



STATUTORY INSTRUMENTS.

S.I. No. 521 of 2020



BROADCASTING ACT 2009 (SECTION 33) LEVY (AMENDMENT)
ORDER 2020

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The Broadcasting Authority of Ireland in exercise of the powers conferred on it by section 33 of the Broadcasting Act 2009 (No. 18 of 2009), hereby makes the following Order:

1. (1) This Order may be cited as the Broadcasting Act 2009 (Section 33) Levy (Amendment) Order 2020.

(2) This Order comes into operation on the 1st day of January 2021.

2. The Principal Order means the Broadcasting Act 2009 (Section 33) Levy Order 2010.

3. The Principal Order is hereby amended in Article 2(1) by inserting the words “unless it is otherwise indicated” after the words “In this Order, including the schedules”.

4. The Principal Order is hereby amended by the insertion of the following definition into Article 2(1):

““temporary broadcaster” means a person holding a contract under section 68(1)(a) of the Act of 2009;”.

5. The Principal Order is hereby amended in Article 3(2) by inserting the words “but, without prejudice to article 3(1), a levy shall only be payable in respect of the first calendar year in which a broadcaster is in operation where such broadcaster is providing a temporary sound broadcasting service pursuant to section 68(1) of the Act of 2009 (i.e., the broadcaster is either a community broadcaster holding a contract under section 68(1)(b) of the Act of 2009 or a temporary broadcaster) and that broadcaster’s contract of determined duration runs over two consecutive calendar years” after the words “notwithstanding that it has not been in operation as such for all of such year”.

6. The Principal Order is hereby amended by the insertion of the following definitions into paragraph 1 of Schedule 1:

““broadcaster” means a public service broadcaster or a broadcasting contractor other than a community broadcaster holding a contract under section 64 or

68(1)(b) of the Act of 2009, an institutional broadcaster or a temporary broadcaster;” and

““institutional broadcaster” means a person holding a contract under section 68(2) of the Act of 2009;”.

7. The Principal Order is hereby amended in paragraph 4 of Schedule 1 by substituting the figure of “€250” for “€750” and the figure of “€500,000” for “€250,000” and, in this context, inserting the words “, a community broadcaster holding a contract under section 64 or 68(1)(b) of the Act of 2009, an institutional broadcaster or a temporary broadcaster” after the words “A broadcaster whose base year qualifying income is not more than €500,000”.

8. The Principal Order is hereby amended in paragraph 5 of Schedule 1 by substituting the figure of “€250,000” for “€500,000”.

9. In circumstances where the Authority determines that article 11 of the Principal Order applies, any recalculation of the levy payable by a broadcaster in respect of a levy year prior to the 1st day of January 2021 shall be undertaken by reference to the terms of the Principal Order as that Principal Order remained enacted and in force immediately prior to its amendment by this Order, notwithstanding the fact that such recalculation by the Authority may take place at any time after the coming into operation of this Order.



GIVEN under the seal of the Broadcasting Authority of
Ireland,
12 November, 2020.

PAURIC TRAVERS,
Chairperson of the Broadcasting Authority of Ireland.

EXPLANATORY NOTE

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

The purpose of this amendment Order is to provide that both (i) a community broadcaster holding a contract under section 68(1)(b) of the Broadcasting Act 2009, and (ii) a temporary broadcaster, shall pay only one levy in circumstances where such broadcasters' limited duration contracts run over two consecutive calendar years. In addition, this amendment Order reduces the annual levy payable by (i) a broadcaster whose base year qualifying income is not more than €500,000 (increased from the previously applicable threshold of €250,000), (ii) a community broadcaster holding a contract under section 64 or 68(1)(b) of the Broadcasting Act 2009, (iii) an institutional broadcaster, and (iv) a temporary broadcaster, from €750 to €250. Finally, this amendment Order increases the base year qualifying income threshold, for the purposes of calculating a broadcaster's annual levy, from €250,000 to €500,000.

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