EXPLANATORY MEMORANDUM TO THE DIGITAL SWITCHOVER (DISCLOSURE OF INFORMATION) ACT 2007 (PRESCRIPTION OF INFORMATION) (AMENDMENT) ORDER 2011

2011 No. 677

1 1.1 This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the Instrument

2.1 The Order makes minor amendments to the Digital Switchover (Disclosure of Information) Act 2007 (Prescription of Information) Order 2007[1] That Order ensures information can be supplied for the purposes of the Digital Switchover Help Scheme ("DSHS") established on 30 April 2007 under the BBC Charter and Agreement. The Scheme will help specified categories of individuals to convert to digital television during digital switchover (the process by which the broadcasting of television services in the UK in analogue form will be replaced by their broadcasting in digital form). The information specified in the 2007 Order is information necessary to identify and make appropriate contact with the individuals eligible for help.

2.2 The amendments made by this Order are to ensure that the interpretation provisions in relation to care homes and independent hospitals in Scotland remain as originally intended following the changes to those definitions made by the Public Services Reform (Scotland) Act 2010.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Order makes the minor amendment described in paragraph 2.2 above.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 There are no human rights implications arising from this instrument. Any human rights implications were considered as part of the making of the original Order; this instrument merely amends the legislation to the same effect as the earlier Order, following legislative changes in Scotland.

7. Policy Background

7.1 "Digital switchover" is the process by which analogue television broadcasting signals will be phased out in favour of digital signals. The process will allow many more television channels to be carried using less radio spectrum than is currently

[1] 2007, no. 1768

used, expanding choice for consumers. Digital switchover commenced in late 2007 in Whitehaven and will proceed ITV region by ITV region until 2012, by which time all analogue transmissions will have ceased.

7.2 A key part of the Government's switchover policy is to ensure that advice and assistance is available to those who need it to convert to digital television. In September 2005, the Government confirmed that a help scheme would be established by the BBC and funded by the television licence fee. The details of the current help scheme are contained in the revised DSHS Scheme Agreement. Broadly, help is available to persons aged 75 or over; persons with a severe disability (defined as being in receipt of certain disability benefits); or persons who are registered as blind or partially sighted and care home residents.

7.3 The Digital Switchover (Disclosure of Information) Act 2007 and the secondary legislation made under it facilitates the sharing of information in order to support the Government's policy of making help available to all those who are eligible for it.

8. Consultation Outcome
8.1 Not applicable.

9. Guidance
9.1 No guidance is being published in relation to this instrument, as the nature and effect of the change made by it is simply to reflect legislative changes in Scotland, and thus no practical change is made to the effect of the order amended. No guidance is therefore considered necessary.

10. Impact
10.1This Order is covered by the Regulatory Impact Assessment prepared for the Digital Switchover (Disclosure of Information) Bill introduced in the House of Commons on 16 November 2006 and updated on 30 January 2007[2]. The Order has no impact on business, charities and voluntary bodies.

11. Regulating small business
11.1The Order does not impose any requirements on any size of business, including small firms employing up to 20 people.

12 Monitoring & review
12.1 Not applicable.

13. Contact
13.1 For further information about this Order please contact:

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[2] A copy of the Regulatory Impact Assessment prepared for the Digital Switchover (Disclosure of Information) Bill is at http://www.culture.gov.uk/images/publications/RIA_digitalswitchoverbill_jan07.pdf or The Stationery Office.

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