

**EXPLANATORY MEMORANDUM TO
THE COMMUNICATIONS (TELEVISION LICENSING) (AMENDMENT)
REGULATIONS 2005**

2005 No. 606

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.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 These Regulations raise the levels of the fees payable for different types of TV licences in line with the settlement that has been in place since February 2000. They also raise the fee payable for a duplicate of any licence that has been lost or destroyed to reflect the actual cost of providing such duplicates.

- 2.2 In addition, they make various drafting amendments to the Communications (Television Licensing) Regulations 2004, S.I. 2004/692 (“the 2004 Regulations”), to correct mistakes in the 2004 Regulations and to make the amendments needed to update references to repealed or amended legislation.

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

- 3.1 Paragraph 3(13) of Schedule 4 to the 2004 Regulations defined a “foster child” for the purposes of paragraph 3(12) of that Schedule. However, it did so by reference to the Children Act 1989 and hence the definition inadvertently excluded those who are foster children under the law of any other part of the United Kingdom, the Channel Islands, or the Isle of Man. These Regulations amend paragraph 3(13) and insert new provisions at sub-paragraph (2)(a) of paragraphs 4, 7, 8, 9, 10 and 11 of Schedule 4 to cover the previous lacuna.

4. **Legislative Background**

- 4.1 Section 363 of the Communications Act 2003 (“the 2003 Act”) makes it an offence to install or use a television receiver unless that installation or use is authorised by a licence under Part 4 of that Act (defined by section 364(1) as “a TV licence”). It also makes it an offence for a person to have a television receiver in his possession or under his control either intending to install or use it without having an appropriate TV licence, or knowing (or having reasonable grounds for believing) that another person intends to do this.

- 4.2 The fees payable for TV licences are set by regulations made under section 365 of the 2003 Act. That section also states that such regulations may include provision for the means by which entitlement to a “concession” (as defined by subsection (5) of that section) must be established and for the payment of relevant sums by means of an instalment scheme.

4.3 In addition, section 365 requires the consent of the Treasury for the making of any regulations under the section. This consent has been obtained.

4.4 These Regulations raise the level of the fees payable for different types of TV licence in line with the licence fee settlement that has been in place since February 2000. They also make amendments to the provisions set out in the 2004 Regulations relating to concessions and to the payment of licence fees by instalments.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

5.2 It also applies to the Channel Islands and the Isle of Man. The relevant authorities in those Islands have been consulted.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 The TV licence fee system is the principal source of income for the BBC. In February 2000 the Government announced a new licence fee settlement under which the level of the fees charged for TV licences was to rise by 1.5% per annum above the rate of the Retail Prices Index (RPI). This settlement is to be in place until 2006.

7.2 Licence fee increases are calculated by applying the RPI increase for the year to the preceding September, plus 1.5%, to the previous, unrounded licence fees and rounding the results to the nearest 50p. The September 2004 RPI figure was 3.1%, giving a total increase of 4.6%. This means that colour licence fees will go up from £121 to £126.50 and black and white licence fees from £40.50 to £42.00.

7.3 In the BBC Charter Review Green Paper published on 2 March this year, the Government proposes that the BBC should continue to be funded by the licence fee until 2016. But, in the next phase of Charter Review, the Government will look further at the operation of the licence fee, including its level from 2007 onwards.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Robert Wallich at the Department for Culture, Media and Sport. Tel: 020 7211 6449 or e-mail: robert.wallich@culture.gsi.gov.uk can answer any queries regarding the instrument.