

SCHEDULE 2

ISSUE FEES FOR TELEVISION LICENCES

PART II

DEFINITIONS FOR PURPOSES OF ENTRY 5 IN PART I OF THIS SCHEDULE

General

1. In this Schedule—

- (a) “disabled person” means a person who is blind, deaf or dumb or who is substantially and permanently handicapped by illness, injury or congenital deformity;
- (b) “a group of specially provided dwellings” means a group of at least four dwellings which fall within a common and exclusive boundary and—
 - (i) which are provided for occupation by disabled persons, mentally disordered persons or retired persons of pensionable age;
 - (ii) which have been erected or converted for the purposes of such occupation; and
 - (iii) for which there is a person whose function is to care for the needs of the persons referred to in sub-section (i) above and who either lives in one of the dwellings within the group or works in that group for at least 30 hours a week;Provided that the conditions in sub-paragraphs (i) to (iii) do not cease to be satisfied in relation to a group of dwellings because—
 - (aa) in England, Wales, Scotland and Northern Ireland, not more than 25 per cent of the dwellings are right to buy dwellings which do not satisfy the condition in sub-paragraph (i); or
 - (bb) any dwelling is also occupied by any member of the family of any person referred to in sub-paragraph (i); or
 - (cc) any dwelling is occupied by the person referred to in sub-paragraph (iii) above or a member of his family;
- (c) “a resident” means a disabled person, a mentally disordered person or a retired person of pensionable age who is ordinarily resident in accommodation for residential care, but does not include a person in charge thereof or otherwise employed therein or a member of the family of either of them.

England and Wales

2. In this Schedule in relation to England and Wales—

“accommodation for residential care” means, subject to paragraph 8 below, 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 section 21(1)(a) of the National Assistance Act 1948(1); or

(1) 1948 c. 29.

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- (ii) is carried on by a person who is duly registered in respect thereof under Part I of the Registered Homes Act 1984⁽²⁾ or who would be so registered but for section 1(4) or 1(5)(j) of that Act; or
- (iii) 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
- (iv) is an almshouse established as such before 1st November 1949; or
- (b) a group of specially provided dwellings in which the dwellings which satisfy the requirements of paragraph 1(b)(i) to (iii) are dwellings which are provided or managed—
 - (i) under Part II of the Housing Act 1985⁽³⁾; or
 - (ii) by a housing association within the meaning of the Housing Associations Act 1985⁽⁴⁾; or
 - (iii) by a development corporation within the meaning of the New Towns Act 1981⁽⁵⁾ or by the Development Board for Rural Wales in accordance with section 3(2) of the Development of Rural Wales Act 1976⁽⁶⁾;

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Act 1983⁽⁷⁾;

“pensionable age” has the same meaning as in Schedule 4 to the Pensions Act 1995⁽⁸⁾; and

“a right to buy dwelling” is a dwelling owned by a person who bought it in exercise of his right to buy under Part V of the Housing Act 1985 or any successor in title of such a person.

Scotland

3. In this Schedule in relation to Scotland—

“accommodation for residential care” means, subject to paragraph 8 below, either—

- (a) any establishment the sole or substantial function 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, 13A, 13B and 59 of the Social Work (Scotland) Act 1968⁽⁹⁾, or section 7 of the Mental Health (Scotland) Act 1984⁽¹⁰⁾; or
 - (ii) is carried on by a person who is duly registered in respect thereof under section 62 or 63 of the Social Work (Scotland) Act 1968; or
 - (iii) is, or in respect of which the person carrying on the establishment is, not required to be registered under section 62 or 63 of the Social Work (Scotland) Act 1968 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⁽¹¹⁾ or who would be so registered but for

(2) 1984 c. 23.

(3) 1985 c. 68.

(4) 1985 c. 69.

(5) 1981 c. 64.

(6) 1976 c. 75.

(7) 1983 c. 20.

(8) 1995 c. 26.

(9) 1968 c. 49.

(10) 1984 c. 36.

(11) 1938 c. 73 which has been amended by Schedule 4 to the Health Services Act 1980 (c. 53).

section 10(3)(a) of that Act; or under section 12 of the Mental Health (Scotland) Act 1984; or

- (b) a group of specially provided dwellings in which the dwellings which satisfy the requirements of paragraph 1(b)(i) to (iii) are dwellings which are provided or managed—
- (i) under Part 1 of the Housing (Scotland) Act 1987⁽¹²⁾; 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⁽¹³⁾; or
 - (iv) by Scottish Homes within the meaning of the Housing (Scotland) Act 1988⁽¹⁴⁾;

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

“pensionable age” has the same meaning as in Schedule 4 to the Pensions Act 1995; and

“a right to buy dwelling” is a dwelling owned by a person who bought it in exercise of his right to buy under Part III of the Housing (Scotland) Act 1987 or any successor in title of such a person.

Northern Ireland

4. In this Schedule in relation to Northern Ireland—

“accommodation for residential care” means, subject to paragraph 8 below, 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⁽¹⁵⁾; or
 - (ii) is carried on by a person who is duly registered in respect thereof under Part II of the Registered Homes (Northern Ireland) Order 1992⁽¹⁶⁾ or who would be so registered but for Article 3(2)(f) or 4(4) of that Order; or
 - (iii) is carried on by a person who is duly registered in respect thereof under Part III of the Registered Homes (Northern Ireland) Order 1992 or who would be so registered but for Article 16(2)(a) or (b) of that Order; or
- (b) a group of specially provided dwellings in which the dwellings which satisfy the requirements of paragraph 1(b)(i) to (iii) are dwellings which are provided or managed—
- (i) under the Housing (Northern Ireland) Order 1981⁽¹⁷⁾; or
 - (ii) by a Housing Association within the meaning of the Housing (Northern Ireland) Order 1992⁽¹⁸⁾;

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986⁽¹⁹⁾;

⁽¹²⁾ 1987 c. 26.

⁽¹³⁾ 1968 c. 16.

⁽¹⁴⁾ 1988 c. 43.

⁽¹⁵⁾ S.I. 1972/1265 (N.I. 14).

⁽¹⁶⁾ S.I. 1992/3204 (N.I. 20).

⁽¹⁷⁾ S.I. 1981/156 (N.I. 3).

⁽¹⁸⁾ S.I. 1992/1725 (N.I. 15).

⁽¹⁹⁾ S.I. 1986/595 (N.I. 4).

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“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995⁽²⁰⁾; and

“a right to buy a dwelling” is a dwelling owned by a person—

- (a) who bought it in exercise of his right to buy under Part II of the Housing (Northern Ireland) Order 1983⁽²¹⁾ as it had effect immediately before the day of the coming into operation of Article 96 of the Housing (Northern Ireland) Order 1992; or
- (b) who bought it under a scheme made under Article 3 of the Housing (Northern Ireland) Order 1983 as substituted by Article 96 of the Housing (Northern Ireland) Order 1992, or under an earlier scheme made by the Northern Ireland Housing Executive and having like effect;

or any successor in title of such a person.

Jersey

5. In this Schedule in relation to the Bailiwick of Jersey—

“accommodation for residential care” means—

- (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 and Residential Homes (Jersey) Law 1994; or
 - (ii) is exempt from registration under that Law; or
- (b) a group of specially provided dwellings which are provided or managed—
 - (i) by a Committee of the States; or
 - (ii) by one of the Parishes; or
 - (iii) by a body approved in writing for the purposes of these Regulations by the President or Vice-President of the Health and Social Services Committee;

“mentally disordered person” means a person who is suffering from mental disorder, as defined in the Mental Health (Jersey) Law 1969; and

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

Guernsey

6. In this Schedule in relation to the Bailiwick of Guernsey—

“accommodation for residential care” means, subject to paragraph 8 below, 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 Homes and Residential Homes (Guernsey) Law 1976; or
 - (ii) is exempt from registration under section 6 of that Law; or
- (b) a group of specially provided dwellings which are provided or managed—
 - (i) by any Committee of the States of Guernsey; or

⁽²⁰⁾ S.I. 1995/3213 (N.I. 22).

⁽²¹⁾ S.I. 1983/1118 (N.I. 15).

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- (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; and

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

Isle of Man

7. In this Schedule in relation to the Isle of Man—

“accommodation for residential care” means, subject to paragraph 8 below, 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 under section 22 of the National Health Service (Isle of Man) Act 1948⁽²²⁾; or
 - (ii) is provided under section 22(1) of the National Assistance (Isle of Man) Act 1951⁽²²⁾; or
 - (iii) is carried on by a person who is duly registered in respect thereof under the Nursing and Residential Homes Act 1988⁽²²⁾; or who would be so registered but for section 1(2), (3) or (5) of that Act; or
- (b) a group of specially provided dwellings which are provided or managed—
 - (i) under Part IV of the Housing Act 1955⁽²²⁾; or
 - (ii) by a housing association under Part II of the Housing (Miscellaneous Provisions) Act 1976⁽²²⁾;

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Act 1974⁽²²⁾; and

“pensionable age” has the same meaning as in the Social Security and Contributions and Benefits Act 1992⁽²³⁾ as applied to the Isle of Man by the Social Security Contributions and Benefits Act 1992 (Application) Order 1994⁽²⁴⁾.

Savings

8. In paragraphs 2 to 4 and 6 and 7 above the expression “accommodation for residential care” shall include a dwelling which, before the coming into force on 19th May 1988 of the Wireless Telegraphy (Broadcast Licence Charges and Exemption) (Amendment No. 2) Regulations 1988⁽²⁵⁾, would have qualified as accommodation for residential care under the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984⁽²⁶⁾ provided that such a dwelling is occupied by a person who, immediately before 19th May 1988, was licensed by a television licence for accommodation for residential care.

(22) An Act of Tynwald.

(22) An Act of Tynwald.

(22) An Act of Tynwald.

(22) An Act of Tynwald.

(22) An Act of Tynwald.

(22) An Act of Tynwald.

(23) 1992 c. 4.

(24) Made under the provisions of the Social Security Act 1982 (an Act of Tynwald).

(25) S.I. 1988/899.

(26) S.I. 1984/1053.

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