



Number 15 of 2007

BROADCASTING (AMENDMENT) ACT 2007

ARRANGEMENT OF SECTIONS

Section

1. Short title, collective citation, construction and commencement.
2. Interpretation.
3. Additional functions of Authority.
4. Additional functions of Commission.
5. Duty of Commission for Communications Regulation in respect of digital terrestrial television multiplexes.
6. Duty of Commission for Communications Regulation in respect of digital terrestrial sound broadcasting multiplexes.
7. Regulations prescribing fees.
8. Applications for multiplex contracts.
9. Determination of applications for award of multiplex contracts.
10. Terms and conditions of multiplex contracts.
11. Analogue switch-off.
12. Amendments to section 12 of Act of 2001.
13. Amendments to section 16 of Act of 2001.
14. Amendments to section 28 of Act of 2001.
15. Amendment to section 32 of Act of 2001.
16. Amendments to section 45 of Act of 2001.
17. Repeals.
18. Expenses.

SCHEDULE
ENACTMENTS REPEALED

ACTS REFERRED TO

Broadcasting Act 1990	1990, No. 24
Broadcasting Act 2001	2001, No. 4
Broadcasting Authority Act 1960	1960, No. 10
Broadcasting Authority Acts 1960 to 2001	
Communications Regulation Act 2002	2002, No. 20
Radio and Television Act 1988	1988, No. 20
Wireless Telegraphy Act 1926	1926, No. 45
Wireless Telegraphy Acts 1926 to 1988	



Number 15 of 2007

BROADCASTING (AMENDMENT) ACT 2007

AN ACT TO MAKE FURTHER PROVISION IN RELATION TO BROADCASTING, FOR THAT PURPOSE TO MAKE FURTHER PROVISION IN RELATION TO THE SUPPLY OF PROGRAMME MATERIAL FOR THE PURPOSE OF ITS BEING TRANSMITTED AND THE TRANSMISSION OF SUCH MATERIAL AND RELATED AND OTHER DATA BY DIGITAL MEANS, IN RELATION TO THE COMBINATION OF SUCH PROGRAMME MATERIAL, IN RELATION TO THE BROADCASTING OF CERTAIN SERVICES TO IRISH COMMUNITIES OUTSIDE THE ISLAND OF IRELAND, IN RELATION TO THE DISCONTINUANCE OF CERTAIN BROADCASTING SERVICES TRANSMITTED BY ANALOGUE MEANS, TO CONFER ADDITIONAL FUNCTIONS ON THE COMMISSION FOR COMMUNICATIONS REGULATION, RADIO TELEFÍS ÉIREANN, THE BROADCASTING COMMISSION OF IRELAND AND TEILIFÍS NA GAEILGE, TO CONFER A POWER SUBJECT TO LICENCE ON TEILIFÍS NA GAEILGE, TO AMEND THE BROADCASTING AUTHORITY ACTS 1960 TO 2001 AND CERTAIN OTHER ENACTMENTS AND TO PROVIDE FOR RELATED MATTERS.

[10th April, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) This Act may be cited as the Broadcasting (Amendment) Act 2007.

Short title, collective citation, construction and commencement.

(2) The Broadcasting Authority Acts 1960 to 2001 and this Act may be cited together as the Broadcasting Authority Acts 1960 to 2007.

(3) The Broadcasting Authority Acts 1960 to 2001, and this Act (in so far as it amends or extends those Acts) shall be construed together as one.

(4) This Act shall come into operation on such day or days as the Minister may, by order or orders either generally or with reference to any particular purpose or provision, appoint and different days may be so appointed for different purposes or different provisions.

2.—In this Act—

Interpretation.

“the Act of 1960” means the Broadcasting Authority Act 1960;

“the Act of 1988” means the Radio and Television Act 1988;

“the Act of 1990” means the Broadcasting Act 1990;

“the Act of 2001” means the Broadcasting Act 2001;

“the Authority” means Radio Telefís Éireann;

“the Commission” means the body established by section 3 (as adapted by section 10 of the Act of 2001) of the Act of 1988;

“digital content contract” has the meaning assigned to it by section 12 of the Act of 2001;

“the Minister” means the Minister for Communications, Marine and Natural Resources;

“multiplex” means an electronic system which combines programme material and related and other data in a digital form and the transmission of that material and data so combined by means of wireless telegraphy directly or indirectly for reception by the general public;

“programme material” means audio-visual material or audio material and includes advertisements and material which, when transmitted, will 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;

“sound broadcasting multiplex” means a multiplex in which the programme material is predominantly sound;

“Teilifís na Gaeilge” means the body established by section 44 of the Act of 2001;

“television multiplex” means a multiplex in which the programme material is predominantly television;

“television programme service contract” and “television programme service contractor” have the same meaning as they have in section 4(2)(b) of the Act of 1988.

Additional
functions of
Authority.

3.—(1) Section 16 of the Act of 1960 is hereby amended—

(a) by substituting the following for subsection (1):

“(1) The Authority shall establish and maintain a national television and sound broadcasting service and shall establish, maintain and operate one or more national multiplexes and may establish and maintain broadcasting services of a local, community or regional character and shall have all such powers as are necessary for or incidental to those purposes.”,

(b) by inserting the following subsections after subsection (1):

“(1A) The Authority shall establish and maintain a television broadcasting service and a sound broadcasting service, which services shall be made available, in so far as the Authority considers reasonably practicable, to Irish communities outside the island of Ireland and the Authority shall have all such powers as are necessary for or incidental to those purposes.

(1B) The television broadcasting service and the sound broadcasting service established and maintained pursuant to subsection (1A) shall have the character of a public service.

(1C) The Authority shall endeavour to ensure that the programme schedules of the television broadcasting service and the sound broadcasting service established and maintained pursuant to subsection (1A) are, in so far as it is reasonably practicable, representative of the programme schedules of the national television broadcasting and sound broadcasting services referred to in subsection (1) of this section and subsection (1) of section 45 of the Act of 2001.

(1D) For the purposes of subsection (1C), *Teilifís na Gaeilge* shall provide to the Authority, in such amounts and at such times as may be agreed between them, programme material representative of the programme schedules of the national television broadcasting service referred to in subsection (1) of section 45 of the Act of 2001.”,

and

- (c) in subsection (3) thereof by the insertion after “The” of “function conferred on the Authority by virtue of subsection (1) of this section to establish, maintain and operate one or more national multiplexes and the”.
- (2) (a) A national television multiplex established, maintained and operated by the Authority under section 16(1) of the Act of 1960 shall provide for the broadcasting by digital means of—
- (i) the national television broadcasting service commonly known as RTÉ One and RTÉ Two,
 - (ii) the national television broadcasting service established and maintained by *Teilifís na Gaeilge* under section 45(1) of the Act of 2001.
- (b) The national television multiplex referred to in *paragraph (a)* shall be established as a matter of priority and shall, in due course, ensure the availability by free-to-air digital means of the national television broadcasting service referred to in *paragraph (a)(i)* to an extent similar to that such as is currently available by free-to-air analogue means.
- (c) Nothing in this subsection shall preclude the Authority from making provision in a multiplex established, maintained and operated by the Authority under section 16(1) of the Act of 1960 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)*.
- (3) *Teilifís na Gaeilge* shall make to the Authority such periodic or other payments in respect of any service provided by the Authority for the purposes of *subsection (2)(a)(ii)* as the Minister, after consultation with the Commission for Communications Regulation, the Authority and *Teilifís na Gaeilge*, may direct.