

**EXPLANATORY MEMORANDUM TO**  
**THE TELEVISION LICENCES (DISCLOSURE OF INFORMATION) ACT 2000**  
**(PRESCRIPTION OF INFORMATION) ORDER 2022**

**2022 No. 693**

**1. Introduction**

- 1.1. This explanatory memorandum has been prepared by the Department for Digital, Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.
- 1.2. This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1. This instrument revokes the Television Licences (Disclosure of Information) Act 2000 (Prescription of Information) Order 2000 (“the 2000 Order”) and prescribes what information may be shared with the BBC by the Department for Work and Pensions (“DWP”) and the Department for Communities (“DfC”) for the purpose of administering free or reduced-fee television licences. This instrument restates the shareable information as set out previously in the 2000 Order, and further adds that information about individuals' state pension credit entitlement can be shared.

**3. Matters of special interest to Parliament**

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

- 3.1. None.

**4. Extent and Territorial Application**

- 4.1. The territorial extent of this instrument is the United Kingdom.
- 4.2. The territorial application of this instrument is the United Kingdom.

**5. European Convention on Human Rights**

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

**6. Legislative Context**

- 6.1. In advance of the introduction of free television licences for people aged 75 or over (“over-75s”) in November 2000, the Television Licences (Disclosure of Information) Act 2000 was introduced to allow the BBC to be supplied with limited descriptions of personal information so that the BBC can verify the eligibility of persons for certain kinds of television licence – principally free television licences. The 2000 Order prescribes the social security information which may be shared with the BBC by DWP and DfC for these purposes.
- 6.2. Under the Communications Act 2003 the BBC is responsible for deciding how age-related concessions to television licences, if any, are to be applied. The BBC decided

in 2019 that over-75s will only be entitled to a free television licence if that person, or their partner at the same address, is in receipt of state pension credit.

- 6.3. As the 2000 Order was designed when television licences were free for all over-75s, there is no provision for the sharing of state pension credit information, which was not relevant to the administration of free television licences at the time.

## **7. Policy background**

### *What is being done and why?*

- 7.1. The 2000 Order currently permits DWP and DfC to provide the BBC with the name, date of birth, address and national insurance number of individuals aged 74 or over, as well as the same data for deceased pensioners aged 74 or over. In practice, only the data for deceased pensioners is currently shared, so that the BBC can update its records of potentially eligible individuals who have applied for or are holders of an age-related TV licence.
- 7.2. On 1 August 2020, the BBC stopped providing free TV licences for all over-75s, and began offering free licences only to over-75s who receive state pension credit. Since this change was implemented, the BBC has required free licence applicants to provide documents to prove their receipt of state pension credit. This is an administrative burden for the BBC and for free licence applicants.
- 7.3. This process can be streamlined by allowing the BBC to verify the state pension credit status of free television licence applicants directly with DWP and DfC. DWP is responsible for state pension credit in Great Britain, and DfC is responsible for the equivalent benefit in Northern Ireland. This change will facilitate a more efficient administrative process and will make it easier for eligible over-75s to access free television licences.
- 7.4. Therefore, this instrument will restate the shareable information under the 2000 Order and additionally allow DWP and DfC to share information with the BBC about (1) whether an individual is entitled to state pension credit and (2) the date from which such state pension credit became payable to the individual. This will allow the BBC, DWP, and DfC to implement a new data sharing arrangement, through which the BBC will be able to verify whether a free licence applicant is entitled to state pension credit directly with DWP and DfC. This will ensure the Television Licences (Disclosure of Information) Act 2000 is achieving one of its original purposes, which was to allow the BBC to administer free TV licences without requiring documentary proof of entitlement from applicants.

## **8. European Union Withdrawal and Future Relationship**

- 8.1. This instrument does not relate to withdrawal from the European Union.

## **9. Consolidation**

- 9.1. This instrument replaces the 2000 Order and so effectively consolidates it. No further consolidation exercise is necessary.

## **10. Consultation outcome**

- 10.1. No consultation is required for this instrument as its purpose is solely to streamline the administrative processes behind existing TV Licensing policy.

- 10.2. The instrument does not require consultation with devolved administrations. The Department for Communities in Northern Ireland has agreed with DWP and the BBC to implement a new data sharing arrangement, which DWP will be fulfilling on DfC's behalf. This will include state pension credit information, once the instrument is in force.

## **11. Guidance**

- 11.1. No guidance is required as this instrument only prescribes additional information which may be shared in the 2000 Order, and does not constitute a change of BBC or Government policy. The BBC, DWP, and DfC may issue internal guidance to staff on any new data sharing arrangements which are established once this instrument has come into force.

## **12. Impact**

- 12.1. There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2. The impact on the public sector is low. The principal impact will be a reduced administrative burden on the BBC once it implements new data sharing arrangements to verify eligibility for free TV licences with DWP and DfC, rather than having to periodically request state pension credit documents from the recipients of free TV licences.
- 12.3. DWP's latest caseload figures (November 2021) show that, in Great Britain, there are 879,572 over-75 households receiving state pension credit and therefore eligible for a free television licence. In Northern Ireland the latest caseload figures show 62,190 households receiving state pension credit and therefore eligible for a free television licence. The BBC estimates that, on average, there are around 7,000 new joiners per month for free television licences. The new arrangements enabled by this SI will make it simpler for both new joiners and existing holders of free television licences to access and renew their licences.
- 12.4. A full Impact Assessment has not been prepared for this instrument because the level of impact is low and the instrument only aims to make an existing policy more administratively efficient.

## **13. Regulating small business**

- 13.1. The legislation does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1. No specific monitoring or review will be undertaken, beyond the BBC's existing monitoring of free television licence take-up and DWP and DfC's routine data collection on state pension credit.

## **15. Contact**

- 15.1. James Morrison at the Department for Digital, Culture, Media and Sport (Telephone: 07826 214 415 or email: [james.morrison1@dcms.gov.uk](mailto:james.morrison1@dcms.gov.uk)) can be contacted with any queries regarding the instrument.
- 15.2. Victoria MacCallum, Deputy Director for Broadcasting Policy, at the Department for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.

- 15.3. Julia Lopez MP, the Minister of State for Media, Data, and Digital Infrastructure at the Department for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.