

2003 No. 663

TELEGRAPHS

**The Wireless Telegraphy (Television Licence Fees)
(Amendment) Regulations 2003**

<i>Made</i> - - - -	<i>5th March 2003</i>
<i>Laid before Parliament</i>	<i>11th March 2003</i>
<i>Coming into force</i> - -	<i>1st April 2003</i>

The Secretary of State, in exercise of the powers conferred by section 2 of the Wireless Telegraphy Act 1949(a), as it has effect in the United Kingdom and as extended by the Wireless Telegraphy (Channel Islands) Order 1952(b) and the Wireless Telegraphy (Isle of Man) Order 1952(c), and now vested in her(d), hereby, with the consent of the Treasury, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Television Licence Fees) (Amendment) Regulations 2003 and shall come into force on 1st April 2003.

Amendment of the 1997 Regulations

2. The Wireless Telegraphy (Television Licence Fees) Regulations 1997(e) shall be amended in accordance with the following provisions of these Regulations.

Licence fee increases

3. In Part I of Schedule 2 (issue fees for television licences)—

- (a) for “£37.50” in each place where it occurs substitute “£38.50”; and
- (b) for “£112.00” in each place where it occurs substitute “£116.00”.

4. In paragraph 1(d) of Part III of Schedule 2 (television licence issue fees for hotels and hospitality areas and mobile units)—

(a) 1949 c. 54; section 2 is amended by paragraph 2 of Part I of Schedule 18 to the Broadcasting Act 1990 (c.42). That part of that Schedule was extended to Guernsey by the Broadcasting Act 1990 (Guernsey) Order 1991 (S.I. 1991/191); to Jersey by the Broadcasting Act 1990 (Jersey) Order 1991 (S.I. 1991/193); and to the Isle of Man by the Broadcasting Act 1990 (Isle of Man) Order 1991 (S.I. 1991/192). Section 2 is further amended by paragraph 1 of Schedule 1 to the Wireless Telegraphy Act 1998 (c.6), and those amendments are extended to Guernsey by the Wireless Telegraphy (Guernsey) Order 1998 (S.I. 1998/1511); to Jersey by the Wireless Telegraphy (Jersey) Order 1998 (S.I. 1998/1512); and to the Isle of Man by the Wireless Telegraphy (Isle of Man) Order 1998 (S.I. 1998/1510). The amendments made by the 1998 Act in part supersede those made by the 1990 Act and accordingly paragraph 2(2) of Part I of Schedule 18 to the 1990 Act is repealed by Schedule 2 to the 1998 Act.

(b) S.I. 1952/1900.

(c) S.I. 1952/1899.

(d) Post Office Act 1969 (c.48); S.I. 1969/1369 and 1371 and 1974/691.

(e) S.I. 1997/290, amended by S.I. 1998/558, 1999/765, 2000/630, 2001/772 and 2002/641.

- (a) for “£37.50” substitute “£38.50”; and
- (b) for “£112.00” substitute “£116.00”.

5. In column 3 of Schedule 3 (fees for television licences payable in instalments)—

- (a) in the entry relating to the type of licence specified in entry 1 in column 1, for “£29.25” in each place where it occurs substitute “£30.25”;
- (b) in the entry relating to the type of licence specified in entry 2 in column 1, for the words from “An issue fee of £65.35” to “thereafter two instalments of £37.33” substitute—

“An issue fee of £67.70 and thereafter five instalments of £9.66; or
an issue fee of £66.05 and thereafter five instalments of £9.99; or
an issue fee of £63.30 and thereafter five instalments of £10.54; or
an issue fee of £61.80 and thereafter five instalments of £10.84; or
an issue fee of £58.00 and thereafter five instalments of £11.60; or
an issue fee of £56.70 and thereafter five instalments of £11.86; or
an issue fee of £51.60 and thereafter five instalments of £12.88; or
an issue fee of £50.50 and thereafter five instalments of £13.10; or
an issue fee of £43.50 and thereafter five instalments of £14.50; or
an issue fee of £42.70 and thereafter five instalments of £14.66; or
an issue fee of £33.15 and thereafter five instalments of £16.57; or
an issue fee of £32.70 and thereafter five instalments of £16.66; or
an issue fee of £19.35 and thereafter five instalments of £19.33; or
an issue fee of £23.20 and thereafter four instalments of £23.20; or
an issue fee of £29.00 and thereafter three instalments of £29.00; or
an issue fee of £38.68 and thereafter two instalments of £38.66”; and

- (c) for the entry relating to the type of licence specified in entry 3 in column 1 of that Schedule substitute—

“An issue fee of £4.50 and thereafter 24 weekly instalments of £4.50, followed by a single further weekly instalment of £3.50; or
an issue fee of £4.50 and thereafter 23 fortnightly instalments of £4.70, followed by a single further fortnightly instalment of £3.40; or
an issue fee of £4.50 and thereafter 12 fortnightly instalments of £8.60, followed by a single further fortnightly instalment of £8.30; or
an issue fee of £4.50 and thereafter 10 fortnightly instalments of £7.50, followed by 5 further fortnightly instalments of £7.30; or
an issue fee of £4.50 and thereafter 10 fortnightly instalments of £6.60, followed by 7 further fortnightly instalments of £6.50; or
an issue fee of £4.50 and thereafter 16 fortnightly instalments of £5.90, followed by 3 further fortnightly instalments of £5.70; or
an issue fee of £4.50 and thereafter 2 fortnightly instalments of £5.40, followed by 19 further fortnightly instalments of £5.30; or
an issue fee of £55.90 and thereafter 11 fortnightly instalments of £4.70, followed by 2 further fortnightly instalments of £4.20.”.

6. In Schedule 4 (fees for interim television licences) for “£3.125” and “£9.333” substitute respectively “£3.208” and “£9.666”.

Accommodation for residential care

7. In paragraph (1) of regulation 4 (television licence fees) for the words from “or, in the case of entry 6” to the end of that paragraph substitute—

“or, in the case of entries 5 and 6 in column 1 of that Part, determined in accordance with the provisions referred to in column 3”.

8. In Part I of Schedule 2, in relation to the type of licence specified in entry 5 of column 1—

(a) in the description in column 2, for the words from “in the case of accommodation” to “paragraph 1(b)(i) to (iii) of Part II of this Schedule” substitute—

“in the case of accommodation consisting of a group of dwellings, in residential care dwellings”; and

(b) for the entry in column 3 substitute—

“To be determined in accordance with paragraph 10 of Part II of this Schedule.”.

9.—(1) Part II of Schedule 2 shall be amended in accordance with this regulation.

(2) For the heading to Part II substitute—

“Entry 5 in Part I of this Schedule: supplementary provisions”.

(3) In paragraph 1—

(a) for sub-paragraph (c) substitute—

“(c) “resident” means—

(i) in relation to accommodation which is accommodation for residential care by virtue of any of paragraphs 2 to 8 below, a disabled person, a mentally disordered person or a retired person aged 60 years or more who is ordinarily resident in the accommodation, but does not include a person in charge of the accommodation or otherwise employed in it, or a member of the family of either of them;

(ii) in relation to accommodation which is accommodation for residential care by virtue of paragraph 9 below, an eligible person (within the meaning of that paragraph);”;

(b) after sub-paragraph (c) insert—

“(d) “residential care dwelling” means—

(i) in relation to a group of dwellings which is accommodation for residential care by virtue of any of paragraphs 2 to 7 below, any dwelling forming part of the accommodation for residential care which satisfies the requirements of sub-paragraph (b)(i) to (iii) above;

(ii) in relation to a group of dwellings which is accommodation for residential care by virtue of paragraph 9 below, any dwelling forming part of that accommodation occupied by an eligible person (within the meaning of that paragraph);

(e) “publicly provided or managed”, in relation to a dwelling, means provided or managed in one of the ways specified in sub-paragraph (b) of each of the definitions of “accommodation for residential care” in paragraphs 2 to 7 below.”.

(4) For paragraph 8 substitute—

“Accommodation for residential care: supplementary provisions

8.—(1) References in Part I of this Schedule, and in paragraph 10 of this Part, to accommodation for residential care shall include a dwelling which is occupied by—

(a) a person who immediately before 19th May 1988 was licensed by a television licence for accommodation for residential care, or

- (b) a person who immediately before that date was living with such a person and who would himself at that time have qualified to be so licensed,

and which is publicly provided or managed.

(2) A dwelling which is situated in England, Wales, Scotland or Northern Ireland shall not constitute accommodation for residential care by virtue of sub-paragraph (1) above if every person occupying it who falls within paragraph (a) or (b) of that sub-paragraph is aged 75 years or more.

9.—(1) References in Part I of this Schedule, and in paragraph 10 of this Part, to accommodation for residential care shall include qualifying accommodation in which one or more eligible persons are living.

(2) In this paragraph—

- (a) “eligible person”, in relation to any qualifying accommodation, means any person who—

- (i) is a disabled person, a mentally disordered person or a retired person aged 60 years or more;
- (ii) is ordinarily resident in the accommodation in a dwelling which is provided for occupation by such persons, and which was erected or converted for the purposes of such occupation;
- (iii) (where the accommodation is situated in England, Wales, Scotland or Northern Ireland) is under the age of 75 years;
- (iv) was ordinarily resident in any dwelling forming part of the accommodation at any time on or after 1st June 1998 during the period specified in a relevant licence issued in respect of the accommodation; and
- (v) at that time was a disabled person, a mentally disordered person or a retired person aged 60 years or more, and was living in the accommodation in a dwelling which was provided for occupation by such persons, and which was erected or converted for the purposes of such occupation;

- (b) “qualifying accommodation” means a group of at least 4 dwellings—

- (i) which are publicly provided or managed;
- (ii) one or more of which are provided for occupation by disabled persons, mentally disordered persons or retired persons aged 60 years or more and were erected or converted for the purposes of such occupation;
- (iii) which together constituted accommodation in respect of which a relevant licence was issued for any period ending on or after 1st June 1998;

- (c) “relevant licence” means a licence of the type specified in entry 5 in column 1 of Part I of this Schedule which was issued on the grounds that the accommodation to which it applied constituted accommodation for residential care by virtue of being a group of specially provided dwellings as described in any of paragraphs 2 to 7 above.

(3) For the purposes of sub-paragraph (2) above—

- (a) a dwelling does not cease to be provided for occupation by a disabled person, a mentally disordered person or a retired person aged 60 years or more by reason only that it is also occupied by members of his family;
- (b) in the case of a group of dwellings in England, Wales, Scotland or Northern Ireland, the dwellings are to be treated as being publicly provided or managed if—
 - (i) at least 75 per cent of the dwellings are so provided or managed (including all of those provided for occupation by disabled persons, mentally disordered persons or retired persons aged 60 years or more), and
 - (ii) the remainder are right to buy dwellings.”.

(5) At the end of Part II insert—

“Issue fees for television licences for accommodation for residential care

10.—(1) Subject to sub-paragraph (5), the issue fee for a television licence for accommodation for residential care shall be determined in accordance with sub-paragraphs (2) to (4) below.

(2) In the case of accommodation described in sub-paragraph (a) of any of the definitions of “accommodation for residential care” in paragraphs 2 to 7 above, the issue fee shall be £5 for each unit of accommodation occupied by a resident.

(3) In the case of accommodation which consists of a group of dwellings, the issue fee shall be £5 for each residential care dwelling.

(4) In the case of accommodation which is accommodation for residential care by virtue of paragraph 8 above, the issue fee shall be £5.

(5) For the purposes of calculating the issue fee, no account shall be taken (except in the Channel Islands and the Isle of Man) of any unit of accommodation or, as the case may be, dwelling that is the sole or main residence of a resident aged 75 years or more.”.

Savings

10. The Wireless Telegraphy (Television Licence Fees) Regulations 1997 shall continue to apply without the amendments made by these Regulations in relation to any television licence issued before 1st April 2003.

3rd March 2003

Tessa Jowell
Secretary of State for Culture, Media and Sport

We consent to these Regulations

5th March 2003

Philip Woolas
Nick Ainger
Two of the Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wireless Telegraphy (Television Licence Fees) Regulations 1997 (“the principal Regulations”).

Licence fee increases

Regulations 3 to 6 increase the amount of the basic fee for television licences from £37.50 to £38.50 in the case of black and white, and from £112.00 to £116.00 in the case of colour. In the case of licences for hotels and hospitality areas and mobile units, where the fee is calculated by reference to “the relevant amount”, that amount is also increased from £37.50 to £38.50 in the case of black and white, and from £112.00 to £116.00 in the case of colour. In the case of instalment licences-

- (a) the issue fee and subsequent instalments for the premium instalment licence (which is not available in the Channel Islands) are increased from £29.25 to £30.25 with the total amount payable being £121.00;
- (b) amendments are made in relation to the budget instalment licence and the “Easy entry” licence (which is not available in the Channel Islands or the Isle of Man) so that in every case the total amount payable is £116.00.

Accommodation for residential care

Regulations 7 to 9 extend the range of accommodation which is capable of constituting accommodation for residential care for the purposes of the principal Regulations. Entry 5 in Part I of Schedule 2 to the principal Regulations specifies the issue fee which is payable for a television licence authorising the installation and use of television receivers in accommodation for residential care. Accommodation for residential care is defined in Part II of Schedule 2 to the principal Regulations, and includes both residential care establishments and groups of specially provided dwellings providing residential care. Paragraph 8 of Part II of Schedule also makes provision for single dwellings to constitute accommodation for residential care where the dwelling would have qualified as accommodation for residential care under the Wireless Telegraphy (Broadcast Licence Charges and Exemption) Regulations 1984. Such a dwelling constitutes accommodation for residential care if it is occupied by a person who, immediately before 19 May 1988, was licensed by a television licence for accommodation for residential care.

Regulation 9(4) amends Part II of Schedule 2 by substituting a new paragraph 8. As substituted, paragraph 8 provides for accommodation for residential care to include certain types of dwelling where they are occupied either by a person who, immediately before 19 May 1988, was licensed by a television licence for accommodation for residential care, or by a person who immediately before that date was living with such a person and who would himself at that time have qualified to be so licensed. The types of dwelling concerned are those provided or managed in one of the ways specified in any of paragraphs 2 to 4, 6 and 7 of Part II of Schedule 2 to the principal Regulations.

Regulation 9(4) also inserts a new paragraph 9 in Part II of Schedule 2 which has the effect of extending the scope of those groups of dwellings which are able to qualify for a television licence for accommodation for residential care.

Under paragraph 9, a group of at least 4 dwellings is capable of constituting accommodation for residential care if—

- (a) the dwellings are provided or managed in one of the ways specified in any of paragraphs 2 to 7 of Part II of Schedule 2 to the principal Regulations;
- (b) one or more of the dwellings are specially provided for occupation by disabled persons, mentally disordered persons or retired persons aged 60 years or over (referred to below as “specially provided dwellings”); and

- (c) the dwellings together constituted accommodation in respect of which an accommodation for residential care television licence was issued for any period ending on or after 1st June 1998 on the grounds that it constituted accommodation for residential care by virtue of any of paragraphs 2 to 7 of Part II of Schedule 2 (referred to below as a “relevant licence”).

Where a group of dwellings meets the conditions referred to above, it will constitute accommodation for residential care if one or more eligible persons are living in it. For these purposes, an “eligible person” means a person who meets the following conditions:

- (i) he is a disabled person, a mentally disordered person or a retired person aged 60 years or more;
- (ii) he is ordinarily resident in a specially provided dwelling;
- (iii) where the accommodation is in the United Kingdom, he is under 75 years of age;
- (iv) he was ordinarily resident in the accommodation at any time on or after 1st June 1998 when a relevant licence had been issued in respect of the accommodation; and
- (v) at that time he was disabled person, a mentally disordered person or a retired person aged 60 years or more, and was living in a specially provided dwelling.

The remainder of the provisions in regulations 7 to 9 are consequential on the amendments made by regulation 9(4).

STATUTORY INSTRUMENTS

2003 No. 663

TELEGRAPHS

The Wireless Telegraphy (Television Licence Fees)
(Amendment) Regulations 2003

£2.00

© Crown copyright 2003

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0422 03/2003 130663 19585

ISBN 0-11-045221-6



9 780110 452210