



Broadcasting Authority of Ireland (BAI)
Access Rules Review
Public Consultation
June 2018

Subtitling

Subtitling is on-screen text that represents what is being said on the television screen. Subtitling can be open or closed. Open subtitling is subtitling that remains on the screen at all times. Closed subtitling can be made visible or not visible as viewers wish, using, for example, a remote control. Subtitling is formatted so as to assist interpretation and understanding of the text and link it more accurately to the on-screen action.

Captioning

Captioning refers to on-screen text that represents what is being said on the television screen. However, while similar to subtitling, it is not as sophisticated and entails a more basic representation of what is being said on screen, sometimes having only one colour, verbatim and can have the text only in upper case.

Irish Sign Language

Irish Sign Language is the indigenous language of the Deaf community in Ireland. It is a visual, spatial language with its own syntax and complex grammatical structure. Signing must be presented on a television screen through the use of a signer as part of the programme content, or the use of a signer (either a real person or a virtual person generated by computer) acting as an interpreter in a box superimposed in the corner of the screen.

Audio Description

Audio description is a commentary that gives a viewer with a visual impairment a verbal description of what is happening on the television screen at any given moment, as an aid to the understanding and enjoyment of the programme. The technique uses a second sound track that gives a description of the scene and the on-screen action.

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1. Introduction – What are the Access Rules?

The Access Rules (the Rules) were introduced in 2005. The Rules set out the amount of subtitling, Irish Sign Language and audio description which Irish television broadcasters must provide to increase the understanding and enjoyment of television for people who are deaf, hard of hearing, partially sighted, blind or hard of hearing and partially sighted.

In the Rules there are targets which set out what percentage of programming on each television channel should have subtitling or Irish Sign Language or audio description. In the case of subtitling, the current Rules are set out as target ranges e.g. TG4 for 2016 was required to subtitle between 45-49% of output. The current Rules do not prioritise the level of subtitling for any particular type of programme or for any specific part of the day.

In the case of RTÉ, the current Rules require that any increase in subtitling and Irish Sign Language each year must include some increase in children's programming. In addition, in the case of audio description, RTÉ is also required to prioritise home-produced Irish programming.

In the current Rules, only RTÉ is required to provide audio description but other broadcasters can provide audio description and Irish Sign Language if they wish. Community television broadcasters (CCTV and DCTV) can offset any audio description and Irish Sign Language that they provide against their targets for subtitling.

In the case of Oireachtas TV, it may offset any Irish Sign Language provision against the targets for subtitling.

Broadcasters are also required to consult at least once per year with user groups (those organisations and groups that represent people who use subtitling, audio description or Irish Sign Language).

Broadcasters are also required to promote, both on-screen and off-screen, the Access Services they provide to viewers and listeners.

2. Why is the BAI consulting on the Access Rules?

The BAI reviews the Access Rules every two years as required by the Broadcasting Act 2009. In this context, the BAI undertook an extensive statutory review of the Rules in 2017. The outcomes of this review are provided later in this document.

The BAI is now proposing a number of changes to the current Rules. These changes have been informed by the 2017 statutory review undertaken further to the requirements of the Broadcasting Act 2009. This document sets out those changes and asks for your views. The review process is described in section 3 and you are invited to give the BAI your views on the draft Rules.

2.1 How can I give my views?

Based on the outcomes of the 2017 statutory review, the BAI is now proposing a number of changes to the current Rules. We are inviting users of access services and the public at large to give us their views on these proposed changes.

Section 3 of this document details the proposed changes. The BAI believes that the proposed changes will result in a better service for audiences who need access services to understand and enjoy television. The proposed changes are explained in this document and are reflected in the Draft Access Rules provided at **Appendix 1**.

We recommend that you review the revised draft Rules when considering your response to the consultation questions in the following sections of this document. The closing date for submission on the draft Rules is **Friday, 27th July 2018**.

Submissions can be made to the BAI by:

Writing to: Access Officer, 2-5 Warrington Place, Dublin 2, Dublin
D02 XP29

Online at www.bai.ie

Email to: access@bai.ie

3. How has the BAI reviewed the Rules so far?

In 2017, the BAI undertook a statutory review of the Access Rules. This entailed the following activities:-

i. Jurisdictional Review

A review of practices and trends in other countries was undertaken so that the BAI could benchmark its regulations against those in other EU countries, but also internationally. This review was intended to highlight best practice approaches to, and experiences of, regulation that the BAI can learn from or adapt in an Irish context, where appropriate.

ii. Stakeholder Research

Broadcasters and the users of accessible services are the key stakeholders for the review and were centrally involved in the development of the Rules and in subsequent reviews. This aspect of the review of the effect of the Rules involved the following activities:-

- A review of approved minutes of the meetings of the User Consultative Panels facilitated since their establishment in 2013. There are two consultative panels in place. Membership of the first panel is open to individuals who are deaf or who are hard of hearing and representatives of organisations that advocate on their behalf.

Membership of the second panel is open to individuals who are blind or partially sighted and representatives of organisations that advocate on their behalf.

- Interviews with broadcasters and access users and their representative groups which explored their perspectives in respect of access service provision and potential revisions to the Rules.
- Interviews with current providers of access services to Irish broadcasters. These interviews concentrated on identifying, where possible, the following information: the level (and cost) of access provision; views on the current capacity of providers of access services; and views on the gaps in the indigenous skills base that may or may not limit the development of access service provision.
- Workshops with access users, their representative organisations and broadcasters to consider and test draft policy options or suggested changes which may be considered in the context of the ongoing development of the Rules.

This element of the research also looked at the role of human resource factors associated with the provision of the various access services. The costs of providing access services was also examined with broadcasters and service providers.

iii. Technical Review

This aspect of the review looked at the most recent technical developments in an Irish context and drew on learning and research in other jurisdictions and any developments at an EU legislative level.

iv. Review of Compliance

This element of the review examined recent trends in compliance and outcomes of enforcement actions by the BAI. This examination was informed by monitoring of randomly selected broadcast content for compliance with the BAI's quality guidelines for subtitling, Irish Sign Language and audio description as well as the provision by broadcasters on a twice-yearly basis of reports detailing accessible content on their services. Feedback from the User Consultative Panels also informed the compliance review.

4. What were the key findings of the review process?

Following the statutory review, a report was finalised by the BAI and a copy was provided to the Minister for Communications, Climate Action and Environment. A copy of the Report can be found on the BAI's website and is also available on request by emailing access@bai.ie.

In summary, the review of the Rules highlighted the following:-

- The quantity and range of access service provision on television services continues to increase annually. The quality and reliability of access service provision has also improved over this time, but challenges remain in this area.
- The level of engagement between broadcasters and access users and their representatives has improved since the last review and this is a welcome trend.
- Targets for audio description and Irish Sign Language, while modest, are being attained by RTÉ to a good standard.
- Broadcasters continue to be engaged meaningfully in their approach to their requirements to provide access services with investment ongoing and the inclusion of accessible provisions on their online players (which is not a requirement of the BAI's current Rules).
- The Rules are, for the most part, in line with best practice at a European and International level. New approaches are evident from the review of practices in other jurisdictions and these approaches have informed the proposed changes to the Rules.

- Where issues have arisen, broadcasters have been responsive and addressed these issues. However, compliance with quality requirements remains an issue for some but not all broadcasters.
- The technical landscape has changed significantly in the last decade. This has opened up new opportunities in respect of online provision of access services and has also reduced costs. Solutions to the provision of 'closed' Irish Sign Language have been developed but these are not market ready at this time.

In terms of those areas where further action is merited, the review highlighted the following:-

- The issue of the quality of access provision requires further intervention on the part of the BAI. The review and the BAI's engagements with broadcasters (as well as the experience of broadcasters at a European level) clearly indicates that this is a complex issue impacted by a number of factors. It is also evident that broadcasters have engaged with this challenge and there is nothing to indicate that problems with quality arise principally from poor standards in respect of the application of the quality requirements. Issues arising from the variety of standards applying to set top boxes and also issues in terms of the 'carry-through' of access provision by platform providers remain.

Quality issues are evident from the BAI's monitoring and continue to be reported by users. The revised Rules include proposals to address this issue.

- The targets and the approach to target-setting emerged as issues requiring further attention. There were very different views evident from the engagement with stakeholders. Broadcasters have indicated that they are not in a position to increase provision above current levels and access users advocate strongly a move towards 100% provision. At the same time, users have also questioned the value of some live subtitling and whether broadcaster resources allocated to live access provision may be better spent elsewhere. The statutory review findings indicate that further refinements to the mechanisms for setting targets may be warranted, for example, giving consideration to peak time provision.
- The review also indicates that an increased focus on the provision of Irish Sign Language and audio description may be warranted in the context of the coming years. Compared to other jurisdictions examined as part of the statutory review, Ireland has lower level audio description and sign language requirements.

It is also evident that in certain cases these jurisdictions apply requirements beyond the public service broadcaster and given the emergence of the Virgin Media Group of television channels, the provision of Irish Sign Language and audio description on some of their services must be given consideration.

- The manner and extent of engagement between the BAI, broadcasters and users has also been highlighted by the review as deserving attention. It is clear that, in the case of users, there is a disconnect, in certain respects, between the regulatory and compliance framework and users' awareness of this framework.

Not dissimilar issues arise in the case of broadcasters. A common view emerging from broadcasters was that the BAI did not have regard to the uniqueness of each broadcaster when setting targets in the Rules despite the existence of a set of Influencing Factors which allow the BAI to have regard to the broadcasters' particular circumstances. Separately, broadcasters have asked the BAI to support a broader engagement with the sector as a whole and for mechanisms to be put in place to support broadcasters.

5. What are the proposed changes to the Rules?

The proposed changes to the Access Rules have been informed by the outcomes of the statutory review in 2017 and these changes are set out below. In particular, the statutory review included meetings with broadcasters and user groups at which potential policy options were discussed in respect of the following four areas relevant to the Access Rules:-

- Targets for access service provision;
- Quality of access service provision;
- Enforcement of the Access Rules;
- Engagement between the BAI, broadcasters and access service users.

The views generated at the meetings in terms of these four areas have informed the draft Rules set out in this document.

5.1 Introduction, Scope and Jurisdiction, Approach to setting Targets & Timeframes and Definitions (Sections 1- 4 of the draft Rules)

These four sections of the draft Rules remain substantially the same as the current Rules and existing practice. The main change relates to Section 3 (setting targets and timeframes) which is a new section but also one that does not introduce any policy changes.

Section 3 references the Access Principles and Influencing Factors that the BAI and its predecessors have used to set targets and timeframes since the introduction of the Rules in 2005. However, they have not to date formed part of the published Rules. It is now proposed to include the principles and factors in the Rules in order to improve transparency about the processes used to set targets and timeframes for subtitling, Irish Sign Language and audio description. The issue of improved transparency about how the BAI applies the Rules was one of the themes emerging from the statutory review undertaken in 2017.

Section 3 also emphasises that the Access Principles and Influencing Factors will be used by the BAI when considering whether to set commitments for services based in Ireland but which do not target Irish audiences. Again, they have been used in practice in these circumstances but the emphasis is included in the interests of transparency. The BAI is also being mindful that Brexit may result in an increased number of services of this nature and regulatory expectations on such services should be clear.

In respect of the other sections, Section 2 (Scope and Jurisdiction) has been amended to acknowledge broadcasters' activities in making online content accessible and to encourage continued developments in this area as requested by users. Finally, the definitions for subtitling, Irish Sign Language and audio description remain essentially unchanged. Some minor drafting changes have been made to make the definitions easier to understand.

Consultation Question:-

- What are your views on the proposals set out in Sections 1 - 4 of the draft Rules (Introduction, Scope and Jurisdiction, Approach to setting Targets & Timeframes and Definitions)?

5.2 General Rules Applying to All Access Provision (Section 5 of the draft Rules).

This section of the draft Rules is new but contains a mix of existing and additional rules introduced to reflect the findings of the statutory review.

In terms of existing provisions, these are set out in draft **Rules 5.1** (Quality Standards), **5.3** (Promotion of Access Provision) and **5.4** (Obligation to Consult with Access Users).

In terms of **Rule 5.1** (Quality Standards), the wording has been updated to highlight the importance of ensuring access provision is provided to a high quality. It includes a new requirement that broadcasters monitor transmission output to ensure that the quality of subtitling, audio description and Irish Sign Language is maintained.

In terms of new Rules proposed, these are set out in **Rules 5.2** (National Emergencies), **5.5** (Access Liaison Officer) and **5.6** (Carry-over of Targets). Proposed **Rule 5.2** (National Emergencies) arose as an issue in the statutory review.

This Rule places a number of obligations on broadcasters in terms of information provided to audiences during a national emergency.

The proposed approach is intended to recognise that the obligation should fall on the Government to make information in respect of a national emergency accessible while at the same time placing an obligation on broadcasters to ensure that any such accessible content is provided to audiences. This provision is also in line with Section 43(2)(d)(iii) of the 2009 Act which states that the BAI may have regard to “news and news-related matters” when setting down rules.

In terms of **Rule 5.5** (Access Liaison Officer), this rule is intended to improve the communication flow between broadcasters and access users. At the moment, interactions between these two parties may often be limited to contact being made as a complaint or only annually via formal meetings. The proposal around an Access Liaison Officer is intended to encourage a rounded form of engagement between broadcasters and users and also provide users with a clear point of contact.

In terms of **Rule 5.6** (Carry-over of Targets), this draft rule would permit broadcasters to carry-over targets into the following year in circumstances where they provided more or less than the percentage target set for them. For example, a broadcaster who is required to provide 60% but only provided 57% would be permitted to add the 3% difference on top of the following year’s requirement.

This proposal is intended to provide some flexibility to broadcasters in a context where the draft Rules propose to set subtitling targets with reference to a single percentage (e.g. 55%) rather than the current approach which uses a target range (e.g. 55%-60%).

This approach is intended to recognise that due to financial or programming considerations, broadcasters may require some flexibility. For example, it may be harder for a broadcaster to meet a target during periods where upgrades to equipment take place or during periods where the broadcaster faces economic challenges.

Similarly, broadcasters who exceed the target can bank that for the following year and make use of it in circumstances where business challenges arose. However, so as to avoid potential misuse of this flexibility, it may only be availed of over two calendar years and the carry-over is limited to 5% of the target in any given year.

Consultation Question:-

- What are your views regarding the proposals set out in Section 5 of the draft Rules (General Rules Applying to All Access Provision)?

5.3 Subtitling Rules (Section 6 of the draft Rules)

This section retains a number of the current Rules, specifically the use of an 18-hour broadcast day over which the commitments must, generally, be met. There are a number of changes proposed to the approach to be taken to the setting of targets and timeframes.

They are as follows:-

- In terms of the subtitling targets that are proposed for broadcasters. The draft Rules include proposed targets for 2019 and 2020 only and we are consulting on the targets that should be set for 2021-2023. This approach has been taken in the context of the introduction of revised television regulations via updates to the AVMS Directive, which sets minimum standards applying across the EU.

The implementation of the Directive will require the BAI to update its regulations and the scope of its regulation may also be expanded to include non-traditional media. This is relevant in a context where on-demand services such as the RTÉ Player are not regulated by the BAI at this time but may fall to be regulated by the BAI over the operating period of the revised Rules (2019-2024). In such a context, it may be necessary for further revised Rules to be introduced to reflect such a change in regulation and for such rules to have regard to online as well as broadcast provision of accessible services.

- It is also proposed that the use of a target range in terms of subtitling commitments will be removed. For example, for 2018, TV3 is required to provide between 51-55% of subtitling whereas the proposed rules set a single target figure of 51% for 2019.

The target range was introduced into the current version of the Rules with a view to encouraging improvements in quality such that those broadcasters who invested in quality could acceptably hit the lower end of the target range and that this would act as an incentive, while those who did not were required to hit the higher end of the target range. This approach was coupled with annual meetings to discuss not only performance for the prior year but also plans for the coming year and this informed the Compliance Committee's assessment of compliance.

However, in practice, the BAI found that it was only appropriate in the context of the Rules to notify a broadcaster of apparent non-compliance with the target range when they failed to meet the lower figure of the target range. Therefore, while the use of a target range moved the application of the Rules away from a mechanistic form of regulation and while the quality of access provision improved, it has not proven as effective as hoped. The statutory review also highlighted little support for the use of target ranges from access users and their representatives. For this reason, the BAI is of the view that, on balance, reverting back to single targets may be preferable in the interest of certainty and practicality. In this context, the target percentages set out in the draft Rules have been set at the lower end of the current target ranges for 2018.

- The concept of setting commitments for subtitling during peak-time programming is proposed in the draft Rules. Peak time is set at 6pm-11.30pm. Peak-time commitments are proposed for the four main television services (RTÉ 1, RTÉ 2, TV3 and TG4) and the commitments set down reflect current performance during peak-time period. This approach is being proposed in the context of issues highlighted by stakeholders as part of the statutory review. In particular, the view was expressed that broadcasters could use their resources more productively by focusing more on parts of the day where there were higher audiences and where the need for accessible content was therefore greater. The commitment is also in line with Section 43(2)(d)(ii) of the 2009 Act wherein the BAI may have regard to “popular viewing time as well as at other times” when setting down rules.
- The draft Rules propose setting a combined target for services other than the main television services. In this regard, a combined target is set for the Virgin Media Group (TV3) services, 3e and Be3, whereas separate targets for these services are in place at this time. Similarly, combined targets are set for RTÉ Jnr and RTÉ News Now with a minimum of 50% of combined output dedicated to children’s programming. Issues of flexibility set out immediately above have informed this proposal.

- The current Rules require the annual percentage increase in subtitling on RTÉ 1 and RTÉ 2 to be allocated to children's programming. Given the provision of subtitling on RTÉ Jnr, the rule in this respect has been revised such that the commitment refers to RTÉ as a whole rather than these two specific services.
- Finally, the current Rules permit broadcasters to meet their subtitling targets via the provision of captioning. Captioning is a lower quality of access provision and audiences will be most familiar with captioning from watching subtitled foreign language films (captioning is defined in the draft Rules in section 4).

Captioning has been permitted since the introduction of the Rules but it is now proposed to phase these out by 2024 so as to improve the overall quality of access provision for audiences.

Consultation Questions:-

- What are your views on the targets proposed for subtitling?
- In terms of targets to be set for 2021-2023, what percentages should be set for each broadcaster in the context of the Access Principles and Influencing Factors? Where relevant, please provide additional information to support your view on these targets?

- What are your views on the proposal to introduce peak-time targets for some broadcasters?
- What are your views on the proposal to set specific targets for RTÉ 1 and RTÉ 2 and a single combined target for the other RTÉ services? Do you agree with this proposal or, in your view, should specific targets be set for each RTÉ channel?
- What are your views on the proposal to set specific targets for TV3 and a single combined target for the other Virgin Media Group services? Do you agree with this proposal or, in your view, should specific targets be set for each Virgin Media Group channel?
- What are your views on the proposal to amend the current requirement so that increases in subtitling each year would include increases in subtitling for children's programming on all RTÉ services rather than simply RTÉ 1 and RTÉ 2?
- What are your views on the proposal to remove, from 2024 onwards, the ability of broadcasters to meet their subtitling targets via the provision of captioning?

5.4 Irish Sign Language Rules (Section 7 of the draft Rules)

A number of changes have been proposed in respect of this section of the draft Rules. The proposed changes are as follows:-

- The current Rules deal with Irish Sign Language (ISL) and audio description under one section. In the draft Rules, they are dealt with in two separate sections. This change has been made to make the Rules more readable but also reflects the different status given to ISL following the enactment of the Irish Sign Language Act 2017.

This Act has given recognition to the language and places obligations on public service bodies to facilitate Irish Sign Language users. The Act includes a general provision in respect of the provision of Irish Sign Language by broadcasters and obliges them, in meeting their commitments under the Access Rules, to “adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.”

- Having regard to the provisions of the aforementioned Act, the Rules prioritise increases in access provision for ISL in comparison to subtitling. While in the case of subtitling, the targets set for 2019 are at the lower end of the 2018, in the case of ISL, increases are in place for RTÉ 1, RTÉ 2 and RTÉ Jnr from 2019.

- The draft Rules, for the first time, include a proposed obligation on TV3 to provide ISL. Again, this reflects the new status given to ISL. This proposal is also informed by the BAI's Access Principles and Influencing Factors, in particular the stage of development of this broadcaster, its position in the market, the capacity of this service to fund this provision as well as the Principle of Incrementality set out in the BAI's Access Principles and Influencing Factors.
- As with the subtitling rules, the proposed ISL targets and timeframes are for 2019 and 2020 only and we now invite your views on the targets that should be set for the years 2021-2023. The rationale for this approach is the same as applied for subtitling and this is detailed above.
- The current Rules include an obligation that, of the total increase in ISL provision provided on an annual basis for RTÉ services, a reasonable proportion of children's programming shall be included. In view of the inclusion of targets for RTÉ Jnr and increases in these targets, it is proposed to remove this obligation from the Rules. This has been replaced with an obligation to ensure that a proportion of increases in ISL across all services with ISL provision consist of home produced programming (Rule 7.6). However, the word 'reasonable' has been removed as this was not considered by the BAI to be measurable in practice.

- Regarding the other proposals under this section of the draft Rules - the 24-hour time period over which the obligations in respect of ISL must be met (draft Rule 7.2) remains in place. In addition, the provisions permitting Oireachtas TV and those providing ISL on a voluntary basis, to offset the ISL provision against their subtitling targets has also been retained (draft Rules 7.4 & 7.5).

As noted above, the approach proposed has regard to the new ISL Act. However, the implementation of this Act is also likely to place higher demand on ISL interpreters and there is therefore a degree of uncertainty regarding the capacity amongst ISL interpreters, and, therefore broadcasters, to meet ISL targets that are higher than those proposed. The consultation is therefore seeking views on the proposed targets for the 2021-2024 period.

Consultation Questions:-

- What are your views on the targets proposed for ISL, including targets for TV3, for 2019 and 2020?
- In terms of ISL targets to be set for 2021-2023, what percentages should be set for each broadcaster in the context of the Access Principles and Influencing Factors? Where relevant, please provide additional information to support your view on these targets?

- In terms of any proposals to increase ISL targets in the coming years, what is your view about the capacity of current providers to be in a position to meet the demand for additional ISL interpretation?
- What are your views on the proposal to amend the current requirement so that increases in ISL each year would include increases in home produced programming on all services with ISL commitments rather than children's programming on RTÉ 1 and RTÉ 2 only?
- What are your views on the other rules proposed under this section of the draft Rules?

5.5 Audio Description Rules (Section 8 of the draft Rules)

A number of changes have been proposed in respect of this section of the draft Rules. The changes proposed are as follows:-

- In view of the rationale set out above for ISL, audio description is proposed to be also dealt with under a separate section. This decision is also informed by the move to propose more extensive targets for this type of access provision.

- As is the case with ISL, the revised Rules for the first time propose to include an obligation to provide audio description on TV3. Again, this is proposed having regard to the Influencing Factors and Access Principles, reflects the stage of development of this broadcaster, the capacity of the service to fund this provision as well as the Principle of Incrementality. Where ISL differs from audio description is the dependence, in the case of ISL, on those trained to use the language. The issues impacting on the provision of audio description are linked to the cost of providing it, the suitability of a given programme to facilitate audio description and the broadcaster having the technical set-up to transmit audio description on its service(s).
- As with the subtitling and ISL proposals, the proposed audio description targets and timeframes are for 2019 and 2020 only and views are invited in respect of the targets to be set for 2021-2023 and the rationale in this respect is also related to developments at an EU Level.
- Regarding the other proposals under this heading, the draft revised Rules retain the 18-hour time period over which the obligations in respect of audio description must be met (Rule 8.2).

In addition, the provision permitting those providing audio description on a voluntary basis, to offset this provision against their subtitling targets has also been retained (Rule 8.5).

- Finally, the requirement that a proportion of the increase in audio description in a given year be related to home-produced programmes is also retained. The commitment now applies to all television services rather than solely RTÉ. However, the word ‘reasonable’ has been removed as this is not measurable in practice.

Consultation Questions:-

- What are your views on the targets proposed for audio description, including targets for TV3, for 2019 and 2020?
- In terms of audio description targets to be set for 2021-2023, what percentages should be set for each broadcaster in the context of the Access Principles and Influencing Factors? Where relevant, please provide additional information to support your view on these targets?
- What are your views on the proposal to require any increases in audio description on all services to include home produced programming?
- What are your views on the other rules proposed under this section of the draft Rules?

5.6 Complying with the Rules (Section 9 of draft revised Rules)

This section is new. However, the provisions set out reflect, for the main part, the current approach to ensuring compliance with the Rules which informs the reports provided to the BAI's Compliance Committee on an annual basis. The main change relates to the proposal to publish a public report annually detailing compliance with the Rules by broadcasters.

While the outcomes of the Compliance Committee's assessment of compliance has been made available on a regular basis to groups representing access users and to members of the BAI User Consultative Panels, the statutory review highlighted a desire for greater transparency about compliance outcomes as well as a lack of awareness about the process used to assess compliance. In that context, this section is proposed to address these issues. However, as this is largely an operational matter, the proposed Rules leave the BAI free to amend the processes as required. This section of the Rules also clearly links compliance with quality standards with an assessment of the attainment of targets by broadcasters.

While the BAI has previously issued compliance notices where broadcasters have not met the quality standards, it has considered this separately from an assessment of the attainment of targets. This issue arose during the statutory review and is addressed in the draft proposals.

In tandem with this, the BAI's monitoring of output will now be drawn from a wider sample across the broadcast year, thus enabling a more comprehensive assessment of compliance with quality which will also feed into the BAI assessment of compliance overall.

Consultation Question:-

- What are your views on the proposals set out in section 9 (Complying with the Rules) of the draft Rules?

5.7 Complaints, Support for the Implementation of the Rules, Effective Date, Guidance on the Rules and Review of the Rules (Sections 10 – 13 draft revised Rules)

Section 10, 12 and 13 of the draft revised Rules are standard elements in all of the BAI's codes and rules and introduce no policy changes. However, Section 11 is new and has been introduced on foot of the statutory review. That review highlighted a desire from stakeholders (both access users and broadcasters) for greater input and support from the BAI with a view to taking a more rounded approach to the application and implementation of the Rules.

The introduction of target ranges, annual meetings with broadcasters that included a forward-looking dimension, as well as the introduction of the Access User Consultative Panels have been measures which, to a greater and lesser degree, have been intended to create an approach to regulation which is more

nuanced than, for example, advertising regulation. In that context, and having regard to the outcomes of the statutory review, this section is included to set out the BAI's commitment to support the implementation of the Rules. This could, for example, include the facilitation of an annual or biennial joint forum to involve the BAI, broadcasters, access users and, potentially, programme makers in a knowledge sharing exchange. The approach taken will need to provide the BAI with flexibility as to the way it might provide that support, having regard to the internal resource capacity of the BAI and its strategic priorities.

Consultation Questions:-

- What are your views regarding the proposals set out in sections 10 – 13 of the draft Rules?
- What activities might the BAI provide to support the implementation of the Rules?

5.8 Access Principles and Influencing Factors, Quality Standards and Legislation (Appendices 1, 2, & 3)

As noted above, the draft Rules propose to set out the Access Principles and Influencing Factors used by the BAI to set access targets and timeframes. This is not currently the case. In addition, the Quality Standards developed by the BAI in respect of subtitling, ISL and audio description have also been published separately and it is proposed to include these in the final Rules.

In terms of the principles and factors, these remain mostly unchanged since those introduced in 2005. One change has been made and this entails the inclusion of the viewing share for a television broadcaster as one of the elements to be included under the influencing factor related to the stage of development of the broadcast provider. This is included to allow for viewing share to be taken into account when the Rules are being set. This is common in other jurisdictions and is the primary mechanism used in Britain and Northern Ireland. In the case of the Irish rules, its use as a sole factor was not favoured by those who participated in the statutory review.

The inclusion of these two appendices will provide the first opportunity since the Rules were introduced in 2005 to seek views on these operational aspects of the Rules.

While there has been no request to review the principles and factors arising from the statutory review, consulting on them is timely given the time that has elapsed since their introduction and also having regard to the changing media landscape. The quality guidelines and their suitability did arise in the context of the statutory review and the consultation will provide stakeholders with the opportunity to comment on their current suitability.

Appendix 3 to the draft Rules sets out the legislative basis for the Rules and other relevant legislation. This section has been updated to include reference to Section 8 of the Irish Sign Language Act 2017.

This Act obliges broadcasters, in fulfilling their obligations under the Rules in respect of Irish Sign Language to adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of programmes containing Irish Sign Language.

Consultation Questions:-

- What are your views regarding the BAI's Access Principles and Influencing Factors set out in Appendix 1 to the draft Rules?
- What are your views regarding the quality guidelines for subtitling, audio description and Irish Sign Language set out at Appendix 2 to the draft Rules? Please feel free to comment on all the guidelines or only those that are relevant to you personally.
- Appendix 3 includes a reference to the Irish Sign Language Act 2017. What practical steps do you believe broadcasters should take to ensure that they adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of programmes containing Irish Sign Language?
- Do you have any other views on the draft Rules being proposed by the BAI?

Freedom of Information

This is a public consultation process and following consideration of submissions by the Board of the BAI, all information submitted will be publicly available on request. However, there may be aspects of your submission which you may wish to make in confidence. If this is the case, when making the submission please identify any information which you do not wish to be publicly disclosed and specify the reasons for its sensitivity.

Agreements between the BAI and respondents to the consultation, regarding confidential information, are without prejudice to the BAI's obligations under the Freedom of Information Act, 1997 and the Freedom of Information (Amendment) Act, 2003. If the BAI receives a request for information submitted in confidence, you will be consulted before any decision is made.

Appendix 1

Draft Revised Access Rules

Draft Revised Access Rules

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1. Introduction

The Broadcasting Act 2009 makes a number of provisions in respect of rules to be made by the Broadcasting Authority of Ireland (BAI) to promote the understanding and enjoyment of programmes by persons who are deaf or hard of hearing, persons who are blind or partially sighted and persons who are hard of hearing and are partially sighted.

The relevant sections are 43(1)(c), 43(2), 43(3) and 43(6) of the Broadcasting Act 2009. Broadcasters must also have regard to Section 8 of the Irish Sign Language Act 2017. These statutory provisions are detailed at Appendix 3.

In accordance with these provisions of the Broadcasting Act 2009, the BAI hereby sets out the following Rules.

2. Scope and Jurisdiction

Television broadcasters based within the jurisdiction of the Republic of Ireland must comply with the provisions of the Access Rules. The Rules shall not apply to other services commonly received in this State but licensed in the United Kingdom or in other jurisdictions. The Rules shall not apply to non-broadcast content, including content provided via on-demand players provided by broadcasters and which are available online. Notwithstanding this, the BAI recognises that broadcasters provide accessible programming via on-demand players and welcomes the continuation, increase or further introduction of such provision online.

3. Setting Targets and Timeframes

In setting targets and timeframes for the provision of access services, the BAI will do so with reference to the Access Principles and Influencing Factors that it has developed and which are set out at Appendix 1.

The BAI reserves the right to extend the Rules to include additional television services regulated by the BAI under the Broadcasting Act 2009, over the operating period of these Rules. This includes services licensed in the State but targeting countries outside of the Republic of Ireland. The BAI will make this assessment on a case-by-case basis having regard to the Access Principles and Influencing Factors.

4. Definitions

A number of terms are used throughout the Rules. These terms are set out and defined below.

Subtitling

Subtitling is on-screen text that represents what is being said on the television screen. Subtitling can be open or closed. Open subtitling is subtitling that remains on the screen at all times. Closed subtitling can be made visible or not visible as viewers wish, using, for example, a remote control. Subtitling is formatted so as to assist interpretation and understanding of the text and link it more accurately to the on-screen action.

Captioning

Captioning refers to on-screen text that represents what is being said on the television screen. However, while similar to subtitling, it is not as sophisticated and entails a more basic representation of what is being said on screen, sometimes having only one colour, verbatim and can have the text only in upper case.

Irish Sign Language

Irish Sign Language is the indigenous language of the Deaf community in Ireland. It is a visual, spatial language with its own syntax and complex grammatical structure. Signing must be presented on a television screen through the use of a signer as part of the programme content, or the use of a signer (either a real person or a virtual person generated by computer) acting as an interpreter in a box superimposed in the corner of the screen.

Audio Description

Audio description is a commentary that gives a viewer with a visual impairment a verbal description of what is happening on the television screen at any given moment, as an aid to the understanding and enjoyment of the programme. The technique uses a second sound track that gives a description of the scene and the on-screen action.

5. General Rules Applying to All Access Provision

5.1 Quality Standards: The objective of these Rules is to promote the understanding and enjoyment of television programmes. This is achieved via the provision of subtitling, Irish Sign Language and audio description. In this context, the BAI has developed standards that will apply to the provision of access services. These standards are provided at Appendix 2 and broadcasters shall comply with these standards.

Maintaining quality access provision is essential for ensuring that audiences using these services benefit and broadcasters shall take steps to monitor content at the time of transmission to ensure quality standards are met.

5.2 National Emergencies: In order to ensure that audience members requiring assistive services are kept informed about national emergencies, broadcasters shall ensure that any key information provided by the Irish government on-air, including relevant telephone numbers etc., is subtitled (preferably in an open format) or spoken, leaving sufficient time to write the details down. Where practicable, it should also be provided via Irish Sign Language.

Broadcasters shall also ensure that in coverage of events, news conferences etc., at which Irish Sign Language interpreters are in attendance, the interpreters shall be clearly visible and understandable to audiences.

5.3 Promotion of Access Provision: In all promotions of programmes featuring access services and at the beginning of the broadcast of any such programme, broadcasters shall make use of a standard symbol indicating that the programme is accessible.

Broadcasters shall ensure that any listings created and featured in print, broadcast or online (including via social media) indicate those programmes for which access provision is available and the type of provision, except where it is not possible to do so and where this can be clearly demonstrated.

Broadcasters shall regularly promote on their television services the existence and usage of the form(s) of access provision available on their services.

5.4 Obligation to Consult with Access Users: Broadcasters shall consult periodically and not less than once annually, with groups representing a range of different access user groups, in order to seek their opinions as to their viewing preferences, the performance of the broadcaster against the Rules and other related matters.

5.5 Access Liaison Officer: Broadcasters shall nominate an individual(s) to deal with queries from audiences in respect of the application of these Rules on their service(s).

Information in respect of the name and contact details of the individual(s) shall be publicly available, for example, via the website of the broadcaster.

5.6 Carry-over of Targets: Where a broadcaster fails to meet its targets in a given year, the difference between the target achieved and the target required will be carried over into the following year and assessed accordingly. Similarly, where a broadcaster exceeds its required target for a given year, the difference may be off-set against the target for the following year. In each instance, any such carry over will only apply to the following calendar year and may account for no more than 5% of the target set down for the prior year.

6. Subtitling Rules

6.1 Specific subtitling targets have been identified for each broadcast service and broadcasters shall comply with the targets and timeframes applying to their service(s). These are set with reference to the percentage of output that should include subtitling. All targets are based on a five-year timeframe.

In the case of certain broadcasters, reference is also made to targets to be met during peak-time periods (6pm – 11.30pm) and the percentage of programming during this period which should have subtitling.

6.2 In the case of most services, subtitling targets will be assessed based on an 18-hour day from 7am-1am. An exception will apply to any channel where the length of the broadcast day is less than 18 hours. In such circumstances, the subtitling requirement will be measured over the length of the broadcast day of the channel.

6.3 In the case of RTÉ, of the annual percentage increase in subtitling, a proportion shall include children's programming, where applicable.

6.4 Broadcasters are permitted to include some captioning in the attainment of subtitling targets. However, from 2024, captioning will no longer be considered by the BAI when assessing compliance with subtitling targets set out in these Rules.

6.5 Subtitling timeframes and targets for 2019- 2023 are as follows:-

	2019	2020	2021	2022	2023
RTÉ 1	87% (95% Peak Time)	88% (95% Peak Time)	Consult		
RTÉ 2	73% (85% Peak Time)	74% (85% Peak Time)	Consult		
Other RTÉ Services	45% of combined output	46% of combined output	Consult		
TV3	51%	53%	Consult		

	(50% Peak Time)	(50% Peak Time)	
Other TV3 Services	50% of combined output	52% of combined output	Consult
TG4	57% (60% Peak Time)	58% (60% Peak Time)	Consult
Eir Sport 1	12%	13%	Consult
+ 1 & HD Channels	Any subtitling carried on the main television service will be made available on +1/HD channels		
Oireachtas TV	16%	18%	Consult
CCTV	11%	11%	Consult
DCTV	11%	11%	Consult

In the case of Other RTÉ services, these are RTÉ Jnr, RTÉ News Now but do not include any +1 or HD channel versions. The BAI may review this percentage if new services are introduced by RTÉ. In the case of other RTÉ services, a minimum of 50% of subtitled output must be children’s programming.

In the case of Other TV3 services, these are 3e and Be3 but do not include any +1 or HD channel versions. The BAI may review this target if new services are introduced by TV3. It will be a matter for the broadcaster as to how the access provision will be divided across the relevant channels.

7. Irish Sign Language Rules (ISL)

7.1 Specific ISL targets have been identified for each broadcast service. Relevant broadcasters shall comply with the targets and timeframes applying to their service(s). All targets are based on a five-year timeframe.

7.2 In the case of most services, ISL targets will be assessed by the BAI based on a 24-hour day. An exception will apply to any channel where the length of the broadcast day is less than 24 hours. In such circumstances, the ISL requirement will be measured over the length of the broadcast day of the channel.

7.3 ISL timeframes and targets for the 2019-2023 period are as follows:-

	2019	2020	2021	2022	2023
RTÉ 1 & RTÉ 2	3%	3.5%	Consult		
RTÉ Jnr	2%	2.5%	Consult		

RTÉ News Now	Any ISL carried on the main television service will be made available on this service.		
TV3	0%	0.5%	Consult
+1 and HD Channels	Any ISL carried on the main television service will be made available on +1/HD channels.		
Oireachtas TV	4%	5%	Consult

7.4 In the case of Oireachtas TV, ISL provision may be offset against the targets set in these Rules for subtitling on this service.

7.5 In the case of ISL provision aired on broadcast services who do not have a mandatory obligation in this respect, any such voluntary provision may be offset against the targets for subtitling.

7.6 Of the total increase in ISL provision provided on an annual basis, a proportion shall comprise home-produced programming.

8. Audio Description Rules (AD)

8.1 Specific AD targets have been identified for each broadcast service. Relevant broadcasters shall comply with the targets and timeframes applying to their service(s). All targets are based on a five-year timeframe.

8.2 In the case of most services, AD targets will be assessed by the BAI based on an 18-hour day (7am-1am). An exception will apply to any channel where the length of the broadcast day is less than 18 hours. In such circumstances, the AD requirement will be measured over the length of the broadcast day of the channel.

8.3 AD timeframes and targets for 2019-2023 are as follows:-

	2019	2020	2021	2022	2023
RTÉ 1 & RTÉ 2	5%	7%	Consult		
RTÉ Jnr	6%	7%	Consult		
TV3	0%	2%	Consult		
+ 1 and HD Channels	Any AD carried on the main television service will be made available on +1/HD channels.				

8.4 Of the total increase in audio description provision provided on an annual basis, a proportion shall comprise home-produced programming.

8.5 In the case of AD provision aired on broadcasters who do not have a mandatory obligation in this respect, any such voluntary provision may be offset against the targets for subtitling.

9. Complying with these Rules

In evaluating and measuring performance against these Rules, the BAI may undertake some or all of the following activities:-

- Request reports from broadcasters every six-months in respect of the programmes that have been broadcast with accessible content.
- Assess programme content for compliance with the standards developed by the BAI for the provision of subtitling, Irish Sign Language and audio description and to cross-check broadcaster reports provided against output. The BAI may have regard to the standard of access provision provided when determining the extent to which targets have been attained by broadcasters.
- Seek feedback from the User Consultative Panels established by the BAI. There are two consultative panels in place. Membership of the first panel is open to individuals who are deaf or who are hard of hearing and representatives of organisations that advocate on their behalf. Membership of the second panel is open to individuals who are blind or partially sighted and representatives of organisations that advocate on their behalf.

- Meet with broadcasters on an annual basis to discuss performance against the Rules having had regard to reports provided and the outcomes of monitoring.
- Produce a report annually for the Compliance Committee of the BAI dealing with performance by broadcasters against the Rules.
- Apply the BAI Compliance and Enforcement Policy in instances of apparent non-compliance with the Access Rules.
- Publish an annual report detailing compliance by broadcasters with the Access Rules.
- In addition to the above, the BAI reserves the right to review and amend this approach or apply other appropriate mechanisms in assessing performance as required.

10. Complaints

Audience members should refer a complaint directly to the relevant broadcaster, in the first instance, if they are dissatisfied with the manner in which a broadcaster is complying with the Rules.

If audience members are not satisfied with the response provided by the broadcaster, then they may refer the matter to the BAI by emailing access@bai.ie.

11. Support for the Implementation of the Rules

The BAI will support the implementation of the Access Rules on an ongoing basis.

The specific support measures adopted during the operational period of these Rules will be agreed by the BAI following consultation with broadcasters, access users and organisations representing their interests. Support measures may include capacity building activities and measures related to the promotion and awareness of the Rules and their importance and value to audiences.

12. Effective Date

The Rules come into effect from 1st January 2019.

13. Guidance on the Rules for Broadcasters

The BAI will provide general non-binding guidance regarding the provisions of these Rules.

Requests for such guidance must be submitted by email, including where relevant, a copy of the programme. The submission should clearly state the section(s) of the Rules, which the requestor believes are relevant, and set out the specific question about which the requestor would like a view.

The BAI accepts no liability for any decision (or consequences arising) made by a broadcaster to defer the airing of content pending receipt of guidance from the BAI.

Similarly, the BAI accepts no liability for any decision (or consequences arising) made by a broadcaster to air content following receipt of non-binding general guidance from the BAI.

14. Review of the Access Rules

These Rules are scheduled for review in 2021 and 2023 but the BAI retains the discretion to review the Rules, or part thereof, prior to the scheduled dates.

Appendix 1

Access Principles and Influencing Factors

Access Principles

There are four access principles which set out the aims of the Access Rules and the BAI's approach towards setting the rules. The four principles are:-

i) Access

A guiding principle for the BAI is that those citizens for whom the Access Rules are designed should have the fullest possible access to the broadcast media and to its capacity to educate, inform and entertain. This principle is evident in the Access Rules in that all indigenous broadcasters come under the jurisdiction of the rules.

ii) Excellence

This principle recognises the fact that the Access Rules are not only concerned with the provision of subtitling, audio description and Irish Sign Language but also with the standards and consistency which must be used and attained in their delivery, including best practice guidelines in both audio and visual presentation. To this end, the BAI has developed a set of standards and guidelines that broadcasters must attain to ensure a quality access service.

iii) Incremental progression

This principle acknowledges that the level of subtitling, audio description and Irish Sign Language will develop incrementally over a period of time. This will facilitate broadcasters to further develop their capacity and expertise to deliver this service. The use of a five-year timeframe in the Access Rules is based on the principle of increasing access provision in incremental stages, allowing the broadcaster to plan for the development and delivery of quality access provision. It acknowledges that there are a number of issues other than funding which need to be addressed in order to increase access provision.

iv) Responsiveness

This principle aims to ensure that the development of access provision (subtitling, Irish Sign Language and audio description) should be in response to the needs and priorities as expressed by the user groups as well as standards laid down by the BAI, in consultation with the broadcast provider.

Influencing Factors

Bearing in mind the Access Principles, the influencing factors are those used by the BAI to determine the specific access targets and the specific timeframes associated with those targets, in a manner which reflect the individuality of each service under consideration.

The influencing factors are as follows:

a. Differentiation between broadcast services

The Access Rules differentiate between broadcasters based on a number of factors. These factors are:

i) The nature of the broadcast provider

Is the broadcasting service a public or private service? Is the broadcaster in receipt of public monies and as a result has greater public service duties? Does the broadcaster have specific aims which might impact on its ability to provide access services?

ii) The stage of development of the broadcast provider

How long has the broadcaster been in operation? How much experience does the broadcaster have of providing access services? Is there already a level of expertise within the broadcasting service in the provision of access services? What is their share of viewing in the market?

iii) The level of current provision

What level of subtitling, Irish Sign Language and audio description does the broadcaster currently provide? What is their starting point?

iv) Type of programming schedule

Does the broadcast service produce live programming? Does it acquire a lot of programming from other broadcasters? How much home produced programming does the broadcaster provide? Is programming independently produced?

These questions are relevant, as the type of programming in the schedule has an influence on the cost, technical facilities, personnel and ability of the broadcaster to provide access services. In most cases, subtitles are purchased separately from programming and are not bought as part of the acquired programme.

v) The technical and human resource cost

What facilities and expertise currently exist within the broadcasting service to provide access services?

vi) Technical capacity

Does the broadcast service have the technical capacity to provide access services? What level and type of technical facilities and expertise would be required?

b. Funding

The BAI has had regard to the likely financial impact of any requirement to comply with targets and timeframes set for the provision of access services. In particular, the BAI examined the type of programming across various schedules, including the number of repeat programmes as this has a bearing on the costs. The BAI also had regard to the nature of the broadcaster, whether it is a private commercial or publicly funded entity.

However, it should be noted that it is difficult to arrive at definitive costs, as in many instances the cost will depend on the scheduling decisions made by broadcasters, the type of programming and the decisions made with regard to what programming they are going to prioritise for access provision.

Appendix 2

Quality Standards applying to Subtitling, Irish Sign Language & Audio Description

(i) Subtitling

Introduction

In accordance with the relevant provisions of the Broadcasting Act 2009, the Broadcasting Authority of Ireland has set out the rules required under Section 43(1)(c), to which it has given the title *Access Rules*. A copy of the Access Rules is available on www.bai.ie or by request from the Authority.

This is the **BAI Guidelines – Subtitling** document. In this document the BAI outlines the general and technical standards required in relation to subtitling provision. These guidelines are intended to support the implementation of the BAI Access Rules regarding subtitling. The BAI acknowledges the assistance of Ofcom’s Guidance on Standards for Subtitling document in the preparation of this document. The guidelines may be changed from time to time, as deemed appropriate.

To assist broadcasters and subtitle providers reading this document, the main points of guidance are printed in bold type. These, however, cannot be properly understood in isolation from the rest of the text.

1. Key Priorities

The key priorities for effective subtitling can be summarised as follows:

1.1 The viewer should be allowed adequate reading time.

- 1.2 The viewers enjoyment of the programme is increased when:
- Subtitles match what is actually said, reflecting the spoken word with the same meaning and complexity; without censoring
 - Subtitles contain all obvious speech and relevant sound effects
 - Subtitles are located sensibly in time and space.
- 1.3 Subtitles should contain easily-read and commonly-used sentences in a tidy and sensible format.
- 1.4 Subtitles for children should have regard to the reading age of the intended audience.

2. General Requirements for Subtitle Display

2.1 Basic Text Display

Teletext characters should be displayed in double height using upper and lower case. Words within a subtitle should be separated by a single space.

Text should always have a high contrast against the background colour and for normal subtitling purposes should be presented in a black box.

Text will usually be centre justified, but to aid readability it can be justified left, centre or right depending on whether speaker positioning is desired.

Standard punctuation should be used. Punctuation gives valuable clues to syntactic structure and must be carefully displayed in order to be effective

2.2 Colour

As used on analogue services the ITU (R) Teletext format is limited to the availability of seven different text colours, including white; and eight different background (boxing) colours, including black and white. For normal subtitling purposes black should be used, but if coloured background is used a text colour should be chosen which will also remain legible on a black background.

The most legible text colours on a black background are white, yellow, cyan and green. The use of magenta, red and blue should be avoided.

If a coloured background is used, the most legible combinations are as follows:

Blue on white;

White on blue;

Red on white;

White on red;

Cyan on blue;

Blue on cyan.

Of these, white on red, white on blue and cyan on blue are preferable, because certain older decoders will reduce these combinations to highly legible white on black, or cyan on black. Colour in television subtitling is used to aid Speaker Identification and indicate the presence of Sound Effects. These are discussed later in this document.

2.3 Control Characters

The use of double-height boxed coloured text generally requires six control characters in the teletext line, or eight control characters if coloured background is used. Thus, the maximum space available for subtitle text is only 32 or 34 characters per line.

2.4 Formatting

A maximum subtitle length of two lines is recommended. Three lines may be used if the subtitler is confident that no important picture information will be obscured. Ideally, each subtitle should also comprise a single complete sentence. Depending on the speed of speech, there are exceptions to this general recommendation, as follows:

- a) Real-time subtitling

- b) Short sentences may be combined into a single subtitle if the available reading time is limited.

- c) Very long sentences which are too long to fit into a single two-line subtitle.

There are two procedures for dealing with such cases:

- (i) Break long sentences into two or more separate sentences and to display them as consecutive subtitles

(ii) Allow a single long sentence to extend over more than one subtitle. In this case, sentences should be segmented at natural linguistic breaks such that each subtitle forms an integrated linguistic unit. Preference should be given to segmentation at clause boundaries.

Many viewers have found that a segmentation marked by a sequence of dots (three at the end of a to-be-continued subtitle, and two at the beginning of a continuation) is helpful.

For example:

*When I opened the
door...*

*...I realised that I had
been in this room
before.*

2.5 Punctuation

The effectiveness of punctuation can be enhanced by the use of a single space at the following points:

- i) before exclamation marks and question marks,
- ii) after commas, colons, semi-colons and mid-subtitle full-stops,
- iii) on both sides of dashes (but not mid-word hyphens),
- iv) before opening brackets and inverted commas
- v) after closing brackets and inverted commas.

2.6 Line Breaks

Subtitle lines should end at natural linguistic breaks, ideally at clause or phrase boundaries.

Line breaks within a word are especially disruptive to the reading process and should be avoided.

Justified subtitles should balance linguistic considerations with eye movement. Therefore, when using left, right and centre justification for speaker positioning line breaks must be carefully considered. The distance between subtitles should be minimised, that is to say, causing the eye the least distance to travel from one line to the next.

Care should also be taken to avoid disruption to the picture content – long thin lines are preferable to ‘short and fat’ subtitles, but this is not always the case.

Line breaks on conventional aspect ratio receivers (4:3) and widescreen (16:9) receivers must retain the original emphasis of the subtitle.

2.7 Positioning Subtitles on the Screen

Subtitles are usually positioned towards the bottom of the screen, but it is important that this does not obscure ‘on-screen’ captions, any part of a speaker’s mouth or any other important activity. Certain special programme types carry a lot of information in the lower part of the screen and in such cases top-screen positioning will be a more acceptable standard.

Subtitles should be displayed horizontally in the direction of sound effects source or, in the case where speaker identification is employed, in the direction of the speaker.

When consecutive subtitles have boxes of similar size and shape and the second directly over-writes the first, it is useful to position them slightly differently on the screen. This makes it easier for the viewer to perceive that the subtitle has changed.

Widescreen receivers with a screen ratio of 16:9 are now in common use. When these are used to display subtitles it is important to safeguard the text box. This consideration must include standard receivers of 4:3 aspect ratio. Safeguarding can be achieved by ensuring that subtitles are placed within the 'Safe Caption Area' of a 14:9 display.

3. Timing and Synchronisation

Viewers must be given sufficient time to read the subtitles. The length of time that subtitles are displayed on screen must reflect this. Presentation rates however can depend upon the programme content. For example certain programmes, such as "soaps", where the viewer may have familiarity with the characters, can have faster paced subtitles than an unfamiliar drama or a slower moving documentary.

The subtitle presentation rate for pre-recorded programmes should not normally exceed 160 to 180 words per minute. 160wpm corresponds to 800 characters per minute and uses 2 seconds per line. These speeds are increased to 180wpm when add-ons are used (increasing the reading speed by one eighth again).

All obvious speech should have some form of subtitle accompaniment. Subtitle appearance should coincide with speech onset and subtitle disappearance should coincide with the end of the corresponding speech segment.

Synchronisation should be at naturally occurring pauses in speech-sentence boundaries, or changes of scene.

The same rules of synchronisation should apply with off-camera speakers and even with off-screen narrators.

4. Shot Changes

Camera-cuts in the middle of a subtitle presentation cause the viewer to return to the beginning of a partially read subtitle and to start re-reading. In practice, it is recognised that the frequency and speed of shot changes in many programmes present serious problems for the subtitler.

General guidance for dealing with camera-cuts are as follows:

- i) Subtitles that are allowed to over-run shot changes can cause considerable perceptual confusion and should be avoided.
- ii) Shot changes normally reflect the beginning or end of speech therefore subtitles should commence on a shot change when this is in synchrony with the speaker.

- iii) A subtitle should be 'anchored' over a shot change by at least one second to allow the reader time to adjust to the new picture.
- i) The insertion of a subtitle less than one second before a camera-cut and its removal less than one second after should be avoided.
- ii) Where practical subtitles should be in exact synchrony with a camera-cut.
- iii) A decision to segment a single sentence into more than one subtitle, to be placed around a camera-cut, should depend on whether the sentence can be segmented naturally and on whether the resulting subtitles can be allowed sufficient display time.

5. Special Techniques

5.1 Emphasis and Phrasing

Text in upper case characters can indicate an increase in volume, for example shouting, while emphasis of an individual word can be achieved by a change in colour.

5.2 Tone of Voice

Where tone of voice is particularly critical to meaning, and facial expression and body language are inadequate to convey the tone, the use of '(!)' and '(?)' immediately following speech can indicate sarcasm and irony.

5.3 Speaker Identification

The use of colours to identify individual speakers is particularly helpful although over use is known to confuse. Where possible, therefore, each speaker should be identified by a single colour consistently throughout the programme.

An alternative is to use subtitle screen position and justification to support speaker identification. Each subtitle can be displaced horizontally towards the appropriate speaker although careful positioning will be needed when characters move about while speaking. Colours may still be added.

5.4 Off-Screen and Off-Camera Voices

When the source of off-screen/off-camera speech is not obvious from the visible context, special techniques should be used.

Off-camera speakers are effectively indicated by using the 'greater than' (>) or 'less than' (<) symbols as appropriate.

When off-screen speech is employed throughout the programme, e.g. as in narrative documentaries, the common approach is to centre subtitles without symbols.

Other situations where the source of speech is not immediately apparent include telephone voices, radios, tannoy announcements, etc. It is helpful to accompany the first subtitle from these sources with a labelled (See 2.9 Other Techniques). caption:

LOUDSPEAKER:
"Fasten your seat-
belts, please."

Character-name labels are sometimes necessary for clarification, e.g. for crowd scenes or scenes enacted in the dark.

JOHN: What's happened
to the lights?

6. Dialogue Techniques

All obvious speech should be accompanied by subtitle information, but under conditions of rapid dialogue, several short subtitles displayed in rapid sequence can result in staccato or 'machine-gun' effect.

There are two possible solutions for this:

- i) Use of Double text when more than two characters speak simultaneously and contradict one another for example:

*Do you want to go
now?*

Yes.

No

Both person's speech is contained within one subtitle where the appearance of each subtitle should form the beginning of the corresponding speech segment.

ii) Use of add-ons or cumulative titles

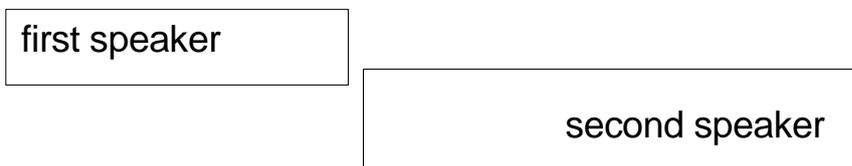
This is most effective when the two subtitles fit naturally together, for example in a question and answer sequence, or providing the punch line of a joke. Here the second part of the title is added on to the first part at the onset of the second utterance.

A further advantage of add-ons is that they appear more natural when the two corresponding speakers are not shown in the same camera shot.

Add-ons should be used with care as they can cause the first part of the cumulative title to be re-read, resulting in a frustrating 'false alarm'.

Add-on techniques

In both double-text and add-ons, the second part should normally appear on the line immediately beneath the first part. If the second speaker is positioned to the screen right of the first speaker, then the second part of the double-text is displaced towards the right:



A general guide to the use of double-text and add-ons may be stated as follows:

- i) Double-text can be used when two characters or more speak simultaneously.
- ii) Add-ons should normally be preferred when two or more characters speak consecutively and time does not allow individual subtitles.
- iii) The total length of either double-text or add-on sequence should never exceed four lines.

7. Other Techniques

- i) Single quotes ‘...’ can indicate non-synchronous speech, e.g. a voice-over or thoughts or nothing on screen visibly connected with speech.
- ii) Unmarked text in upper and lower case indicates synchronous speech, i.e. the speaker is visible (most of the time) and titles follow.
- iii) Double quotes “...” can suggest mechanically reproduced speech, e.g. radio, loudspeakers etc. or a quotation from a person or book.
- iv) Text in brackets can indicate whispered speech or asides.

<p><i>(SLURRED) He wasn't there.</i></p>
--

- v) Brackets can also be used to indicate the way in which a person speaks:
- vi) The source of speech can be labelled by using capital letters followed by a colon:

LOUDSPEAKER:

*“Fasten your seat-
belts, please.”*

*JOHN: What’s happened to the
lights?*

vii) Uncommon abbreviations, such as SFX, should be avoided.

8. Sound Effects

Any relevant sound effect not immediately obvious from the visual action should be subtitled. This includes sound effects that become apparent in the subsequent action, e.g. the telephone ringing before it is picked up, an explosion occurring outside before everyone dives under the table.

Descriptive statements are normally preferable to onomatopoeic spellings for sound effects. But context and genre (cartoons versus drama, for example) must be taken into consideration.

GUNSHOT is usually preferable to BANG!!!

Sound effect subtitles can also be used judiciously to create the background atmosphere for a scene:

ROAR FROM AUDIENCE

LIVELY CHATTER

The use of background colour (e.g. white text on a red background) and upper-case text, provide a distinction between sound effect subtitles and speech subtitles.

9. Music

At the very minimum, the title of the music playing should be given. Where possible the words of a song should be included. This is especially important where the programme is to be viewed by younger people. Pop programmes, opera and songs connected to the story line are particularly important areas.

Song lyrics should be subtitled verbatim; but, if the pace of the song is very rapid, whole couplets or verses may be omitted.

The lyrics of a song should be made obvious by means of a sign. The 'hash' or 'sharp' sign is most commonly used. Where speech and song are interspersed, care should be taken to signpost each title correctly.

Provision of an occasional subtitle for mood music, if it is significant to the plot, can be very effective:

IRISH TRADITIONAL MUSIC

Such subtitles should be used only sparingly.

Occasionally, consecutive scenes are enacted in pitch darkness, and scene changes are signalled entirely by changes of incidental music. In such cases, if time permits, the subtitler should use subtitles such as:

LIVELY DANCE BAND MUSIC

Then, when the tempo of music changes dramatically, it is followed by:

MOVES INTO SLOW DANCE MUSIC

Thereby deaf viewers are made aware of the scene change.

10. Silence

Long speechless pauses in programmes can sometimes lead the viewer to wonder whether the teletext system has broken down. It can help in such cases to insert an explanatory caption such as:

INTRODUCTORY MUSIC

LONG PAUSE

ROMANTIC MUSIC

11. Failure of Subtitles

Losing subtitles is as frustrating for the hearing-impaired viewer as losing sound is for the hearing viewer.

If subtitle insertion fails, it is important that there is a prompt transmission of an appropriately worded apology caption and, if restoration of transmission is delayed, an early explanation is to be given.

12. Acquired Programmes

When broadcasters are converting acquired subtitling to meet the minimum standards set out in the guidelines, it is accepted that complete synchronisation or the presentation rate standards may not be possible.

13. Subtitling for the intended audience including children

The typical pace and complexity of subtitling can exclude a minority of less able readers within the deaf community. For many pre-lingually deaf children, a subtitle presentation rate of 70-80 words per minute is appropriate.

Three main editing devices should be remembered:

- i) Reduce the amount of text by reducing the reading speed and removing unnecessary words and sentences.
- ii) Represent the whole meaning.
- iii) Increase the use of three-line subtitles and reduce the number of add-ons.

Subtitles should accurately reflect the spoken word and as such should not be censored.

13.1 Children's Subtitles

While many deaf children over 11 years benefit from standard subtitling, those under the age of 11 years need simpler subtitles. The following guidelines are recommended for the subtitling of programmes targeted at children below the age of 11 years.

- i) There should be a match between the voice and subtitles as far as possible.

- ii) A strategy should be developed where words are omitted rather than changed to reduce the length of sentences.

14. Real-time subtitling

The production and transmission of subtitles in real time can present considerable problems for both the subtitler and the viewer. Current subtitling techniques, particularly for live broadcasts, do not provide the same high-quality service expected from pre-prepared scripts. Such techniques should be limited to occasions when there is insufficient time to prepare subtitles using other methods.

The construction of subtitles for informative subjects such as news should convey the whole meaning of the material.

14.1 Guidelines for Real-time Subtitling

In all cases efforts must be made to adhere to the following:

- i. Subtitles should contain a reasonable percentage of the words spoken.
- ii. Key facts should appear as a good percentage of the spoken message
- iii. Avoid key facts which are unnecessary or different from the original.
- iv. Where possible, avoid non-linguistic line breaks (splitting verbs etc.).

- v. Attempt to avoid overrunning shot changes (synchronisation).
- vi. Avoid subtitling over existing video captions (in news, this is often unavoidable, in which case a speaker's name can be included in the subtitle if available).
- vii. Send an apology caption following any serious mistake or a garbled subtitle; and, if possible, repeat the subtitle with the error corrected.

When cueing prepared texts for scripted parts of the programme:

- i) Try to cue the texts so that they closely match the spoken words in terms of start time.
- ii) Try to include speakers' names if available where in-vision captions have been obliterated.
- iii) Do not cue texts out rapidly to catch up if you get left behind - skip some and continue from the correct place.

15. Digital Services

The advent of digital television offers the possibility of visual and technical enhancement of subtitles. One such way is the introduction of a clearer and more legible font and the use of symbols. The purpose of these changes is to increase the user's enjoyment of television. They should not be introduced in a way which detracts from the prime purpose of the subtitling service, which is to facilitate the understanding of programmes by deaf and hard of hearing people.

The guidelines set standards on converting existing subtitle files authored in analogue for use on Digital Terrestrial Television (DTT) and other digital services such as satellite and MMD. It is not intended that these guidelines should inhibit future enhancements, but rather to control progress so that changes that deviate radically from current practice should be made only after careful consideration and consultation.

- i) Any Digital Terrestrial Television (DTT) shall use the Tiresias font for all subtitles.
- ii) Other digital services should be encouraged to use this format or as close it as may be possible.
- iii) The nominal size of subtitles shall be 24 television lines for the capital 'V'.
- iv) For reasons of latency, use of intensive four-line subtitles, to include those within "add-ons", shall be avoided. (Latency means the presentation of subtitles to the screen. Intensive subtitles mean those where the subtitle rows contain a considerable amount of text).
- v) Subtitles converted from existing EBU 3264 files (or similar) or from pre-recorded live 335 tapes shall as closely as possible retain the positioning and line breaks of the original.
- vi) The range of colours shall be limited to 12 that shall closely replicate the range associated with analogue teletext delivery.
- vii) The present practice of using '#' to indicate music may be changed to use of two semi-quavers as part of the Tiresias set.

16. OTHER MATTERS

16.1 National Emergencies

Deaf and hard-of-hearing people need to be kept informed about national and local emergencies.

When information about emergencies is being broadcast, the same information, including relevant telephone numbers, should be provided, preferably in open captions leaving sufficient time to write the details down.

16.2 Apology Captions

Where practicable an appropriate apology or explanation is to be transmitted as soon as possible after any loss of subtitles.

Broadcasters, that are required to provide subtitles, must ensure that conventional subtitles (transmitted on a dedicated line within the VBI and are normally accessed via Page 888 on the remote control), are provided on all analogue terrestrial and digital satellite transmission services. Such broadcasters should, as far as possible, ensure that subtitles can be carried through on re-transmission systems including, but not limited to, cable and MMD systems.

Broadcasters are encouraged to develop experience in the provision and transmission of digital subtitles.

Where subtitles are provided simultaneously in both conventional and digital modes, the conventional subtitling capacity only will be taken into account in determining the subtitling targets.

(ii) Irish Sign Language

Introduction

In accordance with the relevant provisions of the Broadcasting Act 2009, the Broadcasting Authority of Ireland has set out the rules required under Section 43(1)(c), to which it has given the title **Access Rules**. A copy of the Access Rules is available on www.bai.ie or by request from the Authority.

This is the **BAI Guidelines - Irish Sign Language** document. In this document the BAI outlines the general and technical standards required in relation to Irish Sign Language provision. These guidelines are intended to support the implementation of the BAI Access Rules regarding Sign Language. The BAI acknowledges the assistance of the 'Guidance On Standards for Sign Language' document produced by Ofcom, in the preparation of this document. The guidelines may be changed from time to time, as deemed appropriate.

Irish Sign Language

Irish Sign Language is the indigenous language of the deaf community in Ireland. It is a visual, spatial language with its own syntax and complex grammatical structure. Each sign language is particular to the country of origin. The targets outlined in the Access Rules refer to Irish Sign Language provision.

1. Format

There are two ways of providing sign language access to programmes:

- (i) **Interpretation.** A person interprets and signs live or recorded programmes or programme segments. The image of such an interpreter is usually superimposed on a programme. This is referred to later in this document as an overlay insert.
- (ii) **Presentation.** A sign language presenter, narrator or reporter provides the main language in the programme or programme segment. The signs are then interpreted into a 'voice over', with the addition of subtitles or captions as appropriate.

Both presentation and interpretation are valid methods of meeting the requirements of the Access Rules.

2. General Requirements

2.1 The form of sign language provision

Under the current technical arrangement of the analogue transmission system signed programmes can only be broadcast in an open format.

2.2 Signing competence

Broadcasters should ensure that sign language interpreters have a level of competence and fluency in Irish Sign Language.

2.3 Off-screen sounds

The sign language interpreter or presenter should indicate the presence of off-screen sounds (e.g. a ringing telephone, the knocking of a door or a gunshot) where these are important to the understanding of the programme.

2.4 Synchronising

Sign language interpretation should start at the same time as speech. This may not always be practical during the interpretation of live programmes.

The use of autocues has been found to be a useful aid to deaf interpreters and can help towards synchronism.

The timing of signed sentences should be as close to speech as possible. Equally with sign language presentation, a “voice over” sentence should also be as close to the sign language as possible.

It should be noted, however, that Irish Sign Language and the English language have a different grammatical structure so that the two cannot match each other directly. Every effort, where practicable, should be made to provide equivalent information to all viewers.

2.5 Monitoring

Broadcasters should monitor the effectiveness of the service through contact with deaf people and their representatives.

2.6 Apology for loss of service

Where practical, a visual caption or subtitle should be displayed when there is a breakdown in the service.

3. Guidelines specific to Irish Sign Language interpretation

3.1 Quality of display

The presentation of the signer on the display screen should be of sufficient size and resolution to show all movements of the full upper trunk together with arms, hands and fingers, shoulder, neck and all relevant facial movements and expressions.

All important gestures that convey meaning through sign language must be easily and accurately recognised.

3.2 Size and shape of overlaid inserts

The size of the overlay must ensure that the body and facial expressions referred to above are easily discernible from normal viewing distances. Where practicable a signer's image, when at rest, that is notionally framed to occupy at least one sixth of the picture area would normally be sufficient to ensure this condition is met.

For programmes primarily aimed at deaf people and in the “open” format a useful technique, can be to reduce the visual image by, for example, 25 per cent and use the subsequent blank area to place the interpreter.

3.3 Choice of dress and background colours

It is important that the person signing can be clearly distinguished, for example by means of contrasting plain colours and suitable lighting. The visual appearance of the interpreter (e.g. choice of clothing and dress accessories) should not cause undue distraction to the viewer.

3.4 Speaker identification

This can be achieved by the signer using such techniques as referencing to a person by shifts in the eye gaze and body positioning or giving the speaker's name and reflecting his or her manner. (This technique is known as characterisation).

(iii) Audio Description

Introduction

In accordance with the relevant provisions of the Broadcasting Act 2009, the Broadcasting Authority of Ireland has set out the rules required under Section 43(1)(c), to which it has given the title **Access Rules**. A copy of the Access Rules is available on www.bai.ie or by request from the Authority.

This is the **BAI Guidelines – Audio Description** document. In this document the BAI outlines the general and technical standards required in relation to Audio Description provision. These guidelines are intended to support the implementation of the BAI Access Rules regarding Audio Description. The guidelines may be changed from time to time, as deemed appropriate. The BAI acknowledges the work conducted by the former AUDETEL consortium and the assistance of Ofcom’s Guidance on Standards for Audio Description document in the preparation of this document.

Audio Description

Audio Description is a commentary that gives a viewer with a visual impairment a verbal description of what is happening on the screen at any given moment, as an aid to the understanding and enjoyment of the programme.

1. What to describe

The following is a summary of the elements of a programme which should be described.

i) Characters

The character's dress, physical attributes, facial expressions, body language, ethnic background (if relevant to the storyline) and age should be audio described.

ii) Locations

The location including scene changes, whenever possible should be described.

iii) Time of day

The time of day, where appropriate, should be described.

iv) On-screen action

The action on the screen should be described.

v) Sounds or sound effects

Sounds or sound effects which are not readily identifiable should be described.

vi) Subtitled captions

Any on-screen signs or writing which are relevant should be described.

vii) Opening Titles and/or End Credits

Opening titles and end credits should be described.

2. When to describe

It is important that the audio description does not encroach on the dialogue.

Audio description should occur when there are breaks in dialogue. It can only encroach upon dialogue which is inconsequential or is being subtitled or captioned and only then to impart relevant information or to read the subtitle or caption. If necessary it can occur over song lyrics.

Audio description should not occur over mainstream dialogue. It should not occur over sound effects, where they complement the film or the description or over critical background music.

3. What not to describe

The describers personal opinion in relation to the on-screen action should not be described. For example, something unseen such as the motivation or reasoning for the action on screen should not be described.

If there are mistakes in editing or continuity, these should not be replicated in the audio description.

4. Programme Sound Level

When a descriptive commentary is inserted into a programme, the background level of programme audio needs to be reduced, so that the description can be clearly heard. Care should be taken to ensure the narration sound level does not exceed that of the background.

Generally the narration should be fixed at a constant level. The narrative voice is fixed at a constant level at the start of the recording while the degree of fading of the main sound level at the appropriate junctures can be predetermined by the work station.

5. Audio Description Recording

Unlike sighted viewers, who have the benefit of both visual and aural information, visually impaired viewers rely on the clarity of every word. The description therefore must not be hurried; every word should be clear, audible and timed carefully so that it does not sit uncomfortably close to incoming dialogue.

Whilst the voice should be neutral, it may be important to add emotion at different points in different films to suit the mood and the plot development. In comedy, the narration should be steady but delivered with a slight smile. The description should not, however, become a performance in its own right.

The use of 'filmic' expressions such as 'the camera pans left' etc. should be avoided. A description should not censor what is on the screen.

6. Grammar and Language

- i) Present tense should be used with 'present continuous' for on-going activities.
- ii) As much as possible, complete sentences should be used.

- iii) It is important that proper names are used. Visually impaired viewers need to be clear with regard to which character the description refers. The use of 'she'/ 'he' can be confusing for the audience. Any potential for ambiguity when there are several people on screen at once should be clarified with reference to proper nouns.
- iv) Descriptive adjectives are important but must not reflect the personal view of the describer.
- v) 'We see...' 'In front of us...' should generally be avoided.

7. Prioritising information

Setting the scene is an essential part of audio description and without guidance the visually impaired viewer can lose the thread of a story or narrative.

When several people are speaking at the same time, it is important to clarify who is speaking at any given moment. Frequently repeating proper names is helpful so the viewers are left in no doubt as to who is doing or saying what.

Avoid colourful imagery or elegant turns of phrase except where such language complements the style of programme.

Avoid giving too much detail. Minor description details, unless they are the subject of the programme need not be mentioned.

Avoid providing too much description which can dilute the mood of a scene or be exhausting or even irritating.

Personal opinion should not be given or events interpreted, but it is equally important that visually impaired viewers are given key visual clues which may otherwise be missed.

Description should avoid stating the obvious, for example a telephone or doorbell ringing does not need to be described, unless the actual sounds are unfamiliar.

8. Soap operas

Most soap opera does not allow for lengthy descriptions, as dialogues follows rapidly and there are very few purely visual sequences. Visually impaired viewers, who regularly view soap operas, soon become familiar with the character's voices. When a new character is introduced it is helpful to speed up the familiarisation by describing the physical aspects but no need to provide extra biographical information as that can be achieved over the subsequent weeks.

9. Current affairs documentaries

Current affairs programmes offer less scope for description because they tend to be wordy, but each programme should be assessed individually. Subtitles or captions within such programmes should be described.

10. Sporting and Live Events

Combining the description of live programmes with an existing commentary is difficult but can be achieved for some programmes.

Broadcasters can be encouraged to consider the requirements of visually impaired people without the need for audio description (by reducing reliance on on-screen text and tabular data).

11. Children's programming

The BAI has determined that special emphasis should be placed on access services for children. When a description is being written specifically for children's programmes, the vocabulary and sentence construction should be suited to the age group for which the programme is intended. The tone of the narration should also reflect the tone of the programme.

12. Apology for breakdown of service

Where practicable an appropriate verbal apology or explanation is to be transmitted as soon as possible after the loss or breakdown in the audio description service.

Appendix 3

Legislative Provisions

Section 43(1)(c) of the Broadcasting Act 2009 provides that: -

“The Authority shall, subject to the requirements of section 41(2) and, in accordance with subsection (4), prepare, and from time to time as occasion requires, revise rules (“broadcasting rules”) with respect to:-

(c) The specific steps each broadcaster is required to take to promote the understanding and enjoyment by:-

- i) persons who are deaf or have a hearing impairment,
- ii) persons who are blind or partially sighted, and,
- iii) persons who have a hearing impairment and are partially sighted,

of programmes transmitted on any broadcasting service provided by the broadcaster.”

Section 43(2) of the Broadcasting Act 2009 provides that: -

“Without prejudice to the generality of subsection (1)(c), broadcasting rules with respect to that paragraph shall require each broadcaster of audio-visual material to take specified steps to provide access to that material by persons who are deaf or have a hearing impairment, persons who are blind or partially sighted, and persons who have a hearing impairment and are partially sighted by means of specified services such as -.

- (a) sign language.
- (b) teletext services.
- (c) subtitling, and audio description, and
- (d) Have regard to whether the foregoing material is being provided –
 - (i) Daily or at other regular intervals,
 - (ii) At popular viewing times as well as at other times, and
 - (iii) For news and news-related matters as well as for other matters.”

Section 43(3) of the Broadcasting Act 2009 provides that: -

“Rules under subsection (1)(c) may, in respect of any period specified in them beginning on or after the passing of this Act, require a broadcaster to ensure that a specified percentage of programmes transmitted on a broadcasting service provided by him or her in that period employs specified means by which the understanding and enjoyment by persons referred in subparagraphs (i), (ii) and (iii) of that paragraph of that percentage of programmes may be promoted.”

Section 43(6) of the Broadcasting Act 2009 provides that: -

“The Authority shall every two years, or such lesser period as it may decide, review a broadcasting rule made under subsection (1)(c).”

Section 8 of the Irish Sign Language Act 2017 provides that:-

Broadcasters (within the meaning of the Broadcasting Act 2009) in fulfilling their obligations in relation to Irish Sign Language targets and requirements in respect of programmes transmitted on a broadcasting service (within the meaning of that Act) provided by the broadcaster as set out in the broadcasting rules made under section 43(1) (c) of the Broadcasting Act 2009 by the Broadcasting Authority of Ireland shall adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.