139ZF” deleted and “section 139ZN” substituted.
- 142. In page 106, line 28, “**139ZH.**” deleted and “**139ZP.**” substituted.
- 143. In page 106, line 29, “section 139ZF” deleted and “section 139ZN” substituted.
- 144. In page 106, line 29, “section 139ZG” deleted and “section 139ZO” substituted.
- 145. In page 106, line 38, “**139ZI.**” deleted and “**139ZQ.**” substituted.
- 146. In page 106, line 39, “sections 139ZQ, 139ZR and 139ZS” deleted and “sections 139ZY, 139ZZ and 139ZZA” substituted.
- 147. In page 107, line 4, “section 139ZA” deleted and “section 139ZI” substituted.

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148. In page 107, line 7, “**139ZJ.**” deleted and “**139ZR.**” substituted.
149. In page 107, lines 7 and 8, “section 139ZE(6) and (7)” deleted and “subsections (6) and (7) of section 139ZM” substituted.
150. In page 107, line 19, “section 139ZE(6) and (7)” deleted and “subsections (6) and (7) of section 139ZM” substituted.
151. In page 107, line 23, “section 139ZE(6) and (7)” deleted and “subsections (6) and (7) of section 139ZM” substituted.
152. In page 107, line 25, “section 139ZK” deleted and “section 139ZS” substituted.
153. In page 108, line 24, “**139ZK.**” deleted and “**139ZS.**” substituted.
154. In page 108, line 25, “section 139ZE” deleted and “section 139ZM” substituted.
155. In page 108, line 33, “section 139ZP” deleted and “section 139ZX” substituted.
156. In page 108, line 33, “section 139ZQ” deleted and “section 139ZY” substituted.
157. In page 108, line 36, “section 139ZE(7)” deleted and “section 139ZM(7)” substituted.
158. In page 108, line 39, “section 139ZJ” deleted and “section 139ZR” substituted.
159. In page 108, line 41, “139ZJ(4)” deleted and “139ZR(4)” substituted.
160. In page 109, lines 1 and 2, “section 139ZJ(1) or (6)” deleted and “subsection (1) or (6) of section 139ZR” substituted.
161. In page 109, line 6, “section 139ZO(3)” deleted and “section 139ZW(3)” substituted.

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- 162. In page 109, line 8, “**139ZL.**” deleted and “**139ZT.**” substituted.
- 163. In page 109, line 9, “section 139ZK” deleted and “section 139ZS” substituted.
- 164. In page 109, line 16, “section 139ZP” deleted and “section 139ZX” substituted.
- 165. In page 109, line 17, “section 139ZQ” deleted and “section 139ZY” substituted.
- 166. In page 109, line 18, “section 139ZP” deleted and “section 139ZX” substituted.
- 167. In page 109, line 21, “139ZP(1)” deleted and “139ZX(1)” substituted.
- 168. In page 109, line 22, “section 139ZQ” deleted and “section 139ZY” substituted.
- 169. In page 109, line 26, “section 139ZO” deleted and “section 139ZW” substituted.
- 170. In page 109, line 30, “139ZM(2)(a)” deleted and “139ZU(2)(a)” substituted.
- 171. In page 109, line 32, “139ZM(2)(b)” deleted and “139ZU(2)(b)” substituted.
- 172. In page 109, line 36, “section 139ZM(3)” deleted and “section 139ZU(3)” substituted.
- 173. In page 109, line 37, “section 139ZK” deleted and “section 139ZS” substituted.
- 174. In page 110, line 25, “**139ZM.**” deleted and “**139ZU.**” substituted.
- 175. In page 110, line 26, “section 139ZK” deleted and “section 139ZS” substituted.
- 176. In page 110, line 29, “section 139ZO” deleted and “section 139ZW” substituted.

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177. In page 110, line 33, “section 139ZL” deleted and “section 139ZT” substituted.
178. In page 111, line 4, “**139ZN.**” deleted and “**139ZV.**” substituted.
179. In page 111, line 4, “section 139ZK” deleted and “section 139ZS” substituted.
180. In page 111, line 6, “section 139ZO” deleted and “section 139ZW” substituted.
181. In page 111, line 9, “section 139ZM(2)(a)” deleted and “section 139ZU(2)(a)” substituted.
182. In page 111, line 11, “section 139ZM(2)(b)” deleted and “section 139ZU(2)(b)” substituted.
183. In page 111, line 13, “section 139ZM(3)” deleted and “section 139ZU(3)” substituted.
184. In page 111, line 27, “**139ZO.**” deleted and “**139ZW.**” substituted.
185. In page 111, line 28, “section 139ZK” deleted and “section 139ZS” substituted.
186. In page 111, line 33, “139ZK” deleted and “139ZS” substituted.
187. In page 111, line 39, “section 139ZK” deleted and “section 139ZS” substituted.
188. In page 112, line 12, “section 139ZK” deleted and “section 139ZS” substituted.
189. In page 112, line 14, “section 139ZP) under section 139ZP” deleted and substitute “section 139ZX) under section 139ZX” substituted.
190. In page 112, line 15, “section 139ZQ” deleted and “section 139ZY” substituted.
191. In page 112, line 35, “section 139ZM(2)” deleted and “section 139ZU(2)” substituted.

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- 192.** In page 112, line 38, “section 139ZM(3)” deleted and “section 139ZU(3)” substituted.
- 193.** In page 112, line 41, “section 139ZP) under section 139ZP” deleted and “section 139ZX) under section 139ZX” substituted.
- 194.** In page 112, line 42, “section 139ZQ” deleted and “section 139ZY” substituted.
- 195.** In page 113, line 2, “section 139ZK” deleted and “section 139ZS” substituted.
- 196.** In page 113, line 8, “section 139ZK” deleted and “section 139ZS” substituted.
- 197.** In page 113, line 14, “**139ZP.**” deleted and “**139ZX.**” substituted.
- 198.** In page 113, line 14, “section 139ZK” deleted and “section 139ZS” substituted.
- 199.** In page 113, line 16, “139ZL” deleted and “139ZT” substituted.
- 200.** In page 113, line 16, “section 139ZN” deleted and “section 139ZV” substituted.
- 201.** In page 113, line 17, “section 139ZN(3)” deleted and “section 139ZV(3)” substituted.
- 202.** In page 113, line 27, “section 139ZK” deleted and “section 139ZS” substituted.
- 203.** In page 113, line 34, “section 139ZQ” deleted and “section 139ZY” substituted.
- 204.** In page 114, line 21, “sections 139ZK(4) and 139ZO” deleted and “sections 139ZS(4) and 139ZW” substituted.
- 205.** In page 114, line 32, “section 139ZK” deleted and “section 139ZS” substituted.
- 206.** In page 114, line 38, “**139ZQ.**” deleted and “**139ZY.**” substituted.

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- 207.** In page 114, line 38, “section 139ZK” deleted and “section 139ZS” substituted.
- 208.** In page 114, line 40, “139ZP(1)” deleted and “139ZX(1)” substituted.
- 209.** In page 114, line 41, “section 139ZP(1)” deleted and “section 139ZX(1)” substituted.
- 210.** In page 115, line 23, “section 139ZP(3)” deleted and “section 139ZX(3)” substituted.
- 211.** In page 115, line 26, “section 139ZP(3)” deleted and “section 139ZX(3)” substituted.
- 212.** In page 115, line 27, “section 139ZP(3)” deleted and “section 139ZX(3)” substituted.
- 213.** In page 115, line 28, “section 139ZP(1)” deleted and “section 139ZX(1)” substituted.
- 214.** In page 115, line 32, “139ZP(5)” deleted and “139ZX(5)” substituted.
- 215.** In page 115, line 38, “**139ZR.**” deleted and “**139ZZ.**” substituted.
- 216.** In page 115, line 39, “section 139ZP” deleted and “section 139ZX” substituted.
- 217.** In page 115, line 40, “section 139ZQ” deleted and “section 139ZY” substituted.
- 218.** In page 116, line 2, “**139ZS.**” deleted and “**139ZZA.**” substituted.
- 219.** In page 116, line 3, “section 139ZK” deleted and “section 139ZS” substituted.
- 220.** In page 116, line 5, “section 139ZN(1)” deleted and “section 139ZV(1)” substituted.
- 221.** In page 116, line 17, “**139ZT.**” deleted and “**139ZZB.**” substituted.

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- 222.** In page 116, line 18, “section 139ZK” deleted and “section 139ZS” substituted.
- 223.** In page 116, line 21, “section 139ZP or 139ZQ” deleted and “section 139ZX or 139ZY” substituted.
- 224.** In page 116, line 22, “section 139ZP” deleted and “section 139ZX” substituted.
- 225.** In page 116, lines 31 and 32, “section 139ZP or 139ZQ” deleted and “section 139ZX or 139ZY” substituted.
- 226.** In page 116, line 32, “section 139ZP” deleted and “section 139ZX” substituted.
- 227.** In page 117, line 15, “**139ZU.**” deleted and “**139ZZC.**” substituted.
- 228.** In page 117, line 34, “139ZT(4)” deleted and “139ZZB(4)” substituted.
- 229.** In page 118, line 12, “139ZT(4)” deleted and “139ZZB(4)” substituted.
- 230.** In page 119, line 15, “**139ZV.**” deleted and “**139ZZD.**” substituted.
- 231.** In page 119, line 30, “section 139ZK” deleted and “section 139ZS” substituted.
- 232.** In page 119, line 34, “section 139ZP or 139ZQ” deleted and “section 139ZX or 139ZY” substituted.
- 233.** In page 119, line 35, “section 139ZP” deleted and “section 139ZX” substituted.
- 234.** In page 120, line 23, “Directive 2000/31/EC” deleted and “the E-Commerce Directive” substituted.
- 235.** In page 120, line 25, “**139ZW.**” deleted and “**139ZZE.**” substituted.

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- 236.** In page 120, line 25, “section 139ZV” deleted and “section 139ZZD(1)” substituted.
- 237.** In page 120, line 33, “139ZV(1)” deleted and “139ZZD(1)” substituted.
- 238.** In page 120, line 35, “139ZV(1)” deleted and “139ZZD(1)” substituted.
- 239.** In page 120, line 36, “and” deleted and the following substituted:
- “(f) identify the geographical area within which the action required by the Commission under section 139ZZD(1) must be taken, and”.
- 240.** In page 120, line 37, “(f) state” deleted and “(g) state” substituted.
- 241.** In page 121, line 1, “section 139ZV” deleted and “section 139ZZD(1)” substituted.
- 242.** In page 121, line 13, “section 139ZV” deleted and “section 139ZZD(1)” substituted.
- 243.** In page 121, line 24, “section 139ZK” deleted and “section 139ZS” substituted.
- 244.** In page 121, line 25, “section 139ZP or 139ZQ” deleted and “section 139ZX or 139ZY” substituted.
- 245.** In page 121, line 29, “section 139ZV(3)” deleted and “section 139ZZD(3)” substituted.
- 246.** In page 122, line 2, “section 139ZX” deleted and “section 139ZZF” substituted.
- 247.** In page 122, line 7, “**139ZX.**” deleted and “**139ZZF.**” substituted.
- 248.** In page 122, line 9, “section 139ZW(7)(a)” deleted and “section 139ZZE(7)(a)” substituted.
- 249.** In page 122, line 21, “**139ZY.**” deleted and “**139ZZG.**” substituted.

[SECTION 46]

250. In page 122, line 23, “section 139ZW(7)(a)” deleted and “section 139ZZE(7)(a)” substituted.

251. In page 122, line 24, “section 139ZX(2)” deleted and “section 139ZZF(2)” substituted.

252. In page 122, line 26, “section 139ZW(7)(a)” deleted and “section 139ZZE(7)(a)” substituted.

253. In page 123, line 4, “**139ZZ.**” deleted and “**139ZZH.**” substituted.

254. In page 123, line 20, “**139ZZA.**” deleted and “**139ZZI.**” substituted.

SECTION 47

255. In page 124, line 5 deleted and “Sections 139ZK(3), 139ZR(3) and (4) or 139ZU(2)(a)” substituted.

256. In page 124, lines 7 and 8, “section 139ZC(3), 139ZJ(3) or (4) and 139ZM(2)(a)” deleted and “section 139ZK(3), 139ZR(3) or (4) and 139ZU(2)(a)” substituted.

257. In page 124, line 11, “section 139ZC(3)” deleted and “section 139ZK(3)” substituted.

258. In page 124, lines 13 and 14, “section 139ZJ(3) or (4) or section 139ZM(2)(a)” deleted and “section 139ZR(3) or (4) or section 139ZU(2)(a)” substituted.

259. In page 124, line 16, “section 139ZC(3)” deleted and “section 139ZK(3)” substituted.

260. In page 124, lines 19 and 20, “section 139ZJ(3) or (4) or section 139ZM(2)(a)” deleted and “section 139ZR(3) or (4) or section 139ZU(2)(a)” substituted.

261. In page 125, line 10, “139ZF” deleted and “139ZN” substituted.

SECTION 48

262. In page 126, to delete lines 19 to 24.

[SECTION 48]

263. In page 126, between lines 24 and 25, to insert the following:

“(b) by the insertion of the following definition after the definition of “free television service”;

“ ‘local sound broadcaster’ means a person holding a sound broadcasting contract under section 63—

(a) which is a contract for the provision of a sound broadcasting service in an area consisting of a part, but not the whole, of the State, and

(b) which is not a contract under section 64 or 68(1)(b);”, ”.

SECTION 50

264. In page 127, line 5, after “to”, “local sound broadcasters and” inserted.

265. In page 127, line 5, “sound” deleted.

266. In page 127, line 7, “community sound broadcasting” deleted and “local sound broadcasting and community broadcasting” substituted.

267. In page 127, line 12, after “by”, “local sound broadcasters and” inserted.

268. In page 127, line 13, “sound” deleted.

269. In page 127, line 16, after “require a”, “local sound broadcaster or” inserted.

270. In page 127, line 16, “sound” deleted.

271. In page 127, line 25, after “of”, “local sound broadcasters and” inserted.

272. In page 127, line 25, “sound” deleted.

273. In page 127, line 29, “community sound broadcasting” deleted and “local sound broadcasting or community broadcasting” substituted.

SECTION 53

[SECTION 53]

274. In page 130, line 2, “section 159H” deleted and “section 159I” substituted.

275. In page 130, line 38, “section 159H” deleted and “section 159I” substituted.

276. In page 132, line 34, “section 159H” deleted and “section 159I” substituted.

277. In page 133, lines 4 to 12 deleted and the following substituted:

“**159F.** (1) The Commission, following consultation with Fís Éireann, may prepare a scheme for funds to be granted, out of the proceeds of any levy, to provide support for the production of European works included, or to be included, in the programme schedule of an audiovisual broadcasting service, or in a catalogue of an audiovisual on-demand media service.”.

278. In page 133, lines 31 to 33 deleted and the following substituted:

“(d) any activity in the development of programmes referred to in paragraph (a) or (b) or of measures referred to in paragraph (c).”.

279. In page 134, line 2, “kinds.” deleted and the following substituted:

“kinds;

- (c) impose requirements as to the time within which programmes in relation to which funds have been granted are to be made available in the schedule of an audiovisual broadcasting service or in a catalogue of an audiovisual on-demand media service;
- (d) impose requirements as to such services or as to how such programmes are to be made available on them, which may include requirements to ensure that such services are, or include, services—
 - (i) that are so far as practicable available in the whole of the State, and
 - (ii) on which the programmes concerned are made available without charge to the viewer.”.

280. In page 134, lines 3 to 5 deleted and the following substituted:

“(4) A scheme shall allocate—

- (a) not less than 25 per cent of its annual funds to programmes in the Irish language that fall within paragraph (a) or (b) of subsection (2), and

- (b) not less than 80 per cent of its annual funds to programmes that fall within paragraph (a) or (b) of subsection (2), the producers of which are independent producers for the purposes of the scheme.”.

281. In page 134, between lines 5 and 6, the following inserted:

- “(5) A scheme shall include provision for determining whether the producer of a programme is an independent producer, and for the purpose of making such provision the Commission may have regard to the following matters:
 - (a) the ownership structure of the person that produces the programme;
 - (b) the amount of programmes supplied by the person who produces the programme to the same media service provider;
 - (c) the ownership of the rights to broadcast the programme or make it available in a catalogue of an audiovisual on-demand media service, or otherwise use the programme for a commercial purpose;
 - (d) such other matters as it considers appropriate.”.

282. In page 134, line 6, “(5) If” deleted and “(6) If” substituted.

283. In page 134, line 9, “(6) A scheme” deleted and “(7) A scheme” substituted.

284. In page 134, line 4, “(7) In preparing” deleted and “(8) In preparing” substituted.

285. In page 134, line 24, “(8) In this section and section 159G,” deleted and “(9) In this section, and sections 159G and 159H,” substituted.

286. In page 135, line 3, “section 159I” deleted and “section 159J” substituted.

287. In page 135, between lines 11 and 12, the following inserted:

“Designation of Fís Éireann for the purpose of making a European works scheme

159H.(1) The Minister may, where he or she considers it appropriate to do so, by order provide that Fís Éireann may prepare a scheme under section 159F(1)#, subject to any restriction in the order as to the kinds of support for which funds may be granted under such a scheme.

(2) Where an order is made under subsection (1), sections 159F and 159G

[SECTION 53]

shall apply to the preparation and making of a scheme by Fís Éireann subject to any restriction referred to in subsection (1) and the modification—

- (a) that references in those sections to the Commission shall be construed as references to Fís Éireann, and
- (b) in section 159F(1)#, that ‘following consultation with the Commission’ shall be substituted for ‘following consultation with Fís Éireann’.
- (3) Where the Minister makes an order under subsection (1), he or she may direct the Commission to pay such monies collected out of the levy referred to in section 159E to Fís Éireann for the purposes of funding a scheme prepared by Fís Éireann as he or she considers appropriate, and the Commission shall comply with such a direction.”.

[#This is a reference to the subsection inserted by amendment No. 277.]

288. In page 135, line 13, “**159H.** (1) The Commission” deleted and “**159I.** (1) The Commission” substituted.

289. In page 135, line 28, “**159I.** Any rule” deleted and “**159J.** Any rule” substituted.

290. In page 135, line 29, after “Commission”, “, or in the case of a scheme made by Fís Éireann in accordance with section 159H#, by Fís Éireann” inserted.

[#This is a reference to the section inserted by amendment No. 287.]

SECTION 67

291. In page 140, between lines 13 and 14, the following inserted:

“Amendment of Section 46M(5) of Principal Act

67. Section 46M(5) of the Principal Act as inserted by *section 10* is amended—

- (a) by the substitution of “An Coimisiún Toghcháin” for “the Referendum Commission”, and
- (b) by the substitution of “section 31 of the Electoral Reform Act 2022” for “section 3 of the Act of 1998”.”.

292. In page 140, line 23, “that:” deleted and “that—” substituted.

[SECTION 67]

293. In page 140, line 25, “Commission;” deleted and “Commission,” substituted.

—An tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán.

SECTION 70

294. In page 142, line 38, “section 139ZQ” deleted and “section 139ZY” substituted.

295. In page 142, line 40, “section 139ZQ(1)” deleted and “section 139ZY(1)” substituted.

NEW SECTION

296. In page 144, after line 16, the following inserted:

“Amendment of Electoral Reform Act 2022

78. Section 32(1) of the Electoral Reform Act 2022 is amended by the substitution of “Section 46M(2)(a)” for “Section 41(3)”.