

2005 No. 606

**ELECTRONIC COMMUNICATIONS
BROADCASTING**

**The Communications (Television Licensing) (Amendment)
Regulations 2005**

<i>Made - - - - -</i>	<i>7th March 2005</i>
<i>Laid before Parliament</i>	<i>10th March 2005</i>
<i>Coming into force - -</i>	<i>1st April 2005</i>

The Secretary of State, in exercise of the powers conferred upon her by sections 365(1) and (4) and 402(3) of the Communications Act 2003(a), as extended by the Broadcasting and Communications (Jersey) Order 2004(b), the Communications (Bailiwick of Guernsey) Order 2004(c) and the Communications (Isle of Man) Order 2003(d), with the consent of the Treasury, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Communications (Television Licensing) (Amendment) Regulations 2005 and shall come into force on 1st April 2005.

(2) In these Regulations “the 2004 Regulations” means the Communications (Television Licensing) Regulations 2004(e).

Amendment of the 2004 Regulations

2. The 2004 Regulations shall be amended in accordance with the following provisions of these Regulations.

Amendment of regulation 4

3. In regulation 4, for “£3.25” substitute “£4.50”.

Amendment of regulation 5

4. In regulation 5(1), for “paragraph” substitute “regulation”.

Amendment of Schedule 1

5. In Schedule 1 (issue fees for TV licences)—
(a) for “£40.50” in each place where it occurs substitute “£42.00”; and
(b) for “£121.00” in each place where it occurs substitute “£126.50”.

(a) 2003 c. 21.
(b) S.I. 2004/308.
(c) S.I. 2004/307.
(d) S.I. 2003/3198, amended by S.I. 2004/309.
(e) S.I. 2004/692.

Amendment of Schedule 2

6.—(1) Schedule 2 (fees for TV licences payable by instalments) shall be amended in accordance with the following provisions of this regulation.

- (2) In paragraph 2—
 - (a) for sub-paragraph (1) substitute—

“(1) There shall be payable a first instalment of £32.89 (referred to in this paragraph as “the issue fee”) and three further instalments of £32.87.”; and
 - (b) in sub-paragraph (2)(d)—
 - (i) for “lasts” substitute “last”, and
 - (ii) for “ends” substitute “is”.
- (3) In paragraphs 5(1) and 6(1), in each case for “2004” substitute “2005”.
- (4) For table 1 substitute table 1 in the Schedule to these Regulations.
- (5) For table 2 substitute table 2 in the Schedule to these Regulations.
- (6) In paragraph 7(6)—
 - (a) at the end of paragraph (b) insert “(as that table had effect before 1st April 2005)”;
 - (b) for “paragraph (2)” substitute “sub-paragraph (2)”;
 - (c) for “£70.60” and “£10.08” substitute respectively “£73.80” and “£10.54”.
- (7) For table 3 substitute table 3 in the Schedule to these Regulations.
- (8) In paragraph 9, for paragraph (c) substitute—

“(c) the amount of each of the first 18 of those instalments is to be £5.00 and the amount of each of the remaining 7 instalments is to be £4.50.”.
- (9) In paragraph 11—
 - (a) in sub-paragraph (1), for “£61.40” substitute “£65.00”;
 - (b) in sub-paragraph (2), for “£49.50” substitute “£54.00”;
 - (c) in sub-paragraph (4), for “£34.20” substitute “£35.50”;
 - (d) in sub-paragraph (5), for “£23.50” substitute “£24.00”;
 - (e) in sub-paragraph (6)—
 - (i) omit “is” where it appears for the second time, and
 - (ii) for “£9.00” substitute “£9.50”.
- (10) In paragraph 12—
 - (a) in sub-paragraph (1), for “£61.40” substitute “£65.00”;
 - (b) for paragraph (b) of sub-paragraph (2) substitute—

“(b) the amount of each of the first 9 of those instalments is to be £6.20 and the amount of the final instalment is to be £5.70.”;
 - (c) for paragraph (b) of sub-paragraph (3) substitute—

“(b) the amount of each of the first 7 of those instalments is to be £7.70 and the amount of the final instalment is to be £7.60.”;
 - (d) in sub-paragraph (4)(b), for “£10.00” and “£9.60” substitute respectively “£10.30” and “£10.00”;
 - (e) for paragraph (b) of sub-paragraph (5) substitute—

“(b) the amount of each of the first 3 of those instalments is to be £15.40 and the amount of the final instalment is to be £15.30.”.
- (11) In paragraph 13—
 - (a) in sub-paragraph (1), for “£49.50” substitute “£54.00”;
 - (b) for paragraph (a) of sub-paragraph (2) substitute—

“(a) sub-paragraph (2)(b) is to have effect as if it provided for the amount of each of the first 9 of the instalments to be £7.30 and the amount of the final instalment to be £6.80”;
 - (c) in sub-paragraph (2)(b), for “£9.00” and “£8.50” substitute respectively “£9.10” and “£8.80”;

- (d) in sub-paragraph (2)(c), for “£12.00” and “£11.50” substitute respectively “£12.10” and “£12.00”; and
 - (e) in sub-paragraph (2)(d), for “£18.50” and “£16.00” substitute respectively “£18.20” and “£17.90”.
- (12) In paragraph 14—
- (a) for paragraph (a) of sub-paragraph (2) substitute—
 - “(a) sub-paragraph (2)(b) is to have effect as if it provided for the amount of each of the instalments to be £8.10;”
 - (b) in sub-paragraph (2)(b), for “£9.50” and “£9.00” substitute respectively “£10.20” and “£9.60”;
 - (c) for paragraph (c) of sub-paragraph (2) substitute—
 - “(c) sub-paragraph (4)(b) is to have effect as if it provided for the amount of each of the instalments to be £13.50;” and
 - (d) for paragraph (d) of sub-paragraph (2) substitute—
 - “(d) sub-paragraph (5)(b) is to have effect as if it provided for the amount of each of the first 3 of the instalments to be £20.30 and the amount of the final instalment to be £20.10.”.
- (13) In paragraph 15—
- (a) in sub-paragraph (1), for “£34.20” substitute “£35.50”;
 - (b) for paragraph (a) of sub-paragraph (2) substitute—
 - “(a) sub-paragraph (2)(b) is to have effect as if it provided for the amount of each of the instalments to be £9.10;”;
 - (c) for paragraph (b) of sub-paragraph (2) substitute—
 - “(b) sub-paragraph (3)(b) is to have effect as if it provided for the amount of each of the first 7 of the instalments to be £11.40 and the amount of the final instalment to be £11.20;”;
 - (d) for paragraph (c) of sub-paragraph (2) substitute—
 - “(c) sub-paragraph (4)(b) is to have effect as if it provided for the amount of each of the first 5 of the instalments to be £15.20 and the amount of the final instalment to be £15.00;” and
 - (e) for paragraph (d) of sub-paragraph (2)(d) substitute—
 - “(d) sub-paragraph (5)(b) is to have effect as if it provided for the amount of each of the first 3 of the instalments to be £22.80 and the amount of the final instalment to be £22.60.”.
- (14) In paragraph 16—
- (a) in sub-paragraph (1), for “£23.50” substitute “£24.00”;
 - (b) for paragraph (a) of sub-paragraph (2) substitute—
 - “(a) sub-paragraph (2)(b) is to have effect as if it provided for the amount of each of the first 9 of the instalments to be £10.30 and the amount of the final instalment to be £9.80;”;
 - (c) for paragraph (b) of sub-paragraph (2) substitute—
 - “(b) sub-paragraph (3)(b) is to have effect as if it provided for the amount of each of the first 7 of the instalments to be £12.90 and the amount of the final instalment to be £12.20;”;
 - (d) for paragraph (c) of sub-paragraph (2) substitute—
 - “(c) sub-paragraph (4)(b) is to have effect as if it provided for the amount of each of the first 5 of the instalments to be £17.10 and the amount of the final instalment to be £17.00;” and
 - (e) for paragraph (d) of sub-paragraph (2) substitute—
 - “(d) sub-paragraph (5)(b) is to have effect as if it provided for the amount of each of the first 3 of the instalments to be £25.70 and the amount of the final instalment to be £25.40.”.
- (15) in paragraph 17—
- (a) In sub-paragraph (1) for “£9.00” substitute “£9.50”;
 - (b) in sub-paragraph (2)(a), for “£11.20” substitute “£11.70”;

- (c) for paragraph (b) of sub-paragraph (2) substitute—
 - “(b) sub-paragraph (3)(b) is to have effect as if it provided for the amount of each of the first 7 of the instalments to be £14.70 and the amount of the final instalment to be £14.10;”;
- (d) for paragraph (c) of sub-paragraph (2)—
 - “(c) sub-paragraph (4)(b) is to have effect as if it provided for the amount of each of the instalments to be £19.50;”;
- (e) for paragraph (d) of sub-paragraph (2)—
 - “(d) sub-paragraph (5)(b) is to have effect as if it provided for the amount of each of the first 3 of the instalments to be £29.30 and the amount of the final instalment to be £29.10.”.

Amendment of Schedule 3

7.—(1) Schedule 3 (fees for interim TV licences) shall be amended in accordance with the following provisions of this regulation.

(2) In the table in Part 1 (fees for interim TV licences) for “£3.375” and “£10.083” substitute respectively “£3.500” and “£10.541”.

(3) In paragraph 1(5)(b) of Part 2 (interim TV Licence (including colour): payment by instalments), for “£121.00” substitute “£126.50”.

Amendment of Schedule 4

8.—(1) Schedule 4 (accommodation for residential care licences) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 1, for sub-paragraph (2) substitute—

“(2) A licence of the type referred to in sub-paragraph (1) is a licence to install and use television receivers at those parts of accommodation for residential care mentioned in the following provisions of this paragraph.

(3) Where accommodation for residential care comprises a group of dwellings, the licence is a licence to install and use television receivers at such parts of the accommodation as consist of residential care dwellings and which are specified in the licence.

(4) Where a dwelling constitutes accommodation for residential care by virtue of paragraph 12, the licence is a licence to install and use television receivers at any part of the dwelling.

(5) In all other cases, the licence is a licence to install and use television receivers at such parts of the accommodation as consist of living rooms or bedrooms provided for the private occupation of residents and which are specified in the licence.”.

(3) In paragraph 3, for sub-paragraph (13) substitute—

“(13) For the purposes of this Schedule, a person is the foster child of another person under the law of any part of the British Islands if he is the foster child of that person in one of the ways described in sub-paragraph (2)(a) of any of paragraphs 4, 7, 8, 9, 10 and 11.”.

(4) Paragraph 4 shall be renumbered as sub-paragraph (1) of that paragraph and after that sub-paragraph as so renumbered insert—

“(2) For the purposes of this Schedule, in relation to England and Wales, a person is another’s foster child if—

- (a) he has been placed with that person under section 23(2)(a) or 59(1)(a) of the Children Act 1989(a), or that other person fosters him privately within the meaning given by section 66(1)(b) of that Act; or

(a) 1989 c. 41. Section 23(2)(a) was amended by the Children Act 2004 (c. 31), section 49(3). Section 59(1)(a) was amended by the Children Act 2004, section 49(4).

- (b) he is the foster child of that person under the law of any other part of the British Islands.”.
- (5) Paragraph 7 shall be renumbered as sub-paragraph (1) of that paragraph and after that sub-paragraph as so renumbered insert—
- “**(2)** For the purposes of this Schedule, in relation to Scotland, a person is another’s foster child if—
- (a) he has been placed as a foster child with that other person by a local authority or he is a foster child of that other person within the meaning of the Foster Children (Scotland) Act 1984**(a)**; or
- (b) he is the foster child of that person under the law of any other part of the British Islands.”.
- (6) Paragraph 8 shall be renumbered as sub-paragraph (1) of that paragraph.
- (7) In paragraph 8(1) (as so renumbered)
- (a) for “the Department of Health and Social Services for Northern Ireland” substitute “the Department of Health, Social Services and Public Safety”**(b)**; and
- (b) after “having like effect”, insert—
- “; or
- (c) who bought it under a scheme made under Article 3A of the Housing (Northern Ireland) Order 1983 as inserted by Article 131 of the Housing (Northern Ireland) Order 2003**(c)**”.
- (8) After paragraph 8(1) (as so renumbered) insert—
- “**(2)** For the purposes of this Schedule, in relation to Northern Ireland, a person is another’s foster child if—
- (a) he has been placed with that person under Article 27(2)(a) or 75(1)(a) of the Children (Northern Ireland) Order 1995**(d)**, or that other person fosters him privately within the meaning given by Article 106(1) of that Order; or
- (b) he is the foster child of that person under the law of any other part of the British Islands.”.
- (9) Paragraph 9 shall be renumbered as sub-paragraph (1) of that paragraph.
- (10) In paragraph 9(1) (as so renumbered) for “the States of Guernsey Board of Health” substitute “the Department of Health and Social Services”.
- (11) After paragraph 9(1) (as so renumbered) insert—
- “**(2)** For the purposes of this Schedule, in relation to the Bailiwick of Guernsey, a person is another’s foster child if—
- (a) he has been boarded out with that person by the Health and Social Services Department under Article V of the Loi Ayant Rapport à L’Asile des Enfants; or
- (b) he is the foster child of that person under the law of any other part of the British Islands.”.
- (12) Paragraph 10 shall be renumbered as sub-paragraph (1) of that paragraph.
- (13) In paragraph 10(1) (as so renumbered) omit paragraph (a)(i) of the definition of “accommodation for residential care”.

(a) 1984 c. 56. The definition of “foster child” is given in section 1 read with section 2. Section 1 was amended and repealed in part by paragraph 41 of Schedule 12 and Schedule 15 to the Children Act 1989. Section 2 was amended by paragraph 42 of Schedule 12 to the Children Act 1989; it was amended and repealed in part by paragraph 35(2) of Schedule 4 and Schedule 5 to the Children (Scotland) Act 1995 (c. 36); and it was amended by paragraph 12(2) of Schedule 3 to the Regulation of Care (Scotland) Act 2001 (asp. 8).

(b) The Department of Health and Social Services for Northern Ireland was renamed the Department of Health, Social Services and Public Safety by Article 3(6) of the Departments (Northern Ireland) Order 1999, S.I. 1999/283 (N.I. 1).

(c) S.I. 2003/412 (N.I. 2).

(d) S.I. 1995/755 (N.I. 2), revoked in part by Article 50(2) of, and Schedule 5 to, the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003, S.I. 2003/431 (N.I. 9) from a date to be appointed by Order; there are other amending instruments and enactments but none is relevant.

(14) After paragraph 10(1) (as so renumbered) insert—

“(2) For the purposes of this Schedule, in relation to the Isle of Man, a person is another’s foster child if—

- (a) he has been placed with that person under section 26(1)(a) of the Children and Young Persons Act 2001(a), or that other person fosters him privately within the meaning given by section 57(1) of that Act; or
- (b) he is the foster child of that person under the law of any other part of the British Islands.”.

(15) Paragraph 11 shall be renumbered as sub-paragraph (1) of that paragraph.

(16) After paragraph 11(1) (as so renumbered) insert—

“(2) For the purposes of this Schedule, in relation to the Bailiwick of Jersey, a person is another’s foster child if—

- (a) he is a foster child within the meaning of Article 56 of the Children (Jersey) Law 1969 and his care and maintenance has been undertaken by that other person; or
- (b) he is the foster child of that person under the law of any other part of the British Islands.”.

Amendment of Schedule 5

9. In Schedule 5 (TV Licence Fees for Hotels and Hospitality Areas and Mobile Units)—

- (a) for “£40.50” in each place where it occurs substitute “£42.00”; and
- (b) for “£121.00” in each place where it occurs substitute “£126.50”.

Savings

10.—(1) Schedules 1 to 3 and 5 to the 2004 Regulations shall continue to have effect without the amendments made by these Regulations in relation to any TV licence issued before 1st April 2005.

(2) Sub-paragraph (1) does not apply to the amendments made by regulation 6(2)(b), (6)(b) and (9)(e)(i).

4th March 2005

Andrew McIntosh
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

We consent to the making of these Regulations to the extent that they are made in exercise of the powers conferred by section 365 of the Communications Act 2003

7th March 2005

Nick Ainger
Jim Murphy
Two of the Commissioners of Her Majesty’s Treasury

(a) An Act of Tynwald.

SCHEDULE

regulation 5

Table 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
Date by which instalment is to be paid	Amount of instalment payment					
Date on which the licence is issued (“the issue date”)	£71.55	£66.95	£61.45	£54.75	£46.35	£35.55
The last day of the period of 1 month beginning on the day immediately following the issue date	£10.99	£11.91	£13.01	£14.35	£16.03	£18.19
The last day of the period of 2 months beginning on the day immediately following the issue date	£10.99	£11.91	£13.01	£14.35	£16.03	£18.19
The last day of the period of 3 months beginning on the day immediately following the issue date	£10.99	£11.91	£13.01	£14.35	£16.03	£18.19
The last day of the period of 4 months beginning on the day immediately following the issue date	£10.99	£11.91	£13.01	£14.35	£16.03	£18.19
The last day of the period of 5 months beginning on the day immediately following the issue date	£10.99	£11.91	£13.01	£14.35	£16.03	£18.19

Table 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
Date by which instalment is to be paid	Amount of instalment payment					
Date on which the licence is issued (“the issue date”)	£73.80	£69.00	£63.25	£56.25	£47.45	£36.15
The last day of the period of 1 month beginning immediately after the issue date	£10.54	£11.50	£12.65	£14.05	£15.81	£18.07
The last day of the period of 2 months beginning immediately after the issue date	£10.54	£11.50	£12.65	£14.05	£15.81	£18.07
The last day of the period of 3 months beginning immediately after the issue date	£10.54	£11.50	£12.65	£14.05	£15.81	£18.07

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
Date by which instalment is to be paid	Amount of instalment payment					
The last day of the period of 4 months beginning immediately after the issue date	£10.54	£11.50	£12.65	£14.05	£15.81	£18.07
The last day of the period of 5 months beginning immediately after the issue date	£10.54	£11.50	£12.65	£14.05	£15.81	£18.07

Table 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
Date by which instalment is to be paid	Amount of instalment payment			
Date on which the licence is issued	£21.10	£25.30	£31.64	£42.18
The first day of the calendar month immediately following the calendar month in which the licence is issued	£21.08	£25.30	£31.62	£42.16
The first day of the second calendar month following the calendar month in which the licence is issued	£21.08	£25.30	£31.62	£42.16
The first day of the third calendar month following the calendar month in which the licence is issued	£21.08	£25.30	£31.62	
The first day of the fourth calendar month following the calendar month in which the licence is issued	£21.08	£25.30		
The first day of the fifth calendar month following the calendar month in which the licence is issued	£21.08			

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Communications (Television Licensing) Regulations 2004 (“the 2004 Regulations”).

Licence fee increases

The Regulations amend the provisions prescribing the fees payable for TV licences. In particular—

- (a) they increase the fee for a basic black and white only TV licence from £40.50 to £42.00, and that for a basic colour TV licence from £121.00 to £126.50;
- (b) the issue fee and subsequent instalments for the premium instalment licence (not available in the Channel Islands) are raised to £32.89 and £32.87 respectively, the total payable rising from £126.00 to £131.50;
- (c) amendments are made in relation to the instalments payable for the budget instalment licence and the easy entrance licence (which is not available in the Channel Islands or the Isle of Man) so that in every case the total amount payable is raised from £121.00 to £126.50;
- (d) the provisions relating to the interim TV licence (which is not available in the Channel Islands except in the Bailiwick of Guernsey, excluding Sark) are amended to raise the fee payable in respect of each month, or part of a month, from £3.375 to £3.500 in the case of a black and white only TV licence and from £10.083 to £10.541 in the case of a colour TV licence;
- (e) the provisions relating to TV licence fees for hotels, hospitality areas and mobile units are amended to reflect the rise in the fees payable for basic black and white only and colour TV licences to £42.00 and £126.50 respectively.

Other amendments

The Regulations increase the fee payable for a duplicate licence (regulation 3). In addition, they make various drafting amendments to the 2004 Regulations to correct mistakes in those Regulations and to update references to repealed or revoked legislation. In particular, the Regulations amend Schedule 4 to the 2004 Regulations (which relates to TV licences for accommodation for residential care) to ensure that the definition of “foster child” for the purposes of that Schedule includes a person who is a foster child not only under the law of England and Wales, but also under the law of any other part of the United Kingdom, the Channel Islands or the Isle of Man. They also make changes to Schedule 4 to take account of: the renaming of the Department of Health and Social Services for Northern Ireland as the Department of Health, Social Services and Public Safety; the right of tenants to buy their homes under the Housing (Northern Ireland) Order 1983, as amended by the Housing (Northern Ireland) Order 2003; the absorption of the States of Guernsey Board of Health by the Department of Health and Social Services in Guernsey; and the repeal of the National Health Service (Isle of Man) Act 1948.

STATUTORY INSTRUMENTS

2005 No. 606

**ELECTRONIC COMMUNICATIONS
BROADCASTING**

The Communications (Television Licensing) (Amendment)
Regulations 2005

£3.00

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0488 3/2005 150488 19585

ISBN 0-11-072645-6



9 780110 726458