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STATUTORY INSTRUMENTS

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**1988 No. 899**

**TELEGRAPHS**

**The Wireless Telegraphy (Broadcast Licence Charges and Exemption) (Amendment No. 2) Regulations 1988**

<i>Made</i>	- - - -	<i>18th May 1988</i>
<i>Laid before Parliament</i>		<i>18th May 1988</i>
<i>Coming into force</i>	- -	<i>19th May 1988</i>

In the exercise of the powers conferred by section 2 of the Wireless Telegraphy Act 1949<sup>(1)</sup>, as enacted, and as extended by the Wireless Telegraphy (Channel Islands) Order 1952<sup>(2)</sup> and the Wireless Telegraphy (Isle of Man) Order 1952<sup>(3)</sup>, and now vested in me<sup>(4)</sup>, I hereby, with the consent of the Treasury, make the following Regulations:

1. These Regulations may be cited as the Wireless Telegraphy (Broadcast Licence Charges and Exemption) (Amendment No. 2) Regulation 1988 and shall come into force on 19th May 1988.

2. For Schedule 2 to the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984<sup>(5)</sup> (meaning of “accommodation for residential care”, “mentally disordered person” and “pensionable age”) there shall be substituted the Schedule to these Regulations.

3. Nothing in regulation 2 above shall affect the status as accommodation for residential care of a dwelling which, before the coming into force of the Regulations would have qualified as accommodation for residential care, if it is occupied by a person who, immediately before the coming into force of these Regulations, was licensed by a television licence for accommodation for residential care; and accordingly such a dwelling shall be deemed to be accommodation for residential care for as long as it is occupied by such a person.

4. For the entry numbered 7 in Schedule 3 to the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984 (issue fees for television receiving licences) there shall be substituted the following:

Type of Licence	Description of Licence	Issue Fee
7. Television (including	Licence A licence to instal and colour) use black and white or	In the case of the accommodation described

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(1) 1949 c. 54.

(2) S.I. 1952/1900.

(3) S.I. 1952/1899.

(4) 1969 c. 48; S.I. 1969/1369, 1371, 1974/691.

(5) S.I. 1984/1053.

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Type of Licence	Description of Licence	Issue Fee
Accommodation Residential Care Composite Form.	for colour television receiving apparatus at such parts of accommodation for residential care described therein as consist of living rooms or bedrooms provided for the private occupation of residents in that accommodation.	in paragraphs 1(a), 2(a), 3(a), 4, 5(a) and 6(a) of Schedule 2, £5 for each unit of accommodation occupied by a resident; and in the case of the accommodation described in paragraph 1(b), 2(b), 3(b), 5(b) and 6(b) of that Schedule, £5 for each dwelling.

Home Office 18th May 1988

*Douglas Hurd*  
One of Her Majesty's Principal Secretaries of  
State

We consent to these Regulations 18th May 1988

*Peter Lloyd*  
*Mark Lennox-Boyd*  
Two of the Commissioners of Her Majesty's  
Treasury

## SCHEDULE

Regulation 2

### MEANING OF “ACCOMMODATION FOR RESIDENTIAL CARE”, “mentally disordered person” AND “PENSIONABLE AGE”

#### ENGLAND AND WALES

##### 1. In relation to England and Wales—

“accommodation for residential care” means either—

- (a) any establishment the sole of main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
  - (i) is provided by a local authority under section 21(1)(a) of the National Assistance Act 1948<sup>(6)</sup>; or
  - (ii) as provided by a local social services authority under paragraph 2(1) of Schedule 8 to the National Health Service Act 1977<sup>(7)</sup>; or
  - (iii) is carried on by a person who is duly registered in respect thereof under Part I of the Registered Homes Act 1984<sup>(8)</sup> or who would be so registered but for section 1(4) or section 1(5)(j) of that Act; or
  - (iv) is carried on by a person who is duly registered in respect thereof under Part II of the Registered Homes Act 1984 or who would be so registered but for section 21(3)(a) of that Act; or
  - (v) is an establishment referred to in section 1(2)(e) of the Registered Homes Act 1980<sup>(9)</sup> (and this paragraph shall continue to have effect notwithstanding the repeal of that Act; or
- (b) a group of at least four dwelling within a common and exclusive boundary specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age and provided or managed—
  - (i) under part II of the Housing Act 1985<sup>(10)</sup>; or
  - (ii) by a housing association within the meaning of the Housing Associations Act 1985<sup>(11)</sup>; or
  - (iii) by a development corporation within the meaning of the New Towns Act 1981<sup>(12)</sup> or by the Development Board for Rural Wales in accordance with section 3(2) of the Development of Rural Wales Act 1976<sup>(13)</sup>;

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Act 1983<sup>(14)</sup>;

“pensionable age” has the same meaning as in the Social Security Act 1975<sup>(15)</sup>.

#### SCOTLAND

##### 2. In relation to Scotland—

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(6) 1948 c. 29.  
(7) 1977 c. 49.  
(8) 1984 c. 23.  
(9) 1980 c. 7.  
(10) 1985 c. 68.  
(11) 1985 c. 69.  
(12) 1981 c. 68.  
(13) 1976 c. 75.  
(14) 1983 c. 20.  
(15) 1975 c. 14.

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“accommodation for residential care” means either—

- (a) any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
  - (i) is provided by a local authority under sections 12 and 59 of the Social Work (Scotland) Act 1968<sup>(16)</sup>; or
  - (ii) is carried on by a person who is duly registered in respect thereof under section 62 or 63 of that Act; or
  - (iii) is, or in respect of which the person carrying on the establishment is, exempt from registration under section 62 or 63 of the Act by virtue of section 61; or
  - (iv) is carried on by a person who is duly registered in respect thereof under the Nursing Homes Registration (Scotland) Act 1938<sup>(17)</sup> or who would be so registered but for section 10(3)(a) of that Act; or
- (b) a group of at least four dwellings within a common and exclusive boundary specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age and provided or managed—
  - (i) under Part I of the Housing (Scotland) Act 1987<sup>(18)</sup>; or
  - (ii) by a housing association within the meaning of the Housing Associations Act 1985; or
  - (iii) by a development corporation within the meaning of the New Towns (Scotland) Act 1968<sup>(19)</sup>; or
  - (iv) by the Scottish Special Housing Association under their memorandum and articles of association;

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Scotland Act 1984<sup>(20)</sup>;

“pensionable age” has the same meaning as in the Social Security Act 1975.

#### NORTHERN IRELAND

### 3. In relation to Northern Ireland—

“accommodation for residential care” means either—

- (a) any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
  - (i) is provided by the Department of Health and Social Services for Northern Ireland under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(21)</sup>; or
  - (ii) is carried on by a person who is duly registered in respect thereof under Schedule 5 to that Order; or
  - (iii) is carried on by a person who is duly registered in respect thereof under Part I of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971<sup>(22)</sup>; or

<sup>(16)</sup> 1968 c. 49.

<sup>(17)</sup> 1938 c. 73, which has been amended by Schedule 4 to the Health Services Act 1980 (c. 53).

<sup>(18)</sup> 1987 c. 26.

<sup>(19)</sup> 1968 c. 16.

<sup>(20)</sup> 1984 c. 36.

<sup>(21)</sup> S.I. 1972/1265 (N.I. 14).

<sup>(22)</sup> 1971 c. 32 (N.I.), which has been amended by the Nursing Homes and Nursing Agencies (N.I.) Order 1985 (S.I. 1985/1775 (N.I. 19)).

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- (iv) is managed or controlled by a Government department or a public body constituted especially by Act of Parliament or incorporated by Royal Charter; or
  - (b) a group of at least four dwellings within a common and exclusive boundary provided specially for disabled persons, mentally disordered persons or retired persons of pensionable age and which is provided or managed—
    - (i) under the Housing (Northern Ireland) Order 1981<sup>(23)</sup>; or
    - (ii) by a housing association within the meaning of Article 114 of that Order;
- “mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986<sup>(24)</sup>;
- “pensionable age” has the same meaning as in the Social Security (Northern Ireland) Act 1975<sup>(25)</sup>.

#### JERSEY

##### 4. In relation to the Bailiwick of Jersey—

“accommodation for residential care” means any establishment the sole or main object of which is the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age, not being an establishment mentioned in paragraphs (a), (b) or (c) of Article 1(1) of the Old Persons Home (Registration) (jersey) Law 1964;

“mentally disordered person” means a person who is suffering from mental disorder within the meaning of the Mental Health (Jersey) Law 1969;

“pensionable age” has the same meaning as in the Social Security (Jersey) Law 1974.

#### GUERNSEY

##### 5. In relation to the Bailiwick of Guernsey—

“accommodation for residential care” means either—

- (a) any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
  - (i) is carried on by a person who is duly registered in respect thereof under the Nursing Home and Residential Homes (Guernsey) Law 1976; or
  - (ii) is exempted from registration under section 6 of that law; or
- (b) a group of at least four dwellings within a common and exclusive boundary specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age and which is provided or managed—
  - (i) by any Committee of the States of Guernsey; or
  - (ii) by a body approved in writing for the purposes of these Regulations by the President or the acting President of the States of Guernsey Board of Health;

“mentally disordered person” means a person suffering from any mental ailment within the meaning of the Mental Treatment Law (Guernsey) 1939;

“pensionable age” has the same meaning as in the Social Insurance (Guernsey) Law 1978.

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<sup>(23)</sup> S.I. 1981/156 (N.I. 3).

<sup>(24)</sup> S.I. 1986/595 (N.I. 4).

<sup>(25)</sup> 1975 c. 15 (N.I.).

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## ISLE OF MAN

### 6. In relation to the Isle of Man—

“accommodation for residential care” means either—

- (a) any establishment the sole or main object of which is, or is held to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
  - (i) is provided under section 22 of the National Health Service (Isle of Man) Act 1948; or
  - (ii) is provided under section 22(1) of the National Assistance (Isle of Man) Act 1951; or
  - (iii) is carried on by a person who is duly registered in respect thereof under section 29 of that Act or under section 24 of the Local Government Act 1949<sup>(26)</sup> or under the Nursing and Residential Homes Act 1988<sup>(26)</sup> or who would be so registered but for section 1(2), (3) or 5 of the Act; or
- (b) a group of at least four dwellings within a common and exclusive boundary specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age and which is provided or managed—
  - (i) under section Piv of the Housing Act 1955<sup>(26)</sup>; or
  - (ii) by a housing association under Part II of the Housing (Miscellaneous Provisions) Act 1976<sup>(26)</sup>;

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Act (Isle of Man) Act 1974;

“pensionable age” has the same meaning as in the Social Security Act 1975.

### General

7. For the purposes of paragraphs 1(b), 2(b), 3(b), 5(b) and 6(b) above a group of dwelling shall not be regarded as specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age unless—

- (a) the dwellings have been erected or converted for occupation only by such persons;
- (b) the residents enjoy the services of a person whose function is to care for their needs and who either resides within the common boundary or works there for at least 30 hours per week; and
- (c) there is also provided within the common boundary, in addition to the dwellings, a communal facility intended to meet the needs of the residents.

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<sup>(26)</sup> An Act of Tynwald.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which amend the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984, redefine certain of the accommodation which qualifies for the concessionary television licence scheme.

Nursing homes are added to those institutions which qualify. But insofar as the scheme extends to individual dwellings, they will in future have to form part of a group of at least four within a common and exclusive boundary; they must have been erected or converted for occupation only by the disabled, the mentally disordered or the elderly, who must be provided with a resident or full-time warden; and there must also be a communal facility intended to meet the needs of the residents. However, those who benefited from the concessionary scheme before the coming into force of the Regulations will continue to benefit as long as they occupy a dwelling which qualified before that date.

The Regulations also increase the issue fee for a television licence for accommodation for residential care from 5p for each person licensed to £5 for each dwelling or unit of accommodation which qualifies.