

AGE-RELATED TV LICENCE FEE CONCESSION

***SECOND DETERMINATION MADE BY THE BBC UNDER
SECTION 365A OF THE COMMUNICATIONS ACT 2003***

Determination of 2nd March 2020

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The Determination

Interpretation

1. In this determination—

“the 2003 Act” means the Communications Act 2003;¹

“colour TV licence” means a TV licence of a type referred to in the second entry in column 1 of the table in Schedule 1 to the 2004 Regulations;

“the licence holder” means the person to whom a TV licence is issued;

“the 2004 Regulations” means the Communications (Television Licensing) Regulations 2004;² and any reference to a provision (or grouping of provisions) of those Regulations—

(a) is a reference to that provision (or grouping) as it has effect from time to time, and

(b) includes a reference to any provision (or grouping) of corresponding effect in any statutory instrument replacing the 2004 Regulations;

“the specified place”, in relation to a TV licence, means the single place, vehicle, vessel or caravan specified (or to be specified) in the licence;

“TV licence” means a licence for the purposes of section 363 of the 2003 Act authorising the installation and use of a television receiver; and any reference –

(a) to the issue of a TV licence includes a reference to its renewal;

¹ 2003 c.21.

² SI 2004/692.

- (b) to a person's residence includes a reference to any place provided for that person's private occupation.

Over 75s concession

Concession

2. As from 1 June 2020, no fee shall be payable for a colour TV licence where—
- (a) the licence is issued to a person who is aged 75 years or more or who will attain that age in the calendar month in which the licence is issued;
 - (b) in that licence, the specified place is the sole or main residence of that person; and
 - (c) the BBC is satisfied that on the date the licence is issued the specified place in the licence:
 - (i) does not qualify for a concession of the kind referred to in section 365(5B) of the 2003 Act (accommodation for residential care); but
 - (ii) would meet the criteria in paragraph 12 or paragraph 13 (or both) of Schedule 4 to the 2004 Regulations as the paragraph in question had effect on the date this determination was made, but for the fact that the place is occupied by one or more persons who are aged 75 years or more.
3. Paragraph 2 applies only where the specified place referred to in sub-paragraph (b) is situated in the United Kingdom.

Signed on behalf of the BBC Board by
Sir David Clementi
Chair

A handwritten signature in black ink, appearing to read 'D. Clementi', written over the printed name 'Sir David Clementi'.

2nd March 2020

Explanatory Note

1. This determination makes provision about accommodation For residential care (ARC) TV licences in the UK. These are governed by Government regulations.
2. An ARC licence is for people living in defined types of accommodation, e.g. care homes and sheltered housing. Each care home etc. has a single licence costing £7.50 for each room, bungalow etc. occupied by a person under 75, but nothing is paid for accommodation occupied by a person who is over 75, i.e. their licence is effectively free.
3. Around 29,000 people have “preserved rights” to an ARC licence because they live in housing that used to qualify but no longer does, e.g. because of past changes in legislation or because the mix of residents has changed. They are nevertheless treated as if they still lived in ARC accommodation, so they don’t have to pay a full licence fee.
4. These preserved rights cease when a person turns 75. Up to 1 June 2020, those people would all get a free licence under the scheme paid for by the Government. However, without this determination, they would have to pay the full fee unless receiving Pension Credit when the BBC’s new scheme starts.
5. The BBC has no power to change the ARC scheme, but we can make sure people with preserved rights are not affected, by creating a new free licence for them. That is what this determination does: any person aged 75 or over who does not get Pension Credit but does have preserved rights will get a free licence for their main residence.