

AGE-RELATED TV LICENCE FEE CONCESSION:

BAILIWICK OF GUERNSEY

**DETERMINATION MADE BY THE BBC ON 15 OCTOBER 2020
UNDER SECTION 365A OF THE COMMUNICATIONS ACT 2003
AS EXTENDED TO THE BAILIWICK OF GUERNSEY BY
THE COMMUNICATIONS (BAILIWICK OF GUERNSEY) ORDER 2020 (S.I. 2020/274)**

Determination

Interpretation

1. In this determination—

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

“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,

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

“black and white TV licence” means a TV licence of a type referred to in the first entry in column 1 of the table in Schedule 1 to the 2004 Regulations,³

“black and white TV licence fee” means the amount specified in column 3 of that table as the issue fee in respect of a black and white TV licence;

“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;⁴

“colour TV licence fee” means the amount specified in column 3 of that table as the issue fee in respect of a colour TV licence;

“Condition A” means the condition set out in paragraph 4;

“Condition B” means the condition set out in paragraph 5;

¹ 2003 c.21.

² SI 2004/692.

³ TV licence for black and white TVs, broadly in relation to a single specified location (e.g. a person’s home) and associated uses (rather than for multiple locations).

⁴ TV licence for colour TVs, broadly in relation to a single specified location and associated uses (rather than for multiple locations).

“due date”, in relation to any TV licence, means the date on which the licence holder is required to obtain the licence in accordance with the 2003 Act, whether in consequence of the expiry of a previous licence or otherwise;

“Income Support” means the social security benefit of that name payable under the Income Support (Guernsey) Law 1971;

“the issue date”, in relation to any TV licence, means the date on which the licence is issued;

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

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

Extent

2. This determination extends to the Bailiwick of Guernsey only;⁵ and any reference to a provision (or grouping of provisions) of the 2003 Act or the 2004 Regulations is a reference to that provision (or grouping) as extended to the Bailiwick of Guernsey.

Over 75s concession

Concession: Guernsey and Alderney

3. As from 1 January 2021, no fee is payable for a black and white TV licence or 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 situated in Guernsey or Alderney and is the sole or main residence of that person; and
 - (c) the BBC is satisfied that on the issue date either Condition A or Condition B applies.

⁵ The BBC’s power to determine concessions was extended to the Bailiwick of Guernsey by the Communications (Bailiwick of Guernsey) Order 2020 (S.I. 2020/274).

4. Condition A applies where the person to whom the licence is issued is receiving Income Support.
5. Condition B applies where Condition A does not apply but the person to whom the licence is issued is entitled to a free licence according to a legal obligation or policy under which the Guernsey Government will pay to the BBC a sum equal to the black and white TV licence fee or the colour TV licence fee, as the case may require.

Establishing that a person is receiving Income Support

6. In deciding whether Condition A applies, the BBC shall treat as conclusive a statement from the Government of Guernsey that a person is, or is not, receiving Income Support.

Concession: Sark

7. As from 1 January 2021, no fee is payable for a black and white TV licence or 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 situated in Sark and is the sole or main residence of that person; and
 - (c) the BBC is satisfied that that person is in receipt of financial assistance from the Procureur des Pauvres⁶ (“the Procureur”) awarded on the basis of financial need.

Establishing that a person is entitled in Sark

8. In deciding whether the condition in paragraph 7(c) is met, the BBC shall treat as conclusive a statement from the Procureur that a person is, or is not, in receipt of financial assistance.

Interim TV Licences

Interim TV licences

9. As from 1 January 2021—
 - (a) where a black and white TV licence is issued in the circumstances described in the first entry in column 2 of the table below, the fee for that licence (which may be referred to as an “Interim TV licence (black and white only)”) is the fee specified in the first entry in column 3, and

⁶ An official appointed under section 55 of the Reform (Sark) Law 2008.

Published by the British Broadcasting Corporation on 26 November 2020 pursuant to section 365A(6)(b) of the Communications Act 2003

(b) where a colour TV licence is issued in the circumstances described in the second entry in column 2 of the table below, the fee payable for that licence (which may be referred to as an “Interim TV licence (including colour)”) is the fee specified in the second entry in column 3, but an Interim TV licence (of either type) may be issued only in circumstances where the fee payable in accordance with sub-paragraph (a) or (b) above is less than the black and white TV licence fee or the colour TV licence fee, respectively.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Type of licence</i>	<i>Description of licence</i>	<i>Fees</i>
<i>Interim TV licence (black and white only)</i>	A black and white TV licence which is issued to a person who has attained the age of 74 years (but not the age of 75 years) before the due date and in respect of whom the BBC is satisfied— <ul style="list-style-type: none"> (a) in relation to Guernsey and Alderney, that either— <ul style="list-style-type: none"> (i) on the issue date, Condition A applies, or (ii) on their 75th birthday Condition B will apply; (b) in relation to Sark, that on the issue date the condition in paragraph 7(c) is satisfied; and which expires on the last day of the calendar month immediately before that in which that person attains the age of 75 years.	An amount equal to one twelfth of the black and white TV licence fee for each calendar month, or part of a calendar month, falling within the relevant period (rounded down to the nearest penny).

<p><i>Interim TV licence (including colour).</i></p>	<p>A colour TV licence which is issued to a person who has attained the age of 74 years (but not the age of 75 years) before the due date and in respect of whom the BBC is satisfied—</p> <p>(a) in relation to Guernsey and Alderney, that either—</p> <p>(i) on the issue date, Condition A applies, or</p> <p>(ii) on their 75th birthday Condition B will apply;</p> <p>(b) in relation to Sark, that on the issue date the condition in paragraph 7(c) is satisfied;</p> <p>and which expires on the last day of the calendar month immediately before that in which that person attains the age of 75 years.</p>	<p>An amount equal to one twelfth of the colour TV licence fee for each calendar month, or part of a calendar month, falling within the relevant period (rounded down to the nearest penny).</p>
--	---	--

10. In the table above and the paragraphs that follow, “the relevant period”, in the case of any TV licence, means the period which—

- (a) begins on the due date in relation to that licence, and
- (b) ends on the last day of the calendar month immediately before the calendar month in which the licence holder attains the age of 75 years.

Interim instalment licences

11. As from 1 January 2021, where a person (“the eligible person”) is eligible for an Interim TV licence (including colour) according to paragraph (a) in the second entry in column 2 in the table in paragraph 9, and where they are also eligible for (according to Part 1, 2 or 3 of Schedule 2 to the 2004 Regulations (“Schedule 2”)), and issued with, one of the following instalment TV licences, the fee shall be payable in accordance with paragraphs 13 to 16—

- (a) a Premium instalment licence (including colour), as specified in Part 1 of Schedule 2,
- (b) a Budget instalment television licence (including colour), as specified in Part 2 of Schedule 2, or
- (c) an Easy entry television licence (not black and white only), as specified in Part 3 of Schedule 2.

12. Paragraph 11 applies only if, as applicable, the total fee calculated according to paragraph 13 is less than the total of the issue fee referred to in paragraph 2(1) of Schedule 2 added to the three further instalments specified there, or that calculated according to paragraph 14 or 15, is less than the colour TV licence fee.

13. The fee payable for a Premium instalment licence issued in the circumstances identified in paragraph 11 (which may be referred to as an “Interim Premium instalment licence”) is the fee specified in the second entry in column 3 of the table above; and that fee is payable in quarterly instalments as provided by Part 1 of Schedule 2, applied according to, and subject to, paragraph 16 below.
14. The fee payable for a Budget instalment television licence issued in the circumstances identified in paragraph 11 (which may be referred to as an “Interim Budget instalment television licence”) is the fee specified in the second entry in column 3 of the table above; and that fee is payable in monthly instalments as provided by Part 2 of Schedule 2, applied according to, and subject to, paragraph 16 below.
15. The fee payable for an Easy entry television licence issued in the circumstances identified in paragraph 11 (which may be referred to as an “Interim Easy entry television licence”) is the fee specified in the second entry in column 3 of the table above; and that fee is payable in fortnightly or weekly instalments as provided by Part 3 of Schedule 2, applied according to, and subject to, paragraph 16 below.
16. In applying any Part of Schedule 2 to a licence issued in any of the circumstances identified in paragraph 11—
 - (a) there is to be deducted from the instalments which would otherwise be payable in accordance with that Part—
 - (i) in relation to an Interim Premium instalment licence, a sum equal to the difference between PI and the fee referred to in paragraph 13, where PI is the total of the issue fee referred to in paragraph 2(1) of Schedule 2 added to the three further instalments specified there; and
 - (ii) in relation to an Interim Budget instalment television licence or an Interim Easy entry television licence, the difference between the colour TV licence fee and the fee referred to in paragraph 14 or 15 respectively;
 - (b) that deduction is to be made first from the final instalment, then (where necessary) from the preceding instalments working backwards; and
 - (c) where the amount to be deducted is greater than the amount of one or more of the instalments, the immediately preceding instalment is to be reduced by the whole of the additional amount.

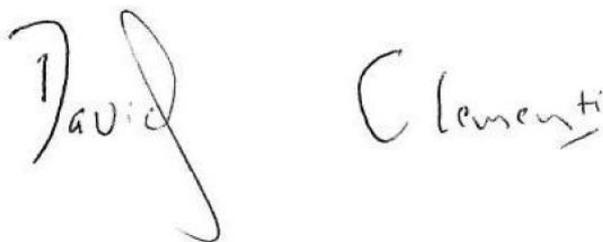
Over 75s' Pay As You Go TV licence: Guernsey and Alderney only

Over 75s' Pay As You Go TV licence

17. As from 1 January 2021, in Guernsey or Alderney, where—

- (a) a black and white TV licence (which may be referred to as an “Over-75s’ Pay As You Go TV licence (black and white only)”), or
- (b) a colour TV licence (which may be referred to as an “Over-75s’ Pay As You Go TV licence (including colour)”),

is issued to a person in the circumstances set out in paragraph 1 of the Schedule to this determination, that person (“the licence holder”) may, before the licence is issued, elect to pay the fee in instalments in accordance with one of the instalment plans available under paragraph 2, 3 or 4 of that Schedule, as applicable.

A handwritten signature in blue ink that reads "David Clementi". The signature is written in a cursive style, with the first name "David" and the last name "Clementi" clearly legible.

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

26 November 2020

Schedule

Over 75s' Pay As You Go TV licence: Guernsey and Alderney only

1. The circumstances referred to in paragraph 17 of this determination are that the licence holder—
 - (a) attained the age of 75 years before 1 September 2016;
 - (b) is not eligible for a licence for which no fee is payable under paragraph 3 of this determination; and
 - (c) either—
 - (i) on 31 December 2020 was covered by a licence for which no fee was payable when it was issued, by virtue of the BBC's Guernsey Determination of 26 May 2020, and the new licence is issued on or before 31 December 2021; or
 - (ii) immediately before the due date in relation to the new licence, the licence holder was aged 75 years or more and was covered by an Over 75s' Pay As You Go TV licence;

where references to a person being “covered” by a licence are references to that person being authorised by that licence to install and use a television receiver for the purposes of section 363(1) of the 2003 Act, whether that licence was held by them or by another person.
2. Where an Over-75s' Pay As You Go TV licence (whether black and white only or including colour) is issued before 1 January 2022 to a licence holder who on 31 December 2020 was covered by a TV licence for which no fee was payable (under the Determination mentioned in paragraph 1(c)(i)), payments for the new licence shall be determined according to the following table, where A is an amount equal to—
 - (a) the black and white TV licence fee in the case of a black and white TV licence, or
 - (b) the colour TV licence fee in the case of a colour TV licence.

Table of Instalments: Over-75s' Pay As You Go TV Licences
(subject to Notes, below)

<i>Type of instalment plan</i>	<i>First payment instalment (FP) payable on date ND (See Note 1)</i>	<i>Number of further instalments (NFI)</i>	<i>When further instalments fall due</i>	<i>Amount of each further instalment (F) (See Note 2)</i>	<i>Value of T</i>	<i>Value of B (see Note 3)</i>
<i>Weekly instalments (see Note 4)</i>	$FP = A - T$	$NFI = 52 - B$	On the eighth day of the period beginning with ND, and weekly thereafter	$F = A/(NFI+1)$	$T = F \times NFI$	Number of weeks between 1 January 2021 and ND
<i>Fortnightly instalments</i>	$FP = A - T$	$NFI = 26 - B$	On the fifteenth day of the period beginning with ND, and fortnightly thereafter	$F = A/(NFI+1)$	$T = F \times NFI$	Number of fortnights between 1 January 2021 and ND
<i>Monthly instalments</i>	$FP = A - T$	$NFI = 12 - B$	On the first day of the calendar month following that in which ND falls, and monthly thereafter	$F = A/(NFI+1)$	$T = F \times NFI$	Number of months between 1 January 2021 and ND

Notes

1. FP is payable on a date (ND) which may be the issue date of the licence or another date notified to the holder of the licence by the BBC.
 2. Each instalment is to be rounded down to the nearest penny.
 3. The number of weeks, fortnights or months is to be rounded up to the nearest whole number.
 4. The weekly instalment plan is available only for an Over-75s' Pay As You Go TV licence (including colour).
3. Where an Over-75s' Pay As You Go TV licence (whether black and white only or including colour) is issued on or after 1 January 2022 and the licence holder was covered by a TV licence (of any type) on the day immediately before the issue date in relation to the new licence, payments for the new licence shall be determined according to the following table, where A is an amount equal to—

- (a) the black and white TV licence fee in the case of a black and white TV licence, or
- (b) the colour TV licence fee in the case of a colour TV licence.

<i>Type of instalment plan</i>	<i>Issue fee payable on issue (I)</i>	<i>Number of further instalments (NFI)</i>	<i>When further instalments fall due</i>	<i>Amount of each further instalment (F) (to be rounded down to the nearest penny)</i>	<i>Value of T</i>
<i>Weekly instalments (available only for an Over-75s' Pay As You Go TV licence (including colour))</i>	$I = A - T$	51	On the eighth day of the period beginning with the issue date, and weekly thereafter	$F = A/NFI+1$	$T = F \times NFI$
<i>Fortnightly instalments</i>	$I = A - T$	25	On the fifteenth day of the period beginning with the issue date, and fortnightly thereafter	$F = A/NFI+1$	$T = F \times NFI$
<i>Monthly instalments</i>	$I = A - T$	11	On the first day of the calendar month following that in which the issue date falls, and monthly thereafter	$F = A/NFI+1$	$T = F \times NFI$

4. Where an Over-75s' Pay As You Go TV licence (whether black and white only or including colour) is issued to a licence holder who was not covered by a TV licence (of any type) on the day immediately before the issue date in relation to the new licence, payments for the new licence shall be determined according to the table in paragraph 3 above, except that the value of NFI shall be the number of instalments falling due (according to the table in paragraph 3 for the relevant instalment plan) between the issue date and the seventh day before the date on which the new licence expires.

Explanatory Note

Purpose and effect

This determination gives effect to the BBC Board's decision to introduce, with effect from 1 January 2021, a TV licence concession so that, in Guernsey and Alderney, any person aged 75 or over will be entitled to a free TV licence for their sole or main residence if they are receiving Income Support.

This means that people aged 75 or over in Guernsey who previously received a free TV licence paid for by the Guernsey Government because they receive Income Support will now receive a free TV licence paid for by the BBC.

This determination does not affect the powers of the Guernsey Government to make provision for social security benefits related to TV licences. A person aged 75 or over who does not receive Income Support will continue to be issued with a free TV licence by the BBC if the Guernsey Government decide to pay for it, which is a matter for them (paragraph 5).

Those of pension age but under 75 who receive Income Support will continue to receive a free TV licence under existing arrangements paid for by the Guernsey Government. That is not part of this determination.

In Sark, a person aged 75 or over is entitled to a free TV licence if they are in receipt of assistance from the Procureur des Pauvres (an official appointed under section 55 of the Reform (Sark) Law 2008) on the basis of financial need.

The determination makes other provision relevant to the decision and its implementation, including—

- as to the means by which entitlement to the concession will be established (paragraphs 6 and 8),
- for “interim TV licences”, so that people approaching their 75th birthday who will then qualify for a free licence do not have to buy a full year's licence, similar to Schedule 3 to the 2004 Regulations⁷ (paragraphs 9 to 16), and
- to create (but not in Sark) a new instalment scheme with lower initial payments for any person aged 75 or over losing their entitlement to a free licence (paragraph 17 and the Schedule).

⁷ Communications (Television Licensing) Regulations 2004, SI 2004/692.

Published by the British Broadcasting Corporation on 26 November 2020 pursuant to section 365A(6)(b) of the Communications Act 2003

Background

Part 4 of the Communications Act 2003 was amended by section 89 of the Digital Economy Act 2017. Section 89 came into force in the UK on 1 June 2020⁸ and was extended to the Bailiwick of Guernsey from the same date by the Communications (Bailiwick of Guernsey) Order 2020.

By virtue of sections 365(1A) and 365A of the 2003 Act (as amended), any liability to pay the TV licence fee under the 2004 Regulations is subject to any age-related concession applying in accordance with a determination by the BBC. Any such concession must include a requirement that the person to whom the TV licence is issued, or another person, is of or above a specified age, which must be 65 years or higher, at or before the end of the month in which the licence is issued.⁹

Section 365A contains a prohibition such that regulations made by the Secretary of State may no longer provide for a concession that requires that the person to whom the TV licence is issued, or another person, to be of or above a specified age at or above 65. That prohibition does not apply in the case of licences issued in respect of accommodation for residential care (ARC). Pursuant to section 365(5B) and section 365A(3)(b), the ARC concession provided for by regulation 3(d) of and Schedule 4 to the 2004 Regulations continues in effect. That continuity includes regulation 6(3) – (5) (making provision as to units of accommodation not to be taken into account in calculating the ARC licence fee). The present determination does not deal with or affect ARC licences governed by those provisions.

Before the BBC Board took this decision they conducted a consultation exercise between July and September 2020 asking members of the public and stakeholders in the Bailiwick of Guernsey for their views on what the BBC should do for the future. On 15 October 2020 the BBC Board decided to exercise its power under section 365A to reform the concession. The Board has now made this determination to give effect to that decision.

⁸ Section 118(3).

⁹ Section 365A(2).