

About TV Licensing



Contents

- 01 **Chapter 1 – Service Standards**
 - Our commitment to you
 - Our Visiting Officers
 - Data Protection
 - Data Subject Access Requests
 - Freedom of Information Act
 - The Disability Discrimination Act
 - Race Equality Scheme
 - Equal Opportunities

- 06 **Chapter 2 – Our Customer Service Standards**
 - Customer satisfaction
 - How are we doing?

- 07 **Chapter 3 – General Information**
 - How to contact us
 - Change of address

- 08 **Chapter 4 – What to do if you have a complaint**

- 09 **Chapter 5 – Ways to Pay**
 - Choice of payment methods
 - Concessions for those aged 74 or over
 - Free Over 75 Licence
 - Blind Concessions

- 11 **Chapter 6 – The TV Licence**
 - TV Licensing and the Law
 - What is a TV Licence and do I need one?
 - Who is covered by my TV Licence?
 - What's the duration of my licence?
 - What if I do not have a television?

- 13 **Chapter 7 – Revoking and Cancelling Licences**

- 15 **Chapter 8 – Refunds**
 - Under what circumstances can I claim a refund?
 - Poor television reception

- 17 **Chapter 9 – TV Licences for Special Circumstances**
 - Students
 - Businesses
 - Hotels and holiday sites
 - Landlords and tenants
 - Residential care

The information contained in this document was correct as of December 2004. Please note that individual situations may vary and this document cannot be a substitute for formal legal advice.

"TV Licensing" is a trading name used by agents contracted by the BBC to administer the collection of Television Licence fees and enforcement of the television licensing system. The majority of the administration of TV Licensing is contracted to Capita Business Services Ltd, with the administration of cash easy payment schemes contracted to Revenue Management Services Ltd, and marketing and public relations activities contracted to the AMV Consortium.

The purpose of this document is to provide a summary of our procedures and policies and to outline the level of service you can expect when contacting TV Licensing.

Chapter 1

Service Standards

1. As part of our commitments to you, our customers, we will:

- Be courteous at all times
- Answer all communications quickly and politely, aiming to “get it right first time”
- Uphold the principles of the Data Protection Act 1998
- Act fairly, equitably and consistently towards all customers within the terms of the Communications Act 2003 and the Communications (Television Licensing) Regulations 2004
- Process complaints quickly and fairly and undertake thorough and fair investigations
- Where practicable to communicate in the language and format of a customer’s choice
- Inform customers of their most appropriate method of payment
- Constantly seek to improve and maintain the quality of our activities

2. If one of our Visiting Officers calls at your home they will:

- Always prove their identity by showing an identity card and, on request, provide a telephone number so that this can be confirmed
- Always state why they are visiting
- Be polite and courteous at all times
- Conduct enquiries firmly and fairly, and in the least intrusive way possible
- Never threaten or intimidate
- Stop the enquiry if asked to leave
- Only enter a property when given permission
- When necessary, take a statement, in accordance with the law, and ask the interviewee to sign it as an accurate account of the interview; and
- Make sure the interviewee knows the consequences of a statement being taken

We also may visit to confirm that:

- People who have claimed not to have a television receiver do not have one; and
- Black and white licence holders do not have a colour set.

Unfortunately, our experience has shown that around 50% of people who claimed not to have a television were found to be using one, and required a licence, when we checked the premises and that over 30% of people who hold a black and white licence have been found to be inappropriately licensed when we’ve checked the premises.

For consistency Television Licensing does not act selectively in which addresses are to be visited and therefore aims to visit all addresses where a no set claim has been made and all black and white television licence holders. By adopting a consistent approach, we are able to ensure that everyone is correctly licensed and to remove non-television users from standard mailing cycles for a minimum of three years. The alternative would be for us to do nothing, which would not be in the best interests of the licence-paying public nor would this meet our legal obligations to collect the licence fee.

For added reassurance, you can take advantage of our password system which can be arranged on request. The password system is available to offer additional confirmation of identity for those who may be worried by the visit. To give you additional peace of mind, the password will only be known by you and the Visiting Officer. This can be arranged by contacting TV Licensing on **08705 763 763**.

If you admit you are using a television receiver to receive television programme services without the appropriate licence or if we suspect you are, our staff may interview you under caution in line with the applicable criminal law requirements within each jurisdiction.

In any prosecution process we will adhere to the Code for Crown Prosecutors.

Note that if we are refused access, we may use our detector vans or apply to court to obtain a search warrant.

3. Data Protection

In compliance with the Data Protection Act 1998, if you contact us by telephone, we will ask appropriate questions to verify that we are dealing with the licence holder. This will ensure that we only disclose information about your licence to you or your appointed representative.

Personal information that you provide will only be used by the BBC and its service providers to help administer the television licence system, including licence applications, fee collection and enforcement. Your personal information will not be provided to anyone else unless we are permitted or obliged by law (including the Data Protection Act 1998 and the Human Rights Act 1998) to do so. If you wish to see our Privacy Policy it can be viewed via the Privacy Policy section of our website at www.tvlicensing.co.uk

4. Data Subject Access Requests

Under the Data Protection Act 1998 a person has a right to request any information we hold relating to them. If you seek details of information relating to you, you should put your request in writing to the Data Protection Enquiries Manager, TV Licensing, Bristol, BS98 1TL. An application form will be sent to you, which must be completed and returned with a fee of £10. We will then provide you, within 40 days, with copies of all relevant computer-based and paper-based information we hold relating to you, that you are entitled to under the Data Protection Act 1998.

5. Freedom of Information Act

The Freedom of Information Act 2000 (FOIA) applies to UK public authorities. It provides for a right of access to information held by the authority, subject to the exemptions set out in the FOIA. It is enforced by an independent Information Commissioner.

FOI requests must be dealt with within 20 working days. This applies to all information held by our contracted agents where it is held on behalf of the BBC (some information may also be exempt under the FOIA).

FOI requests must be in writing (including email), clearly state the requestor's name and an address for correspondence, and must describe what information is required.

Contact details for queries and requests are:

BBC FOI
PO Box 48339
London W12 7XH
foi@tvlicensing.info

For further details on making an FOI request, please refer to www.tvlicensing.co.uk/aboutus or www.bbc.co.uk/foi

6. The Disability Discrimination Act

TV Licensing has reviewed its customer service facilities against the requirements of Part 3 of the Disability Discrimination Act 1995.

We recognise that many of our customers, whether disabled or otherwise, have individual needs when seeking to make use of our services. However, we also recognise the fact that for some customers, the nature of their disabilities may mean that they experience specific difficulties when accessing our services.

We offer a number of facilities that allow disabled people access to the TV Licensing service. Information is available in alternative formats on request. We also have a Minicom facility for the deaf and hard of hearing. The number for this is **0870 575 8604**.

7. Race Equality Scheme

The BBC aims to put race equality at the centre of its work.

We, the BBC, will make sure that everyone within the BBC whose work affects our customers (payers, evaders or those that don't require a television licence), know about their responsibilities under the Race Equality Scheme. We will ensure that we meet our duties as an employer and, together with senior managers, we will ensure that our people have the training they need to make the scheme work.

In all respects, the BBC will not unlawfully discriminate against its customers.

Our race equality scheme is available from www.tvlicensing.co.uk

8. Equal Opportunities

We are fully committed to equal opportunities for all, irrespective of race, colour, creed, ethnic or national origins, gender, marital status, sexuality, disability or age.

Chapter 2

Our Customer Service Targets

We aim to achieve the following:

- To answer 99.9% of all letters within 10 working days of receipt
- To answer 99.9% of all complaints within 8 working days of receipt
- To answer 99.9% of all email enquiries within 3 working days of receiving them
- To post licences or forms requested by customers within 5 working days of the date of the request
- To answer 85% of all telephone calls within 15 seconds

How are we doing?

You may be interested to see how we are doing against the targets outlined above.

1. Customer satisfaction

We conduct monthly surveys to establish our customers' opinions of our service. Customers surveyed during 2003 indicated satisfaction levels of over 90% on average.

2. Telephone calls received

During 2003, we handled over 9.2 million telephone calls from customers. The average service level was 89.9% of calls answered in 15 seconds.

3. Correspondence received

We received over 1.3 million items of correspondence during 2005/6 with all items requiring a response receiving a reply within our target of 10 working days.

4. Written, email, and faxed complaints

We received 18,000 written complaints during 2005/6 with all items receiving a reply within our target of 8 working days.

5. Telephone complaints

We received just over 5,000 telephone complaints during 2005/6, which equates to 0.5% of all calls received. Complaints are logged in categories to establish trends and appropriate corrective action is taken where required.

6. TV Licences in force

At the end of 2005/6, there were just under 24.9 million television licences in force. Of these, over 59% of customers paid by Direct Debit and around 4% took advantage of the Cash Easy Entry scheme designed to assist those in receipt of income-related state benefits.

Around 3.9 million customers aged 75 or over benefited from free licences and over 40,000 customers received a 50% blind concession on their licence fee.

Chapter 3

General Information

How to contact us

General Enquiries

If you wish to buy or renew your licence or have a general question or complaint about TV Licensing call us on **0870 240 3294**. You can also buy a licence online at: **www.tvlicensing.co.uk**

If you have a query with a Direct Debit application call us on **0870 240 3294**.

If you would like to apply for, or have a query relating to, our weekly payment scheme (called Cash Easy Entry) call us on **0845 601 5526**.

If you would like to apply for, or have a query relating to, the Over 75 licence, the short-term licence or the Blind Concession, call us on **0870 240 3294**.

Change of Address

Remember, to be correctly licensed you must transfer your television licence to your new address when you move home. To tell us you have moved phone:

0870 240 3294 or visit our website at:
www.tvlicensing.co.uk/moving

Minicom

We have a facility for the deaf or the hard of hearing. The phone number is **0870 575 8604**.

Fax

If you would like to send us a fax, you can on **0870 240 1187**.

Email

Our email address for all general enquiries is:
tvlicsc@capita.co.uk

Website

Our website address is: **www.tvlicensing.co.uk**

Written Enquiries

Please write to:
The Customer Service Manager
TV Licensing
Bristol
BS98 1TL

Chapter 4

What to do if you have a complaint

- 1. We hope that you will never have a reason to complain about our service, but if you do, please write to:**

Head of Customer Relations
Customer Relations Department
TV Licensing
Bristol
BS98 1TL

- 2. If you do not feel that your complaint was handled correctly and you wish to escalate your complaint, please write to:**

The Customer Services Director
TV Licensing
Bristol
BS98 1TL

- 3. If you still are dissatisfied, you can escalate your complaint to:**

The Customer Relations Manager
BBC TV Licensing Management Team
PO Box 48309
London
W12 6YA

Please be aware that the BBC will not investigate a complaint against TV Licensing until it has been through TV Licensing's escalation process.

Chapter 5

Ways to Pay

We offer a range of easy ways to pay for your television licence. All you have to do is choose the one that suits you best. These include:

1. By Direct Debit

You can pay by Direct Debit from your bank or building society account.

Under the Direct Debit Guarantee, we will ensure that:

- (i) If the amounts to be paid or the payment dates change, we will notify you at least 10 working days in advance of your account being debited or as otherwise agreed
- (ii) If an error is made by us or your bank or building society, you are guaranteed a full and immediate refund, from your branch, of the amount paid
- (iii) You can cancel a Direct Debit at any time by writing to your bank or building society. Please also send a copy of your letter to us

You can pay for your licence by Direct Debit in the following ways:

Annually

We simply collect the full fee from your bank account on the date it is due every year.

Quarterly (for colour television licences only)

You can spread the cost by making a payment every 3 months (although payments may vary for the first licence bought in this way). Because the licence is paid for partially in arrears, your payments include a small premium of £1.25 each quarter. Please note that quarterly Direct Debit is not available for customers living in the Channel Islands.

Monthly (for colour television licences only)

With this, our most popular plan, you can spread your licence fee over 12 monthly payments. You would pay for your first licence within the first 6 months after it's issued. Once those payments are complete, you can then start to pay for your next and all following

licences in 12 much smaller payments (of around £11 per month), 6 payments in advance and 6 in arrears. Your total payments will always add up precisely to the normal licence fee and there is no additional charge for spreading your payments using Monthly Direct Debit.

If you still have TV Licence savings stamps, you can use them to set up a Direct Debit to pay for your television licence. We can transfer your savings stamps into your Direct Debit plan when you set it up. Future payments after your savings run out will be made directly from your bank or building society account every month.

For more details on how to pay by Direct Debit, or to apply simply call **0870 240 3294** or visit **www.tvlicensing.co.uk/dd**

If you want to join a Direct Debit scheme over the phone without filling in a form, have your bank details ready.

2. By Debit/Credit Card

To make a one-off payment by Debit or Credit Card such as Switch/Maestro, Delta, Visa or Mastercard call **0870 240 3294** with your card to hand or go online to **www.tvlicensing.co.uk**

3. Cash Payment Scheme for people on income-related State benefits

If you receive income related state benefits you can join our Cash Easy Entry scheme. Cash Easy Entry allows you to spread the cost of your licence into weekly or fortnightly payments.

On this scheme, you pay for your first licence over 6 months in 26 weekly payments. Once you've paid for this licence, you'll be able to pay for the next one, and all future ones, with fortnightly payments. You need to keep up the regular payments to be able to carry on paying in this way.

To join the scheme, or to get more information, call 0845 601 5526. When you join you'll be sent a Payment Card and a schedule detailing when payments are due. Cash payments can be made at any PayPoint outlet.

Please note that the Cash Easy Entry scheme is not available for customers living on the Channel Islands or the Isle of Man.

4. At any PayPoint outlet

You can pay for your licence at any one of 16,000 PayPoint outlets, which you'll find in newsagents, convenience stores, supermarkets and petrol stations across the UK. Many PayPoint outlets are open long hours, seven days a week. You can pay for a full colour television licence by cash or debit card at any PayPoint outlet. You will be issued with a licence which you must keep safe. You can also use your TV Licensing savings card at any PayPoint outlet to save towards your licence. To find your nearest PayPoint outlet, please visit www.paypoint.co.uk/locator.htm or call **0870 850 7846**.

5. By post

Write a cheque for the full current licence fee made payable to 'TV Licensing'. Remember to include your name, address, postcode and television licence number (if you have one) on the back of the cheque and send it to TV Licensing, Bristol BS98 1TL. Please do not send cash in the post.

6. With a TV Licensing savings card

You can save towards the cost of your television licence using a TV Licensing savings card, which replaces the old television licence savings stamps. The savings card is a more secure way to save because, being electronic, your savings are stored on our central computer system. So, even if you lose your card, your savings will always be safe. It's also a flexible way to save, as you can save as much or as little as you like at a time. (There is just a small minimum saving of £2.) You can save using your savings card in two ways. Either take your card to any PayPoint outlet to add to your savings by cash or debit card. Or call **0845 155 0404** with your debit or credit card details to hand to add to your savings by phone.

7. How to apply for a free Over 75 TV Licence

If you or someone you live with is aged 75 or over, you are entitled to a free Over 75 television licence for your main address. The free Over 75 television licence will be valid for 12 calendar months and will cover

both colour and black and white televisions, whichever you have at the time. If you have a short term television licence, you will automatically receive a free Over 75 television licence when you turn 75. If not, you must apply for one by calling **0870 240 3294** with your current television licence number and National Insurance number to hand. If you are not the current licence holder for your address, and share your home with someone younger, you may still apply for a free Over 75 television licence. We simply need to transfer your name onto the existing licence, which we can do over the phone when you call **0870 240 3294**.

8. How to apply for a short term TV Licence

If you or someone you live with is aged 74 and will turn 75 before your next television licence is due to expire, you qualify to buy a short term television licence. This will cover your main address until your 75th birthday, when you will be entitled to a free Over 75 television licence. With a short term television licence, you need only pay for the number of months between the date of your current licence expiring and your birthday. Please call **0870 240 3294** with your current television licence number and National Insurance number to hand. We will then send you a personalised letter confirming your eligibility to buy a short term television licence and telling you how much you need to pay.

9. How to apply for a blind concession

If you or someone you live with is registered blind, you qualify to receive a 50% concession on the cost of your television licence. If the person who is registered blind is not the current licence holder for your address, you first need to transfer the licence into their name. We can do this over the phone when you call **08705 22 66 66**. To qualify for and claim the blind concession, you will need to provide a photocopy of the certificate from your local authority (or Department of Health and Social Security for the Isle of Man) or ophthalmologist indicating that you are registered blind. (Please do not send the original certificate unless by recorded delivery.) Please post this document along with your licence renewal notice (if you have one) and fee payment (by cheque or postal order), remembering to include your television licence number and a contact telephone number, to TV Licensing, Blind Concession Group, Bristol BS98 1TL. Where a full fee television licence has already been purchased, you may be entitled to a 50% refund. Call us on **08705 22 66 66** for information.

10. Channel Islands and Isle of Man

You can pay for your television licence by Direct Debit or at any Post Office® branch in the Channel Islands and Isle of Man. Any changes to Post Office® services in the UK mainland do not apply to these areas. Please also note that some exemptions or alternative concessions may apply here. Call **0870 240 3294** for information.

Chapter 6

The TV Licence

1. TV Licensing and the Law

On 1 April 2004, most of the television licensing provisions in the Wireless Telegraphy Act 1949 (as amended), the Broadcasting Act 1990 and the Wireless Telegraphy (Television Licence Fees) Regulations were repealed and replaced by similar provisions in **Part 4 of the Communications Act 2003** and the **Communications (Television Licensing) Regulations 2004**.

Part 4 of the Communications Act 2003 makes it an offence to install or use a television receiver for the purposes of receiving any television programme service without a valid television licence. The Act empowers the BBC to make and amend the terms and conditions of a licence. It also allows the government to make regulations to exempt or reduce the licence fee for certain persons in certain circumstances.

This Act also makes it an offence for anyone to have any television receiver in their possession or under their control who either intends to install or use it in contravention of the main offence (above), or knows or has reasonable grounds for believing, that another person intends to install or use a television receiver in contravention of the main offence.

The **Wireless Telegraphy Act 1967** requires television dealers to notify TV Licensing of all their sales or rentals of television sets (which includes analogue or digital TV, VCRs, recordable DVDs, set-top boxes, and PC's with TV cards).

The **Communications (Television Licensing) Regulations 2004** define what is a 'television receiver', 'television set' and who is a 'television dealer'. The regulations also set out the various types of licence, the criteria for obtaining them, the fees payable for those licences (including the frequency and amount of instalments) and the concessions for blind people and those over 75 years of age.

2. What is a TV Licence and do I need one?

A television licence provides a legal permission to install or use a television receiver in order to receive television programme services. It's a criminal offence to install or use a TV receiver without a valid licence so it is important to ensure that you are appropriately licensed.

A 'television receiver' includes a television set, a VCR, a set-top box, a TV-enabled personal computer or any other equipment designed or modified to enable it to receive television programmes.

A television licence is required if you install or use, or intend to use a television receiver as previously described above. This means that a licence is required to receive BBC, ITV, Channel 4, Channel 5, satellite, cable and/or digital television (including from abroad).

The use of television anywhere in the United Kingdom, Channel Islands and the Isle of Man needs to be covered by a licence of the appropriate type and this guide will help to explain more about how the TV licensing framework works.

3. Who is covered by my TV Licence?

A television licence covers the named person and anyone living with them at the address stated on the licence document e.g. members of their family. If a person uses television at a second address, they will need to hold a separate licence for that address.

However, there are three exceptions to this rule:

- The use of television in a static caravan (i.e. one that remains 'on-site') will be covered by the licence held for the user's main address, provided there is no simultaneous use of television at both places
- The use of a television in a touring caravan (i.e. one that is used for touring from place to place) will always be covered by the user's main home licence

- The use of a television set, which is powered solely by its own internal batteries will be covered for any address by the user's main home licence. However, if the user plugs the set into the mains or connects it to any external power source such as a car battery, a separate licence would be needed.

4. What's the duration of my licence?

Under the terms set out by the Licensing Authority the duration of a television licence will be as follows:

- A new television licence purchased on time will run for approximately 12 months and will be dated to expire on the last day of the month preceding that of its issue
- A late renewal of a television licence will last until it would have expired had it been purchased on time
- A television licence can be renewed during the month of expiry whilst retaining the old expiry month on the new licence

If you are 74 and will turn 75 during your next licensed year then you can qualify for a reduced fee short term licence, which will cover you until the month that you are 75. You will only be required to pay for the months up until the month of your 75th birthday.

5. What if I do not have a television or if I have a black and white set?

We have a statutory responsibility to ensure that every address where a television licence is required is correctly licensed. We do this by writing to people to ask about their use or otherwise of television.

If people reply to our letters to the effect that no television is used at their address, we place a stop on further enquiry letters and arrange for a Visiting Officer to call upon them to verify the situation. Visiting Officers should act professionally and courteously at all times and their visit should take only a matter of minutes (see also Chapter one on service standards).

The Visiting Officer will seek permission to enter a person's property simply to take a brief view of the main living areas. If the Officer verifies that no television is used, we will then cease all forms of enquiry to the named person at their address for a minimum period of 3 years.

The occupier is under no legal obligation to allow entry but it does enable us to place a long-term stop on further enquiries.

TV Licensing's policy is to visit all addresses where people inform us that no television is in use at the property. The purpose of our visit is to identify genuine non-users of television so that we can minimise future contact with them. Unfortunately, our experience has shown that around 50% of people who claimed not to have a television were found to be using one, and required a licence when we checked the premises. Once the visit is done, enquiries will stop for a number of years.

TV Licensing's policy is to visit all addresses where people inform us that a black and white television is in use at the property. The purpose of the visit is to ensure that black and white set holders are correctly licensed. Unfortunately, over 30% of people who hold a black and white licence have been found to be inappropriately licensed when we've checked the premises.

For consistency TV Licensing does not act selectively in which addresses are to be visited and therefore aims to visit all no set claims and black and white licensed premises.

By adopting a consistent approach, we are able to:

- positively identify non-television users and remove them from standard mailing cycles for a minimum period of three years; and
- ensure that black and white licence holders are correctly licensed.

The alternative would be for us to do nothing, which would not be in the best interests of the licence-paying public nor would this meet our legal obligations to collect the licence fee.

Chapter 7

Revoking and Cancelling Licences

We have a policy for determining the circumstances when we will revoke or cancel a licence.

A television licence lasts for as long as specified in the licence unless it has previously been cancelled or revoked by or on behalf of the Licensing Authority, the BBC, in accordance with s364(4) of the Communications Act.

We will only revoke or cancel a licence in the following circumstances:

Breach of licence terms:

If there has been a breach of the terms and conditions of the licence, including a failure to pay any money due, with respect to the licence, under the Communications Act and the Communications (Television Licensing) Regulations 2004 within the regulatory time scales, and provided the licence holder has been given a reasonable opportunity to pay and is reasonably aware of the consequences of non-payment.

Error/fraud:

If an Over 75 TV Licence turns out to have been issued to a person who was not 75 or over and/or for a place which is not the licensee's sole or main residence.

Change of circumstances:

If the licence holder informs TV Licensing that the licence is not required (whether by way of a justified refund claim or otherwise) or will not be required as from a future date and TV Licensing is satisfied that the claim is justified.

N.B. an Over 75 Licence for someone's sole or main residence is not cancelled when TV Licensing are informed that the licence is no longer required, e.g. because the licensee has died.

Administrative:

If the licence holder requests to be switched to a different payment scheme (for so long as current systems do not allow licences to be transferred between payment schemes).

Refunds:

Licences will only be revoked or cancelled by notice in writing (a letter will be sent out) and in accordance with the requirements of the Communications Act 2003, s364(5)(8) & (9), clearly stating the date of revocation or cancellation. We will send a letter of impending revocation which will be followed by a letter of revocation unless the matter has been resolved.

We will only revoke a licence from a date which takes account of any money which has been paid in respect of the licence, rounding up to the nearest month of expiry if necessary (and in the case of a licence for which a blind concessionary fee has been paid, rounding up pro rata).

Chapter 8

Refunds

Section 365(3) of the Communications Act 2003 gives the BBC a discretionary power to refund payments made in respect of a licence under the Communications (Television Licensing) Regulations 2004. The power does not extend to payments received before the BBC took over as licensing authority on 1 April 1991.

TV Licensing will only make a refund in respect of a concessionary licence (currently ARC, Hotel, Mobile Units, Hospitality Area) if the licence was purchased in error (see paragraph 3).

When deciding whether or not to make a refund, we will take into consideration any earlier claim by the same claimant in respect of which there is reason to suspect that the refund was obtained as a result of false information, including a signed declaration by the claimant which as a matter of fact has proved to be false.

Under what circumstances can I claim a refund?

We will only give refunds in the circumstances set out below and only when we are satisfied that the claim is justified. Refunds will only be made in respect of current television licences and only in respect of full quarter(s) i.e. three consecutive calendar months of a television licence which is/are unexpired at the "effective" date¹ (unless otherwise stated i.e. refunds as a result of buying a replacement licence or in consequence of an Over 75 Licence being granted or applied for. These non-standard scenarios may receive a refund on the months used).

It is BBC policy that refunds will be considered in the following circumstances:

1. TV equipment is no longer in use
2. Covered by another licence
3. Licences purchased in error
4. Buying a replacement licence
5. Change of law
6. Blind concessionary refunds
7. Refunds in consequence of an Over 75 TV Licence/licence application

1. TV equipment no longer in use

Refunds can be given where the licensee ceases to use television receiving equipment at their address.

The licence must not be needed again before its expiry date.

2. Covered by another licence

Refunds can be given where the licensee moves from that address to another where they will be covered by someone else's licence (e.g. parents, partner).

3. Licences purchased in error

Refunds can be given in respect of licences which are purchased as a result of an error by the claimant, usually because the use of television equipment does not require that type of licence, e.g. bought colour licence when only required black and white. In this category, refunds can be given in respect of quarters of expired television licences, provided they were issued on or after 1 April 1991 and the applicant can provide these licences.

4. Buying a replacement licence

Refunds can be given where the licence holder no longer requires a licence because it has been replaced by a different type of television licence, either because of a change in the type of television receiving equipment being used, or for other reasons, for example, the licence holder moves to an address which is covered by a concessionary licence for persons who meet the relevant criteria (see the 'Residential Care' section in Chapter 9 'TV Licences for Special Circumstances').

A claim can be made if a licence holder:

- i) "trades in" a black and white licence for a colour one;
- ii) "trades in" a colour licence for a black and white one;
- iii) moves to an address which is covered by an "Accommodation for Residential Care" (ARC) licence (after confirmation of qualification has been provided);
- iv) applies for a Hotel, Mobile Units or Hospitality Area Licence to cover the address covered by his/her existing licence; or
- v) is included on an application for a multiple licence.

¹ The "effective" date will normally be the date of receipt of the refund application by TV Licensing less five working days (Monday to Friday, excluding Bank Holidays) or the date on the letter if later. However, if the claimant states a date from which the television licence was not needed which differs from the date he/she applies for a refund and which would make a difference to the refundable amount, and can provide satisfactory documentary evidence to support the earlier claim, then the stated date will be the "effective" date (but this does not apply to a claim based on a change of law). In the case of a refund payable as a result of the issue of an Over 75 TV Licence, the effective date will normally be the first of the month of the licence which is current at the time of issue or the first of the month of the 75th birthday whichever is the later; in the case of a refund payable to a person who has properly claimed the blind concession, the effective date will normally be the first of the month of the licence current at the time of the claim. In both of these cases however, refunds may be claimed on expired licences.

In this category, refunds can be given with respect to unexpired calendar months. If there is a delay in establishing eligibility for the replacement licence, refunds with respect to expired licences bought as a result of the delay may be considered, provided that the licence was issued on or after 1 April 1991.

5. Change of law

Refunds can be given when a television licence is no longer required as a direct result of a change in the law.

6. Blind concessionary refunds

A refund of up to half the licence fee (depending on whether the licence is a full fee or instalment licence) can be given if a licence holder has a blind certificate issued by a local authority or certificate from an ophthalmologist, but failed to claim the reduction for the blind when his/her (current) licence was bought (see section 'How To Apply for the Blind Concession' in Chapter 5 'Ways to Pay'). A person who has properly claimed a blind concession may also claim a refund on an expired licence, backdated to 1 April 2000 or the 1st of the month in which he or she became blind, whichever is the later.

The claimant must provide the licence and the certificate.

The usual rule that refunds must be paid to the licence holder only does not apply in this case. If the licence covers or covered the place where the blind person resides or resided throughout the relevant time, then a refund will be payable to the licence holder even if not the blind person (subject to satisfactory proof).

7. Refunds in consequence of an Over 75 TV Licence being granted or applied for

Refunds of months on a current licence will be payable automatically when an Over 75 Licence is issued (backdated to the beginning of the licence or the first of the month of the 75th birthday, whichever is the later). See section 'How To Apply for the Free Over 75 TV Licence' for further information on this licence.

However, no refund is payable on an Over 75 Licence.

If you would like a further information on our refund policy please contact:

The Refund Group
PO Box 410
TV Licensing
Bristol
BS99 5HP

8. Refunds for the value of TV Licence savings stamps

If you still have television licence savings stamps and wish to redeem their cash value, you can request a refund by sending your stamps to TV Licensing, Bristol BS98 ITL. Please do this by Special Delivery and remember to include your name, address, phone number and television licence number. Television licence savings stamps will always retain their cash value. For more information, please call **0870 241 6468**.

9. Poor television reception

Your television licence does not guarantee the quality of picture you receive. If you have any problems in relation to the reception of BBC programmes you should call **0870 0100 123** or write to BBC Information, PO Box 1922, Glasgow G2 3WT.

For all reception difficulties not directly related to BBC programmes, you can call OFCOM on 0845 456 3000 or visit **www.ofcom.org.uk**

If you prefer to write, the address is:

OFCOM
Riverside House 2A
Southwark Bridge Road
London SE1 9HA

Chapter 10

Enforcement and Prosecution Processes

Below is our policy on investigating offences related to television licensing and prosecuting where appropriate.

All offences are covered by this policy:

- s363 of the Communications Act 2003 (licence evasion offences)
- s5 of the Wireless Telegraphy Act 1967 (television dealer offences)
- related common law offences (e.g. incitement); and
- applications for and exercise of search warrants, including intentionally obstructing the exercise of a search warrant (s366 of the Communications Act 2003).

The BBC has a legal duty to enforce the television licensing framework.

TV Licensing will make a decision whether or not to prosecute or to put a case forward for prosecution (as appropriate in each jurisdiction) on a case by case basis. In England, Wales, Northern Ireland and the Isle of Man, TV Licensing carries out these prosecutions. However, in Scotland, prosecutions are carried out by the Procurator Fiscal and in the Channel Islands, TV Licensing refers the cases to the police.

Licence Evasion Offences (s363(2) and (3) of the Communications Act 2003)

We aim to help someone become properly licensed in the first instance, however prosecution, or pursuing prosecution, remains the final sanction.

Once the sales process has been exhausted without a licence sale and there is no reason to believe that a licence is not required, after considering the facts in each case, we will prosecute or pursue prosecution.

In relation to the prosecution process (whether prosecuting or reporting investigations to entities who may decide to prosecute as in Scotland and the Channel Islands) we will:

- begin the prosecution process (by seeking evidence of an offence) promptly and consistently.
- ensure that the prosecution process in any particular case is not delayed for any reason, for

example because of out-of-date artificial restrictions (e.g. guards) on the TV Licensing database.

- ensure that the prosecution process recommences promptly if a licence is not purchased following conviction.
- to pursue the appropriate offender. Evidence of licence evasion offences should be actively sought in cases where at any stage in the sales or prosecution process it becomes clear that it would be more appropriate to pursue someone other than the person living at the unlicensed address or the person interviewed.
- ensure that interviews are conducted in accordance with the Codes of Practice issued under the Police and Criminal Evidence Act 1984 in England, Wales and the appropriate criminal laws in Northern Ireland, Scotland, the Channel Islands and the Isle of Man.

The decision whether or not to prosecute or to pursue prosecution in any particular case (or in Scotland, the decision whether or not to refer the case to the Procurator Fiscal) will be made on the basis of a policy which:

- conforms to the Code for Crown Prosecutors (which includes a public interest test).
- ensures that the person prosecuted is the person who should reasonably be held responsible for buying the licence.
- ensures that the charge is for the appropriate offence.
- take a strict approach to subsequent suspected offenders (eg; where it has been necessary to apply for a search warrant, where there has been a deliberate act to avoid the purchase of a licence such as the purchase of a black and white licence when in possession of a colour set or the declaration that there is no set at an address when there is one).

Television Dealers (Wireless Telegraphy Act 1967)

Television dealers have an obligation to record information relating to the sale or hire of all television receiving equipment and to then notify the BBC of

these. It is our policy to do all that is necessary to exercise the right to information provided by the Wireless Telegraphy Act 1967. We will:

- seek to identify all “television dealers”.
- ensure television dealers understand the requirements and provide an opportunity for them to comply with the law.
- monitor compliance.
- seek evidence of any suspected non-compliance.
- prosecute the appropriate person in any case of a television dealer who fails to comply.

Other related offences

- It is our policy to enforce other related offences and to ensure the option of prosecution if there is a suspicion of any offence which might lead to the law being undermined (such as incitement or forgery), by actively seeking sufficient evidence of the offence.

Search Warrants

We will:

- ensure sufficient evidence of an offence to justify an application for a search warrant to be sought (as a last resort in cases where access is refused).
- apply for a search warrant where sufficient evidence is obtained.
- ensure that search warrants are exercised with respect for people and property and in accordance with any directions of the court.

Follow up queries

We hope this document has answered any concerns or queries you might have. If not, don't hesitate to contact us on **0870 240 3294** or via **www.tvlicensing.co.uk** and we will be happy to offer further assistance.