



Deregulation Act 2015

2015 CHAPTER 20

Alcohol, sport and entertainment

78 TV licensing: alternatives to criminal sanctions

- (1) The Secretary of State may by regulations made by statutory instrument—
 - (a) replace the TV licensing offences with civil monetary penalties payable to the BBC, or
 - (b) amend Part 3 of the Regulatory Enforcement and Sanctions Act 2008 so as to enable an order to be made under section 36 of that Act conferring power on the BBC to impose in relation to a TV licensing offence—
 - (i) a fixed monetary penalty (within the meaning of that Part);
 - (ii) a variable monetary penalty (within the meaning of that Part).
- (2) Regulations under subsection (1)(a) may provide for the amount of a monetary penalty to be—
 - (a) a fixed amount specified in, or determined in accordance with, the regulations, or
 - (b) such amount, not exceeding a maximum amount specified in the regulations, as may be determined by a body so specified.
- (3) Regulations under subsection (1)(a) must—
 - (a) make provision as to the steps that must be taken before a monetary penalty is imposed;
 - (b) make provision conferring rights to appeal against the imposition of a monetary penalty.
- (4) Regulations under subsection (1)(a) may make provision corresponding to any provision that could be included in an order under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 by virtue of section 52 of that Act (early payment discounts, late payment and enforcement).
- (5) Regulations under subsection (1)(a) may—

Status: This is the original version (as it was originally enacted).

- (a) confer powers to obtain information for the purpose of determining whether to impose a monetary penalty;
 - (b) confer powers of entry, search or seizure for that purpose.
- (6) Regulations under subsection (1)(a) may repeal or otherwise amend any provision of Part 4 of the Communications Act 2003.
- (7) Any sums received by the BBC by virtue of regulations under this section must be paid into the Consolidated Fund.
- (8) Regulations under this section may include—
 - (a) consequential provision, or
 - (b) transitional, transitory or saving provision,and any such provision may be made by repealing, revoking or otherwise amending or modifying legislation.
- (9) Regulations under this section may make different provision for different purposes or areas.
- (10) A statutory instrument containing regulations under this section may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
- (11) Regulations under subsection (1) may not be made so as to come into force before 1 April 2017.
- (12) Unless the power conferred by subsection (1) is exercised before the end of the period of 24 months beginning with the day on which the review required by section 77 is completed, this section expires at the end of that period.
- (13) “The TV licensing offences” are—
 - (a) the offence under section 363(2) of the Communications Act 2003 (installing or using a television receiver without a licence), and
 - (b) the offence under section 363(3) of that Act (having a receiver in a person’s possession intending to install or use it without a licence etc).
- (14) In this section—
 - “the BBC” means the British Broadcasting Corporation;
 - “legislation” means—
 - (a) an Act or subordinate legislation (within the meaning of the Interpretation Act 1978);
 - (b) an Act of the Scottish Parliament or an instrument made under an Act of the Scottish Parliament;
 - (c) a Measure or Act of the National Assembly for Wales or an instrument made under a Measure or Act of that Assembly; and
 - (d) Northern Ireland legislation or an instrument made under Northern Ireland legislation.