

AGE-RELATED LICENCE FEE CONCESSION

**DETERMINATION MADE BY THE BBC UNDER
SECTION 365A OF THE COMMUNICATIONS ACT 2003
(as extended by the Communications (Bailiwick of Guernsey) Order 2020)**

26 May 2020

The Determination

Interpretation

1. In this determination—

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

“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;

“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 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;

“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.

2. This determination applies in the Bailiwick of Guernsey only, and accordingly, any reference in this determination to a provision (or grouping of provisions) of, or made under, any Act is a reference to that provision (or grouping) as it has effect in the Bailiwick of Guernsey.³

¹ 2003 c.21.

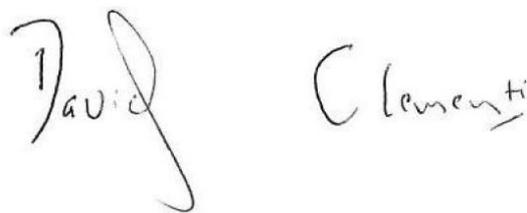
² SI 2004/692.

³ The BBC’s powers under section 365A of the 2003 Act apply in the Bailiwick of Guernsey by virtue of the Communications (Bailiwick of Guernsey) Order 2020 (S.I. 2020 No.274).

Interim concession in the Bailiwick of Guernsey (but excluding Sark)

3. In the period 1 June 2020 to 31 December 2020, no fee is payable for a black and white TV licence or a colour TV licence where—
- (a) the licence has been or is issued to a person who attained the age of 75 before 1 September 2016;
 - (b) the single place, vehicle, vessel or caravan specified in the licence is the sole or main residence of that person; and
 - (c) that residence is in the Bailiwick of Guernsey (but excluding Sark).

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

A handwritten signature in black ink, consisting of the name 'David' followed by a large, stylized flourish, and the name 'Clementi' written in a cursive script to the right.

26 May 2020

Explanatory Note

Summary

Currently, in the Bailiwick of Guernsey (excluding Sark), a person who attained the age of 75 before 1 September 2016 is entitled to a free TV licence for their sole or main residence.⁴ This determination ensures that the concession will continue until 31 December 2020, pending a BBC consultation and decision on the future of the concession in the Bailiwick.

Age-related TV licence fee concessions

The Communications Act 2003 was amended by the Digital Economy Act 2017⁵ so that, by virtue of sections 365(1A) and 365A of the 2003 Act (as amended), any liability to pay the TV licence fee under regulations⁶ made by the Secretary of State is subject to any age-related concession created by a determination made 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 more, at or before the end of the month in which the licence is issued.

From 1 June 2020 the BBC will have these powers in relation to Guernsey.⁷ This is because the 2017 Act amendments were extended to Guernsey by the Communications (Bailiwick of Guernsey) Order 2020.⁸

The effect, however, is that from 1 June 2020 the existing over-75s concession in Guernsey ceases to have effect. This is because the 2017 Act amendments prohibit the Secretary of State from making the kind of concession the BBC can now make, so (under an established legal principle) any concession made previously automatically falls.

This determination replicates the current concession solely in order to maintain the current position until 31 December 2020. This is because the BBC is planning to consult fully and make a substantive decision about whether there should be an age-related concession in Guernsey in future and, if so, what its terms should be. The BBC intends to do that between now and 31 December

⁴ The States Government also reimburses the licence fee to anyone aged 65 or over in receipt of supplementary benefits (not Sark). This operates outside the Regulations and is not affected by this determination.

⁵ Section 89.

⁶ Currently the Communications (Television Licensing) Regulations 2004.

⁷ The BBC's powers are without prejudice to the powers of the States Government to give and fund additional concessions under local law.

⁸ S.I. 2020 No.274.

2020, but will keep its plans under review in the light of the impact of the COVID-19 outbreak. The BBC has plans for similar processes in Jersey and the Isle of Man.

Before making this determination the BBC consulted the Policy and Resources Committee of the States of Guernsey as required by section 365A(8) of the Communications Act 2003, as modified by the Communications (Bailiwick of Guernsey) Order 2020.⁹

⁹ Article 3(2).