



Digital Economy Act 2017

2017 CHAPTER 30

PART 6

MISCELLANEOUS

Regulation and functions of BBC

89 TV licence fee concessions by reference to age

- (1) The Communications Act 2003 is amended as follows.
- (2) Section 365 (TV licence fees) is amended as follows.
- (3) After subsection (1) insert—
 - “(1A) Liability to pay a sum under regulations under subsection (1) is subject to any concession applying in accordance with a determination by the BBC under section 365A.”
- (4) In subsection (4)(a) after “concession” insert “provided for by the regulations”.
- (5) In subsection (5) for “The reference to a concession in subsection (4)” substitute “A reference in this section or section 365A to a concession”.
- (6) After subsection (5) insert—
 - “(5A) Regulations under this section may not provide for a concession that requires the person to whom the TV licence is issued, or another person, to be of or above a specified age, unless—
 - (a) the age specified is below 65, and
 - (b) the requirement is not satisfied if the person concerned is 65 or over at the end of the month in which the licence is issued.
 - (5B) Subsection (5A) does not apply to—

Status: This is the original version (as it was originally enacted).

- (a) the concession provided for by regulation 3(d) of and Schedule 4 to the Communications (Television Licensing) Regulations 2004 ([S.I. 2004/692](#)) (accommodation for residential care), or
- (b) a concession in substantially the same form.”

(7) After section 365 insert—

“365A TV licence fee concessions by reference to age

- (1) For the purposes of section 365(1A) the BBC may determine that a concession in specified terms is to apply.
- (2) Any concession under this section must include a requirement that the person to whom the TV licence is issued, or another person, is of or above a specified age, which must be 65 or higher, at or before the end of the month in which the licence is issued.
- (3) A determination under this section—
 - (a) may in particular provide for a concession to apply, subject to subsection (2), in circumstances where a concession has ceased to have effect by virtue of section 365(5A), but
 - (b) may not provide for a concession to apply in the same circumstances as a concession within section 365(5B).
- (4) A determination under this section may include provision for the means by which an entitlement to a concession must be established.
- (5) A determination under this section—
 - (a) may make different provision for different cases (including different provision in respect of different areas);
 - (b) may include transitional provision.
- (6) A determination under this section—
 - (a) must be in writing;
 - (b) must be published in whatever way the BBC considers appropriate.
- (7) The BBC—
 - (a) may vary a determination by a further determination under this section;
 - (b) may determine that a concession is to cease to apply (and accordingly revoke a determination under this section).
- (8) Before making, varying or revoking a determination the BBC must consult any persons it considers appropriate.”