

# **Access Rules**

## **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 have a hearing impairment, persons who are blind or partially sighted and persons who have a hearing impairment and are partially sighted. The relevant provisions of the Act are Sections 43(1)(c), 43(2), 43(3) and 43(6).<sup>1</sup>

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

## **2. Definitions**

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

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<sup>1</sup> The provisions are detailed in the Appendices.

## **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 added to the picture or taken away as viewers wish, using, for example page 888 or 887 on Teletext. 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.

### **3. Jurisdiction**

Broadcasters within the jurisdiction 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 BAI reserves the right to extend the Rules and their applicability to new services licensed by the BAI under the Broadcasting Act 2009, from time-to-time. The BAI will make this assessment on a case-by-case basis.

#### **4. Complaints**

Any viewer or listener can 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. Further information is available on [www.bai.ie](http://www.bai.ie).

#### **5. Compliance**

In evaluating and measuring performance, the BAI will take into account, inter alia:

- The BAI Compliance and Enforcement Policy;
- The BAI Procedures Applying to the Assessment of Compliance with the Access Rules.

## 6. Subtitling Rules

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

Targets are specified as a range of percentages. Current timeframes and targets are detailed at Appendix 1.

2. In the case of RTÉ One and RTÉ Two, of the annual percentage increase in subtitling, a reasonable proportion shall include children's programming, where applicable.
3. The rules do not, at this time, prioritise any programme genres/types or time-blocks. However, broadcasters shall consult periodically and not less than once annually, with user groups, as to their viewing preferences.
4. Broadcasters are permitted to include some captioning in the attainment of subtitling targets. However, it is the intention of the BAI that broadcasters will transition, over time, from captioning to subtitling.

5. Broadcasters shall comply with standards and guidelines set out from time to time in the BAI Subtitling Guidelines.

## **7. Irish Sign Language Rules & Audio Description**

1. Specific Irish Sign Language targets have been identified for RTÉ One, RTÉ Two, RTÉjr, RTÉ Plus One, RTÉ News Now and Oireachtas TV. Specific audio description targets have been set for RTÉ One, RTÉ Two, RTÉjr and RTÉ plus One. RTÉ shall comply with the targets and timeframes applying to these services. The targets are based on a five-year timeframe.

Targets are specified as a range of percentages.

In the case of RTÉ One and RTÉ Two television services, assessment in respect of Irish Sign Language and audio description will be based on the cumulative output of both services. The current timeframes and targets are detailed at Appendix 1.

In the case of Oireachtas TV, the Irish Sign Language provision may be set off against the targets for subtitling in 2016.

2. Of the total increase in Irish Sign Language provision provided on an annual basis for RTÉ services, a reasonable proportion of children's programming shall be included.
3. Of the total increase in audio description provision provided on an annual basis, a reasonable proportion shall comprise home-produced programming.
4. There are no Irish Sign Language or audio description requirements in respect of other broadcast services at this time. Requirements in this regard will be reviewed periodically. However, other services may choose to provide audio description and/or Irish Sign Language.
5. Community broadcasters may set off any audio description and Irish Sign Language provision against the targets for subtitling.
6. Broadcasters shall comply with standards and guidelines set out from time to time in the BAI Irish Sign Language and Audio Description Guidelines.

## **8. Length of broadcast day**

In the case of most services, subtitling and audio description targets will be assessed based on an 18-hour day from 7am-1am. In the case of Irish Sign Language, targets will be assessed based on a 24-hour day.

The only exception in this regard will apply to a channel where the length of the broadcast day is less than 18 hours. In such circumstances, the subtitling, audio description and Irish Sign Language requirements will be measured over the length of the broadcast day of the channel.

## **9. Promotion of Access Services**

Broadcasters are required to indicate through the use of a standard symbol those programmes for which access provision (subtitling, sign language or audio description) is available. Insofar as possible, broadcasters should ensure that any programme listings also indicate those programmes for which access provision is available.

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

## **10. Review of the Access Rules**

These Rules will be reviewed in 2016 and 2018.

## Appendix 1

### Access Targets and Timeframes 2014-2018

#### Subtitling

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>RTÉ One</b>	82 - 87%	84 - 89%	85 - 90%	86 - 91%	87 - 92%
<b>RTÉ Two</b>	60 - 66%	63 - 69%	67 - 73%	70 - 76%	73 - 79%
<b>TV3</b>	43 - 47%	45 - 49%	47 - 51%	49 - 53%	51 - 55%
<b>TG4</b>	44 - 50%	47 - 53%	51 - 57%	54 - 60%	57 - 63%
<b>3e</b>	16 - 20%	19 - 23%	22 - 26%	25 - 29%	28 - 32%
<b>Setanta Ireland</b>	8 - 10%	9 - 11%	10 - 12%	11 - 13%	12 - 14%
<b>RTÉ plus One</b>	As per RTÉ 1	84 - 89%	85 - 90%	86 - 91%	87 - 92%
<b>RTÉ News Now</b>	Original broadcast carry through	15 - 18%	18 - 21%	21 - 24%	24 - 27%
<b>RTÉ jr.</b>		36 - 40%	40 - 44%	44 - 48%	48 - 52%
<b>UTV Ireland</b>			46 - 52%	52 - 56%	56 - 60%
<b>Irish TV</b>			3%	4%	6%
<b>Oireachtas TV</b>			5 - 6%	12 - 14%	16 - 18%
<b>CCTV</b>	3%	5%	7%	9%	11%
<b>DCTV</b>	3%	5%	7%	9%	11%

## Audio Description Targets

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>RTÉ One</b> <b>RTÉ Two</b>	1.5%	1.75%	2%	2.25%	2.5%
<b>RTÉ jr</b>		2%	3%	4%	5%
<b>RTÉ Plus One</b>		Any audio description carried on the main RTÉ 1 television service will be made available on this service			

## Irish Sign Language Targets

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>RTÉ One RTÉ Two</b>	1.5%	1.75%	2%	2.25%	2.5%
<b>RTÉ jr</b>	0.5%	0.75%	1%	1.25%	1.5%
<b>RTÉ News Now</b>		Broadcasts which had Irish Sign Language when broadcast on the main channels will be made available on this service			
<b>RTÉ Plus One</b>		Broadcasts which had Irish Sign Language when broadcast on the main RTÉ 1 television service will be made available on this time shifted service			
<b>Oireachtas TV</b>			1%	2%	3%

In the case of RTÉ One and RTÉ Two, the audio description and Irish Sign Language percentages are based on the cumulative programming output of both services.

Oireachtas TV may set off any Irish Sign Language provision against the targets for subtitling in 2016.

## Appendix 2

### 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).”