

# Access Consultation Document

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## **Introduction**

The *Access Rules* will determine the levels of subtitling, sign language and audio description that broadcasters in Ireland will be required to provide in accordance with their statutory obligations. The Broadcasting of Ireland (BCI) has drawn up a draft set of Access Rules and is conducting a public consultation process on its draft *Access Rules*. This document is designed to ask for your views on the draft *Access Rules*.

Please read the draft rules and provide us with your comments. It is important that you provide a reason for your views, as this will help us in understanding your point of view and in considering all the submissions that we receive. Please be as specific as possible in your responses so that it is clear to which rule your comments refer. If possible, we would like you to comment on all the headings in the draft rules.

## **Document Structure**

This document has a number of sections: These are as follows:

### *Section 1 Background*

This section explains the work of the BCI and why the BCI is developing the *Access Rules*. It outlines the legislation which prompted their development and also outlines which television services will come under the *Access Rules* and why this is the case.

### *Section 2 Process for the development of the Rules*

This section explains the process that has been used to develop these Draft Rules to date. It explains the approach we have taken to the development of the rules and why we adopted that approach. It also explains how the BCI will finalise the *Access Rules*.

### *Section 3 Framework for the development of the rules*

This section outlines the principles and influencing factors that have been used as a framework for the development of the Rules.

### *Section 4 Application of the framework to each broadcaster*

This section outlines how the influencing factors have been applied in the case of each broadcaster. It presents the questions we would like you to answer in relation to the Draft Rules.

### *Section 5 The Draft Access Rules*

This section outlines the draft *Access Rules*.

It is important that you read all sections in the document as this will best explain why the BCI has drawn up the Draft *Access Rules* in this way. In particular, Sections 3 is important as it outlines the principles and influencing factors which were used to determine the targets and how these have been applied to each broadcaster. Section 4 presents the questions we would like you to answer.

There are a number of additional documents which are referred to throughout this document. These include:

- A research report produced by the BCI entitled *Accessing Television*;
- A report on the proceedings and outcomes of the Access Consultative Forum entitled *Report of the Chairman to the Broadcasting Commission of Ireland on the proceedings of the access Consultative Forum*;
- Submissions received from the members of the Forum including broadcasters and user groups;

- A Technical Report produced by a sub-committee of the Access Consultative Forum entitled *Technical Sub-Committee Report..*

These documents have all influenced the development of the *Access Rules* and they are available on request from the BCI.

You can comment on the draft code by writing to us at: *Access Rules*, Broadcasting BCI of Ireland, 2-5 Warrington Place, Dublin 2 or by email on [codes@bci.ie](mailto:codes@bci.ie). You can also respond on-line via our website at [www.bci.ie](http://www.bci.ie), where there is a link to *Access Rules*.

This is a public consultation process and following consideration of submissions by the Board of the BCI, all information submitted will be publicly available on request.

However there may be aspects of your submission or additional material you provide to support your submissions which you may wish to make or provide 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 Commission and respondents to the consultation, regarding confidential information, are without prejudice to the BCI's obligations under the Freedom of Information Act, 1997 and the Freedom of Information (Amendment) Act 2003. If the BCI receives a request for information submitted in confidence, you will be consulted before any decision is made

This document is being circulated to a wide range of individuals, groups and organisations. The document is also available on audio tape, in Braille and in signed format on video. It is also available in electronic format on the BCI website. All responses should reach the BCI on or before **November 10th, 2004**.

## Section 1 **Background**

*This section explains the work of the BCI. It outlines the legislation which prompted the development of the Access Rules. It also outlines the television services that will be subject to the Access Rules and why this is the case.*

### **What is the BCI?**

The BCI is responsible for a number of key areas of activity with regard to television and radio services in Ireland, in keeping with the provisions of the Radio and Television Act 1988 and the Broadcasting Act 2001. These activities include:

### **Licensing**

The BCI licenses independent broadcasting services, which aims to provide choice and diversity to listeners and viewers. This includes the licensing of a national television programme service (TV3), a national radio service (Today FM) and a total of 49 local, community, community of interest and institutional radio services. The BCI is also responsible for the licensing of additional television services on digital cable, MMD and satellite systems.

### **Monitoring**

The BCI monitors all of the above services to ensure that licence holders comply with their statutory obligations as well as the terms of their contracts. Monitoring includes the assessment of programme performance, ownership and control structures, financial and trading performance, human resource management practices and transmission and studio facilities.

### **Codes and rules**

The BCI is responsible for the development of codes and rules in relation to programming and advertising standards. When introduced these codes will apply to all broadcasters, both public and private. These include the *Access Rules*.

### **Development**

The BCI provides support for training and development initiatives, in an effort to promote a culture of excellence in the independent broadcasting sector. As part of this work, the BCI also supports programming initiatives such as the '*New Adventures in Broadcasting*' scheme.

### **Research**

The BCI undertakes and/or commissions research to assist the development of broadcasting policy in Ireland, in the context of technological change, changes in EU and national legislation, new programming formats and international trends and experiences.

### **Information**

The BCI publishes and disseminates information to those working in the broadcasting sector as well as to the general public.

### **Why is the BCI developing the Access Rules?**

Section 19 of the Broadcasting Act 2001 requires the BCI to develop a number of codes and rules in relation to advertising and programming content. These include:

- A general advertising code;
- A code on taste and decency;
- Rules for broadcasters designed to promote the understanding and enjoyment of persons who are deaf or hard of hearing and persons who are visually impaired;
- A code on children's advertising.

The BCI has decided to give the title *Access Rules* to the rules relating to subtitling, sign language and audio description.

The BCI recognises the importance of the development of subtitling, sign language and audio description services in facilitating the participation of all persons as full members of society. The media and particularly television, functions as a key source of information, education and entertainment, allowing people to make informed decisions as citizens and consumers. Access to reporting and discussion is vital to understanding local, national and global events and, indeed, vital to providing access to the democratic process. The BCI's understanding of the objective of the *Access Rules* is the development of quality access services within broadcasting which facilitates the fullest possible access to persons who are deaf, hard of hearing and visually impaired.

The specific sections of the Broadcasting Act 2001, of relevance to the *Access Rules*, are provided in the appendix to this document. In summary, the legislation requires the BCI to draw up rules which will require broadcasters to take steps to promote the understanding and enjoyment of programmes by people who are deaf, hard of hearing or blind or visually impaired. It allows for the rules to specify the percentage of programmes broadcast by the broadcaster that must be accessible. The legislation requires the BCI to notify the public when the rules are at a draft stage and to consult with the public on the draft rules. The BCI must then have regard to any submissions it receives arising from consultation before finalising the rules.

#### **To which televisions services will the BCI *Access Rules* apply?**

In drawing up the *Access Rules*, the BCI must have regard to relevant European legislation. The primary piece of legislation in this regard, is the EU Television Without Frontiers Directive. The Television Without Frontiers Directive raises a key point that is important to consider in this regard. This is the 'country of origin' principle. Article 2 of the Directive states that:

Each Member State shall ensure that all television broadcasts transmitted by broadcasters under its jurisdiction comply with the rules of the system of law applicable to broadcasts intended for the public in that Member State.

The *Access Rules* developed by the BCI will only apply to broadcasters in the jurisdiction of the Republic of Ireland. In practical terms, this means that the *Access Rules* will apply to the four indigenous terrestrial services, namely RTÉ 1, Network 2, TG4 and TV3. The BCI reserves the right to extend the rules and their applicability to new services licensed by the BCI under the Broadcasting Act 2001. The BCI will make this assessment on a case-by-case basis.

## Section 2 Process for the development of the Access Rules

*This section explains the process which has been used to develop the draft Access Rules. It explains the approach the BCI adopted in the development of the draft rules and the reasons why this approach was adopted. It also explains how the BCI will finalise the Access Rules.*

### **Approach to the development of the Access Rules**

This is a new area of work for the BCI, as there are no existing rules in Ireland relating to this area of broadcasting. The BCI has undertaken a number of activities in the development of the rules.

#### *Information gathering and research*

The BCI began work on the *Access Rules* in April 2003. In preparation for its work on the Rules, some initial information gathering was undertaken. The BCI produced a research report entitled *Accessing Television*. The report provides information on subtitling, sign language and audio description. It describes how these services have developed in other countries and in Ireland and it profiles the groups which use these services. A copy of this report is available from our website [www.bci.ie](http://www.bci.ie). Copies in large font and Braille are also available on request.

#### *Pre consultation*

A number of pre-consultation meetings were held with groups with a specific interest in the proposed Rules, including the Irish Deaf Society, the National Association for Deaf People, The Irish Hard of Hearing Association, the National Council for the Blind, TV3, RTE and TG4.

These meetings were held for two reasons. Firstly, this approach is in keeping with the BCI's commitment that its consultation will adhere to the guidelines issued by the National Disability Authority. These guidelines advise in favour of conducting pre-consultation meetings with groups representing people with disabilities in order to ensure that any subsequent consultation process is as accessible as possible. Secondly, given that the development of these rules is of particular relevance to identifiable target groups, it was felt that it would be useful to gather views as to the best approach to take to the process from those who will be primarily involved and affected by the provisions. A traditional approach to consultation would have used a consultation document and asked these groups for their response. While this issue is of interest to all Irish citizens, those most directly affected articulated the view that a traditional consultation approach might not be the most appropriate in this instance.

The pre-consultation meetings focused on a number of key issues. These were the preferred methods of consultation and the identification of a number of areas of particular concern for groups.

Based on information gathered during these meetings, the BCI decided to develop the *Access Rules* using a two-phased approach.

#### *Phase One of Consultation*

The first phase saw the establishment of an Access Consultative Forum. This forum was a gathering of all the key stakeholder groups and was chaired by an independent chairperson, Kieran Mulvey. Kieran Mulvey was chosen due to his experience in broadcasting regulation, (having been a member of the IRTC<sup>1</sup> for ten years between 1988 and 1998) and also because of his experience as CEO of the Labour Relations Commission, a position in which he is accustomed to dealing with the need to balance and negotiate the interests of a range of stakeholder groups.

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<sup>1</sup> Independent Radio and Television Commission

The Forum operated by inviting stakeholders to attend a number of meetings. Membership of the Forum was made up of representatives of TV3, RTÉ, TG4, the Commission for Communications Regulation (Comreg), the Irish Deaf Society, the Irish Hard of Hearing Association, the National Association for the Deaf, the National Council for the Blind of Ireland, Chorus, ntl, Setanta Media and the BCI.

The Forum meetings had a number of functions. These were:

- To conduct a targeted consultation with the key stakeholder groups in a way which acknowledged their expertise and experience in the area;
- To gather and provide information in order to inform the development of the rules;
- To allow stakeholders to articulate their position but also to listen to the positions of others, with a view to understanding those positions;
- To identify the issues which required further investigation and clarification in the period between meetings;
- To identify elements of a potential set of *Access Rules* and discuss these, e.g. principles, targets, hours of broadcasting, genres of programmes;
- To generate potential solutions/opportunities for agreement and co-operation;
- To attempt to reach a consensus on *Access Rules*.

The rationale behind the BCI's decision to use the above approach was fourfold:

(i) Targeted consultation

The Forum was a targeted form of consultation. It required stakeholders to consider the views of other stakeholders and enter into a dialogue regarding how the code could best be developed.

(ii) Timeframe

This process allowed for expertise to be drawn upon to address specific issues that required clarification in a timely manner.

(iii) Ownership

The *Access Rules* are without precedent and will therefore require constant review. The Forum piloted an approach which could be replicated as a review mechanism in the future. The BCI believed that it was important for stakeholders to have a sense of ownership of the outcomes and to be involved in their development.

(iv) Preferred method

The idea for a Consultative Forum emanated from discussions held with a number of groups. Subsequently the idea was suggested to broadcasters who also agreed to participate in this process.

Four meetings of the Forum were held on November 7<sup>th</sup> and 25<sup>th</sup>, December 11<sup>th</sup> 2003 and January 14<sup>th</sup> 2004. The majority of stakeholders attended all four meetings. The Chairperson produced a report based on the discussions and issues raised at the Forum meetings.

This report was subsequently considered by the BCI and in Section 3, the document outlines some of the key findings and recommendations and show how these have influenced the Draft Rules.

*Phase II of Consultation*

The second phase in the development of the *Access Rules* is public consultation on the Draft Rules, of which this document constitutes a key aspect. The BCI will finalise the *Access Rules*, having considered submissions received in response to public consultation in conjunction with all other relevant information available to it.

## Section 3 Framework for the development of the Draft Rules

*This section describes the framework for the development of the Draft Rules. The word 'framework' is used to refer to the access principles and the influencing factors. Together, the principles and influencing factors describe all the various aspects that need to be considered in the drawing up of the Draft Rules. This section explains the framework, while the next section describes how the framework has been used to develop Draft Rules for each broadcaster.*

### *Introduction*

The BCI drew on a number of sources of information in drawing up the draft rules. These included:

- (i) The Broadcasting Act, 2001;
- (ii) Submissions received from members of the Forum;
- (iii) Participation in the Access Forum;
- (iv) The Chairperson's report on the Access Forum;
- (v) The BCI's own research document '*Accessing Television*';
- (vi) The technical report produced by the technical sub committee entitled '*Technical Sub Committee Report*'

The final source of information to be considered will be the submissions received in response to this public consultation. The BCI will consider these submissions before finalising the *Access Rules*.

Both the access principles and the influencing factors are explained below.

### *Access principles*

The Consultative Forum identified four key principles to underpin the development of the *Access Rules* and these are outlined in the Chairperson's Report. The principles are based on trends emerging from international experience in access provision, as well as the experience of those user groups and broadcasters attending the Forum. The BCI, in considering the Chairperson's Report, supported the use of these principles to develop the rules.

These principles have been called the Access Principles and a brief description of each and how they have influenced the rules is as follows:

- (i) *Access*  
A guiding principle for the BCI is that those citizens for whom the 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 Draft Rules in that all indigenous broadcasters are required to develop access services.
- (ii) *Excellence*  
This principle recognises the fact that the development of *Access Rules* is not only concerned with the provision of subtitling, audio description and sign language but also the standards and consistency which must be used and attained in their delivery, including best practice guidelines in both audio and visual presentation. The *Access*

*Rules* when completed, will be accompanied by a set of standards and guidelines that broadcasters must attain to ensure a quality service.

(iii) *Incremental progression*

This principle acknowledges that the level of subtitling, audio description and sign language will develop over a period of time. This will facilitate broadcasters to further develop their capacity and expertise to deliver this service.

The use of a ten-year timeframe in the Draft 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, 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 BCI, in consultation with the broadcast provider.

### *Influencing Factors*

In addition to the ‘Access Principles’, the BCI also had regard to a range of influencing factors. These were identified by the Forum and elaborated on in the Chairperson’s Report. Such factors will have an influence on the provision of access services. In drawing up the Draft Rules, the BCI has had regard to the following influencing factors.

#### Differentiation between broadcast services

The *Access Rules* will apply to RTÉ 1, Network 2, TV3 and TG4. In discussing the rules, the Forum agreed that there are differences between these four services and these differences should be reflected in the *Access Rules*. The practical effect of acknowledging the differences between the various broadcasters is through the use of different targets and timeframes for each broadcasting service, in the areas of subtitling, audio description and sign language.

These factors are not about placing more onerous targets on some broadcasters or about permitting some broadcasters to reduce their obligations in this regard. It is a recognition that certain factors can impact on the ability of the broadcaster to reach the same targets as other broadcast services.

In deciding on the targets and timeframes, the Rules differentiate between broadcast services based on the following criteria:

#### 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?

The level of current provision:

What level of subtitling, sign language and audio description does the broadcaster currently provide? What is their starting point?

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?

The technical and human resource cost:

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

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?

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?

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.

### *Funding*

Funding has been identified as an influencing factor. The BCI has had regard to submissions made by broadcasters and the points raised during discussions at the Access Consultative Forum in relation to the likely financial impact of any requirements to provide access services. This also involved gathering information and getting agreement during the Forum process as to the costs of the various access services. The BCI has therefore had regard to the revenue and programming costs, as published by the broadcasters.

In examining the cost issue, the BCI considered the likely costs involved for each broadcaster in complying with the Draft Rules. The BCI examined the type of programming across various schedules, including the number of repeat programmes as this has a bearing on the costs. The BCI also had regard to the nature of the broadcaster, whether it is a private commercial or publicly funded entity. It is difficult to arrive at definitive costings, as in many instances the cost will depend on the scheduling decisions made by broadcasters and the decisions made with regard to what programming they are going to prioritise for subtitling.

In drawing up the draft rules, the BCI has balanced this information against the views of the user groups as well as the 'Access Principles'. More specific information relating to the costs of the different services is outlined below.

### Subtitling

The costs of subtitling relate to the technical facilities needed to insert subtitling, the cost of the equipment and personnel needed to generate subtitles and the cost of purchasing subtitles for acquired programming.

The equipment required to insert conventional subtitles into a programme costs in the range of €17,000 to €27,000 per television channel. RTE is the only Irish broadcaster that has in-house subtitling capabilities at present. The cost of subtitle generation equipment is in the region of €50,000 per workstation. RTE currently uses three such workstations.

The costs per hour for subtitling vary from broadcaster to broadcaster and also depends on the type of programming in question. Live programming, particularly news, is the most expensive at around €500 per hour, while subtitles which are bought for acquired programming cost, on average, €150 per hour. Costs for home produced pre-recorded programming are in the region of €400 per hour.

### Sign Language

The cost of sign language is higher than subtitling and is, on average, about €850 per hour.

### Audio Description

Based on figures from the UK, the cost of inserting audio description is approximately Stg£700-Stg£800 per hour of broadcast programme.<sup>2</sup>

### *Technical considerations*

In the early discussions of the Access Consultative Forum, it became apparent that there was a lack of clarity and common understanding of the technical issues surrounding the provision of subtitling, audio description and signing. In order to ensure a common understanding and agreement as to the technical parameters, a sub committee was established to produce a technical report. Membership of this sub-committee was drawn from engineering staff from the BCI and ComReg, the broadcasters as well as representatives from the user groups. This is a brief summary of the report. The full report from the technical sub-committee is available from the BCI or on [www.bci.ie](http://www.bci.ie)

### Subtitling

Subtitling is on-screen text which represents what is being said on the screen. It can be open or closed. Open subtitling is subtitling which remains on the screen at all times, closed subtitling can be added to the picture or taken away as viewers prefer using, for example, page 888 on Teletext.

Conventional subtitles are accessed using Page 888. These are the most widely available form of subtitling provided by the four national free-to-air television services, i.e. RTE 1, Network 2, TV3 and TG4. Conventional subtitles can be provided on both analogue and digital transmission systems. The technical report found that the most widely used form of subtitling is the conventional 888 analogue subtitles which can be carried on all distribution systems.

### Captioning

The terms 'captioning' and 'subtitling' are often used interchangeably, but there are differences in their meaning. In particular, the meaning in the US is different to that in Europe and

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<sup>2</sup> Source: NCBI

especially the UK. In Europe, 'captioning' usually refers to on-screen text which represents what is being said on the screen, such as when a foreign film is translated into English. In the US, however, the term refers to a form of text hidden from normal viewing unless accessed through a special decoder in the TV set or a 'closed caption reader'. US style closed captioning is similar to subtitling in that the hidden text is especially designed for access by deaf people to assist them in the interpretation and understanding of text and to link it to the dialogue. Subtitling is more sophisticated, there are differences in formatting which are designed to assist the interpretation and understanding of the text and to link it more accurately with the on-screen action. For example, in subtitling the colour of the text changes to alert the viewer that a different person is speaking in the scene. There are also standards with regard to the font size, the speed of reading and number of lines of text carried on the screen at one time. US closed captioning on the other hand may not include this formatting and is 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.

### 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 can be presented on screen through the use of a signer as part of the programme content, or by the use of a signer interpreting the dialogue as part of the programme content, (either a real person or avatar) in a box superimposed in the corner of the screen. An avatar, which is a virtual representation of a human image has been developed primarily for digital services because it consumes less 'space' in the digital transmission system than a real human image.

The main difficulty with regard to sign language provision is the technical inability to provide closed signing. Closed signing gives the viewer a choice of whether to have signing on the screen or not. Open signing may be provided whereby a signer is shown in part of the screen but this means a viewer cannot remove the signing from his/her screen. In other jurisdictions, there is a tendency for viewers to complain about the intrusive nature of signing. For this reason, broadcasters in the UK tend to broadcast signed programming in off-peak hours, e.g. overnight for recording on VCRs. Closed signing can only be achieved using a digital distribution system using a separate image. The image can be in the shape of an avatar or a lower quality picture of a human signer. The latter would require more digital bits or 'transmission space' than an avatar. Both would require the development in Ireland of a national digital terrestrial television or distribution system.

With regard to the development of targets for sign language, an important distinction should be made between the type of targets used for subtitling and those used for sign language. While broadcasters can, initially at least, reach targets by purchasing subtitles for their acquired programmes, this cannot be done with sign language. Each sign language is particular to the country of origin. For example, Irish Sign Language is a different language to British Sign Language. All programmes have to be signed therefore by the broadcaster in Irish Sign Language and cannot be purchased from other broadcasters. In relation to TG4, there are some other considerations, namely the availability of Sign Language translators with fluent Irish.

### Audio Description

Audio Description is in limited use in North America and some countries in Europe including the UK. Audio description is essentially a commentary which gives a viewer with a visual impairment, a verbal description of what is happening on screen at any given moment to enhance the understanding and enjoyment of the programme. The technique uses a second sound track which gives a description of the scene and the on screen action.

In the US and some European countries audio description is provided on analogue services but with certain limitations. While Ireland and the UK use a different form of stereo transmission it is still considered that the limitations will present difficulties for both the broadcasters and viewers. More detail is given in the technical committee's report.

Digital services, however, are better able to carry the second sound track but a fully closed audio description as provided by a digital distribution system is not yet possible in Ireland at present.

A fully closed audio description is similar to subtitling in that the viewer who does not wish to have the additional sound track describing what is happening on the screen has the option to turn the audio description off. Open audio description as used in some European countries means that the viewer does not have this choice.

There are further difficulties in providing audio description, however, even when the digital platform is available. In the UK a digital terrestrial platform was launched in 1998 but there was no legislative requirement for the set top boxes to contain audio description-receiving software. Despite the fact that UK broadcasters are required to develop audio description, in the early years it was impossible to receive, other than by a few specialist receivers. A new set top box has recently been made available for purchase which will facilitate reception of audio description and other manufacturers are now including the software in their decoders. Recent agreements between the major broadcasters have allowed audio description to be carried on satellite using a separate sound channel.

User groups have recommended that despite the technical difficulties which exist, the *Access Rules* should require broadcasters to develop some audio description. While it may not be possible to access that service now, they argue that if broadcasters do not begin to develop some expertise and experience in the area, this will delay its development if and when the technology becomes available. They have also highlighted the importance of audio describing some current programming, especially home produced programming, so that when the provision of audio description becomes possible, there will be an archive of material already available for broadcast.

## **Section 4 Application of the framework to each broadcaster**

*Section 3 listed and described the ‘Access Principles’ and the ‘Influencing Factors’. This section outlines how both have been applied to the three elements of the Draft Access Rules and how they have been used to determine the targets and timeframes for each broadcaster. This section asks for your views as to the manner in which they have been applied. It first deals with the issues common to all three access services before asking questions specific to each under the headings ‘subtitling’, ‘sign language’ and ‘audio description’.*

### **The use of specific targets and timeframes in the draft access rules**

While requiring the BCI to develop rules, the legislation makes it discretionary as to whether the BCI should incorporate specified percentages and timeframes into the rules. In considering this, the BCI agreed with the view of the majority of those participating in the Access Consultative Forum that identifying precise targets and timeframes is important. The BCI agrees that having targets clarifies the expectations of user groups as to the progress which will be made in the development of access services and the timeframe in which this progress will be achieved. The BCI also agrees that precise targets and timeframes provide some certainty to broadcasters in terms of planning the development of these services. The use of specific targets and timeframes allows for the measurement and evaluation of the progress made in the development and delivery of these services by each broadcaster.

An alternative option to the development of targets and timeframes would be for the rules to ‘encourage’ or ‘require’ broadcast providers to develop these services, with no specification of the level of provision that is required or encouraged. This approach leaves the determination of the pace of development of access provision up to the broadcast provider, in line with its ability and capacity. The BCI felt such an approach offered no guarantee to user groups as to the likely development of services or an indication of when they could expect this to happen. For these reasons, the Draft Rules in Section 5 contain specific targets in percentage terms to be achieved by broadcasters in relation to the levels of subtitling, audio description and sign language that they provide.

The Draft Rules also propose specific timeframes for the attainment of these targets. A description of the exact targets and timeframes is contained later in this section.

- What is your overall view of the BCI’s proposal to use specific targets and timeframes in the Access Rules for the provision of:
  - a. subtitling
  - b. sign language
  - c. audio description subtitling in the Access Rules?

Please provide a reason for your response.

### **Specification of programme types or genres**

In discussing the principle of responsiveness, the Access Consultative Forum addressed the issue of programme types and genres and whether broadcasters should prioritise certain types of programmes in the development of access services. Based on the outcomes of the discussion, the draft *Access Rules* do not specify what genres or types of programming should be prioritised by broadcasters for subtitling or signing or audio description. Neither do they specify which time blocks within the broadcast day should be prioritised.

The deaf, hard of hearing and the visually impaired are not homogenous groups. Individuals have their own tastes and preferences with regard to their preferred viewing. Consequently, the rules do not attempt to prescribe the genres or viewing times which should receive initial attention by broadcasters. Choice of viewing is important, and therefore, it is suggested that broadcasters should try to ensure that in developing their access provision they encompass a range of programming genres and times. Some broadcasters have indicated their preference to prioritise peak-time viewing or home-produced programming. The targets as outlined do not preclude this and afford broadcasters the flexibility to develop access services within the 18-hour timeframe as they wish.

The one exception is in relation to children's programming. User groups put forward the view that in order for children to become familiar with using access services and to ensure they have access to television programming, some of the increase each year should be in the area of children's programming. The *Access Rules* have placed a requirement on RTÉ 1 and Network 2 to include children's programming in the development of these services, given their public service remit and the fact that they broadcast a significant amount of children's programming.

#### *Subtitling*

- What is your view of the BCI's proposal that programme types or blocks of time should not be specified for broadcasters in respect of;
  - A. subtitling
  - B. sign language
  - C. audio description?Please provide a reason for your response.

#### *Children's programming*

- What is your view of the proposal to require RTÉ 1 and Network 2 to include some children's programming in its development of subtitling, sign language and audio description each year?  
Please respond specifically in relation to each of the three forms of access provision and provide a reason for your response.

## **Subtitling**

The following issues and questions posed relate to subtitling specifically.

### *Quality and standards*

The principle of excellence refers to the quality of the access service provided. It highlights the importance not only of the quantity of subtitling available but also the quality of the subtitling provision. Two issues arise here.

### Use of captioning

The first relates to whether the Access Rules should permit broadcasters to use captioning to attain their subtitling targets. As discussed earlier, there are differences in quality between closed captioning, as used in the US and foreign language captioning, when compared to subtitling. For example, in subtitling, the colour of the text changes each time the speaker changes, also subtitling will include a description of other non-speech sounds such as 'phone ringing'. Captioning does not include this formatting or the off screen sounds.

Very often closed captioning rather than subtitling is available for purchase with acquired programming, particularly American-produced programming. Broadcasters have highlighted the fact that for many programmes *subtitles* are not available for purchase but US closed captions or open English language captions are available. The Draft Rules currently stipulate that subtitling be used as standard and the guidelines which will be produced by the BCI will lay down a number of stipulations that are common to subtitling. This will mean that broadcasters will not be able to use captioning, even though captions may be available for purchase. Instead they will have to generate subtitles in-house for these programmes. The issue is whether the *Access Rules* should permit captioning as well as subtitling or whether the rules should permit broadcasters to use a percentage of captioning each year to attain their targets.

- What is your view on the use of captioning?
- Do you believe broadcasters should be permitted to include some captioning per year in attaining their subtitling targets?
- If so, what percentage of the overall target should be allowed in caption form?  
Please provide reasons for your responses.

### Guidelines

The BCI will produce a set of guidelines and standards for subtitling.

- What is your view on the type of issues that should be addressed within these standards and guidelines?  
Please provide a reason for your response

### The use of an 18-hour broadcast day as the timeframe for daily targets

In the Draft Rules it is proposed that the period of time over which the targets for subtitling should be set and measured should be an 18-hour broadcast day. This is usually taken as the period of time from 7am-1am. The 18-hour day stipulation has been included based on the experience of deaf groups in other jurisdictions who have argued that if based on a 24-hour day, broadcasters have tended to subtitle programmes in off peak hours, including overnight. The 18-hour day rule has been proposed in relation to subtitling to ensure that broadcasters develop their subtitling

provision within mainstream broadcasting hours, thereby maximising the number of people who have access to programming.

- What is your view on the use of an 18-hour day as the basis for subtitling targets?
- Do you believe 7am to 1am is an appropriate timeframe?
- If not, what alternatives would you suggest?  
Please provide a reason for your response.

### Targets and Timeframes

In discussing targets and timeframes in the Access Consultative Forum, much reference was made during the discussions to the UK which is leading the way with regard to providing technological methods to enhance accessibility for deaf and blind people to broadcast media. There is a need, however, to acknowledge the differences between the two jurisdictions in terms of the population size, the funding available to these services, the technical environment and the period of time that has already been afforded to these services over the past ten years to develop their access provision. In relation to subtitling, ITV and Channel 4 are required to meet a target of 90% by 2010 while Channel 5 is obliged to reach a target of 80% by 2008. The BBC is committed to providing 100% subtitling on all their channels including the new digital services by 2008.

Comparisons with other European countries are somewhat difficult, given that, in many countries, subtitling or captioning is provided as a translation service rather than as an access service. In general, however, levels of subtitling are low, especially by comparison with the levels attained in the UK. Of late, the EU has been seen to take an interest in access services and it is generally considered that provisions across Europe will improve with some member states already taking the lead.

The BCI has, in determining targets for Irish broadcasters, taken account of the trends throughout Europe in relation to targets and timeframes. It has also, however, recognised the unique context of Irish broadcasting and used the access principles and the influencing factors as identified by the Access Consultative Forum as the key means by which the targets have been developed.

### *Targets*

The Commission has used the influencing factors and access principles to develop a set of targets for each broadcaster. Different targets have been set for each broadcaster in acknowledgement of the differences between each. The targets that are being proposed for each broadcaster are outlined below.

### *Timeframes*

A ten-year timeframe is being proposed for each broadcaster and the interim targets to be reached each year are specified. This is in keeping with the general practice in other jurisdictions and the principle of incremental progression. Within a ten-year timeframe, it is important to note that the challenge of meeting the yearly increment is not the same over the ten-year period. As the level of subtitling increases each year, the cost, effort and expertise needed to reach the higher levels is greater than those required in the early stages of development. In the initial years the broadcaster may decide to prioritise pre-recorded programming or the purchase of subtitles. In the latter years, the broadcaster must develop the skills and capacity to

subtitle live programming. The difference between the early years of the ten year timeframe acknowledges not just the financial cost but also the training and human resources that are required and the skills that have to be built up over time.

#### *Subtitling targets for each broadcaster*

The following are the proposed targets and timeframes developed for each broadcaster.

#### Targets and timeframe for RTÉ 1 (Subtitling)

##### RTÉ 1

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
55%	65%	75%	85%	93%	95%	97%	98%	99%	100%

The proposals for RTÉ 1 are informed by a range of influencing factors. These are:

#### The nature of the broadcast provider

RTÉ 1 is a national free to air service that provides a key service to the public and is the primary supplier of home produced indigenous programmes, including news and current affairs.

It is a public service broadcaster, part-funded through the licence fee and as such has additional public service obligations.

It has the largest market share of indigenous broadcasters and is the longest established indigenous broadcaster.

#### The level of current provision

With regard to current provision, the station is starting from a relatively high position in terms of its current level of subtitling and it has, over the past ten years, developed its in-house capacity, both in terms of technical and human resources.

#### The type of programme schedule

With regard to the type of programming on RTÉ 1, there is a mix of live, home produced and acquired programming. RTÉ 1 could increase its level of provision, at least initially, through the purchase of subtitles, while gradually developing its in-house capacity to provide a higher level of provision.

#### The technical and human resource cost

In order to facilitate the development of the two RTÉ services in tandem, the targets for both are spread over a ten-year timeframe. It could be argued that shortening the timeframe for RTÉ 1 would have implications for the ability of the station to develop the Network 2 subtitling service to the desired levels.

#### Targets and timeframe for Network 2 (Subtitling)

##### RTÉ Network 2

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
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24% 33% 42% 51% 60% 67% 73% 80% 85% 90%

The proposals for Network 2 are informed by a range of factors. These are:

The nature of the broadcast provider

The targets for Network 2 are based on many of the arguments put forward in relation to RTE 1, namely the public service remit of the channel.

Network 2 provides a key service to specific age brackets, in particular to children and young people.

The type of programme schedule

With regard to the type of programming on Network 2, there is a mix of live, home-produced and a significant amount of acquired programming.

The level of current provision

The station's current level of subtitling provision is lower than that of RTE 1. The ratio of live to pre-recorded programming, however, means that an increase in subtitling provision could be achieved by sourcing existing subtitles rather than generating them in-house. This should see the costs of increasing subtitling provision for Network 2 being lower than that for RTE 1, which broadcasts more live and home-produced programming.

Targets and timeframe for TG4 (Subtitling)

TG4

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
24%	30%	36%	42%	50%	56%	62%	68%	74%	80%

The proposals for TG4 are informed by a range of factors. These are:

The nature of the broadcast provider

TG4 provides a key service to Irish language speakers and is a public service broadcaster.

The state of development of the broadcast provider

It is a relatively young station, at a relatively early stage of development. At an economic level, it operates on a smaller scale than the other public service providers.

The type of programme schedule

With regard to the type of programming on TG4, there is a mix of live, home-produced and acquired programming, with a significant amount of home-produced programming.

The service has a number of special productions or home productions for which subtitles have to be produced rather than purchased/acquired, thus raising the cost of subtitling provision.

#### The technical and human resource cost

Given TG4's linguistic imperative and distinctiveness, if it is to increase its level of subtitling, it most likely will do so with Irish language subtitles. This means the option of purchasing subtitles for acquired programming, as an initial means of achieving the targets, may not be available to the station. Irish language subtitles will have to be produced in-house for acquired material. Consequently, the targets aim to reflect this but are higher than those proposed for the private broadcaster TV3, given TG4's public service remit. They are, however, lower than those proposed for Network 2 given the above.

#### Targets and timeframe for TV3 (Subtitling)

##### TV3

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
12%	19%	26%	33%	40%	44%	48%	52%	56%	60%

The proposals for TV3 are informed by a range of factors. These are:

#### The nature of the broadcast provider

TV3 is a national free-to-air service wholly funded through commercial revenue. However, it is the only service with a right to national free to air broadcasting as provided for under the 1988 Radio and Television Broadcasting Act.

#### The stage of development of the broadcast provider

It is a relatively young broadcaster at an early stage of development, with no in-house capacity to generate subtitling.

#### The level of current provision

Its current level of subtitling provision is low.

#### The type of programme schedule

The schedule provides a mix of live and acquired programming with some home-produced programming.

#### The technical capacity and the technical and human resource cost

The type of programming broadcast by TV3 means that an initial increase in subtitling provision could be achieved in the first three years through acquired subtitling. This is helped by the relatively high levels of repeat programming that could contribute to the attainment of targets, at least in the early years. Furthermore, the station will need to develop its capacity to deliver live subtitling through contracting out or outsourcing the provision of subtitling. The increments therefore are lower in the subsequent years, in recognition of the need to build this capacity.

The targets proposed for TV3 are less than for other services given that they are a private broadcaster. In many jurisdictions, it is public policy that there are higher expectations placed on public service broadcasters when compared to private commercial services.

- What are your views on the principle of setting different targets for each broadcaster in relation to subtitling?  
Please provide a reason for your response.
  
- What is your views on the BCI's proposal to use a ten year timeframe for the development of subtitling?  
Please provide a reason for your response.
  
- What is your view on the appropriateness of the specific targets proposed for:
  - a. RTÉ 1
  - b. Network 2
  - c. TG4
  - d. TV3Please be as specific as possible in your response as to what your view is in relation to each broadcast service, providing a reason for your response.  
Respondents may also submit material in support of their response.

## **Sign Language**

### The use of a 24-hour day as the basis for targets

In relation to sign language there are technical differences which mean it may be more appropriate to permit broadcasters to use a 24-hour broadcast day as the basis for targets. There are technical limitations that do not permit the use of closed signing or audio description which allows the viewer discretion as to whether or not to have the access service on their screen. Open signing is regarded as intrusive by many viewers who do not require the service and for this reason it is sometimes broadcast during non-mainstream or overnight hours.

For this reason, the BCI is asking for your views on the appropriateness of using a 24-hour broadcast day in relation to signing.

- What is your view on the use of a 24-hour day as the basis for sign language targets?  
Please provide a reason for your response.

### Targets and Timeframes

The Draft Access Rules propose a target and timeframe for the development of sign language on RTE 1 and Network 2. The Rules do not propose targets for TG4 and TV3. This is in acknowledgement of RTÉ 1 and Network 2's public service remit and is in keeping with the trend in other jurisdictions, whereby the development of sign language is undertaken, at least initially, by public service broadcasters. With regard to TG4, targets have not been set for this station at this time. The current

level of provision of sign language is very low. It is limited to the News for the Deaf and 'Sign of the Times' on RTÉ.

### Timeframes

There is uncertainty surrounding the pace and nature of future technical development e.g. introduction of Digital Terrestrial Television and, therefore, it is difficult to predict the pace at which sign language services can develop.

The Draft Access Rules propose a timeframe of **three years** for the attainment of the target. Technological change will have an impact on the ability of broadcasters to provide this service. A three-year timeframe allows for technological change to be reviewed within a relatively short period of time and to be factored into the development of future targets. It also allows for this review to occur in tandem with the review period for subtitling, so that all access provision can be reviewed at the same time.

### Target

The Draft Access Rules propose a target of 1% sign language to be attained over the three-year period.

- What is your view of the Commission's proposal to set targets for RTÉ 1 and Network 2 only in relation to sign language?  
Please give a reason for your response.
- What is your view of the proposed three-year timeframe for the development of sign language provision?  
Please give a reason for your response.
- What is your view of the BCI's proposal to set a 1% target for the development of sign language over three years?  
Please provide a reason for your response.

### **Audio description**

#### The use of a 24-hour day as the basis for targets

As with sign language there are technical limitations which mean that closed audio description is not possible. This means that if audio description is being broadcast all viewers hear the audio description and do not have the ability to turn this service off. Viewers in other jurisdictions have tended to complain that this is overly obtrusive on their own viewing. Therefore, broadcasters have tended to broadcast open audio description during non-mainstream hours or overnight. The Rules propose using a 24-hour day as the basis for targets to accommodate overnight broadcasting of audio description.

- What is your view of the BCI's proposal to use a 24-hour day as the basis for targets for audio description?  
Please provide a reason for your response.

### Targets and timeframes

The Draft Access Rules propose a target and timeframe for the development of audio description on RTÉ 1 and Network 2. The Rules do not propose targets for TG4 and TV3. This is in acknowledgement of RTÉ 1's and Network 2's public service remit and is in keeping with the trend in other jurisdictions, whereby the development of audio description is undertaken, at least initially, by public service broadcasters. With regard to TG4, targets have not been set for this station at this time. There is currently no audio description broadcast on the four Irish services and there are technical reasons why the development of broadcast audio description has not happened to date.

### Timeframes

The Draft Rules propose an initial three-year timeframe for the development of audio description. This would allow for a review of audio description provision after a relatively short period in order to reassess the target in light of any technological changes and at the same time as the review of other access services.

### Target

The Draft Rules propose a target of 1% to be attained over the three-year timeframe.

- What is your view of the BCI's proposal to set targets only for RTE 1 and Network 2 in relation to audio description?  
Please give a reason for your response.
- What is your views on the BCI's proposal to set an initial three-year timeframe for the development of audio description?  
Please provide a reason for your response.
- What is your view of the BCI's proposal to set an initial 1% target for the audio description to be attained over three years?  
Please provide a reason for your response.

### **Review of the Rules**

The principle of responsiveness has also influenced the inclusion of two review periods within the timeframe for the development of access services. In the Draft Rules, it is proposed that the BCI's policy in respect of the implementation of the relevant provisions and the rules themselves will be fully reviewed after years three and five. A three-year review would allow broadcasters to incorporate the rules into their schedule, while permitting a review by all stakeholders on progress made, at a relatively early stage in the overall timeframe. It also allows for a review of technological and market developments which could impact significantly on the development of access services. For example, were a digital terrestrial platform to become available in Ireland, this would have implications for the ability of broadcasters to provide access services, and thus, the availability of those services.

- What is your view on the proposed review periods?
- Have you any comment to make on the process which should be used to conduct these reviews?  
Please provide reasons for your responses.

## Section 5 BCI Draft Access Rules

*This section presents the draft Access Rules.*

### 5.1 Introduction

Section 19(11) of the Broadcasting Act 2001 provides that:

The BCI shall make rules requiring each broadcaster to take specified steps to promote the understanding and enjoyment by –

- (i) persons who are deaf or hard of hearing, and
- (ii) persons who are blind or partially sighted,

of programmes transmitted on any broadcasting service provided by him or her.

### 5.2 Definitions

#### *Subtitling*

Subtitling is on-screen text that represents what is being said on the screen.

The text is formatted to assist the interpretation and understanding and to link it more accurately to the dialogue and sound effects, through the use of a colour change to alert the viewer that a different person is speaking in the scene and an indication of non-speech noises. There are also standards with regards to the font size, reading speed and number of lines of text carried on the screen at one time. 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 on Teletext.

#### *Captioning*

Captioning refers to on-screen text that represents what is being said on the screen.

#### *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 can be presented on screen through the use of a signer as part of the programme content, or the use of a signer (either a real person or avatar) 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 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.

#### *Jurisdiction*

These rules will apply to broadcasters under the jurisdiction of the Republic of Ireland or those who make use of a frequency or satellite capacity or up-link based in the Republic of Ireland. In practical terms, the *Access Rules* will apply to the four indigenous terrestrial services, namely, RTE 1, Network 2, TG4 and TV3. The BCI reserves the right to extend the rules and their

applicability to new services licensed by the BCI under the Broadcasting Act 2001. The BCI will make this assessment on a case by case basis.

## Subtitling Rules

- Specific targets have been identified for each broadcast service.
- All targets are based on a ten-year timeframe.
- In evaluating performance, percentage targets will be calculated over an 18-hour broadcast day from 7am to 1am and will be measured over a yearly basis.
- The rules refer to programming content only and performance will be evaluated based on the scheduled duration of the programme.
- Targets will be calculated based on the level of subtitling provision on each individual broadcast service.
- Targets and timeframes will be reviewed after years three and five.
- In the case of the RTÉ services, RTÉ 1 and Network 2, the rules require that in developing subtitling provisions, some children's programming be included as part of the development of subtitling on an annual basis.
- In the case of TG4, both Irish language and English language subtitles will be included in the measurement of performance.
- Broadcasters will be required to comply with the BCI guidelines and standards for subtitling.

## Targets

The following targets and timeframes will apply:

### RTÉ 1

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
55%	65%	75%	85%	93%	95%	97%	98%	99%	100%

### RTE Network 2

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
24%	33%	42%	51%	60%	67%	73%	80%	85%	90%

### TG4

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
24%	30%	36%	42%	50%	56%	62%	68%	74%	80%

### TV3

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
12%	19%	26%	33%	40%	44%	48%	52%	56%	60%

## Sign Language Rules

- A target of 1% sign language has been set for the RTÉ services to be attained over three years from the finalisation of the *Access Rules*.
- The target is based on a three-year timeframe.
- In evaluating performance, the percentage of sign language will be calculated over a 24-hour broadcast day, taking into account the cumulative percentage across RTÉ 1 and Network 2 and measured over a yearly basis.
- The *Access Rules* refer to programming content only and performance will be evaluated based on the scheduled duration of the programme.
- In evaluating performance, the percentage of sign language will refer to sign language provided on screen through the use of a signer as part of the programme content, or the use of a signer (either a real person or avatar) acting as an interpreter in a box superimposed in the corner of the screen.
- Targets and timeframes will be reviewed at year three.
- The Rules require that in developing sign language provision, some children's programming be included as part of the development of sign language provision on an annual basis.
- Broadcasters will be required to comply with guidelines and standards produced by the BCI.

## Audio Description Rules

- A target of 1% audio description has been set for the RTÉ services to be attained within three years of the finalisation of the *Access Rules*. The target is based on a three-year timeframe.
- In evaluating performance, percentages will be calculated over a 24-hour broadcast day, taking into account the cumulative percentage across RTÉ 1 and Network 2 and measured over a year.
- The *Access Rules* refer to programming content only and performance will be evaluated based on the scheduled duration of the programme.
- Targets and timeframes will be reviewed at year three.
- The Rules require that, in developing audio description provision, some children's programming be included as part

of the development of sign language provision on an annual basis.

- Broadcasters will be required to comply with guidelines and standards produced by the BCI.

## Appendix

### Broadcasting Act, 2001

#### Section 19(11) states:

The BCI shall make rules requiring each broadcaster to take specified steps to promote the understanding and enjoyment by –

- (a) persons who are deaf or hard of hearing, and
- (b) persons who are blind or partially sighted,

of programmes transmitted on any broadcasting service provided by him or her.

#### Section 19(12) states:

Rules under subsection (11) may, in respect of any specified period beginning on or after the commencement of this subsection, 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 to in paragraphs (a) and (b) of that subsection of that percentage of programmes may be promoted.

#### Section 19(5) states:

Before preparing a code or making a rule under this section, the BCI shall make available for inspection by any person who makes a request of it in that behalf a draft of the code it proposes so to prepare or the rule it proposes so to make and shall have regard to any submissions made to it, within such period as it specifies for the purpose, by that person in relation to the draft before it prepares the code or makes the rule concerned.

#### Section 19(6) states:

The BCI shall cause to be published in at least one newspaper circulating in the State notice of the fact that, pursuant to subsection (5), a draft referred to in that subsection is available for inspection, of the place at which or the means by which the draft can be inspected and of the period specified by it under that subsection within which submissions may be made to it in relation to the draft.

#### Section 19(13) states:

In subsection (12) 'specified' means specified in, or in accordance with, the rules concerned.