

AGE-RELATED TV LICENCE FEE CONCESSION

**VARIATION OF DETERMINATION DATED 28 JUNE 2019 MADE BY THE BBC UNDER SECTION
365A OF THE COMMUNICATIONS ACT 2003**

**Second variation made pursuant to section 365A(7)(a) of the Communications Act 2003
on 20 July 2020**

Variation of BBC Determination dated 28 June 2019

1. The BBC's Determination dated 28 June 2019 is varied as follows.
2. After paragraph 1A¹ insert the following—

“No fee payable where a licence is cancelled

- 1B. In the case of a black and white TV licence or a colour TV licence whose duration has been extended by operation of the General Notice² published on 20 July 2020, no fee is payable for the period starting on 1 August 2020 and ending on the date the licence is cancelled, where it is cancelled because the licence holder—
 - (a) has informed the BBC that the TV licence in question has not been required (according to section 363 of the Communications Act 2003) since 31 July 2020, or
 - (b) has neither informed the BBC to that effect, nor made arrangements with the BBC for continuing to hold a TV licence, within a time limit notified to them in writing by the BBC (so long as the time limit is no less than two months from the date the notification is received);but where the holder of a TV licence that has been so cancelled subsequently applies for a new TV licence for the same specified place, nothing in this paragraph prevents the new licence from being backdated to 1 August 2020 or any subsequent date falling before the licence is issued if that person was required (according to section 363 of the Communications Act 2003) to have a TV licence for that specified place on and after that date.”
3. In paragraph 13, for “paragraph 15, if applicable, or 16” substitute “paragraph 14A, 15 or 16, as applicable”.
4. In paragraph 14(c)(i),³ for “or before that date” substitute “31 May 2020”.
5. After paragraph 14 insert—

“14A. Where an Over-75s’ Pay As You Go TV licence (whether black and white only or including colour) is issued before 1 August 2021 to a licence holder who on 31 July 2020 was covered by a TV licence for which no fee was payable (under the provisions mentioned in paragraph 14(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.

¹ Inserted by the BBC's Determination of 25 March 2020.

² Under the Communications Act 2003, section 364(5)(b).

³ As substituted by the BBC's Determination of 25 March 2020.

“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>
Weekly instalments (see Note 4)	$FP = A - T$	$NFI = 52 - B$	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 August 2020 and ND
Fortnightly instalments	$FP = A - T$	$NFI = 26 - B$	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 August 2020 and ND
Monthly instalments	$FP = A - T$	$NFI = 12 - B$	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 August 2020 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).”
6. In paragraph 15, after “Where” insert “an Over-75s’ Pay As You Go TV licence (whether black and white only or including colour) is issued on or after 1 August 2021 and”.
7. In paragraph 16—

(a) for “the licence holder” substitute “an Over-75s’ Pay As You Go TV licence (whether black and white only or including colour) is issued to a licence holder who”; and

(b) for “above” in both places where it occurs, substitute “in paragraph 15”.

8. At the end of the Explanatory Note, insert the following paragraph (after that inserted by the BBC’s determination of 25 March 2020)—

“This Determination was further varied on 20 July 2020 to make further provision for the deferred implementation. It should be read alongside the BBC’s General Notice⁴ of May 2020, which extended the duration of free TV licences expiring on 31 May 2020 until 31 July 2020, and the second such General Notice published on 20 July 2020 which further extends the duration of those licences and sets out arrangements for applying for new licences (whether free or paid-for) or cancelling licences that are no longer required.”

A handwritten signature in black ink that reads "David Clementi". The signature is written in a cursive style with a large, looped 'D' and a long, sweeping tail for the 'i'.

Signed on behalf of the BBC Board by Sir David Clementi, Chair
20 July 2020

⁴ Under the Communications Act 2003, 364(5)(b).

Explanatory Note

Previous determinations

The Communications Act 2003 was amended by the Digital Economy Act 2017 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 regulations 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.

On 28 June 2019, the BBC Board made a determination to give effect to its decision to introduce, with effect from 1 June 2020, a TV licence concession so that, in respect of any TV household which is the sole or main residence of someone aged 75 or over and in receipt of Pension Credit, that person will be entitled to a free TV licence to cover the household. That determination also contained transitional provision to enable those who were entitled to a free TV licence prior to 1 June 2020, but who from that date will have to pay, to pay in small instalments (paragraphs 13 to 16 of that determination).

On 2 March 2020, the BBC Board made a further determination to make sure that people do not lose their preserved rights in relation to Accommodation for Residential Care⁵ when they turn 75 but instead have a free licence like over 75s in such Accommodation.

On 15 March 2020, in response to the Coronavirus outbreak, the BBC Board decided to defer the implementation of its concession policy until 1 August 2020. On 25 March it made an amending determination to give effect to that.

This determination

This determination makes further provision for the deferred implementation. It should be read alongside the BBC's General Notice⁶ of May 2020, which extended the duration of free TV licences expiring on 31 May 2020 until 31 July 2020, and the second such General Notice published on 20 July 2020 which further extends the duration of those licences and set out arrangements for applying for new licences (whether free or paid-for) or cancelling licences that are no longer required.

⁵ See the Communications (Television Licensing) Regulations 2004, Schedule 4, especially paragraphs 12 and 13.

⁶ Under the Communications Act 2003, 364(5)(b).