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STATUTORY INSTRUMENTS

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**2005 No. 606**

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

**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(1).

**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”.

**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)”; and
  - (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”; and
  - (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”; and
  - (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;”;
- (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(2), or that other person fosters him privately within the meaning given by section 66(1)(b) of that Act; or
- (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(3); 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”(4); 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(5)
- (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—

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(2) 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).

(3) 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).

(4) 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).

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

- (a) he has been placed with that person under Article 27(2)(a) or 75(1)(a) of the Children (Northern Ireland) Order 1995(6), 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”.
- (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(7), 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”.

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(6) 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.

(7) An Act of Tynwald.

## 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