



STATUTORY INSTRUMENTS

**S.I. No. 80 of 2009**

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BROADCASTING AMENDMENT ACT 2007  
DIGITAL SOUND BROADCASTING LICENCE FEES REGULATIONS  
2009

**(Prn. A9/0361)**

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The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6 of the Wireless Telegraphy Act 1926 (No. 45 of 1926), transferred to the Commission for Communications Regulation by section 4 of the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007), and in accordance with section 6(1) of the Broadcasting (Amendment) Act 2007 (No. 15 of 2007) and section 16(3) of the Broadcasting Authority Act 1960 (No. 10 of 1960), and with the consent of the Minister for Communications, Energy and Natural Resources, pursuant to section 37 of the Communications Regulation Act 2002 (No. 20 of 2002), hereby makes the following regulations:

*Citation*

1. (1) These Regulations may be cited as the Broadcasting Amendment Act 2007 Digital Sound Broadcasting Licence Fees Regulations 2009.

*Interpretation and Definitions*

2. (1) In these Regulations, except where the context otherwise requires:

“Act of 1926” means the Wireless Telegraphy Act 1926 (No. 45 of 1926);

“Act of 2002” means the Communications Regulation Act 2002 (No. 20 of 2002);

“Act of 2007” means the Broadcasting (Amendment) Act 2007 (No. 15 of 2007);

“Commission” means the Commission for Communications Regulation;

“Licence” means a licence granted in accordance with section 5 of the Act of 1926 to establish, maintain and operate a Sound Broadcasting Multiplex in a specified place in the State;

“Licensee” means the holder of a Licence (being either Radio Telefís Éireann or the Broadcasting Commission of Ireland);

“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” has the same meaning as set out in the Act of 2007; and

“Sound Broadcasting Multiplex” means a multiplex in which the programme material is predominantly sound.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 17th March, 2009.*

- (2) In these Regulations unless the contrary intention appears:
- (a) a reference to an enactment or regulation shall be construed as a reference to the enactment or regulation as amended or extended by or under any subsequent enactment or regulation;
  - (b) a reference to a Regulation or a Schedule is to a Regulation of, or a Schedule to, these Regulations, unless it is indicated that reference to some other enactment is intended;
  - (c) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended; and
  - (d) a reference to a Directive of the European Parliament and Council shall be construed as a reference to the Directive as amended or extended by any subsequent Directive.

#### *Licence Fees*

3. (1) The annual licence fee payable to the Commission for a Licence issued under sections 6(1), 6(2), 6(3), 6(4), or 6(5) of the Act of 2007, shall be €20,000 per annum, with a 50 per cent discount per year for the first 3 years. The Licence fee will be indexed to reflect the annual rate of inflation using the Consumer Price Index published by the Central Statistics Office. Indexation shall first occur after the third anniversary of the date on which a Licence was first granted and shall occur annually thereafter.

(2) Licence fees shall be subject to review on the fifth anniversary of the date on which the Licence was first granted.

(3) Where a Licence fee is payable for a portion of a year it shall be calculated as follows:

$$A \times (B/12) = C$$

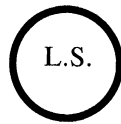
Where A is the annual Licence fee payable under subsection (1); B is the number of whole months for which that fee is payable (if a fee is payable for a period of less than one month, then, for the purpose of these calculations only, it shall be considered to be payable for a period of one month) and C is the actual fee to be paid to the Commission.

(4) Licence fees shall be paid to the Commission for Communications Regulation by way of banker's draft or such other means and on such terms (including terms as to the place of payment) as the Commission may decide. Where the date of payment falls on a Saturday, a Sunday or a public holiday payment shall be made on or before the last working day before the date of payment.

(5) If a Licence issued under sections 6(1), 6(2), 6(3), 6(4), or 6(5) of the Act of 2007, is surrendered, withdrawn, suspended or revoked, the Licensee shall not be entitled to be repaid any part of the fee paid by the Licensee under these

Regulations but shall still be liable to pay any sums (including interest) that are outstanding.

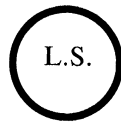
(6) An amount payable by a Licensee may be recovered by the Commission as a simple contract debt in any court of competent jurisdiction.



GIVEN under the Official Seal of the Commission for Communications Regulation  
12 March 2009

JOHN DOHERTY,  
Chairperson  
On behalf of the Commission for Communications Regulation

The Minister for Communications, Energy and Natural Resources consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Communications, Energy and Natural Resources  
11 March 2009

EAMON RYAN TD  
Minister for Communications, Energy and Natural Resources

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations provide for the payment of fees by persons granted Licences for the provision of Digital Sound Broadcasting Multiplexes.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

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