



## AGE-RELATED TV LICENCE FEE CONCESSION (NO. 2) SCHEME 2020

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Statutory Document No. 2020/0589

*Financial Provisions and Currency Act 2011*

## **AGE-RELATED TV LICENCE FEE CONCESSION (NO. 2) SCHEME 2020<sup>1</sup>**

*Approved by Tynwald: 15 December 2020*  
*Coming into operation in accordance with paragraph 2*

The Treasury makes the following Scheme under section 3 of the Financial Provisions and Currency Act 2011.

### **1 Title**

This Scheme is the Age-related TV Licence Fee Concession (No. 2) Scheme 2020.

### **2 Commencement**

If approved by Tynwald, this Scheme comes into operation on 1 January 2021<sup>1</sup>.

### **3 Expiry**

- (1) This Scheme expires on 31 December 2024.<sup>2</sup>
- (2) But the Treasury may amend the date specified in sub-paragraph (1) by giving notice of doing so published by the Treasury, in such manner as the Treasury considers appropriate, and laying that notice before Tynwald.

### **4 Interpretation**

- (1) In this Scheme —  
“**the 2003 Act**” means the Communications Act 2003 (of Parliament) as extended to the Island<sup>2</sup>;  
“**the 2004 Regulations**” means the Communications (Television Licensing) Regulations 2004<sup>3</sup>;

<sup>1</sup> Under section 3(7) of the Financial Provisions and Currency Act 2011 this Scheme must not come into operation unless approved by Tynwald.

<sup>2</sup> Under the Communications (Isle of Man) Order 2003 (SI 2003/3198) certain provisions of the Communications Act 2003 are extended to the Island with modifications.

<sup>3</sup> SI 2004/692. Most provisions of the Communications (Television Licensing) Regulations 2004 extend to the Island.

- “**the BBC**” means the British Broadcasting Corporation;
- “**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 and  
“**black and white TV licence fee**” means the amount specified in column 3 of that table as the issue fee in respect of a black and white TV licence;
- “**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 and “**colour TV licence fee**” means the amount specified in column 3 of that table as the issue fee in respect of a colour TV licence;
- “**the Determination**” means the Determination made by the BBC on 15 October 2020 under section 365A<sup>4</sup> of the 2003 Act and any subsequent determination made by the BBC amending or replacing that Determination which has the same or a similar purpose;
- “**the issue date**”, in relation to any TV licence, means the date on which the licence is issued;
- “**the specified place**”, in relation to a TV licence, means the place, vehicle, vessel or caravan specified (or to be specified) in the licence; and
- “**TV licence**” means a licence for the purposes of section 363 of the 2003 Act authorising the installation and use of a television receiver.
- (2) In this Scheme any reference to —
- (a) the issue of a TV licence includes a reference to its renewal;
  - (b) a person’s residence includes a reference to any place provided for that person’s private occupation.
- (3) Reference in this Scheme to any other Manx legislation or any other legislation which extends to the Island is to that legislation as in operation from time to time.

## 5 Payments to be made by the Treasury to the BBC

- (1) This sub-paragraph applies if —
- (a) a black and white TV licence or a colour TV licence is issued to a person (“P”) who —
    - (i) is aged 75 years or more; or
    - (ii) will attain that age in the calendar month in which the licence is issued;
  - (b) in that licence, the specified place —

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<sup>4</sup> Section 365A of the Communications Act 2003 was inserted by section 89 of the Digital Economy Act 2017 (of Parliament). Under the Communications (Isle of Man) Order 2020 (SI 2020/149) the amendments made by section 89 of the Digital Economy Act 2017 extend to the Isle of Man.

- (i) is situated in the Isle of Man; and
  - (ii) is the sole or main residence of P; and
  - (c) the BBC is satisfied that, on the issue date, the condition set out in paragraph 4 of the Determination (Condition A) does not apply in P's case.
- (2) If sub-paragraph (1) applies the Treasury must pay to the BBC a sum equal to the black and white TV licence fee or the colour TV licence fee (as the case may require) payable on the issue of the TV licence referred to in that sub-paragraph.

## **6 Finance**

Any payments under this Scheme, and any other expenses attributable to this Scheme, are to be paid out of money provided by Tynwald.

## **7 Information**

The Schedule (disclosure of information by the Treasury to the BBC) has effect.

## **8 Revocation**

The Age-related TV Licence Fee Concession Scheme 2020<sup>5</sup> is revoked.

**MADE 11<sup>TH</sup> DECEMBER 2020**

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<sup>5</sup> SD 2020/0545.



## SCHEDULE

[Paragraph 7]

## DISCLOSURE OF INFORMATION BY THE TREASURY TO THE BBC

**1 Disclosure of relevant information by the Treasury to the BBC for the operation of the over 75s concession, etc.**

- (1) Despite any other restriction on the disclosure of information imposed by any enactment or otherwise, the Treasury may disclose to the BBC or its agents any relevant information about a person (P) who —
  - (a) has attained the age of 75 years; or
  - (b) will attain the age of 75 years in the calendar month in which a black and white TV licence or a colour TV licence is issued to P,for the purposes specified in sub-paragraph (2).
- (2) The purposes are for —
  - (a) facilitating the operation of the over 75s concession under any provision of the Determination or under any Agreement; and
  - (b) enabling the BBC or the Treasury to carry out any function in pursuance of paragraph (a).
- (3) Information obtained pursuant to sub-paragraph (1)—
  - (a) must not be disclosed to any person other than an employee of the BBC or its agents; and
  - (b) may be disclosed only for the purposes specified in sub-paragraph (2).
- (4) In sub-paragraph (1) “relevant information” means (as the case may be)—
  - (a) P’s title;
  - (b) P’s full name;
  - (c) either —
    - (i) P’s full postal address (including postcode); or
    - (ii) if P is a resident, whether P is a resident;
  - (d) P’s date of birth;
  - (e) whether P is, or is not, receiving income support; and
  - (f) whether P has been paid a TV licence payment under the TV Licence Payment Order 2016<sup>66</sup> on a date after P’s 74<sup>th</sup> birthday.

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<sup>66</sup> SD 2016/0320.

## 2 Interpretation

In this Schedule —

“**Agreement**” means any Agreement made between the Treasury and the BBC (“the parties”) which supplements or supports, or otherwise operates in conjunction with, the Determination and any subsequent agreement made between the parties amending or replacing that agreement which has the same or a similar purpose;

“**income support**” means income support under section 124 of the Social Security Contributions and Benefits Act 1992<sup>7</sup> as it is applied to the Island<sup>8</sup>;

“**over 75s concession**” means the concession set out in paragraphs 3 to 5 of the Determination; and

“**resident**” has the meaning given in paragraph 3 of Schedule 4 to the 2004 Regulations.

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<sup>7</sup> 1992 c.4.

<sup>8</sup> See SD 505/94.



## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

<sup>2</sup> Para (1) amended by GC2021/0093, by GC2022/0006 and by GC2023/0011.