

2007 No. 718

ELECTRONIC COMMUNICATIONS

BROADCASTING

**The Communications (Television Licensing) (Amendment)
Regulations 2007**

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| <i>Made</i> - - - - | <i>6th March 2007</i> |
| <i>Laid before Parliament</i> | <i>7th March 2007</i> |
| <i>Coming into force</i> - - | <i>1st April 2007</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 365(1) and (4), 368 and 402(3) of the Communications Act 2003(a), as extended by the Communications (Jersey) Order 2003(b), the Broadcasting and Communications (Jersey) Order 2004(c), the Communications (Bailiwick of Guernsey) Order 2003(d), the Communications (Bailiwick of Guernsey) Order 2004(e) and the Communications (Isle of Man) Order 2003(f).

To the extent that these Regulations are made under section 365 of the Communications Act 2003, they are made with the consent of the Treasury in accordance with subsection (6) of that section.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Communications (Television Licensing) (Amendment) Regulations 2007 and come into force on 1st April 2007.

(2) These Regulations extend to the Channel Islands and the Isle of Man.

Amendment of the 2004 Regulations

2. The Communications (Television Licensing) Regulations 2004(g) (“the 2004 Regulations”) are amended as set out in Regulations 3 to 12 of these Regulations.

(a) 2003 c. 21.
(b) S.I. 2003/3197. Article 6 of the Order extends section 402 of the Communications Act 2003 to Jersey. There are amendments to the Order not relevant to these Regulations.
(c) S.I. 2004/308. Article 4 of the Order extends sections 365 and 368 of the 2003 Act to Jersey.
(d) S.I. 2003/3195. Article 6 of the Order extends section 402 of the 2003 Act to Guernsey. There are amendments to the Order not relevant to these Regulations.
(e) S.I. 2004/307. Article 4 of the Order extends sections 365 and 368 of the 2003 Act to Guernsey.
(f) S.I. 2003/3198, amended by S.I. 2004/309. Article 6 of the Order extends, with modifications, sections 365, 368 and 402 of the 2003 Act to the Isle of Man. There are amendments to the Order not relevant to these Regulations.
(g) S.I. 2004/692, amended by S.I. 2005/606 and S.I. 2006/619.

Amendment of regulation 2

3. In regulation 2(1), after the definition of “caravan” insert—
- ““digital set top box” means a television receiver whose function is to receive television programmes in digital form, and which cannot itself display, or record or otherwise store such programmes;”.

Amendment of regulation 3

4. After regulation 3(3), add—
- “(4) In the first and third entries in column 2 of the table in Schedule 1, a reference to—
- (a) installing a black and white television receiver includes a reference to installing a digital set top box in such a way that it can only be used to cause television programmes to be displayed on a television set or monitor that can display them in black and white only; and
 - (b) using a black and white television receiver includes a reference to using a digital set top box installed as described in this paragraph.”.

Amendment of regulation 5

- 5.—(1) For regulation 5(2)(a) substitute—
- “(a) show that he is registered as blind by means of a certificate or other document issued by or on behalf of—
- (i) a local authority in Great Britain,
 - (ii) a Health and Social Services Trust in Northern Ireland, or
 - (iii) the Department of Health and Social Security for the Isle of Man; or”.

(2) For regulation 5(3) substitute—

“(3) A person is not required to provide the evidence referred to in paragraph (2) to obtain the blind concession in respect of a TV licence where that person has previously established an entitlement to the concession by providing the evidence referred to in that paragraph and—

 - (a) the evidence was provided within the period of 5 years ending on the date on which the licence is issued, or
 - (b) the BBC are satisfied that the evidence previously provided is sufficient to establish the person’s entitlement to the concession as at that date.”.

(3) In the definition of “local authority” in regulation 5(5), omit “and” and omit paragraph (d).

Amendment of regulation 8

6. In regulation 8, before the definition of “members of the public” insert—
- ““digital set top box” has the same meaning as in Part 2;”.

Amendment of regulation 9

7. In regulation 9—
- (a) in paragraph (1), for “In” substitute “Subject to paragraph (2), in”;
 - (b) after paragraph (1), insert—
- “(2) But a digital set top box is not a television receiver for the purposes of that Part if it is installed in such a way that it can be used only to cause the production of sound through a device whose functions are limited to the production, or the production and recording, of sound.”;
- (c) paragraph (2) becomes paragraph (3).

Amendment of Schedule 1

- 8.** In Schedule 1 (Issue fees for TV licences)—
- (a) for “£44.00” in each place where it occurs substitute “£45.50”;
 - (b) for “£131.50” in each place where it occurs substitute “£135.50”;
 - (c) in paragraph (b) in the second column (‘Description of licence’) of each of the entries numbered 1 and 2 in the table (‘TV licence (black and white only) General Form’ and ‘TV licence (including colour) General Form’)—
 - (i) for the words from “being” (where it first occurs) to “location” (where it first occurs) substitute—
 - “(i) being used or occupied by the licensee or by a person normally living with the licensee at the specified location, or
 - (ii) if the specified location is a business premises, being used or occupied for the purposes of the business by a person who normally works at that location”;
 - (ii) after “provided that”, insert “, in a case falling within (i) above,”.
 - (d) in paragraph (b) in the second column (‘Description of licence’) of each of the entries in the table numbered 3 and 4 (‘TV licence (black and white only) Multiple Form’ and ‘TV licence (including colour) Multiple Form’)—
 - (i) for the words from “being” (where it first occurs) to “locations” (where it first occurs) substitute—
 - “(i) being used or occupied by the licensee or by a person normally living at one of the specified locations, or
 - (ii) if a business is carried on from one or more of the specified locations, being used or occupied for the purposes of the business by a person who normally works at one of those locations”;
 - (ii) after “provided that”, insert “, in a case falling within (i) above,”.

Amendment of Schedule 2

- 9.**—(1) Schedule 2 (Fees for TV licences payable by instalments) is amended as follows.
- (2) In paragraph 2(1), for “£34.14” and “£34.12” substitute, respectively, “£35.14” and “£35.12”.
 - (3) In each of paragraphs 5(1) and 6(1), for “2006” substitute “2007”.
 - (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) in paragraph (b) for “2006” substitute “2007”; and
 - (b) for “£76.75” and “£10.95” substitute, respectively, “£79.05” and “£11.29”.
 - (7) For table 3 substitute table 3 in the Schedule to these Regulations.
 - (8) For paragraph 8(2) substitute—
 - “(2) A licence of the type referred to in sub-paragraph (1) is a licence of the same description as that given in the second entry of column 2 of the table in Schedule 1, but where payment for the licence is to be made in instalments as provided in this Part.”.
 - (9) In paragraph 9—
 - (a) for paragraph (c) substitute—
 - “(c) the amount of the first 10 of those instalments is to be £5.50 and the amount of each of the remaining 15 instalments is to be £5.00.”
 - (10) In paragraph 11—
 - (a) in sub-paragraph (1) for “£66.50” substitute “£70.50”;

- (b) in sub-paragraph (2) for “£54.00” substitute “£57.50”;
 - (c) in sub-paragraph (3) for “£47.00” substitute “£49.00”;
 - (d) in sub-paragraph (4) for “£37.50” substitute “£38.00”;
 - (e) in sub-paragraph (6) for “£9.50” substitute “£10.00”.
- (11) In paragraph 12(1) for “£66.50” substitute “£70.50”.
- (12) In paragraph 13—
- (a) in sub-paragraph (1) for “£54.00” substitute “£57.50”;
 - (b) for sub-paragraph (2)(a) to (d), substitute—
 - “(a) sub-paragraph (2)(b) is to have effect as if it provided for each of the 10 instalments to be £7.80.
 - (b) sub-paragraph (3)(b) is to have effect as if it provided for the first 6 of the instalments to be £10.00, and the remaining 2 instalments to be £9.00.
 - (c) sub-paragraph (4)(b) is to have effect as if it provided for the amount of each of the 6 instalments to be £13.00.
 - (d) sub-paragraph (5)(b) is to have effect as if it provided for the amount of each of the 4 instalments to be £19.50.”
- (13) In paragraph 14—
- (a) in sub-paragraph (1) for “£47.00” substitute “£49.00”;
 - (b) in sub-paragraph (2)(a) for “£8.50” and “£8.00” substitute, respectively, “£8.70” and “£8.20”;
 - (c) in sub-paragraph (2)(b) for “£10.60” and “£10.30” substitute, respectively, “£10.90” and “£10.20”;
 - (d) in sub-paragraph (2)(c) for “£14.10” substitute “£14.50”;
 - (e) in sub-paragraph (2)(d) for “£21.20” and “£19.90” substitute, respectively, “£21.70” and “£21.40”.
- (14) In paragraph 15—
- (a) in sub-paragraph (1) for “£37.50” substitute “£38.00”;
 - (b) for sub-paragraph (2)(a) substitute—
 - “(a) sub-paragraph (2)(b) is to have effect as if it provided for the amount of each of the first 9 instalments to be £9.80 and the amount of the final instalment to be £9.30;”;
 - (c) in sub-paragraph (2)(b) for “£11.80” and “£11.40” substitute, respectively, “£12.20” and “£12.10”;
 - (d) in sub-paragraph (2)(c) for “£15.70” and “£15.50” substitute, respectively, “£16.30” and “£16.00”;
 - (e) for 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 instalments to be £24.40 and the amount of the final instalment to be £24.30.”
- (15) In paragraph 16—
- (a) for sub-paragraph (2)(a) substitute—
 - “(a) sub-paragraph (2)(b) is to have effect as if it provided for the amount of each of the instalments to be £11.00;”;
 - (b) in sub-paragraph (2)(b) for “£13.30” and “£12.90” substitute, respectively, “£13.80” and “£13.40”;
 - (c) in sub-paragraph (2)(c) for “£17.70” and “£17.50” substitute, respectively, “£18.40” and “£18.00”;
 - (d) in sub-paragraph (2)(d) for “£26.50” substitute “£27.50”.

(16) In paragraph 17—

(a) in sub-paragraph (1) for “£9.50” substitute “£10.00”;

(b) for sub-paragraph (2)(a) substitute—

“(a) sub-paragraph (2)(b) is to have effect as if it provided for the amount of each of the first 9 instalments to be £12.60 and the amount of the final instalment to be £12.10;”;

(c) in sub-paragraph (2)(b) for “£15.30” and “£14.90” substitute, respectively, “£15.70” and “£15.60”;

(d) in sub-paragraph (2)(c) for “£20.40” and “£20.00” substitute, respectively, “£21.00” and “£20.50”;

(e) for 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 instalments to be £31.40 and the amount of the final instalment to be £31.50.”.

Amendment of Schedule 3

10.—(1) In the table in Part 1 of Schedule 3 (Fees for interim TV licences) for “3.666” and “£10.958” substitute, respectively, “£3.791” and “£11.291”.

(2) In paragraph 1(5)(b) of Part 2 of that Schedule (Interim TV licence (including colour): payment by instalments) for “£131.50” substitute “£135.50”.

Amendment of Schedule 4

11.—(1) In paragraph 2 of Schedule 4 (Accommodation for residential care licences) for “£5.00” wherever occurring substitute “£7.50”.

(2) In paragraph (a) of the definition of “resident” in paragraph 3(1) of that Schedule omit “ordinarily”.

Amendment of Schedule 5

12. In Schedule 5 (TV licence fees for hotels and hospitality areas, and mobile units)—

(a) in paragraph 1—

(i) for the definition of “hotel” substitute—

““hotel” means any establishment (including an inn, guest house, holiday camp, caravan site or camp site) within the same premises or, as the case may be, on the same site which (whether or not it also provides other services) offers accommodation consisting wholly or mainly of units of overnight accommodation for guests staying for no longer than 28 consecutive nights;”;

(ii) after the definition of “units” add—

““unit of overnight accommodation” in relation to a hotel means all or part of any roofed or covered building or structure designed, adapted or offered for human habitation and—

(a) includes a caravan, mobile home, movable dwelling, tent or other like structure, but

(b) does not include land (whether or not provided with services) on which guests are permitted to place such structures not offered to them by the hotel;”;

(b) for “£44.00” in each place where it occurs substitute “£45.50”; and

(c) for “£131.50” in each place where it occurs substitute “£135.50”.

Saving and transitional provision

13.—(1) Subject to paragraph (2), in relation to a TV licence issued before 1st April 2007 Schedules 1 to 3 and 5 to the 2004 Regulations continue to have effect without the amendments made by these Regulations.

(2) But—

(a) those Schedules as amended by regulations 3, 4, 8(c) and (d) and 11(2); and

(b) regulation 9 of the 2004 Regulations as amended by regulation 7

have effect in relation to a TV licence issued before that date.

5th March 2007

Shaun Woodward
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 under section 365 of the Communications Act 2003.

6th March 2007

Alan Campbell
Dave Watts
Two of the Commissioners of Her Majesty's Treasury

SCHEDULE

Regulation 9(4), (5) and (7)

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”) | £77.45 | £72.45 | £66.45 | £59.15 | £50.05 | £38.30 |
| The last day of the period of 1 month beginning on the day immediately following the issue date | £11.61 | £12.61 | £13.81 | £15.27 | £17.09 | £19.44 |
| The last day of the period of 2 months beginning on the day immediately following the issue date | £11.61 | £12.61 | £13.81 | £15.27 | £17.09 | £19.44 |
| The last day of the period of 3 months beginning on the day immediately following the issue date | £11.61 | £12.61 | £13.81 | £15.27 | £17.09 | £19.44 |
| The last day of the period of 4 months beginning on the day immediately following the issue date | £11.61 | £12.61 | £13.81 | £15.27 | £17.09 | £19.44 |
| The last day of the period of 5 months beginning on the day immediately following the issue date | £11.61 | £12.61 | £13.81 | £15.27 | £17.09 | £19.44 |

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”) | £79.05 | £73.95 | £67.75 | £60.25 | £50.85 | £38.75 |
| The last day of the period of 1 month beginning on the day immediately following the issue date | £11.29 | £12.31 | £13.55 | £15.05 | £16.93 | £19.35 |
| The last day of the period of 2 months beginning on the day immediately following the issue date | £11.29 | £12.31 | £13.55 | £15.05 | £16.93 | £19.35 |
| The last day of the period of 3 months beginning on the day immediately following the issue date | £11.29 | £12.31 | £13.55 | £15.05 | £16.93 | £19.35 |

| | | | | | | |
|--|--------|--------|--------|--------|--------|--------|
| The last day of the period of 4 months beginning on the day immediately following the issue date | £11.29 | £12.31 | £13.55 | £15.05 | £16.93 | £19.35 |
| The last day of the period of 5 months beginning on the day immediately following the issue date | £11.29 | £12.31 | £13.55 | £15.05 | £16.93 | £19.35 |

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 | £22.60 | £27.10 | £33.89 | £45.18 |
| The first day of the calendar month immediately following the calendar month in which the licence is issued | £22.58 | £27.10 | £33.87 | £45.16 |
| The first day of the second calendar month following the calendar month in which the licence is issued | £22.58 | £27.10 | £33.87 | £45.16 |
| The first day of the third calendar month following the calendar month in which the licence is issued | £22.58 | £27.10 | £33.87 | |
| The first day of the fourth calendar month following the calendar month in which the licence is issued | £22.58 | £27.10 | | |
| The first day of the fifth calendar month following the calendar month in which the licence is issued | £22.58 | | | |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Communications (Television Licensing) Regulations 2004 (S.I. 2004/692) (“the 2004 Regulations”).

Licence fee increases

Regulations 8(a) and (b), 9, 10, 11(1) and 12(b) and (c) provide for increases in the sums provided to be paid for different categories of licences set out in the 2004 Regulations, and in the sums payable by way of instalments under instalment schemes set out in those Regulations.

In summary—

- (a) the fee for a basic black and white only TV licence is increased from £44.00 to £45.50, and that for a basic colour TV licence from £131.50 to £135.50;
- (b) the issue fee and subsequent instalments for the premium instalment licence (not available in the Channel Islands) are raised to £35.14 and £35.12 respectively, the total payable rising from £136.50 to £140.50;
- (c) amendments are made in relation to the instalments payable for the budget instalment licence and easy entrance licence (which is not available in the Channel Islands or Isle of Man) so that in every case the total amount payable is raised from £131.50 to £135.50;
- (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 £3.666 to £3.791 in the case of a black and white only TV licence and from £10.958 to £11.291 in the case of a colour TV licence;
- (e) the fees in respect of residential care accommodation set out in paragraph 2 of Schedule 4 to the 2004 Regulations are increased from £5.00 to £7.50; and
- (f) 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 £45.50 and £135.50 respectively.

Other amendments

(i) Description of black and white licences

Regulation 3 adds a new definition of “digital set top box” which will apply in Parts 2 and 3 of the 2004 Regulations (see also regulation 6). A digital set top box is defined as a television receiver whose function is to receive television programmes in digital form, and which cannot itself display, or record or otherwise store such programmes.

Regulation 4 adds an interpretation provision that will apply to the description of black and white television licences in Schedule 1 to the 2004 Regulations. The purpose of the change is to ensure that a digital set top box does not require a colour television licence where it is installed and used so that it can only cause television programmes to be displayed on a television set or monitor that is only able to display them in black and white. This is to be the case regardless of the fact that the set top box may intrinsically be capable of causing programmes to be displayed in colour if used in association with some other device, such as a colour television or monitor. By virtue of the definition of “digital set top box”, the new provision will not apply to television receivers (such as VCRs) that are able to record television programmes. Hence, as was the case before the commencement of these Regulations, a television receiver that is capable of recording programmes in colour will require a colour licence, even if no facility for the display of programmes in colour is available.

(ii) Blind concession

Regulation 5 amends regulation 5(2)(a) and (3) of the 2004 Regulations to ensure that—

- (a) a person may establish his entitlement to the blind concession for a television licence by administrative means irrespective of the particular manner in which the authorities concerned choose to administer their registration schemes for blind people. The new wording is intended to be more flexible to allow for varieties of administrative practice in this area (for example, outsourcing);
- (b) a certificate or other document issued by or on behalf of a Health and Social Services Trust in Northern Ireland will suffice to show that a person is registered as blind for the purposes of the concession; and
- (c) if the BBC are satisfied that the evidence previously provided by a person is sufficient to establish his entitlement to the concession, there is no need for the person to provide further evidence, even if the previous evidence was provided more than five years before the licence is issued.

(iii) Definition of “television receiver”

Regulation 7 modifies the definition of “television receiver” for the purposes of Part 4 of the Communications Act 2003 (c. 21). The purpose of the change is to ensure that a digital set top box does not constitute a “television receiver” for the purposes of that Part, provided it is installed in such a way that it can only be used to cause the production of sound through a device whose functions are limited to the production of sound. This is to ensure that a digital set top box used solely as a means of generating sound without pictures does not fall within the television licensing regime.

(iv) Licence descriptions: business premises

Regulation 8(c) and (d) amend the descriptions of each category of television licence in the table in Schedule 1 to the 2004 Regulations. For General Form licences (regulation 8(c)) the new wording will mean that if the place specified in the licence is a business premises, these licences will authorise the installation and use of black and white or colour television receivers (as the case may be) in any vehicle, vessel or caravan being used or occupied for the purposes of the business by a person who normally works at those premises. The existing proviso that a receiver may not be used in a caravan other than a touring caravan at the same time as a receiver is being used at the premises specified in the licence will not apply. For Multiple Form licences (regulation 8(d)), the position will be similar: where one or more of the specified locations is a business premises, the licences will authorise the installation and use of black and white or colour television receivers (as the case may be) in any vehicle, vessel or caravan being used or occupied for the purposes of the business by a person who normally works at one of those premises. Again, the existing proviso in respect of caravans will not apply.

(v) Easy entry television licences (including colour)

Regulation 9(8) amends paragraph 8(2) to Schedule 2 to the 2004 Regulations to omit the requirement that an Easy entry television licence (not black and white only) must be issued to a person who is in receipt of income-tested state benefits. In future such licences may be issued to any person who satisfies the other requirements of Part 3 of Schedule 2 to the 2004 Regulations.

(vi) Accommodation for residential care licences

Regulation 11(2) omits the word “ordinarily” from the definition of “resident” in paragraph 3(1)(a) of Schedule 4 to the 2004 Regulations (accommodation for residential care licences). The purpose of the change is to ensure that accommodation for a disabled or retired person does not cease to qualify for the residential care concession set out in that Schedule only because the residential care accommodation in question is not the person’s ‘ordinary’ residence. Residential care accommodation will still qualify for the concession even if the occupant is only resident for a limited period, during which their ‘ordinary’ residence may be elsewhere (for example, their own or a family home).

(vii) Hotels, hospitality areas and mobile units

Regulation 12(a) substitutes a new definition of “hotel” and inserts a new definition of “unit of overnight accommodation” in paragraph 1 of Schedule 5 to the 2004 Regulations. The purpose of the former change is to ensure that inns, guest-houses, holiday camps, caravan sites and camp sites are subject to the same requirements as other premises in order to qualify for the concession set out in the Schedule. That is, for such establishments to qualify as “hotels” they must offer accommodation consisting wholly or mainly of units of accommodation for guests for no more than 28 days’ consecutive residence. The latter change is intended to ensure that a unit of accommodation for the purposes of the concession does not include land (whether or not provided with services) on which guests are permitted to place their own structures (such as tents or caravans), as opposed to such structures offered to them by the hotel.

Saving and transitional provision

Regulation 13 provides that in relation to TV licences issued before 1st April 2007, Schedules 1 to 3 and 5 to the 2004 Regulations continue to apply without the amendments made by these Regulations.

However, the amendments made by regulations 3, 4, 6, 7, 8(c) and (d) and 11(2) apply in relation to a TV licences issued before 1st April 2007.

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£3.00

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E0405 3/2007 170405T 19585