[IE] Adoption of New Broadcasting (Funding) Act

IRIS 2004-2:1/29

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On 23 December 2003, the Broadcasting (Funding) Act was promulgated into law. The purpose of the Act is, according to its long title, "to provide that the Broadcasting Commission of Ireland prepare a scheme or schemes for the funding of grants to support certain television and radio programmes and projects out of an amount of 5 per cent of net receipts for television licence fees, to outline the objectives of a scheme and to provide for related matters".

The types of programmes that will benefit under any scheme(s) to be established pursuant to the new Act are listed in s. 2(1). These comprise new television and radio programmes (a) on Irish culture, heritage and experience (including history; historical buildings; the natural environment; folk, rural and vernacular heritage; traditional and contemporary arts; the Irish language, and the Irish experience in European and international contexts); (b) to improve adult literacy and (c) either of these types of programmes in the Irish language. According to s. 3 of the Act, the objective underlying this choice of programme types is to stimulate the production of programmes dealing with Irish culture, heritage, experience and language in qualitative and quantitative terms; record oral and other aspects of Irish heritage that are either vulnerable or previously unrecorded, and to develop local and community broadcasting.

In order for programmes to be eligible for funding under a scheme, however, a number of conditions must be fulfilled (s. 2(2)). First, television programmes have to be broadcast "on a free television service which provides near universal coverage in the State", or "on a cable or MMD system as part of a community content contract". Similarly, radio programmes have to be carried on sound broadcasting services licensed by the Broadcasting Commission of Ireland (BCI) or operated by Radio Telefís Éireann (RTÉ), the national public service broadcaster. Second, with the exception of children's programmes and educational programmes, these programmes must be broadcast during peak viewing or listening times. Third, programmes may not be "produced primarily for news or current affairs".

Under the Act, funding can also be set aside for "the development of archiving of programme material produced in the State" (s. 2(1)(d)). In this connection, a scheme may provide funding for projects on, inter alia, "research, needs assessments, analyses, feasibility studies and pilot projects", including those

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undertaken by or on behalf of the Minister (s. 2(2)(c)). The end-goal here is the development of an integrated approach to the archiving of programme material, dealing with both storage and access issues.

Previously, the net receipts for television licence fees went directly into the coffers of RTÉ (see IRIS 2002-4: 7 and IRIS 2001-8: 11). Apart from the 5 % of these receipts (worth an estimated EUR 8 million per annum) earmarked by the Act for funding a prospective scheme or schemes as outlined above, these receipts will continue to be paid to RTÉ. Provision is made in the Act for the periodic review of "the operation, effectiveness and impact" of a scheme by the BCI, initially not later than three years after its commencement, and usually at three-year intervals thereafter (s. 5).

Broadcasting (Funding) Act, 2003 (No. 43 of 2003), enacted on 23 December 2003

http://www.gov.ie/bills28/acts/2003/a4303.pdf

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