



Broadcasting Complaints Commission

Coimisiún um Ghearáin Chraolacháin

**A Guide for Listeners and Viewers to the Complaints Process  
and The Broadcasting Complaints Commission**



# Introduction

Any viewer or listener who is not satisfied about broadcasting content on an Irish licensed broadcasting service, whether a programme or an advertisement/commercial communication, has a right to complain about it and have their complaint handled by the Broadcasting Complaints Commission.

The Broadcasting Complaints Commission has been given the responsibility by the Government to deal with all broadcasting complaints, which means the Commission looks at, considers and decides upon the nature of these complaints.

This booklet explains how the complaints procedure works and the role of the Broadcasting Complaints Commission (BCC) in adjudicating complaints.

Your right to complain is protected by various broadcasting acts, the most recent of which is the Broadcasting Act, 2001. These Acts are available on request from the offices of the BCC, 2 – 5 Warrington Place, Dublin 2 (01 644 1280) or on its website, [www.bcc.ie](http://www.bcc.ie), or from the Government Publications Office, Molesworth Street, Dublin 2.

## What is the Broadcasting Complaints Commission?

The Broadcasting Complaints Commission (BCC) is an independent body. Its task is to consider and adjudicate upon complaints about material broadcast, both programming and advertising.

The categories for complaints are:

### **programming/broadcast items (including programme promotions)**

- objectivity & impartiality in news
- fairness, objectivity & impartiality in current affairs
- objectivity & impartiality in news & current affairs in RTÉ published matter
- law & order
- privacy of an individual
- taste & decency: Code of Programme Standards
- inaccurate information or facts which could amount to an attack on the dignity, reputation or honour of the person about whom such statements were made

### **advertising/sponsorship/programme competitions/commercial communications**

- General Advertising Code
- Children's Advertising Code

Any viewer or listener can refer a complaint to the BCC if they are unhappy about broadcasting content on an Irish licensed radio or television broadcasting service under any of the above categories.

## Radio & Television Complaint Procedures

### Who Can Make a Complaint?

Any viewer or listener can make a complaint to the BCC about a programme or advertisement broadcast on an Irish radio or television service. Complaints must be made in writing and must include the following details:

- the date, time and channel of broadcast
- specify the news item, programme or advertisement/commercial communication
- a short detailed summary of what concerned you and state under which sub-heading of Section 24 (2) of the Broadcasting Act 2001 the complaint is being made (detailed in the section ‘What can I complain about?’ of this booklet).

It is important to include all the above details. To assist complainants, a ‘Complaint Form’ is available on request from the offices of the Commission or on its website at [www.bcc.ie/complaintform](http://www.bcc.ie/complaintform) An on-line complaint facility is also available on the website.

### Which broadcasters are within the scope of the Commission?

All commercial, community and public radio and television broadcasters, be they on a local, regional or national basis licensed within the Republic of Ireland.

### What can I complain about?

If you see or hear any broadcast which you believe breaches any of the following regulations of Section 24 (2) of the Broadcasting Act, 2001 you can make a formal complaint:

#### a Impartiality, Fairness and Balance

All broadcast news must be presented and reported in an objective and impartial manner and without expression of the broadcasters’ own views.

Current affairs broadcasts, including matters of public controversy or debate, must be treated in a manner which is fair to all interests concerned and the broadcast must be presented in an objective and impartial manner, without any expression of the broadcasters’ own views.

Any matter, whether written, aural or visual, and which relates to news or current affairs, including matters which are either of public controversy or the subject of current public debate, published, distributed or sold by RTÉ is presented by it in an objective and impartial manner.

Two or more related broadcasts may be considered as a whole if they are transmitted within a reasonable period.

#### b Law and Order

Every broadcaster must ensure that it does not broadcast anything which may reasonably be regarded as being

likely to promote, or incite to, crime or as tending to undermine the authority of the State.

**c Privacy of an Individual**

It is the duty of broadcasters to ensure in its programmes and in the means employed to make such programmes, the privacy of an individual is not unreasonably invaded.

**d Taste & Decency**

Every broadcaster must ensure that it does not broadcast anything which may reasonably be regarded as offending good taste or decency. In this regard, there is a *Code of Programme Standards* which has principles and rules that broadcasters must follow. This *Code* details a range of factors that may be taken into account when determining whether programme material is tasteful and/or decent and/or whether undue offence or harm may be caused. There are two fundamental sections in this code:

This code is available on request from the offices of the BCC or on its website, [www.bcc.ie](http://www.bcc.ie).

**e Advertising, Teleshopping, Sponsorship & Commercial Communications**

A commercial communication is defined as ‘*any form of announcement on radio and television coming within the recognised character of advertising, sponsorship and teleshopping and any other form of commercial promotion*’.

Broadcasters must work within two established codes of standards and practice for commercial communications.

Content Principles	Content Rules
2.1 General Community Standards	3.1 Violent Programme Material
2.2 Due Care	3.2 Sexual conduct
2.2.1 audience information & guidance	3.3 Coarse & Offensive Language
2.2.2 identification with characters, actions and personal circumstances	3.4 Persons and Groups in Society
2.3 Protection for Children	3.5 Factual Programming – News, Current Affairs and Documentaries
2.4 Assessment - programme material shall be assessed in whole and in context	3.6 Children’s Programming
	3.7 Drugs, Alcohol and Solvent Abuse
	3.8 Imitative Behaviour

General Advertising Code	Children's Advertising Code
<p><b>Main Sections:</b></p> <ol style="list-style-type: none"> <li>3 General principles and rules applying to all commercial communications (including the protection of the individual &amp; society; offence, harm and human dignity; transparency and assessment)</li> <li>4 General rules pertaining to all advertising</li> <li>5 Rules pertaining to specific advertising techniques</li> <li>6 Rules pertaining to teleshopping</li> <li>7 Rules pertaining to sponsorship (including competitions)</li> <li>8 Rules pertaining to specific products and services</li> <li>9 Prohibited communications</li> <li>10 Appendix (a list of principal legislation that may affect commercial communications)</li> </ol>	<p><b>Main Sections:</b></p> <ol style="list-style-type: none"> <li>1 Social values</li> <li>2 Inexperience and credulity</li> <li>3 Undue pressure</li> <li>4 Special protection for children in advertising</li> <li>5 General safety</li> <li>6 Violence</li> <li>7 Diet and Nutrition</li> <li>8 Parental responsibility</li> <li>9 Programme characters</li> <li>10 Product prohibitions and restrictions</li> <li>11 Identification and separation</li> <li>12 Insertion of advertising</li> </ol>

**f Inaccurate information or facts that could amount to an attack on a person's dignity, reputation or honour**

The Commission may consider complaints where it is alleged inaccurate facts or information was broadcast which could amount to an attack on the dignity, reputation or honour of the person about whom such statements were made.

**How quickly should the complaint be made?**

There is a time limit:

- (i) If the complaint relates to one broadcast, it must be sent to the Commission no later than thirty days after the date of the broadcast;
- (ii) If it relates to two or more **unrelated** broadcasts, it must be sent no later than thirty days after the date of the earlier or earliest broadcast;

(iii) If it relates to two or more **related** broadcasts, of which at least two are made on different dates, it must be sent no later than thirty days after the later or latest of these broadcasts.

If you hear or see a broadcast that concerns you, complete a 'Complaint Form' and return it to the offices of the BCC no later than thirty days after the broadcast. Alternatively, write down the station name, date and time of the broadcast together with a short summary of what it was that concerned you and forward it to the BCC no later than thirty days after the broadcast.

### **What will happen to your complaint?**

- If a complaint is accepted, the Commission will forward the complaint to the relevant broadcaster. The broadcaster may then decide whether or not to reply any time up to twenty-one days from the date of receiving the complaint. This time limit may be extended by the Commission if good and valid reasons are shown.
- A copy of the Broadcaster's reply, if any, will be sent to the complainant. If the reply is not to the satisfaction of the complainant, he/she has up to fourteen days thereafter to submit their response to the Commission. The time limit may be extended by the Commission if good and valid reasons are shown.

- If the complainant is not satisfied with this response, all written correspondence together with the relevant recording of the broadcast will be considered by the Commission.
- An employee of the Broadcaster or an independent producer may request to comment on a complaint. If the Commission considers the interest of the employee might be adversely affected, or the prospects of the independent producer to obtain future programming commissions from the broadcaster concerned, as a result of the complaint, then he/she will be given the opportunity to comment.
- When the complaint is one in respect of an advertisement under Section 24(2)(e) of the Broadcasting Act, 2001, the Commission will afford the person responsible for submitting the advertisement an opportunity to make submissions in relation to the advertisement.
- The Commission's consideration of complaints submitted will be carried out in private and will be confidential.

### **Following the Commission's consideration, what happens to a complaint?**

- If the Commission agrees with the complaint it will be 'upheld'.
- If the Commission disagrees, the complaint will be 'rejected'.

- A copy of the decision will be sent to the complainant and the broadcaster before its publication. If the programme/advertisement is produced by a person other than the broadcaster, the Commission will also forward a copy of the decision to the relevant person.

- Summaries of all complaints are distributed to the media, listed in the Commission's Annual Report and posted to the Commission's website, unless it considers it inappropriate to do so.

- The information published includes the name of the complainant only. A complainant is requested to submit contact details. Such details submitted are for use by the Commission only.

- The Commission may request the broadcaster to publish particulars of the decision on a complaint in a manner previously agreed between the Commission and the broadcaster concerned.

- Where a complaint is upheld, in whole or in part, the broadcaster concerned will broadcast the Commission's decision. This could include the name of the person who made the complaint and in the case of a complaint under subsection (2)(f) (slander), of the Broadcasting Act 2001, any correction of inaccurate facts or information relating to the individual concerned.

This will be done at a time and manner suitably similar or close to the timing of the original broadcast which prompted the complaint. The only exception to this will be a situation where the Commission considers it inappropriate to broadcast the correction.

- The Commission does not have any power to award to any party costs or expenses.

- All communications to the Commission must be addressed to:

Secretary,  
Broadcasting Complaints Commission,  
2 – 5 Warrington Place,  
Dublin 2.

## List of Codes/Acts relevant to Broadcasting Complaints:

There are separate codes for programming content and advertising/promotional material:

### Programming

- Code of Programme Standards

### Advertising/Sponsorship/Commercial Communication

- General Advertising Code
- Children's Advertising Code

### Legislation

Your right to complain is governed by various broadcasting acts enacted from 1960 through to 2001 including:

- Broadcasting Act 2001
- Ministerial Order 1992
- Broadcasting Act 1990
- Radio & Television Act 1988
- Broadcasting Authority (Amendment) Act 1976
- Broadcasting Authority Act 1960

Copies of the listed Codes/Acts can be obtained on request from the offices of the Broadcasting Complaints Commission or on its website at [www.bcc.ie](http://www.bcc.ie)

The Board of the Commission consists of nine members who are nominated by Government and hold office for a period of five years.

### The Commission can be contacted at:

Broadcasting Complaints Commission  
2 – 5 Warrington Place  
Dublin 2.

Tel: (01) 644 1280

Fax: (01) 676 0948

Email: [info@bcc.ie](mailto:info@bcc.ie)

Website: [www.bcc.ie](http://www.bcc.ie)

## Extract from Broadcasting Act 2001

### Services, facilities, etc. for Broadcasting Complaints Commission.

**23.**—(1) *The Commission may supply or provide to the Broadcasting Complaints Commission, on such terms or conditions as the first-mentioned Commission may specify, any services (including services of staff), accommodation or facilities required by the second mentioned Commission for the performance of their functions.*

(2) *Subject to subsection (3), the Commission shall defray the expenses incurred by the Broadcasting Complaints Commission in performing their functions out of moneys paid to the Commission under section 20 (inserted by section 58) of the Act of 1988.*

(3) *Where in the opinion of the Commission an expense incurred by the Broadcasting Complaints Commission in performing their functions is of an exceptional nature, the Commission may, in lieu of defraying the whole or a part of that expense out of moneys referred to in subsection (2), defray the whole or a part of the expense out of moneys paid to it under subsection (4).*

(4) *The Minister, with the consent of the Minister for Finance, may pay to the Commission an amount equal to the amount, or a part thereof, of an expense referred to in subsection (3) for the purpose of enabling the Commission to defray the amount of that expense or, as the case*

*may be, that part of it in respect of which that payment is made.*

(5) *Section 8 of the Act of 1976 is hereby amended by the substitution of the following subparagraph for subparagraph (iii) of paragraph (a):*

*“(iii) the amount of any moneys paid in that year to the Broadcasting Commission of Ireland by the Minister under section 23(4) of the Broadcasting Act, 2001, and”.*

### Functions of the Broadcasting Complaints Commission.

**24.**—(1) *In this section — “broadcaster” means (in addition to the meaning assigned to that expression by section 2(1)) a sound broadcasting contractor; “the Commission” means the Broadcasting Complaints Commission.*

(2) *Subject to the provisions of this section, the Commission may investigate and decide upon any of the following complaints—*

(a) *a complaint that in broadcasting news given by it and specified in the complaint, a broadcaster did not comply with one or more of the requirements of section 18(1) (inserted by the Act of 1976) of the Act of 1960 or, as the case may be, of paragraphs (a) and (b) of section 9(1) of the Act of 1988 (including that section or those paragraphs as applied by this Act),*

(b) *a complaint that in broadcasting a programme specified in the complaint, a broadcaster either did*

not comply with one or more of the said requirements or was in breach of the prohibition contained in section 18(1A) (inserted by the Act of 1976) of the Act of 1960 or, as the case may be, in paragraph (d) of section 9(1) of the Act of 1988 (including that section or paragraph as applied by this Act),

(c) a complaint that on an occasion specified in the complaint, there was an encroachment by a broadcaster contrary to section 18(1B) (inserted by the Act of 1976) of the Act of 1960 or paragraph (e) of section 9(1) of the Act of 1988 (including that section or paragraph as applied by this Act),

(d) a complaint that on an occasion specified in the complaint a broadcaster failed to comply with a provision of a code under section 19(1)(a),

(e) a complaint that on an occasion specified in the complaint a broadcaster failed to comply with a provision of a code under paragraph (b) or (c) of section 19(1) or of a code under section 4 of the Broadcasting Act, 1990, continued in force under section 19(17),

(f) a complaint by a person that in a broadcast by a broadcaster which is specified in the complaint an assertion was made of inaccurate facts or information in relation to that person which constituted an attack on that person's honour or reputation.

(3) A complaint under subsection (2) shall be in writing and be made to the Commission not more than 30 days after—

(a) in case the complaint relates to one broadcast or to 2 or more unrelated broadcasts—

(i) if it relates to one broadcast, the date of the broadcast, or

(ii) if it relates to 2 or more such broadcasts, the date of the earlier or earliest, as the case may be, of those broadcasts, and

(b) in case the complaint relates to 2 or more related broadcasts of which at least 2 are made on different dates, the later or latest of those dates.

(4) When the Commission propose to investigate a complaint made under this section, the Commission shall afford to the broadcaster to whom the complaint relates (hereafter in this section referred to as “the broadcaster concerned”) an opportunity to comment on the complaint.

(5) Where a complaint is made to the Commission and—

(a) a person employed by the broadcaster concerned, or

(b) if the making of any programme, the subject of the complaint, was commissioned by the broadcaster concerned, the person commissioned to make that programme, requests, for reasons specified by him or her, the Commission to afford to him or her an opportunity to comment on

*the complaint, the Commission shall, having considered the reasons so specified, afford to the person such an opportunity if, but only if, they are satisfied that, as appropriate —*

*(i) an interest of the person referred to in paragraph (a), being an interest which the Commission consider relevant to the person's employment by the broadcaster concerned, or*

*(ii) the prospects of the person referred to in paragraph (b) obtaining further commissions in respect of programmes from the broadcaster concerned, may, because of the complaint, be adversely affected.*

*(6) When the Commission propose to consider a complaint referred to in subsection (2)(e), the Commission shall afford to the relevant advertiser an opportunity of making to the Commission submissions in relation to the relevant advertisement.*

*(7) As soon as may be after they decide on a complaint made under this section, the Commission shall send to —*

*(a) the person who made the complaint,*

*(b) the broadcaster concerned, and*

*(c) if the complaint is in respect of a broadcast made on a broadcasting service which is not a free-to-air service provided by the Authority or Teilifís na*

*Gaeilge, the Broadcasting Commission of Ireland, a statement in writing of their decision.*

*(8) In case the Commission decide on a complaint referred to in subsection (2)(e), as soon as may be after their decision, the Commission shall (in addition to complying with the requirement of subsection (7)) send to the person with whom the broadcaster concerned agreed to broadcast the relevant advertisement (if he or she is not the person who made the complaint) a statement in writing of their decision.*

*(9) The consideration by the Commission of a complaint made to them under this section shall be carried out by the Commission in private.*

*(10) Unless they consider it inappropriate to do so, the Commission shall, as soon as may be after the making of the decision, publish particulars of their decision on a complaint in such manner as they consider suitable and, without prejudice to subsection (11), where they consider that the publication should be by the broadcaster concerned, or should include publication by the broadcaster concerned, the particulars shall be published by the broadcaster concerned in such manner as shall be agreed between the Commission and the broadcaster concerned.*

*(11) Without prejudice to subsection (10), the broadcaster concerned shall, unless the Commission consider it inappropriate for the broadcaster to do so, broadcast the Commission's decision on every complaint considered by the Commission*

*in which the Commission found in favour, in whole or in part, of the person who made the complaint, including, in the case of a complaint under subsection (2)(f), any correction of inaccurate facts or information relating to the individual concerned, at a time and in a manner corresponding to that in which the broadcast to which the complaint relates took place.*

*(12) As regards proceedings under this section, the Commission shall not have any power to award to any party costs or expenses.*

*(13) A person shall not act as a member of the Commission in relation to any matter with respect to which he or she has a material financial or other beneficial interest.*

*(14) Subsection (2) shall not apply to a complaint which, in the opinion of the Commission, is frivolous or vexatious, nor, unless the Commission consider that there are special reasons for investigating the complaint (which reasons shall be stated by the Commission when giving their decision), shall that subsection apply to a complaint which is withdrawn.*

### **Annual report of Broadcasting Complaints Commission.**

**25.**—*As soon as may be, but not later than 6 months, after the end of each year, the Broadcasting Complaints Commission shall make to the Minister a report of their activities during that year and the report shall contain such particulars (if any) as*


*they think fit of decisions made by them pursuant to section 24 during that year, and the Minister shall, as soon as may be after the receipt by him or her of the report, cause copies of it to be laid before both Houses of the Oireachtas.*

### **Holders of contracts to record programme material.**

**26.**—*(1) A person who is a holder of a contract entered into under the Act of 1988 or this Act shall, for the purposes of section 24, record every item of programme material supplied by him or her under the contract in such manner as stands approved of by the Broadcasting Complaints Commission for the purposes of this section.*

*(2) A recording made by a person under this section shall be retained by that person for such period as stands determined by the Broadcasting Complaints Commission for the purposes of this section, and when a complaint is being investigated by the Commission under section 24, the recording of the broadcast to which the complaint relates, together with the recording, made and being retained pursuant to this section, of any other broadcast which in the opinion of the Commission is relevant to that broadcast, shall be supplied by the person to the Commission on a request made by the Commission at any time during such period.*

*(3) The making or retaining of a recording in compliance with this section shall not constitute a contravention of any provision*



*of Part III of the Copyright and Related Rights Act, 2000, or an infringement of copyright, and nothing contained in the Copyright and Related Rights Act, 2000, shall be construed as prohibiting or restricting the making of such a recording.*

**Transitional provision in relation to the Broadcasting Complaints Commission.**

**27.**— *Notwithstanding the repeal by section 3 of sections 18A to 18C of the Act of 1960, anything commenced but not completed before the commencement of section 3 by the Broadcasting Complaints Commission under the said sections 18A to 18C may be carried on and completed by them after that commencement as if those sections had not been repealed.*



## How to make a complaint

### All complaints **must**

- be in writing, preferably by completing a 'Complaint Form'
- be made no later than thirty (30) days after the broadcast
- relate to a broadcast by an Irish licensed broadcaster
- come within the codes or legislation as detailed in the section *What can I complain about?* of this booklet
- include a short detailed summary of what concerned you.

*All complaints considered by the BCC are made available on the Commission's website, [www.bcc.ie](http://www.bcc.ie) and through BCC publications and the print media.*

*This booklet is a summary of the powers and jurisdiction of the Broadcasting Complaints Commission. It does not purport to be exhaustive and complainants are advised to study carefully the statutory provisions.*