

SCHEDULE 2

ISSUE FEES FOR TELEVISION LICENCES

PART II

DEFINITIONS FOR PURPOSES OF ENTRY 7 IN PART I OF THIS SCHEDULE

General

1. In this Schedule—

“disabled person” means a person who is blind, deaf or dumb or who is substantially and permanently handicapped by illness, injury or congenital deformity;

“a group of specially provided dwellings” means a group of at least four dwellings—

- (a) which are provided for occupation by disabled persons, mentally disordered persons or retired persons of pensionable age;
- (b) which have been erected or converted for the purposes of such occupation;
- (c) for which there is a person whose function is to care for the needs of the persons referred to in sub-paragraph (a) above and who either lives in one of the dwellings within the group or works in that group for at least 30 hours per week; and
- (d) which fall within a common and exclusive boundary:

Provided that the condition in sub-paragraph (a) above does not cease to be satisfied if any dwelling is—

- (i) also occupied by any member of the family of any person referred to in that sub-paragraph; or
- (ii) occupied by the person referred to in sub-paragraph (c) above or a member of his family;

“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
 - (ii) is provided by a local social services authority under paragraph 2(1) of Schedule 8 to the National Health Service Act 1977⁽²⁾; or

(1) 1948 c. 29.

(2) 1977 c. 49.

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- (iii) is carried on by a person who is duly registered in respect thereof under Part I of the Registered Homes Act 1984(3) or who would be so registered but for section 1(4) or 1(5)(j) of that Act; or
- (iv) 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
- (v) is an almshouse established as such before 1st November 1949; or
- (b) a group of specially provided dwellings which are provided or managed—
 - (i) under Part II of the Housing Act 1976(4); or
 - (ii) by a housing association within the meaning of the Housing Associations Act 1985(5); or
 - (iii) by a development corporation within the meaning of the New Towns Act 1981(6) or by the Development Board for Rural Wales in accordance with section 3(2) of the Development of Rural Wales Act 1987(7);

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Act 1983(8);

“pensionable age” has the same meaning as in the Social Security Act 1975(9).

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 and 59 of the Social Work (Scotland) Act 1968(10); or
 - (ii) is carried on by a person who is duly registered in respect thereof under section 62 or 63 of that Act; or
 - (iii) is, or in respect of which the person carrying on the establishment is, exempt from registration under section 62 or 63 of that Act 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 section 10(3)(a) of that Act; or
- (b) a group of specially provided dwellings which are provided or managed—
 - (i) under Part I of the Housing (Scotland) Act 1987(12); or
 - (ii) by a housing association within the meaning of the Housing Associations Act 1985; or

(3) 1984 c. 23.

(4) 1985 c. 68.

(5) 1985 c. 69.

(6) 1981 c. 64.

(7) 1976 c. 75.

(8) 1983 c. 20.

(9) 1975 c. 14.

(10) 1968 c. 49.

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

(12) 1987 c. 26.

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- (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(15);
- “pensionable age” has the same meaning as in the Social Security Act 1975.

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(16); or
 - (ii) is carried on by a person who is duly registered in respect thereof under Schedule 5 to that Order; or
 - (iii) is carried on by a person who is duly registered in respect thereof under Part I of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(17); or
 - (iv) is managed or controlled by a Government department or a public body constituted by special Act of Parliament or incorporated by Royal Charter; or
- (b) a group of specially provided dwellings which are provided or managed–
 - (i) under the Housing (Northern Ireland) Order 1981(18); or
 - (ii) by a housing association within the meaning of article 114 of that Order;

“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);

“pensionable age” has the same meaning as in the Social Security (Northern Ireland) Act 1975(20).

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–

(13) 1968 c. 16.

(14) 1988 c. 43.

(15) 1984 c. 36.

(16) S.I. 1972/1265 (N.I. 14).

(17) 1971 c. 32 (N.I.), which has been amended by the Nursing Homes and Nursing Agencies (Northern Ireland) Order 1985 (S.I.1985/1775 (N.L. 19))

(18) S.I. 1981/156 (N.I. 3).

(19) S.I. 1986/595 (N.I. 4).

(20) 1975 c. 15.

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- (i) is carried on by a person who is duly registered in respect thereof under the Nursing Homes (Registration) (Jersey) Law 1950, the Mental Health (Jersey) Law 1969 or the Old Persons Homes (Registration) (Jersey) Law 1964, as the case may be; or
- (ii) is exempt from registration under one of those Laws; or
- (b) a group of specially provided dwellings which are provided or managed–
 - (i) by a Committee of the States;
 - (ii) by a body approved in writing for the purposes of these Regulations by the President or Vice-President of the Public Health Committee;

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

“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
 - (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;

“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(21); or
 - (ii) is provided under section 22(1) of the National Assistance (Isle of Man) Act 1951(21); or

(21) An Act of Tynwald.
(21) An Act of Tynwald.

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- (iii) is carried on by a person who is duly registered in respect thereof under the Nursing and Residential Homes Act 1988(21) 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(21); or
 - (ii) by a housing association under Part II of the Housing (Miscellaneous Provisions) Act 1976(21);

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Act 1974(21);

“pensionable age” has the same meaning as in the Social Security Act 1975(22).

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(23), would have qualified as accommodation for residential care under the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984(24) 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.

(21) An Act of Tynwald.

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(22) Applied to the Isle of Man under the Social Security Act 1982 (an Act of Tynwald).

(23) S.I. 1988/899.

(24) S.I. 1984/1053.