



STATUTORY INSTRUMENTS.

**S.I. No. 67 of 2011**

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BROADCASTING ACT 2009 (SECTION 26(5)) (CONFERRAL OF  
ADDITIONAL FUNCTIONS — BROADCASTING SERVICES) ORDER  
2011

**(Prn. A11/0284)**

BROADCASTING ACT 2009 (SECTION 26(5)) (CONFERRAL OF  
ADDITIONAL FUNCTIONS — BROADCASTING SERVICES) ORDER  
2011

I, PAT CAREY, Minister for Communications, Energy and National Resources, in exercise of the powers conferred on me by section 26(5) of the Broadcasting Act 2009 (No. 18 of 2009), hereby order as follows:

1. This Order may be cited as the Broadcasting Act 2009 (Section 26(5)) (Conferral of Additional Functions — Broadcasting Services) Order 2011.

2. In this Order—

“Act” means Broadcasting Act 2009 (No. 18 of 2009);

“available capacity” means the unused bandwidth on the RTÉ multiplexes;

“RTÉ multiplexes” means the television multiplexes established, maintained and operated by RTÉ under section 114(1)(i) of the Act.

3. The following additional functions in relation to broadcasting services are conferred on the Authority:

(a) to consult with RTÉ—

(i) in relation to the amount of available capacity on the RTÉ multiplexes, and in particular—

(I) for broadcasting services for the purposes set out in section 130(1)(a)(iii) and (iv) and for broadcasting programme material for the purposes of section 130(1)(e) of the Act, and

(II) the cost of carriage of broadcasting services on the RTÉ multiplexes,

and

(ii) in relation to any other issues considered relevant by the Authority,

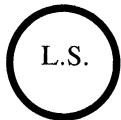
(b) to consult with other parties as considered appropriate by the Authority in relation to the provision of broadcasting services on the RTÉ multiplexes,

(c) to recommend to the Minister the number of broadcasting services for the purposes of section 130(1)(a)(iii) and (iv) and the amount of

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 15th February, 2011.*

programme material for the purposes of section 130(1)(e) of the Act, that can be accommodated on the RTÉ multiplexes;

- (d) to seek expressions of interest from broadcast content providers for the provision of—
    - (i) free to air broadcasting services for transmission on the RTÉ multiplexes in accordance with section 130 of the Act, and
    - (ii) pay or free to air broadcasting services for transmission on a multiplex established, maintained and operated in accordance with section 131 of the Act,
- and
- (e) to report and make recommendations to the Minister with regard to the exercise of its functions under this Order.



GIVEN under my Official Seal,  
10 February 2011.

PAT CAREY,  
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.)*

This Order confers additional functions on the Broadcasting Authority of Ireland which include conferring with RTÉ on the amount of spare capacity on the RTÉ multiplexes and seeking expressions of interest from broadcasters interested in providing broadcasting services over digital television multiplexes in Ireland.

The Order also requires the Authority to report and make recommendations to the Minister for Communications, Energy and Natural Resources in this regard.

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