EXPLANATORY MEMORANDUM TO

THE COMMUNICATIONS (TELEVISION LICENSING) (AMENDMENT) REGULATIONS 2020

2020 No. 80

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Digital, 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 £154.50 to £157.50 for a colour licence, and from £52.00 to £53.00 for a black and white licence, and increase 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.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

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

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

5. European Convention on Human Rights

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

6. Legislative Context

6.1 The Secretary of State for Digital, 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 2019. The Regulations now being laid increase the fee both in the United Kingdom and the Crown Dependencies.

6.2 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.

6.3 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.

6.4 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.

7. Policy background

What is being done and why?

7.1 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, that the fee will increase on an annual basis to take account of the level of inflation. The level of the television licence fee was last increased on 1 April 2019.

7.2 These Regulations increase the level of the television licence fee with effect from 1 April 2020 to £157.50 for a colour licence and to £53.00 for a black and white licence.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

9.1 There are no plans for consolidation.

10. Consultation outcome

10.1 The licence fee funding model was considered as part of the BBC Charter Review in 2015, which found that the majority of respondents did not want to see a change in the way the BBC is funded: 60% thought the current licence fee model did not need to be changed. The government committed to maintain the current model and guaranteed that the licence fee would increase with inflation each year for the first five years. This is the fourth increase to be implemented.

11. Guidance

11.1 BBC TV Licensing will 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 fee payers and other communications as appropriate.

12. Impact

12.1 The impact on business, charities or voluntary bodies is that the new level of the licence fee will be payable where a new television licence is required on or after 1 April 2020.

12.2 The impact on the public sector is that the new level of the licence fee will be payable where a new television licence is required on or after 1 April 2020.

12.3 An Impact Assessment has not been prepared for this instrument because it is expected that there will be a low level of impact per business. Where a new television licence is required on or after 1 April 2020, the new level of the licence fee payable reflects the level of inflation.

13. Regulating small business

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

14. Monitoring & review

14.1 The approach to monitoring of this legislation is to not review or monitor the instrument. The BBC and its agents using the 'TV Licensing' trademark owned by the BBC are responsible for the collection and enforcement of the television licensing regime.

15. Contact

15.1 Emily Adams at the Department for Digital, Culture, Media and Sport, Telephone: 0207 211 6006 or email: emily.adams@culture.gov.uk can be contacted with any queries regarding the instrument.

15.2 Claire Bradshaw, Deputy Director for Media Policy, at the Department for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Secretary of State for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.