

**EXPLANATORY MEMORANDUM TO
THE COMMUNICATIONS (TELEVISION LICENSING) (AMENDMENT)
REGULATIONS 2009**

2009 No. 505

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

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

Licence fee increases

2.2 Regulations 3(a) and (b), 4, 5 and 6 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 £47.00 to £48.00, and that for a basic colour TV licence from £139.50 to £142.50;

(b) the premium instalment licence payment scheme is extended to the Channel Islands;

(c) the easy entry television licence payment scheme is extended to the Channel Islands and the Isle of Man;

(d) the issue fee and subsequent instalments for the premium instalment licence are raised to £36.89 and £36.87 respectively, the total payable rising from £144.50 to £147.50;

(e) amendments are made in relation to the instalments payable for the budget instalment licence and easy entrance licence so that in every case the total amount payable is raised from £139.50 to £142.50;

(f) 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 £3.916 to £4 in the case of a black and white only TV licence and from £11.625 to £11.875 in the case of a colour TV licence; and

(g) 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 £48.00 and £142.50 respectively.

Saving and transitional provision

2.3 Regulation 13 provides that in relation to TV licences issued before 1st April 2009, 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(a) and (b), 4, 5 and 6 apply in relation to a TV licences issued before 1st April 2009.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This Order is made in exercise of the Secretary of State's powers under sections 365(1) and (4), 368 and 402(3) of the Communications Act 2003. These Regulations amend the Communications (Television Licensing) Regulations 2004 (S.I. 2004/692).

5. Territorial Extent and Application

5.1 This instrument applies to the whole of the United Kingdom and, by virtue of the Orders cited in the preamble to the Regulations, to the Channel Islands and the Isle of Man.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

• *What is being done and why*

7.1 These regulations will give effect to the third year's television licence fee increases under the BBC funding settlement for the years 2007-08 to 2012-13, announced by the Secretary of State for Culture, Media and Sport on 18 January 2007. The regulations also extend the facility for cash payment schemes to the Isle of Man, Jersey and Guernsey, to bring the availability of these facilities into line with the UK; and extend the facility for quarterly direct debit payments to Jersey and Guernsey, to bring the availability of these facilities into line with the UK and Isle of Man. The purpose of extending these facilities is to offer greater convenience in paying the licence fee to licence fee payers in these islands.

• *Consolidation*

7.2 There are no plans for consolidation.

8. Consultation outcome

8.1 There was extensive consultation on the level of the licence fee during the BBC Charter Review, the outcome of which was the announcement of the BBC

funding settlement by the Secretary of State for Culture, Media and Sport on 18 January 2007. There has been no Government consultation since the Charter Review.

9. Guidance

9.1 None. This is a matter for the BBC.

10. Impact

10.1 The impact on business, charities or voluntary bodies is none, other than to clarify, and give additional flexibility to, TV licence conditions.

10.2 The impact on the public sector is none, other than to clarify, and give additional flexibility to, TV licence conditions.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business.

12. Monitoring & review

12.1 The level of the licence fee for 2009-10 which this instrument provides for was announced in January 2007 and there are no plans to review whether this is the appropriate level. The future level of the licence fee will be reviewed before the end of the BBC's current funding settlement.

12.2 The extension of facilities to pay the licence fee will be judged a success if it makes payment more convenient for those to whom it has been extended.

13. Contact

Alastair Dougans at the Department for Culture, Media and Sport, tel: (020) 7211 6471 or email: alastairdougans@culture.gsi.gov.uk, can answer any queries regarding the instrument.