[IE] Jurisdiction over Broadcast Film

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The controversial Oliver Stone film "Natural Born Killers" has recently been released on video in Ireland, seven years after it was banned by the Film Censor under the Censorship of Films Acts, 1923-70. The ban was upheld by the Films Appeal Board in January 1995. A ban lasts for seven years, after which the film can be resubmitted to the Censor for a certificate for public showing (see IRIS 2000-2: 8). The reason for the ban was the film's depiction of violence and its propensity to incite to crime.

In January 2000, TV3, the national commercial broadcaster, planned to broadcast late at night (10.45pm) an edited "made for television" version of the film. That version had removed the most offensive sequences and was to be preceded by regular warnings to viewers. The day before the planned broadcast, the Department of Justice threatened to seek a court injunction to prevent it. TV3 reluctantly decided to withdraw the film.

The Censorship of Films Acts are concerned with the exhibiting of films "in public by means of a cinematograph or similar apparatus". The Department of Justice contended that a film banned by the Censor could not be broadcast.

TV3, as a commercial broadcaster, is regulated by the Independent Radio and Television Commission. The Act which established the Commission, the Radio and Television Act, 1988, requires the Commission to ensure that broadcasters do not broadcast anything which may reasonably be regarded as offending against good taste or decency, or likely to incite to crime. TV3 took the view that the Commission - and not the Film Censor - had jurisdiction over material broadcast on television. The Commission's own legal advice supported that view. Procedures and practices for the assessment of exceptional television programme material were subsequently adopted by the Commission, in addition to its existing procedures and practices for considering certain television programme material. TV3 was advised of the new procedures and it was then a matter for it to decide whether to proceed with the broadcast. In any event, the ban was lifted and the film was finally broadcast on TV3 late on Saturday 25 August of this year.

Censorship of Films Acts, 1923-70

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