



STATUTORY INSTRUMENTS

S.I. No. 796 of 2007

BROADCASTING AMENDMENT ACT (DIGITAL TERRESTRIAL
TELEVISION LICENCE FEES) REGULATIONS, 2007

(Prn. A7/2264)

BROADCASTING AMENDMENT ACT (DIGITAL TERRESTRIAL
TELEVISION LICENCE FEES) REGULATIONS, 2007

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 6(1) of the Wireless Telegraphy Act, 1926 (No. 45 of 1926), transferred by section 4 of the Telecommunications (Miscellaneous Provisions) Act, 1996 (No. 34 of 1996) and section 9(1) of the Communications Regulation Act, 2002 (No. 20 of 2002), with the consent of the Minister for Communications, Energy and Natural Resources granted in accordance with section 37 of the Communications Regulation Act, 2002, and pursuant to section 7 of the Broadcasting (Amendment) Act, 2007 (No. 15 of 2007) hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Digital Terrestrial Television Licence Fees Regulations, 2007.

Interpretation

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

“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 established by the Act of 2002;

“Licence” means a television multiplex licence;

“Licence term” means the time period in which a Licence has effect;

“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” 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; and

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th December, 2007.*

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

- (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 a reference to a regulation or schedule of these Regulations;
 - (c) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph of the provision in which the reference occurs.
- (3) The Interpretation Act, 2005, applies to these Regulations.

Licence Fees

3. (1) The annual licence fee payable to the Commission, for a Licence issued under section 5(1), 5(2), 5(3) or 5(4) of the Act of 2007, for a television multiplex for fixed or portable reception shall be €57,000 for the period up to 1st July 2012. A fee shall first be payable on the date the Licence is issued and shall be payable on that same date every year thereafter for the Licence term.

(2) For the portion of any Licence term that falls after 1st July 2012, a Licensee shall pay to the Commission an annual licence fee of €114,000, indexed to reflect the annual rate of inflation using the Consumer Price Index. The first indexation shall take place on 1st July 2013 and indexation shall occur annually thereafter on that same date.

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

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

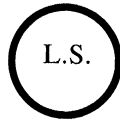
where A is the annual licence fee payable under subsection (1) or (2); B is the number of whole months for which that fee is payable (if a fee is payable for a period of less than one month, then, for the purpose of these calculations only, it shall be considered to be payable for a period of one month) and C is the actual fee to be paid to the Commission.

(4) All Licence fees shall be paid to the Commission 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) Any Licence fee or part thereof payable under these Regulations may be recovered by the Commission as a contract debt in any court of competent jurisdiction.

(6) If a Licence issued under section 5(1), 5(2), 5(3) or 5(4) of the Act of 2007 is withdrawn, suspended or revoked, the Licensee shall not be entitled to be repaid any part of the Licence fee but shall still be liable to pay to the Commission any part of the Licence fee (including interest) that is outstanding.

(7) Where payment for a Licence fee, or part thereof, is not made in due time, interest shall be payable at the percentage rate per annum specified for that time, in accordance with section 26 of the Debtors (Ireland) Act, 1840, for the period between the date when payment fell due and the date of actual payment.



GIVEN under the official seal of the Commission for Communications Regulation,
7 December 2007

ALEX J CHISOLM, Commissioner

For and 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
6 December 2007

EAMON RYAN T.D.

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 multiplexes for Digital Terrestrial Television (DTT).

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