

Broadcasting Authority Act, 1960

No. 10/1960:

BROADCASTING AUTHORITY ACT, 1960

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AN ACT TO ENABLE AN AUTHORITY TO BE ESTABLISHED FOR THE PURPOSE OF PROVIDING A NATIONAL TELEVISION AND SOUND BROADCASTING SERVICE, TO AMEND AND EXTEND THE WIRELESS TELEGRAPHY ACTS, 1926 AND 1956, AND TO PROVIDE FOR MATTERS CONNECTED WITH THE MATTERS AFORESAID.

[12th April, 1960.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.

1.—(1) In this Act—

"the Act of 1926" means the [Wireless Telegraphy Act, 1926](#) ;

1926, No. 45.

"the Authority" has the meaning specified in subsection (1) of section 3 of this Act;

"broadcast" and "broadcasting station" have the same meanings as in the Act of 1926, as amended by this Act;

"broadcasting licence fee" means a fee paid on a licence granted under section 5 of the Act of 1926 in respect of apparatus for receiving only;

"the Commissioners" means the Commissioners of Public Works in Ireland;

"the Director-General" has the meaning specified in section 11 of this Act;

"the establishment day" means the day appointed to be the establishment day for the purposes of this Act by order of the Minister under section 2 of this Act;

"functions" includes powers and duties;

"the Minister" means the Minister for Posts and Telegraphs.

(2) A reference in this Act to performance of functions includes, with respect to powers, a reference to exercise of powers.

Appointment of establishment day.

2.—The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

Establishment of Authority.

3.—(1) There shall, by virtue of this section, be established on the establishment day an authority to be known as Radio Éireann (in this Act referred to as the Authority).

(2) The Authority shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

Members of Authority.

4.—(1) The members of the Authority shall be appointed by the Government and shall be not less than seven and not more than nine in number.

(2) The period of office of a member of the Authority shall be such period, not exceeding five years, as the Government may determine when appointing him.

(3) A member of the Authority whose term of office expires by effluxion of time shall be eligible for re-appointment.

(4) A member of the Authority may at any time resign his office as member by letter sent to the Government, and the resignation shall take effect on receipt of the letter.

(5) Where a member of the Authority is nominated either as a candidate for election to either House of the Oireachtas or as a member of Seanad Éireann, he shall thereupon cease to be a member of the Authority.

(6) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming a member of the Authority.

Remuneration and terms of office of members of Authority.

5.—(1) A member of the Authority shall be paid, out of funds at the disposal of the Authority—

(*a*) such remuneration as may be fixed from time to time by the Government, and

(*b*) such amounts in respect of expenses as the Authority considers reasonable.

(2) Subject to subsection (1) of this section, a member of the Authority shall hold office on such terms as the Government may determine from time to time.

(3) The Minister shall cause the terms of employment and remuneration of the members of the Authority to be laid before both Houses of the Oireachtas.

Removal of member of Authority.

6.—The Government may at any time remove a member of the Authority from office.

Chairman of Authority.

7.—(1) The Government shall from time to time as occasion requires appoint a member of the Authority to be chairman thereof.

(2) The chairman of the Authority shall, unless he sooner dies, resigns the office of chairman or ceases to be chairman under subsection (4) of this section, hold office until the expiration of his period of office as a member of the Authority.

(3) The chairman of the Authority may at any time resign his office as chairman by letter sent to the Government, and the resignation shall, unless it is previously withdrawn in writing, take effect at the commencement of the meeting of the Authority held next after the Authority has been informed by the Government of the resignation.

(4) Where the chairman of the Authority ceases during his term of office as chairman to be a member of the Authority, he shall also then cease to be chairman of the Authority.

Disclosure by member of the Authority of interest in proposed in contract.

8.—A member of the Authority who has—

(a) any interest in any company or concern with which the Authority proposes to make any contract, or

(b) any interest in any contract which the Authority proposes to make,

shall disclose to the Authority the fact of the interest and the nature thereof, and shall take no part in any deliberation or decision of the Authority relating to the contract, and the disclosure shall be recorded in the minutes of the Authority.

Seal of Authority.

9.—(1) The Authority shall as soon as may be after its establishment provide itself with a seal.

(2) The seal of the Authority shall be authenticated by the signature of the chairman of the Authority or some other member thereof authorised by the Authority to act in that behalf and the signature of an officer of the Authority authorised by the Authority to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Authority, and every document purporting to be an instrument made by the Authority and to be sealed with the seal (purporting to be authenticated in accordance with this section) of the Authority shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

Meetings and procedure of Authority.

10.—(1) The Authority shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.

(2) The Minister may fix the date, time and place of the first meeting of the Authority.

(3) At a meeting of the Authority—

(a) the chairman of the Authority shall, if present, be chairman of the meeting,

(b) if and so long as the chairman of the Authority is not present or if the office of chairman is vacant, the members of the Authority who are present shall choose one of their number to be chairman of the meeting.

(4) Every question at a meeting of the Authority shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

(5) The Authority may act notwithstanding one or more vacancies among its members.

(6) Subject to the provisions of this Act, the Authority shall regulate its procedure by rules.

(7) The quorum of the Authority shall be fixed by the rules made under the foregoing subsection, but—

(a) it shall not be less than three, and

(b) until it is so fixed, it shall be three.

Director-General.

11.—The Authority shall from time to time appoint a person to be the chief executive officer of the Authority, and such person shall be known, and is in this Act referred to, as the Director-General.

Officers and servants (other than the Director-General) of Authority.

12.—(1) The Authority shall, as well as appointing the Director-General, appoint such and so many other persons to be officers and servants of the Authority as the Authority from time to time thinks proper, but, subject to subsection (2) of this section, a person shall not be appointed under this section to be an officer of the Authority unless he has been selected by means of a public competition.

(2) The requirement under subsection (1) of this section of being selected by means of a public competition shall not apply in relation to:

(i) a person who, immediately before the establishment day, was an officer of the Minister employed in the broadcasting service,

(ii) an appointment consisting of the promotion of a person who is already an officer of the Authority,

(iii) an office for which, in the opinion of the Authority, specialised qualifications not commonly held are required, or

(iv) an office to which appointments are made for limited periods only, being periods not exceeding two years.

Tenure of office or employment, etc.

13.—(1) An officer or servant of the Authority shall hold his office or employment on such terms and conditions as the Authority from time to time determines.

(2) There shall be paid by the Authority to its officers and servants such remuneration and allowances as the Authority from time to time determines.

(3) The Authority may at any time remove any officer or servant of the Authority from being its officer or servant.

(4) Notwithstanding the foregoing subsections of this section, the consent of the Minister shall be necessary before the Authority appoints or removes the Director-General, or alters his remuneration or his terms and conditions of holding office.

Performance of functions by officers or servants.

14.—The Authority may perform any of its functions through or by any of its officers or servants duly authorised by the Authority in that behalf.

Superannuation of officers and servants of Authority.

15.—(1) As soon as may be after the establishment day the Authority shall prepare and submit to the Minister a contributory scheme or schemes for the granting of pensions, gratuities and other allowances on retirement to or in respect of such officers or servants of the Authority as it may think fit.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom pensions, gratuities or allowances on retirement are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) The Authority may at any time prepare and submit to the Minister a scheme amending a scheme previously submitted and approved of under this section.

(4) (a) The Minister may determine the provisions with respect to pensions, gratuities

and other allowances which are to be made pursuant to this section in relation to any of the officers and servants of the Authority who, immediately before the establishment day, were officers and servants of the Minister employed in the broadcasting service.

(*b*) Any such provision may, if the Minister so thinks proper, have effect as on and from a day, not earlier than the 1st day of January, 1960, before the day of the Minister's determination.

(*c*) The provisions determined under this subsection shall be communicated by the Minister to the Authority and the Authority shall include them in the first scheme prepared and submitted under this section.

(*d*) Where—

(i) a person dies or retires on the ground of ill-health before the 31st day of December, 1961, and while he is an officer or servant of the Minister, and

(ii) such person was, while an officer or servant of the Minister employed in the broadcasting service, informed by the Minister that the first scheme under this section would apply to him if he became an officer or servant of the Authority,

then, unless the Minister otherwise directs, the first scheme under this section shall apply to him and there shall be paid to or in respect of him such benefits under the scheme as would have been payable if he had been at the date of his death or retirement a member of the scheme.

(5) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the concurrence of the Minister for Finance, be carried out by the Authority in accordance with its terms.

(6) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this section, such dispute

shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(7) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Functions of
Authority generally.

16.—(1) The Authority shall establish and maintain a national television and sound broadcasting service and shall have all such powers as are necessary for or incidental to that purpose.

(2) In particular and without prejudice to the generality of subsection (1) of this section, the Authority shall have the following powers:

(*a*) to establish, maintain and operate broadcasting stations and to acquire, install and operate apparatus for wireless telegraphy;

(*b*) to provide, by arrangements made for the purpose with the Minister and any other person, for the distribution, by means of relaying, of programmes broadcast by the Authority;

(*c*) to originate programmes and procure programmes from any source;

(*d*) to make contracts, agreements and arrangements incidental or conducive to the objects of the Authority;

(*e*) to acquire and make use of copyrights, patents, licences, privileges and concessions;

(*f*) to collect news and information and to subscribe to news services and such other services as may be conducive to the objects of the Authority;

(*g*) to subscribe to such international associations, and to such educational, musical and dramatic bodies and such other bodies promoting entertainment or culture, as may be

conducive to the objects of the Authority;

(*h*) to arrange with other broadcasting authorities for the receipt, exchange and relay of programmes;

(*i*) to organise, provide and subsidise concerts and other entertainments in connection with the broadcasting service or for any purpose incidental thereto and, in relation to any such concert or entertainment, to provide or procure accommodation and, if desired, to make charges for admission;

(*j*) subject to the consent of the Minister, to prepare, publish and distribute, with or without charge, such magazines, books, papers and other printed matter as may seem to the Authority to be conducive or incidental to its objects;

(*k*) subject to the consent of the Minister, to compile, publish, distribute, sell and exchange recorded aural and visual material.

(3) (*a*) The powers conferred on the Authority by virtue of paragraphs (*a*) and (*b*) of subsection (2) of this section shall not be exercised save under licence issued by the Minister and in accordance with any conditions attached by the Minister to such licences.

(*b*) During any emergency declared under section 10 of the Act of 1926, the Minister may suspend any licence under this subsection and, while any such suspension continues, the Minister may operate any service which was provided by the Authority under the suspended licence.

(*c*) A copy of every licence under this subsection shall be laid before each House of the Oireachtas as soon as may be after the issue of the licence.

General duty with respect to national aims.

17.—In performing its functions, the Authority shall bear constantly in mind the national aims of restoring the Irish language and preserving and developing the national

culture and shall endeavour to promote the attainment of those aims.

Impartiality.

18.—(1) It shall be the duty of the Authority to secure that, when it broadcasts any information, news or feature which relates to matters of public controversy or is the subject of current public debate, the information, news or feature is presented objectively and impartially and without any expression of the Authority's own views.

(2) Nothing in this section shall prevent the Authority from transmitting political party broadcasts.

Approval of periods of broadcasting.

19.—The periods fixed by the Authority for broadcasting shall be subject to the approval of the Minister.

Advertisements.

20.—(1) The Authority may broadcast advertisements, may fix charges and conditions for such broadcasts and, in fixing the charges, may provide for different circumstances and for additional special charges to be made in special cases.

(2) The Authority may reject any advertisement presented for broadcast in whole or in part.

(3) The total daily time fixed by the Authority for broadcasting advertisements, and the distribution, determined by the Authority, of that time throughout the programmes, shall be subject to the approval of the Minister.

(4) The Authority shall not accept any advertisement which is directed towards any religious or political end or has any relation to any industrial dispute.

(5) (a) In acting pursuant to this section, the Authority shall have regard to the special position of Irish advertisers and may fix reduced charges and preferential conditions for advertisements from them which are Irish advertisements.

(b) For the purposes of the foregoing paragraph, each of the following advertisers shall be an Irish advertiser:

(i) an advertiser who advertises articles, being articles with respect to which he satisfies the Authority that they are made, produced or manufactured wholly or substantially within the State,

(ii) an advertiser who advertises services, provided that he satisfies the Authority either that the services are provided wholly or substantially within the State or that his sole or principal place of business as a person providing those services is situate within the State,

(iii) an advertiser who advertises activities other than services, being activities with respect to which he satisfies the Authority that they are conducted wholly or substantially within the State, and an advertisement by reference to which an advertiser is an Irish advertiser shall be an Irish advertisement.

(6) Charges and conditions referred to in subsection (1) or subsection (5) of this section may be fixed subject to variations benefiting advertisers who use the Irish language in their advertisements.

(7) A power under this section to fix charges and conditions shall be construed as including a power to cancel or vary any charges or conditions fixed under such power and, where charges or conditions are cancelled, to fix other charges or conditions in lieu of those cancelled.

(8) In this section references to advertisements shall be construed as including references to advertising matter in sponsored programmes, that is to say, programmes supplied for advertising purposes by or on behalf of an advertiser.

Advice to Authority.

21.—(1) For the purpose of enabling the Authority to have advice in performing its functions, the Minister, after consultation with the Authority, may from time to time appoint advisory committees or advisers.

(2) (a) A committee under this section shall consist of so many members (not being less than three) as the Minister considers proper.

(b) A member of a committee under this section shall, unless he previously dies or resigns, retain his membership of the committee for the period determined by the Minister when appointing him and no longer, but shall be eligible for re-appointment.

(c) A committee under this section shall meet whenever summoned by the Minister or by the Authority.

(3) (a) An adviser under this section shall, unless he previously dies or resigns, continue as adviser for the period determined by the Minister when appointing him and no longer, but shall be eligible for re-appointment.

(b) An adviser under this section shall advise the Authority whenever required by the Minister or by the Authority.

(4) The Authority and the Director-General shall have regard to, but shall not be bound by, the advice of any committee or adviser under this section.

(5) The Authority may pay to a member of any committee under this section or an adviser under this section such amounts in respect of expenses as the Authority considers reasonable.

Annual amounts to be paid to Authority by Minister.

22.—(1) Subject to subsection (2) of this section, the Minister, with the approval of the Minister for Finance, may, in respect of each of the five consecutive financial years beginning with that in which the establishment day occurs, pay to the Authority out of moneys provided by the Oireachtas—

(a) an amount equal to the total of the receipts in that year in respect of broadcasting licence fees less—

(i) any expenses certified by the Minister as having been incurred by him in that year in relation to the collection of those fees, and

(ii) any expenses certified by the Minister as having been incurred by him in that year in respect of the performance of his functions under sections 12 and 12A of the Act of 1926 in relation to interfering with or injuriously affecting wireless telegraphy apparatus for receiving only, and

(b) such further amount as the Minister considers reasonable.

(2) The total of the amounts paid pursuant to paragraph (b) of subsection (1) of this section shall not exceed five hundred thousand pounds.

Repayable advances.

23.—(1) The Minister for Finance may make advances to the Authority for capital purposes (including working capital purposes).

(2) Advances under this section—

(a) shall be made out of the Central Fund or the growing produce thereof,

(b) shall not exceed two million pounds in the aggregate,

(c) shall be made on the recommendation of the Minister,

(d) shall be made on such term and conditions as to repayment as the Minister for Finance thinks proper.

(3) The Minister for Finance may, for the purpose of providing for the advance of sums out of the Central Fund under this section, borrow on the security of the Central Fund or the growing produce thereof any sums required for that purpose, and, for the purposes of such borrowing, he may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or any other matter as he thinks fit, and shall pay all moneys so borrowed into the Exchequer.

(4) The principal of and interest on all securities issued under this section shall be charged on and payable out of the Central Fund or the growing produce thereof.

General duty of Authority with respect to its revenue.

24.—It shall be the duty of the Authority so to conduct its affairs as to secure that its revenue becomes at the earliest possible date, and thereafter continues, at least sufficient—

(a) to meet all sums properly chargeable to current account, and

(b) to make suitable provision with respect to capital expenditure.

Accounts and audits.

25.—(1) The Authority shall keep in such form as shall be approved by the Minister, after consultation with the Minister for Finance, all proper and usual accounts of all moneys received or expended by it, including an income

and expenditure account and a balance sheet, and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister on his own motion, or at the request of the Minister for Finance, shall from time to time direct.

(2) The accounts of the Authority for each year shall be audited within ninety days or such longer time as the Minister may in any particular case allow after the end of that year and shall be the subject of a report by duly qualified auditors appointed annually for the purpose by the Minister, with the consent of the Minister for Finance, and the fees of the auditors and the expenses generally of the audits shall be paid by the Authority.

(3) The Minister may, with the consent of the Minister for Finance, appoint the time, place and method of conducting the audit of the accounts of the Authority under this section, and may also appoint the accounts of which copies are to be furnished to the Minister under this section.

(4) Immediately after every audit under this section of the accounts of the Authority, the Authority shall send to the Minister a copy of the income and expenditure account and balance sheet as certified by the auditors, a copy of the auditors' report, and copies of such of the accounts submitted to the auditors as are appointed under the foregoing subsection to be furnished to the Minister.

(5) The Minister shall cause the documents furnished to him under this section to be laid before each House of the Oireachtas.

Annual report and information to the Minister.

26.—(1) The Authority shall, in each year, at such date as the Minister may direct, make a report to the Minister of its proceedings under this Act during the preceding year, and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(2) Whenever the Minister so directs, the annual report shall also include information on such particular aspects of the Authority's proceedings under this Act as the Minister may specify.

(3) The Authority shall submit to the Minister such information regarding the performance of its functions as he may from time to time require.

Borrowing powers for general purposes.

27.—(1) The Authority may, with the consent of the Minister for Finance and the Minister, borrow money by means of the creation of stock or other forms of security to be issued, transferred, dealt with and redeemed in such

manner and on such terms and conditions as the Authority with the consents aforesaid, may determine.

(2) The borrowing powers conferred by this section on the Authority may be exercised for any purpose arising in the performance of its functions, but there may be attached to consent to borrow the condition that the moneys shall be utilised only for the purpose of a programme of capital works approved of by the Minister.

(3) The terms upon which moneys are borrowed under this section may include provisions charging the moneys and interest thereon upon all property of whatsoever kind for the time being vested in the Authority or upon any particular property of the Authority and provisions establishing the priority of such charges amongst themselves and in relation to charges in respect of advances made to the Authority out of the Central Fund and such terms may provide that any charge in respect of moneys so borrowed may rank before or equally with charges in respect of such advances.

Temporary borrowing.

28.—The Authority may, with the consent of the Minister, borrow temporarily by arrangement with bankers such sums as it may require for the purpose of providing for current expenditure.

Investment by Authority.

29.—The Authority may invest any of its funds in any manner in which a trustee is empowered by law to invest trust funds.

Acquisition and disposal of land.

30.—(1) The Authority may acquire by agreement any land or any easement, wayleave or other right in respect of land.

(2) (a) The Authority may acquire land compulsorily for the purpose of providing a site for, or approaches to, any broadcasting station, being a station intended to be used solely for transmitting, repeating or relaying.

(b) The Authority may acquire compulsorily any easement, wayleave or other right in respect of land if it is to be acquired in relation to a site for any broadcasting station, being a station intended to be used solely for transmitting, repeating or relaying.

(3) The Authority may dispose of any land vested in it which it no longer requires.

(4) The provisions of the First Schedule to this Act shall apply to the exercise by the Authority of its powers under

subsection (2) of this section.

Directions by
Minister.

31.—(1) The Minister may direct the Authority in writing to refrain from broadcasting any particular matter or matter of any particular class, and the Authority shall comply with the direction.

(2) The Minister may direct the Authority in writing to allocate broadcasting time for any announcements by or on behalf of any Minister of State in connection with the functions of that Minister of State, and the Authority shall comply with the direction.

Transfer of property
and liabilities.

32.—(1) All property (excluding land and any benefit or interest referred to in Part III of the Second Schedule to this Act) and all rights (including rights under licences and assignments in copyright) held or enjoyed immediately before the establishment day by the Minister in connection with his functions under Part II of the Act of 1926 shall, by virtue of this subsection, become transferred to the Authority on the establishment day, and accordingly—

(a) that property shall, on the establishment day, vest in the Authority, and

(b) those rights shall, on and after the establishment day, be enjoyed by the Authority.

(2) On the establishment day, the lands described in Part I of the Second Schedule to this Act shall, by virtue of this subsection, vest in the Authority for all the interest therein which immediately before the establishment day was vested in the Minister for Finance.

(3) On the establishment day the lands described in Part II of the Second Schedule to this Act shall, by virtue of this subsection, vest in the Authority for all the interest therein which immediately before the establishment day was vested in the Commissioners.

(4) On the establishment day any benefit or interest specified in Part III of the Second Schedule to this Act shall, by virtue of this subsection, vest in the Authority.

(5) (a) On the establishment day the lands described in Part IV of the Second Schedule to this Act shall, by virtue of this subsection, vest, in the Authority for all the interest therein which immediately before the establishment day was vested in the

Commissioners.

(b) The Registrar of Titles shall, at the request of the Authority made on or after the establishment day, cause the Authority to be registered under the Registry of Title Act, 1891, as owner of the lands described in Part IV of the Second Schedule to this Act.

1891, c. 66.

(c) No fees shall be payable in respect of any proceedings in the Land Registry under this subsection.

(6) Subsections (2), (3) and (5) of this section shall, for the purposes of section 6 of the Conveyancing Act, 1881, have effect as conveyances of land.

1881, c. 41.

(7) (a) In this subsection, "the Agreement" means the Agreement made on the 30th day of October, 1957, between the City of Cork Vocational Education Committee of the first part, the Minister for Finance of the second part, the Minister of the third part and the Commissioners of the fourth part, whereby it was (amongst other things) agreed that when the Broadcasting Station therein referred to shall have been duly completed, the said Committee shall by deed grant to the Commissioners a lease of the said Broadcasting Station for a term of 150 years from the 25th day of March, 1952.

(b) If the Lease referred to in Clause 5 of the Agreement is not executed before the establishment day:—

(i) the benefit of the Commissioners under the said Clause 5 shall, on the establishment day, vest, by virtue of this paragraph, in the Authority,

(ii) the references to the Minister in Clause (2) of the part of the Schedule to the Agreement which is headed "Covenants by the Lessors" shall, on and after the establishment day, have effect as

references to the Authority.

(c) If the Lease referred to in Clause 5 of the Agreement is executed before the establishment day—

(i) the lessee's interest under the said Lease shall, on the establishment day, vest, by virtue of this paragraph, in the Authority,

(ii) the provisions inserted in the said Lease in pursuance of Clause (2) of the part of the Schedule to the Agreement which is headed "Covenants by the Lessor" shall, on and after the establishment day, have effect as if for the references to the Minister there were substituted references to the Authority.

(8) (a) In this subsection—

"the Agreement" means the Agreement for Sale made on the 28th day of September, 1959, between the Right Honourable Mervyn Patrick 9th Viscount Powerscourt of the one part and the Commissioners of the other part whereby it was agreed (amongst other things) that the said Viscount Powerscourt should sell and the Commissioners purchase the lands therein described as "All That part of the townland of Kippure East Barony of Talbotstown Lower containing fifteen acres two roods and twelve perches and part of the townland of Powerscourt Mountain Barony of Rathdown containing two acres one rood twenty-eight perches statute measure or thereabouts both situate in the County of Wicklow and shown outlined in red on the map annexed hereto" together with the right of way specified therein and the easements referred to in clause 16 thereof.

(b) If the conveyance of the lands the subject of the Agreement is not executed before the establishment day—

(i) the benefit of the Commissioners under the Agreement shall, on the

establishment day, vest, by virtue of this paragraph, in the Authority,

(ii) the references to the Commissioners in clauses 15 and 16 of the Agreement shall, on and after the establishment day, have effect as references to the Authority.

(c) If the conveyance of the lands the subject of the Agreement is executed before the establishment day,

(i) the interests of the Commissioners in the said lands shall, on the establishment day, vest, by virtue of this paragraph, in the Authority,

(ii) the provisions inserted in the said conveyance in pursuance of clauses 15 and 16 of the Agreement shall, on and after the establishment day, have effect as if for the references to the Commissioners there were substituted references to the Authority,

(iii) subparagraph (i) of this paragraph shall, for the purposes of section 6 of the Conveyancing Act, 1881, have effect as a conveyance of land.

1881, c. 41

(9) Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) which, immediately before the establishment day is owing and unpaid or has been incurred and is undischarged by the Minister or the Commissioners and is so owing or has been incurred in relation to broadcasting (including the proposed television service) shall, on the establishment day, become and be the debt or liability of the Authority and shall be paid or discharged by and may be recovered from and enforced against the Authority accordingly.

(10) The Minister for Finance shall, as soon as may be after the establishment day, certify the sums which in his opinion, represent the value of the property and rights, transferred by the preceding subsections of this section, together with the cost of development of any such property.

(11) Every sum certified under subsection (10) of this

section shall be a debt due by the Authority to the Minister for Finance and the debt shall be discharged at such time or times, in such manner and upon such terms as the Minister for Finance, after consultation with the Minister, determines.

(12) Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Authority of the property or rights transferred by this section.

1895, c. 16.

Preservation of contracts and continuance of legal proceedings.

33.—(1) Every contract which was entered into in relation to broadcasting (including the proposed television service) and is in force immediately before the establishment day between the Minister or the Commissioners and any person shall continue in force on and after the establishment day, but shall be construed and have effect as if the Authority were substituted therein for the Minister or the Commissioners (as the case may be), and every such contract shall be enforceable by or against the Authority accordingly.

(2) Where, immediately before the establishment day, any legal proceedings (other than a prosecution) are pending to which the Minister is a party and the proceedings have reference to broadcasting, the name of the Authority shall be substituted in the proceedings for that of the Minister, and the proceedings shall not abate by reason of such substitution.

Amendment of Act of 1926.

34.—The Act of 1926 is hereby amended as follows:

(a) the Minister shall not, on or after the establishment day, exercise any of the powers conferred on him by Part II;

(b) at the end of the definition in section 2 of "broadcasting station" there shall be added "or for repeating broadcasting";

(c) at the end of the definition in section 2 of "broadcast matter" there shall be added "or the [Broadcasting Authority Act, 1960](#) , and also includes images";

(d) the subsection set out in Part I of the Third Schedule to this Act shall be inserted after subsection (1) of section 5;

(*e*) at the end of subsection (1) of section 12 there shall be added "or under the [Broadcasting Authority Act, 1960](#) ";

(*f*) the sections set out in Part II of the Third Schedule to this Act shall be inserted after section 12.

Expenses of Minister. **35.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title. **36.**—This Act may be cited as the [Broadcasting Authority Act, 1960](#) .

Section 30.

FIRST SCHEDULE

PROVISIONS RELATING TO COMPULSORY ACQUISITION.

Entry on land, etc., before conveyance.

1. (1) At any time before conveyance or ascertainment of price, the Authority may, subject to this paragraph, enter on and take possession of the land to be acquired or exercise the right to be acquired.

(2) Where the Authority exercises any power under the foregoing subparagraph, it shall be liable to pay, to the occupier of the land which is to be acquired or in respect of which the right is to be exercised, interest on the amount of the price payable to such occupier at the rate of five per cent. per annum from the date of entry until payment of the price.

(3) The Authority shall not—

(*a*) enter on or take possession of any land under this paragraph without giving to the occupier at least three months' previous notice in writing of its intention so to do, or

(*b*) exercise any right under this paragraph without giving to the occupier of the land in respect of which the right is to be exercised at least three months' previous notice in writing of its intention so to do.

(4) A notice under this paragraph may be served on any person by sending it by registered post in an envelope addressed to him at his usual or last known address.

(5) Where, for any reason, the envelope cannot be so addressed, it may be addressed to the person for whom it is intended in either or both of the following ways:

(a) by the description "the occupier" without stating his name,

(b) at the land to which the notice relates.

Deposit of maps, plans, etc.

2. (1) Not later than one month before entering on land or exercising any right under the foregoing paragraph, the Authority shall cause maps, plans, and books of reference to be deposited in accordance with this paragraph.

(2) The maps and plans shall be sufficient in quantity and character to show on adequate scales the land or right proposed to be acquired.

(3) The books of reference shall contain the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the land which is proposed to be acquired or in respect of which the right is proposed to be exercised.

(4) The maps, plans, and books of reference shall be deposited at the head office of the Authority and at such other places as the Authority considers suitable and shall remain so deposited for at least three months and shall, while so deposited, be open to inspection by any person, free of charge, between the hours of ten o'clock in the morning and four o'clock in the afternoon on every, day except Saturdays, Sundays and bank holidays.

(5) As soon as may be after the deposit of any maps, plans, or books of reference, the Authority shall give public notice of the deposit by advertisement published twice in each of two or more daily newspapers and in such other newspapers as the Authority considers suitable.

(6) The public notice shall state that the maps, plans, or books of reference to which it relates are open to public inspection in accordance with this paragraph and shall state the times and places at which they may be inspected.

Assessment of price.

3. (1) The amount of the price to be paid by the Authority for any land acquired to the several persons entitled thereto

or having estates or interests therein, or for any right acquired to the several persons entitled to or having estates or interests in the land in respect of which the right is exercised, shall, in default of agreement, be fixed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(2) Sections 69 to 83 of the Lands Clauses Consolidation Act, 1845 (as adapted or amended by or under any subsequent Act) shall apply to the said price and to the conveyance to the Authority of the land or right acquired, and for the purpose of the application the Authority shall be deemed to be the promoters of the undertaking.

Time for claims for price.

4. All claims for the price of any land or right acquired shall be made within one year after the land or right is first entered on or exercised by the Authority.

Powers and duties where acquired land is subject to a land purchase annuity, etc.

5. (1) In this paragraph, "public authority" means the Irish Land Commission or the Commissioners.

(2) Where land acquired by the Authority is subject, either alone or in conjunction with other land, to a land purchase annuity, payment in lieu of rent or other annual sum (not being merely rent under a contract of tenancy) payable to a public authority, the Authority shall, as from the date on which it enters on and takes possession of the land so acquired—

(a) become and be liable for the payment to the public authority of such annual sum, or such portion thereof as shall be apportioned by the public authority on such land, as if the land had been transferred to the Authority by the owner thereof on that date, and

(b) be entitled, if the Authority so thinks fit, to redeem the annual sum or such portion thereof as aforesaid, and

(c) be obliged, if required by the public authority to do so, to redeem such annual sum or such portion thereof as aforesaid.

Section 32 (2), (3) (4) and (5).

SECOND SCHEDULE

LANDS, ETC., TRANSFERRED TO AUTHORITY.

PART I

The lands demised by an Indenture of Lease dated the 31st day of January, 1883, made between Samuel H. Bolton of the one part and the Right Honourable Henry Fawcett, then Postmaster General, of the other part and therein described as "All that and those the plot or parcel of ground on the Grove Estate being part of the Lands of St. Supulchre situate in the Township of Rathmines Parish of St. Kevin's and county of Dublin bounded on the North and West by other premises in possession of the said Samuel H. Bolton on the East by Rathmines Road and on the South in an oblique direction by premises occupied by Mr. Henry E. Flavelle known as No. 155 Rathmines Road measuring on the North side one hundred feet on the West ten feet on the East seventy two feet and on the South side in an oblique direction one hundred and eight feet be the same more or less and which said premises are more particularly delineated on the map thereof drawn in red colour upon these presents together with the rights, members and appurtenances thereto belonging."

PART II

The lands (in this Part of this Schedule referred to as the originally demised lands) demised by an Indenture of Lease dated the 7th day of December, 1908, and made between the Right Honourable Sidney Earl of Pembroke and Montgomery of the one part and Vincent Joseph Kelly and Anna Teresa Kelly of the other part and therein described as "All that and those parts of the lands of Priesthouse and Simmons court situate in the Parish of St. Mary's Donnybrook Barony of Rathdown and County of Dublin containing twenty eight acres one rood and eleven perches Statute Measure more or less bounded on the South West by Stillorgan Road on the North West by holdings of A. K. McEntire and other Lessees and J. Semple Lessee on the North East partly by lands in the Lessor's hands and partly by the holding of W. Graham, and Company Limited Lessees and partly by the holding of the Very Reverend L. Healy and others Lessees on the South East by Nutley Lane and on the South by a plot in lessor's hands with the messuages offices and buildings thereon now known as "Montrose" which premises are shown on the plan annexed to these presents and thereon edged red " which said lands are as to part thereof the subject of an Indenture of Sub-Lease dated the 4th day of January, 1938, made between the said Vincent Joseph Kelly of the one part and the Right

Honourable the Lord Mayor Aldermen and Burgesses of Dublin, and are as to another part thereof the subject of an Indenture of Assignment dated the 18th day of April, 1946, and made between Joseph Bartholomew Shortt and John Marshall Dudley of the one part and the Reverend Thomas Maguire, the Reverend James Finucane, the Reverend Andrew Egan and the Reverend Vincent Dinan of the other part, being the lands therein described as "All that the piece or plot of ground containing 4.62 acres Statute Measure edged blue on the map hereunto annexed being part of the lands of Priesthouse in the Barony of Rathdown and City of Dublin", and are as to another part thereof on which a telephone exchange has been erected, bounded on the South East by Nutley Lane on the South West by Stillorgan Road on the North East and North West by other parts of the demised premises and measuring approximately 200 feet on the South East 163 feet on the South West 216 feet on the North East and 206 feet on the North West subject to the right of the Minister to use and occupy the same free of rent for the purpose of a telephone exchange, except that part of the originally demised lands which is comprised in an Indenture of Assignment dated the 22nd day of October, 1954, and made between University College, Dublin of the one part and the Electricity Supply Board of the other part and is therein described as "All that part of the lands of Priesthouse and Simmonscourt situate in the Parish of Saint Mary's Donnybrook in the Barony of Rathdown and City of Dublin delineated on the map annexed hereto thereon edged with red."

PART III

Any benefit or interest of the Commissioners in respect of an option conferred by an Agreement for sale dated the 29th day of March, 1946, and made between Joseph Bartholomew Shortt and John Marshall Dudley of the one part and the Reverend Thomas Maguire, the Reverend James Finucane, the Reverend Andrew Egan and the Reverend Vincent Dinan of the other part, to take a lease of the plot coloured blue on the map attached to the said Agreement for sale.

PART IV

1891, c. 66.

The lands comprised at Entries Nos. 1, 2 and 7 in Folio 9654 County of Westmeath in the Register of Freeholders maintained under the Registration of Title Act, 1891.

Section 34.

THIRD SCHEDULE

SUBSECTION AND SECTIONS INSERTED IN WIRELESS TELEGRAPHY ACT, 1926 .

PART I

Subsection inserted after Subsection (1) of Section 5

(1A) The Minister may by order (which he may at any time revoke by a further order) declare that the grant of licences under this Act in respect of apparatus for receiving only, and the collection on behalf of the Minister of fees on such grants, shall be carried out by Radio Éireann and, so long as any such order remains in force,—

(i) such grant and collection shall, notwithstanding subsection (1) of this section, be carried out by Radio Éireann and not otherwise,

(ii) Radio Éireann shall have all powers appropriate for enforcing subsection (1) of section 3 of this Act in relation to apparatus for receiving only,

(iii) sections 7 and 8 of this Act shall have effect in relation to apparatus for receiving only as if each reference therein to the Minister included a reference to Radio Éireann, and

(iv) prosecutions under subsection (3) of section 3 of this Act in relation to apparatus for receiving only, and prosecutions under subsection (3) of section 7 of this Act in relation to a notice served by Radio Éireann, shall, notwithstanding section 13 of this Act, be prosecuted by the Minister or Radio Éireann and not otherwise.

PART II

Sections inserted after Section 12

Regulations as to radiation of electro-magnetic energy, etc.

12A. (1) The Minister may make regulations for both or either of the following purposes:

(a) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be used;

(b) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be sold otherwise than for export, or offered or advertised for sale otherwise than for export, or let on hire or offered or advertised for letting on hire, by any person who in the course of business manufactures, assembles or imports such apparatus.

(2) The said requirements shall be such requirements as the Minister thinks fit for the purpose of ensuring that the use of the apparatus does not cause undue interference with wireless telegraphy, and may in particular include—

(a) requirements as to the maximum intensity of electro-magnetic energy of any specified frequencies which may be radiated in any direction from the apparatus while it is being used; and

(b) in the case of an apparatus the power for which is supplied from electric lines, requirements as to the maximum electro-magnetic energy of any specified frequencies which may be injected into those lines by the apparatus, and, in so far as appears to the Minister necessary or expedient in the case of the regulations in question, different requirements may be prescribed for different circumstances and in relation to different classes or descriptions of apparatus, different districts or places and different times of use.

(3) The apparatus to which this section applies shall be such apparatus as may be specified in the regulations made thereunder, being apparatus generating, or designed to generate, or liable to generate fortuitously, electro-magnetic energy at frequencies of not more than three million megacycles per second, and not being wireless telegraphy apparatus.

The references in this subsection to apparatus include references to any form of electric line.

(4) Where the Minister proposes to make regulations under this section—

(*a*) he shall cause a draft of the proposed regulations to be prepared and shall cause the draft to be published and placed on sale by the Stationery Office,

(*b*) he shall give notice to the public, in such manner as he considers suitable, of his intention to make the regulations,

(*c*) the notice shall contain an intimation that copies of the draft of the regulations are available for purchase and that, during a specified period of not less than two months, representations suggesting variations of the draft may be made to the Minister.

(5) Regulations under this section shall not be made until after the expiration of the period for making representations specified in the relevant notice under paragraph (*b*) of subsection (4) of this section and the Minister shall consider any representations made to him pursuant to the notice.

(6) (*a*) The Minister may appoint an advisory committee or advisory committees to advise him in relation to the making of regulations under this section and in relation to the consideration of representations referred to in the foregoing subsection.

(*b*) A committee under this subsection shall consist of so many members (not being less than three) as the Minister considers proper.

(*c*) A member of a committee under this subsection shall, unless he previously dies or resigns, retain his membership of the committee for the period determined by the Minister when appointing him and no longer, but shall be eligible for re-appointment.

(*d*) A committee under this subsection shall meet whenever summoned the Minister.

(7) Whenever the Minister is of opinion that a person is working or using apparatus not complying with the requirements applicable to it under regulations made for the purposes specified in paragraph (*a*) of subsection (1) of this

section, he may serve on or send by registered post to such person a notice—

(a) requiring such person to take such steps (including where necessary the complete stoppage of the working or user of the apparatus) as shall be specified in the notice to terminate the relevant undue interference with wireless telegraphy, and

(b) requiring such person to take the said steps either—

(i) forthwith in a case in which the Minister is of opinion that the relevant undue interference with wireless telegraphy consists of or includes undue interference with wireless telegraphy used for the purposes of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend, and

(ii) in any other case, within a period (not being less than seven days) specified in the notice.

(8) (a) Where—

(i) a notice under subsection (7) of this section has been served on or sent to a person and the notice requires the complete stoppage forthwith of the working or user of apparatus, and

(ii) such person works or uses the apparatus,

such person shall be guilty of an offence.

(b) Where—

(i) a notice under subsection (7) of this section has been served on or sent to a person and the notice requires the complete stoppage, within a specified period, of the working or user of apparatus, and

(ii) such person works or uses the apparatus after the expiration of that period,

such person shall be guilty of an offence.

(c) Where—

(i) a notice under subsection (7) of this section has been served on or sent to a person and the notice requires the taking forthwith of steps to terminate undue interference with wireless telegraphy by any apparatus (not being steps consisting of the complete stoppage of the working or user of the apparatus), and

(ii) such person works or uses the apparatus without having taken the said steps,

such person shall be guilty of an offence.

(d) Where—

(i) a notice under subsection (7) of this section has been served on or sent to a person and the notice requires the taking, within a specified period, of steps to terminate undue interference with wireless telegraphy by any apparatus (not being steps consisting of the complete stoppage of the working or user of the apparatus), and

(ii) such person works or uses the apparatus without having taken the said steps,

such person shall be guilty of an offence.

(9) Whenever the Minister is of opinion that any apparatus does not comply with the requirements applicable to it under regulations made for the purposes specified in paragraph (b) of subsection (1) of this section, he may serve on or send by registered post to any person who has manufactured, assembled or imported the apparatus in the course of business a notice prohibiting him, as from the expiration of a period (not being less than seven days)

specified in the notice, from selling the apparatus, otherwise than for export, or offering or advertising it for sale, otherwise than for export, or letting it on hire or advertising it for letting on hire.

(10) Where—

(a) a notice under subsection (9) of this section has been served on or sent to a person, and

(b) after the expiration of the period specified in the notice, such person contravenes the provisions of the notice,

such person shall be guilty of an offence.

(11) (a) A Justice of the District Court may, upon information on oath of an officer of the Minister or of a member of the *Gárda Síochána* that there is reasonable ground for believing that, at any specified place, apparatus to which this section applies is to be found which does not comply with the requirements applicable to it under regulations made under this section, grant to such officer of the Minister or (with the consent of the Minister) to such member of the *Gárda Síochána* a search warrant which shall be expressed and shall operate to authorise the officer of the Minister or member of the *Gárda Síochána* to whom it is granted to enter, and if need be by force, the place named in the said information and there to search for apparatus to which this section applies and to examine and test all such apparatus there found.

(b) A search warrant granted under this subsection to an officer of the Minister may authorise or, if the Justice granting it so thinks proper, require such officer to be accompanied by one or more members of the *Gárda Síochána* when making the search under the warrant.

(c) Where, under a warrant under this section, a person has a right to examine and test any apparatus at any place, it shall be the duty of any person who is at that place to give

him any such assistance as he may reasonably require in the examination or testing of the apparatus.

(*d*) Any person who—

(i) obstructs any person in the exercise of the powers conferred on him by a warrant under this subsection, or

(ii) fails or refuses to give to any such Person any assistance which he is under this subsection under a duty to give to him,

shall be guilty of an offence.

(12) A person guilty of an offence under this section shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds together with, in the case of a continuing offence, a further fine not exceeding five pounds for every day during which the offence is continued.

(13) The Minister may by order (which he may at any time revoke by a further order) declare that Radio Éireann shall have all powers appropriate for the investigation and detection of interference with wireless telegraphy apparatus for receiving only and, whenever such an order is for the time being in force,—

(*a*) Radio Éireann shall have those powers,

(*b*) subsection (2) of section 12 of this Act and subsection (7) of this section shall have effect as if each of the references therein to the Minister included a reference to Radio Éireann, and

(*c*) subsection (11) of this section shall have effect as if each of the references therein to the Minister included, in relation to regulations made for the purposes specified in paragraph (*a*) of subsection (1) of this section, a reference to Radio Éireann.

Deliberate interference.

12B. (1) Any person who uses any apparatus for the purpose of interfering with any wireless telegraphy shall be

guilty of an offence.

(2) Subsection (1) of this section shall apply whether or not the apparatus in question is wireless telegraphy apparatus or apparatus to which section 12A of this Act applies and whether or not any notice under subsection (7) or subsection (9) of that section has been given with respect to the apparatus.

(3) A person guilty of an offence under this section shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds together with, in the case of a continuing offence, a further fine not exceeding five pounds for every day during which the offence is continued.

