EXPLANATORY MEMORANDUM TO

THE COMMUNICATIONS (TELEVISION LICENSING) (AMENDMENT) REGULATIONS 2017

2017 No. 221

1. Introduction

1.1 This explanatory memorandum has been prepared by Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend the Communications (Television Licensing) Regulations 2004 ("the 2004 Regulations") (S.I. 2004/692).

2.2 They amend the 2004 Regulations to increase the level of the television licence fee from £145.50 to £147.00 for a colour licence, and from £49.00 to £49.50 for a black and white licence and the sums payable by way of instalments under instalment schemes set out in those Regulations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The Secretary of State for Culture, Media and Sport has, under s. 365 of the Communications Act (2003) ("the Act") the power to set the fee for television licences. The level of the television licence fee was last increased on 1 April 2010 and the Regulations now being laid increase the fee both in the United Kingdom and the Crown Dependencies.

4.2 The Isle of Man, the Bailiwick of Jersey and the Bailiwick of Guernsey are Crown Dependencies. This means that they are not part of the United Kingdom but are self-governing dependencies of the Crown, with their own directly elected legislative assemblies, administrative, fiscal and legal systems and their own courts of law.

4.3 The majority of legislation in the Crown Dependencies is enacted at domestic level. In some cases, however, with the prior agreement of the Crown Dependencies, Acts of Parliament include what is known as a "permissive extent provision" which allows an Act to be extended to the Crown Dependencies, in whole or part, with any necessary modifications, by Order in Council. Such extension also only occurs with the prior approval of the Crown Dependencies. When sections of an Act of Parliament that provide for the making of subordinate legislation have been extended to the Crown

Dependencies, legislation made under those provisions may also extend to the Crown Dependencies.

4.4 The Act has, in part, been extended to the Crown Dependencies by the Orders cited in the preamble to these Regulations. Certain legislation made under the Act also extends to the Crown Dependencies. In particular, Part 4 of the Act has been extended in this way and the 2004 Regulations, made under this Part, also extend to the Crown Dependencies.

5. Extent and Territorial Application

5.1 The extent of this instrument is the United Kingdom, the Channel Islands and the Isle of Man.

5.2 The territorial application of this instrument is the United Kingdom the Channel Islands and the Isle of Man.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The Government decided in 2010 to freeze the level of the television licence fee at £145.50 for a colour licence and at £49.00 for a black and white licence. In 2015, as part of the Government's funding settlement with the BBC, it was agreed to increase the level of the television licence fee in line with the Consumer Price Index. This means that for the first five years of the BBC's Royal Charter granted in December 2016, the fee will increase on an annual basis to take account of the level of inflation.

7.2 These regulations increase the level of the television licence fee with effect from 1 April 2017 to £147.00 for a colour licence and to £49.50 for a black and white licence. There will be four further annual increases to take account of inflation rate.

Consolidation

7.3 There are no plans for consolidation.

8. Consultation outcome

8.1 The Government's Green Paper on BBC Charter Review published in July 2015 asked 'how should we pay for the BBC and how should the licence fee be modernised'. Three fifths of responses felt that no changes to the current system were required. In its White Paper, *A BBC for the future: a broadcaster of distinction*, the Government confirmed that the licence fee system would be maintained for the next BBC Charter period and the licence fee would increase in line with inflation for the first five years of the Charter Period. The next licence fee settlement will take place in 2021.

9. Guidance

9.1 The BBC will (through TV Licensing) ensure that licence fee payers are made aware of the increase to the licence fee. Guidance will be issued through the TV Licensing

website, TV Licensing's letters and emails to licence payers and other communications as appropriate.

10. Impact

10.1 The impact on business, charities or voluntary bodies is that, where a new TV licence is required on or after 1 April 2017, the new level of the licence fee will be payable.

10.2 The impact on the public sector is that, where new a TV licence is required on or after 1 April 2017, the new level of the licence fee will be payable.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 There are no plans to monitor or review the SI. The BBC and its agents using the 'TV Licensing' trade mark owned by the BBC, carry out the collection of television licence fees and enforcement of the television licensing system.

13. Contact

13.1 Eeva Pellonpera at the Department for Culture, Media and Sport, telephone: 0207 211 6759 or email: eeva.pellonpera@culture.gov.uk can answer any queries regarding this instrument.