

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 77: TV licensing: duty to review sanctions

360. This section requires the Secretary of State to carry out a review of the sanctions for contraventions of section 363 of the Communications Act 2003. Section 363 provides that a television receiver must not be installed or used unless the installation and use of the receiver is authorised by a licence. Under section 363(2), it is an offence to install or use a television receiver without a licence. Under section 363(3), it is an offence to have a television receiver in one's possession or under one's control with the intention of installing or using it without a licence or knowing, or having reasonable grounds for believing, that another person intends to install or use it without a licence. A person who is guilty of either offence is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
361. The review will consider whether the current criminal sanctions are appropriate and examine proposals for decriminalisation. The review must start before the end of the period of 3 months beginning with the day on which the Act is passed and must be completed within 12 months of the day it starts.
362. The review is being carried out by David Perry QC. It began on 9 September 2014 and it is intended that it will be completed by the end of June 2015.
363. Within 3 months of the review being completed, the Secretary of State must provide Parliament with a response setting out whether the Secretary of State proposes to exercise the power in section 78 to provide for alternatives to criminal sanctions for the offences under section 363 and, if so, the steps the Secretary of State proposes to take in consequence.
364. The section comes into force on a day to be appointed by the Secretary of State in a commencement order.