

2006 No. 619

ELECTRONIC COMMUNICATIONS

BROADCASTING

**The Communications (Television Licensing) (Amendment)
Regulations 2006**

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|-------------------------------|-----------------------|
| <i>Made</i> - - - - | <i>7th March 2006</i> |
| <i>Laid before Parliament</i> | <i>8th March 2006</i> |
| <i>Coming into force</i> - - | <i>1st April 2006</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(1) of the Wireless Telegraphy Act 1967(a) and sections 365(1) and (4) and 402(3) of the Communications Act 2003(b), as extended by the Broadcasting and Communications (Jersey) Order 2004(c), the Communications (Jersey) Order 2003(d), the Communications (Bailiwick of Guernsey) Order 2004(e), the Communications (Bailiwick of Guernsey) Order 2003(f) and the Communications (Isle of Man) Order 2003(g).

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

Commencement, citation, extent and interpretation

1.—(1) These Regulations may be cited as the Communications (Television Licensing) (Amendment) Regulations 2006 and shall come into force on 1st April 2006.

(2) These Regulations, except regulation 3, extend to the Channel Islands and the Isle of Man.

(3) In these Regulations “the 2004 Regulations” means the Communications (Television Licensing) Regulations 2004(h).

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- (a) 1967 c.72: section 6(1) was amended by S.I. 1974/691, paragraph 7 of Schedule 18 to the Broadcasting Act 1990 (c.42) and section 367 of the Communications Act 2003 (c.21).
- (b) 2003 c.21.
- (c) S.I.2004/308 extends section 365 of the Communications Act 2003 to Jersey.
- (d) S.I. 2003/3197, to which there are amendments not relevant to these Regulations, extends section 402 of the Communications Act 2003 to Jersey.
- (e) S.I. 2004/307 extends section 365 of the Communications Act 2003 to the Bailiwick of Guernsey.
- (f) S.I. 2003/3195, to which there are amendments not relevant to these Regulations, extends section 402 of the Communications Act 2003 to the Bailiwick of Guernsey.
- (g) S.I. 2003/3198, to which there are amendments not relevant to these Regulations, extends sections 365 and 402 of the Communications Act 2003 to the Isle of Man.
- (h) S.I. 2004/692, amended by S.I. 2005/606; there are other amending instruments but none is relevant.

Amendment of the 2004 Regulations

2. The 2004 Regulations shall be amended in accordance with the following provisions of these Regulations.

Amendment of Regulation 11

3. In regulation 11(1), after “computer apparatus” insert “or a mobile telephone”.

Amendment of Schedule 1

4. In Schedule 1 (issue fees for TV licences)—
- (a) for “£42.00” in each place where it occurs substitute “£44.00”; and
 - (b) for “£126.50 in each place where it occurs substitute “£131.50”.

Amendment of Schedule 2

- 5.—(1) Schedule 2 (fees for TV licences payable by instalments) shall be amended as follows.
- (2) In paragraph 2(1) for “£32.89” and “£32.87” substitute respectively “£34.14” and “£34.12”.
 - (3) In paragraphs 5(1) and 6(1) in each case for “2005” substitute “2006”.
 - (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 “2005” substitute “2006”; and
 - (b) for “£73.80” and “£10.54” substitute respectively “£76.75” and “£10.95”.
 - (7) For table 3 substitute table 3 in the Schedule to these Regulations.
 - (8) In paragraph 9—
 - (a) in paragraph (a) for “£5.00” substitute “£5.50”; and
 - (b) for paragraph (c) substitute—
 - “(c) the amount of the first 2 of those instalments is to be £5.50 and the amount of each of the remaining 23 instalments is to be £5.00.”
 - (9) In paragraph 11—
 - (a) in sub-paragraph (1) for “£65.00” substitute “£66.50”;
 - (b) in sub-paragraph (3) for “£45.50” substitute “£47.00”;
 - (c) in sub-paragraph (4) for “£35.50” substitute “£37.50”; and
 - (d) in sub-paragraph (5) for “£24.00” substitute “£25.50”.
 - (10) In paragraph 12—
 - (a) in sub-paragraph (1) for “£65.00” substitute “£66.50”;
 - (b) for paragraph (b) of sub-paragraph (2) substitute—
 - “(b) the amount of each of the 10 instalments is to be £6.50.”;
 - (c) in paragraph (b) of sub-paragraph (3) for “£7.70” substitute “£8.20”;
 - (d) in paragraph (b) of sub-paragraph (4) for “£10.30” and “£10.00” substitute respectively “£10.90” and “£10.50”; and
 - (e) in paragraph (b) of sub-paragraph (5) for “£15.40” and “£15.30” substitute respectively “£16.20” and “£16.40”.
 - (11) In paragraph 13(2)—
 - (a) in paragraph (a) for “£7.30” and “£6.80” substitute respectively “£7.80” and “£7.30”;
 - (b) in paragraph (b) for “£9.10” and “£8.80” substitute respectively “£9.70” and “£9.60”;

- (c) in paragraph (c) for “£12.10” and “£12.00” substitute respectively “£13.00” and “£12.50”; and
- (d) in paragraph (d) for “£18.20” and “£17.90” substitute respectively “£19.40” and “£19.30”.

(12) In paragraph 14—

- (a) in sub-paragraph (1) for “£45.50” substitute “£47.00”;
- (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 £8.50 and the final instalment to be £8.00;”;
- (c) in sub-paragraph (b) for “£10.20” and “£9.60” substitute respectively “£10.60” and “£10.30”;
- (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 £14.10 and the final instalment to be £14.00;”;
- (e) in sub-paragraph (d) for “£20.30 and “£20.10” substitute respectively “£21.20” and “£19.90”.

(13) In paragraph 15—

- (a) in sub-paragraph (1) for “£35.50” substitute “£37.50”;
- (b) in paragraph (a) of sub-paragraph (2) for “£9.10” substitute “£9.40”;
- (c) in paragraph (b) of sub-paragraph (2) for “£11.40” and “£11.20” substitute respectively “£11.80” and “£11.40”;
- (d) in paragraph (c) of sub-paragraph (2) for “£15.20” and “£15.00” substitute respectively “£15.70” and “£15.50”; and
- (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 instalments to be £23.50.”.

(14) In paragraph 16—

- (a) in sub-paragraph (1) for “£24.00” substitute “£25.50”;
- (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 £10.60;”;
- (c) in paragraph (b) of sub-paragraph (2) for “£12.90” and “£12.20” substitute respectively “£13.30” and “£12.90”;
- (d) in paragraph (c) of sub-paragraph (2) for “£17.10” and “£17.00” substitute respectively “£17.70” and “£17.50”; and
- (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 instalments to be £26.50.”.

(15) In paragraph 17(2)—

- (a) in paragraph (a) for “£11.70” substitute “£12.20”;
- (b) in paragraph (b) for “£14.70” and “£14.10” substitute respectively “£15.30” and “£14.90”;
- (c) for paragraph (c) substitute—
 - “(c) sub-paragraph (4)(b) is to have effect as if it provided for the amount of each of the first 5 instalments to be £20.40 and the final instalment to be £20.00;”;
- (d) for paragraph (d) substitute—

“(d) sub-paragraph (5)(b) is to have effect as if it provided for the amount of each of the instalments to be £30.50.”.

Amendment of Schedule 3

6.—(1) Schedule 3 (fees for interim TV licences) shall be amended as follows.

(2) In the table in Part 1 (fees for interim TV licences) for “£3.500” and “£10.541” substitute respectively “£3.666” and “£10.958”.

(3) In paragraph 1(5)(b) of Part 2 (interim TV licence (including colour): payment by instalments) for “£126.50” substitute “£131.50”.

Amendment of Schedule 4

7.—(1) Schedule 4 (accommodation for residential care licences) shall be amended as follows.

(2) In paragraph 8(1)(a)—

(a) at the end of sub-paragraph (i) insert “or”; and

(b) for sub-paragraphs (ii) and (iii) substitute—

“(ii) is carried on or managed by a person who is registered under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003^(a) to carry on or manage the establishment as a residential care home or nursing home within the meaning of Article 10 or 11 of that Order, or who would be subject to registration under that Part but for Article 11(2)(a) of that Order;”.

(3) In paragraph 9(1)(b)—

(a) in sub-paragraph (i) for “Committee” substitute “Department”; and

(b) in sub-paragraph (ii) for “Department of Health and Social Services” substitute “Health and Social Services Department”.

Amendment of Schedule 5

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

(a) for “£42.00” in each place where it occurs substitute “£44.00”; and

(b) for “£126.50” in each place where it occurs substitute “£131.50”.

Savings

9. 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 2006.

5th March 2006

James Purnell
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

(a) S.I. 2003/431 (N.I. 9).

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 2006

Joan Ryan
Vernon Coaker
Two of the Commissioners of Her Majesty's Treasury

SCHEDULE

regulation 5

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 the instalment it to be paid | Amount of instalment payment | | | | | |
| Date on which the licence is issued (“the issue date”) | £74.65 | £69.85 | £64.10 | £57.10 | £48.30 | £37.00 |
| The last day of the period of 1 month beginning on the day immediately following the issue date | £11.37 | £12.33 | £13.48 | £14.88 | £16.64 | £18.90 |
| The last day of the period of 2 months beginning on the day immediately following the issue date | £11.37 | £12.33 | £13.48 | £14.88 | £16.64 | £18.90 |
| The last day of the period of 3 months beginning on the day immediately following the issue date | £11.37 | £12.33 | £13.48 | £14.88 | £16.64 | £18.90 |
| The last day of the period of 4 months beginning on the day immediately following the issue date | £11.37 | £12.33 | £13.48 | £14.88 | £16.64 | £18.90 |
| The last day of the period of 5 months beginning on the day immediately following the issue date | £11.37 | £12.33 | £13.48 | £14.88 | £16.64 | £18.90 |

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”) | £76.75 | £71.75 | £65.75 | £58.45 | £49.35 | £37.60 |
| The last day of the period of 1 month beginning immediately after the issue date | £10.95 | £11.95 | £13.15 | £14.61 | £16.43 | £18.78 |
| The last day of the period of 2 months beginning immediately after the issue date | £10.95 | £11.95 | £13.15 | £14.61 | £16.43 | £18.78 |
| The last day of the period of 3 months beginning immediately after the issue date | £10.95 | £11.95 | £13.15 | £14.61 | £16.43 | £18.78 |
| The last day of the period of 4 months beginning immediately after the issue date | £10.95 | £11.95 | £13.15 | £14.61 | £16.43 | £18.78 |
| The last day of the period of 5 months beginning immediately after the issue date | £10.95 | £11.95 | £13.15 | £14.61 | £16.43 | £18.78 |

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 to be paid | Amount of instalment payment | | | |
| Date on which the licence is issued | £21.95 | £26.30 | £32.89 | £43.84 |
| The first day of the calendar month immediately following the calendar month in which the licence is issued | £21.91 | £26.30 | £32.87 | £43.83 |
| The first day of the second calendar month immediately following the calendar month in which the licence is issued | £21.91 | £26.30 | £32.87 | £43.83 |
| The first day of the third calendar month immediately following the calendar month in which the licence is issued | £21.91 | £26.30 | £32.87 | |
| The first day of the fourth calendar month immediately following the calendar month in which the licence is issued | £21.91 | £26.30 | | |
| The first day of the fifth calendar month immediately following the calendar month in which the licence is issued | £21.91 | | | |

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Communications (Television Licensing) Regulations 2004 (“the 2004 Regulations”).

Licence fee increases

The Regulations amend the provisions prescribing the fees payable for TV licences. In particular—

- (a) they increase the fee for a basic black and white only TV licence from £42.00 to £44.00, and that for a basic colour TV licence from £126.50 to £131.50;
- (b) the issue fee and subsequent instalments for the premium instalment licence (not available in the Channel Islands) are raised to £34.14 and £34.12 respectively, the total payable rising from £131.50 to £136.50;
- (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 £126.50 to £131.50;
- (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 £3.500 to £3.666 in the case of a black and white only TV licence and from £10.541 to £10.958 in the case of a colour TV licence;
- (e) 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 £44.00 and £131.50 respectively.

Other amendments

The Regulations amend the definition of a “television set” in regulation 11 of the 2004 Regulations to exempt mobile telephones from the television dealer notification requirements set out in Part 1 of the Wireless Telegraphy Act 1967 (requiring television dealers to notify the BBC of the sale or hire of a television set). The dealer notification requirements do not extend to the Channel Islands or Isle of Man. The Regulations also make changes to the definition of “accommodation for residential care” in relation to Northern Ireland (to reflect changes in Northern Irish legislation) and in relation to Guernsey (to reflect machinery of government changes).

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