



Communications Act 2003

2003 CHAPTER 21

PART 4

LICENSING OF TV RECEPTION

363 Licence required for use of TV receiver

- (1) A television receiver must not be installed or used unless the installation and use of the receiver is authorised by a licence under this Part.
- (2) A person who installs or uses a television receiver in contravention of subsection (1) is guilty of an offence.
- (3) A person with a television receiver in his possession or under his control who—
 - (a) intends to install or use it in contravention of subsection (1), or
 - (b) knows, or has reasonable grounds for believing, that another person intends to install or use it in contravention of that subsection,is guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) Subsection (1) is not contravened by anything done in the course of the business of a dealer in television receivers solely for one or more of the following purposes—
 - (a) installing a television receiver on delivery;
 - (b) demonstrating, testing or repairing a television receiver.
- (6) The Secretary of State may by regulations exempt from the requirement of a licence under subsection (1) the installation or use of television receivers—
 - (a) of such descriptions,
 - (b) by such persons,
 - (c) in such circumstances, and
 - (d) for such purposes,as may be provided for in the regulations.

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- (7) Regulations under subsection (6) may make any exemption for which such regulations provide subject to compliance with such conditions as may be specified in the regulations.

364 TV licences

- (1) A licence for the purposes of section 363 (“a TV licence”)—
- (a) may be issued by the BBC subject to such restrictions and conditions as the BBC think fit; and
 - (b) must be issued subject to such restrictions and conditions as the Secretary of State may require by a direction to the BBC.
- (2) The matters to which the restrictions and conditions subject to which a TV licence may be issued may relate include, in particular—
- (a) the description of television receivers that may be installed and used under the licence;
 - (b) the persons authorised by the licence to install and use a television receiver;
 - (c) the places where the installation and use of the television receiver is authorised by the licence;
 - (d) the circumstances in which the installation and use of such a receiver is so authorised;
 - (e) the purposes for which the installation and use of such a receiver is so authorised;
 - (f) the use of such receiver in a manner that causes, or may cause, interference (within the meaning of the Wireless Telegraphy Act 1949 (c. 54)) with wireless telegraphy.
- (3) The restrictions and conditions subject to which a TV licence may be issued do not include—
- (a) a provision conferring a power of entry to any premises; or
 - (b) a provision prohibited by a direction to the BBC by the Secretary of State.
- (4) A TV licence shall continue in force, unless previously revoked by the BBC, for such period as may be specified in the licence.
- (5) The BBC may revoke or modify a TV licence, or the restrictions or conditions of such a licence—
- (a) by a notice to the holder of the licence; or
 - (b) by a general notice published in such manner as may be specified in the licence.
- (6) It shall be the duty of the BBC to exercise their power under subsection (5) to revoke or modify a TV licence, or any of its restrictions or conditions, if they are directed to do so by the Secretary of State.
- (7) A direction by the Secretary of State under this section may be given either generally in relation to all TV licences (or all TV licences of a particular description) or in relation to a particular licence.
- (8) A notice under subsection (5)(a) must be given—
- (a) in the manner specified in the licence; or

- (b) if no manner of service is so specified, in the manner authorised by section 394.
- (9) For the purposes of the application, in relation to the giving of such a notice, of—
 - (a) section 394; and
 - (b) section 7 of the Interpretation Act 1978 (c. 30) (service by post) in its application for the purposes of that section,a person's proper address is any address where he is authorised by a TV licence to install or use a TV receiver or, if there is no such address, his last known address.

365 TV licence fees

- (1) A person to whom a TV licence is issued shall be liable to pay—
 - (a) on the issue of the licence (whether initially or by way of renewal), and
 - (b) in such other circumstances as regulations made by the Secretary of State may provide,such sum (if any) as may be provided for by any such regulations.
- (2) Sums which a person is liable to pay by virtue of regulations under subsection (1) must be paid to the BBC and are to be recoverable by them accordingly.
- (3) The BBC are entitled, in such cases as they may determine, to make refunds of sums received by them by virtue of regulations under this section.
- (4) Regulations under this section may include provision—
 - (a) for the means by which an entitlement to a concession must be established; and
 - (b) for the payment of sums by means of an instalment scheme set out in the regulations.
- (5) The reference to a concession in subsection (4) is a reference to any concession under which a person is, on the satisfaction of specified requirements—
 - (a) exempted from the liability to pay a sum in respect of a TV licence; or
 - (b) required to pay only a reduced sum in respect of such a licence.
- (6) The consent of the Treasury shall be required for the making of any regulations under this section by the Secretary of State.
- (7) Subject to subsection (8), sums received by the BBC by virtue of any regulations under this section must be paid into the Consolidated Fund.
- (8) The BBC may retain, out of the sums received by them by virtue of regulations under this section, any sums they require for making refunds of sums so received.

366 Powers to enforce TV licensing

- (1) If a justice of the peace, a sheriff in Scotland or a lay magistrate in Northern Ireland is satisfied by information on oath that there are reasonable grounds for believing—
 - (a) that an offence under section 363 has been or is being committed,
 - (b) that evidence of the commission of the offence is likely to be on premises specified in the information, or in a vehicle so specified, and
 - (c) that one or more of the conditions set out in subsection (3) is satisfied,

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he may grant a warrant under this section.

- (2) A warrant under this section is a warrant authorising any one or more persons authorised for the purpose by the BBC or by OFCOM—
 - (a) to enter the premises or vehicle at any time (either alone or in the company of one or more constables); and
 - (b) to search the premises or vehicle and examine and test any television receiver found there.
- (3) Those conditions are—
 - (a) that there is no person entitled to grant entry to the premises or vehicle with whom it is practicable to communicate;
 - (b) that there is no person entitled to grant access to the evidence with whom it is practicable to communicate;
 - (c) that entry to the premises or vehicle will not be granted unless a warrant is produced;
 - (d) that the purpose of the search may be frustrated or seriously prejudiced unless the search is carried out by a person who secures entry immediately upon arriving at the premises or vehicle.
- (4) A person is not to enter premises or a vehicle in pursuance of a warrant under this section at any time more than one month after the day on which the warrant was granted.
- (5) The powers conferred by a warrant under this section on a person authorised by OFCOM are exercisable in relation only to a contravention or suspected contravention of a condition of a TV licence relating to interference with wireless telegraphy.
- (6) A person authorised by the BBC, or by OFCOM, to exercise a power conferred by a warrant under this section may (if necessary) use such force as may be reasonable in the exercise of that power.
- (7) Where a person has the power by virtue of a warrant under this section to examine or test any television receiver found on any premises, or in any vehicle, it shall be the duty—
 - (a) of a person who is on the premises or in the vehicle, and
 - (b) in the case of a vehicle, of a person who has charge of it or is present when it is searched,
 to give the person carrying out the examination or test all such assistance as that person may reasonably require for carrying it out.
- (8) A person is guilty of an offence if he—
 - (a) intentionally obstructs a person in the exercise of any power conferred on that person by virtue of a warrant under this section; or
 - (b) without reasonable excuse, fails to give any assistance that he is under a duty to give by virtue of subsection (7).
- (9) A person guilty of an offence under subsection (8) shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (10) In this section—

“interference”, in relation to wireless telegraphy, has the same meaning as in the Wireless Telegraphy Act 1949 (c. 54); and

“vehicle” includes vessel, aircraft or hovercraft.

- (11) In the application of this section to Scotland, the reference in subsection (1) to information on oath shall have effect as a reference to evidence on oath.
- (12) In the application of this section to Northern Ireland, the reference in subsection (1) to a lay magistrate shall have effect, in relation to times before the coming into force of sections 9 and 10 of the Justice (Northern Ireland) Act 2002 (c. 26), as a reference to a justice of the peace.

367 Interpretation of provisions about dealer notification

- (1) Section 6 of the Wireless Telegraphy Act 1967 (interpretation of provisions requiring notification of sale and hire of television sets) shall be amended as follows.
- (2) In subsection (1), for the definitions of “television dealer”, “television programme” and “television set” there shall be substituted—

““television dealer” means a person of any description specified in regulations made by the Secretary of State setting out the descriptions of persons who are to be television dealers for the purposes of this Part;

“television set” means any apparatus of a description specified in regulations made by the Secretary of State setting out the descriptions of apparatus that are to be television sets for the purposes of this Part.”

- (3) After that subsection there shall be inserted—

“(1A) Regulations under subsection (1) defining a television set may provide for references to such a set to include references to software used in association with apparatus.”

368 Meanings of “television receiver” and “use”

- (1) In this Part “television receiver” means any apparatus of a description specified in regulations made by the Secretary of State setting out the descriptions of apparatus that are to be television receivers for the purposes of this Part.
- (2) Regulations under this section defining a television receiver may provide for references to such a receiver to include references to software used in association with apparatus.
- (3) References in this Part to using a television receiver are references to using it for receiving television programmes.
- (4) The power to make regulations under this section defining a television receiver includes power to modify subsection (3).