



TV Licensing Prosecution Code for Northern Ireland

Understanding our prosecution process

This leaflet gives you information about how we investigate and prosecute TV Licence offences in Northern Ireland. It outlines our prosecution process and covers how we make the decision to prosecute, how you can avoid it, and what to expect if you are prosecuted.

The law and you

You need to be covered by a TV Licence to:

- a) watch or record live TV programmes on any channel, or**
- b) download or watch BBC programmes on demand, including catch up TV, on BBC iPlayer.**

This could be on any device, including a TV, desktop computer, laptop, mobile phone, tablet, games console, digital box or DVD/VHS recorder.

Even if you access BBC iPlayer through another provider such as Sky, Virgin Media, Freeview or BT, you must be covered.

It is a criminal offence to use any TV receiving equipment in this way without a TV Licence.

Enforcing the law

We want to explain to you the process we go through with everyone who needs to pay for a TV Licence.

We first send letters or emails to occupants of all properties to remind them of the need to be properly licensed. As well as sending frequent letters, we may also try to make contact by phone.

If a property remains unlicensed, we may send an Enquiry Officer to investigate whether you are watching or recording live TV programmes on any channel, or downloading or watching BBC programmes on iPlayer illegally on any device.

We also have the authority to get a search warrant for an address if we have reasonable grounds to believe a TV receiver is being used illegally. We may also use detection equipment if other less intrusive and more cost-effective routes have been unsuccessful.

If we find evidence that you have been watching or recording live TV programmes on any channel, or downloading or watching BBC programmes on iPlayer illegally on any device, we will:

- **Conduct an interview** under caution.
- **Submit a report** of our findings to the Prosecution Team that reviews each case.

You can find out more about our enforcement and prosecution process at [tvlicensing.co.uk/visit](https://www.tvlicensing.co.uk/visit)

The decision to prosecute

We only prosecute as a last resort when all our other options have been exhausted. Our policy follows the principles of the Crown Prosecution Service (CPS) and for the purpose of Northern Ireland, takes account of the Public Prosecution Service Code for Prosecutors.

Before we go forward with prosecution, **a case must pass two tests:**

- 1. An evidence test** to ensure the evidence is strong enough for a realistic prospect of conviction.
- 2. A public interest test**, which considers factors such as the personal circumstances of the individual – for example, their health – and whether an alternative to prosecution could be offered.

The likelihood of prosecution

It is highly likely that you will be prosecuted – and still need to buy a TV Licence – if **any** of the following factors apply to you:

- You have a previous TV Licensing conviction or you have been considered for prosecution in the past.
- We have needed to use detection equipment and/or obtain a search warrant to gather evidence.
- You have made a false declaration of not needing a TV Licence.
- You have stated that you did not, or do not, intend to pay the licence fee when one was needed.

Alternative to prosecution

We may offer you the option to buy a TV Licence as an alternative to prosecution.

If we do, this will be confirmed in writing and you can then avoid prosecution if you either:

- Pay the licence fee in full, **OR**
- Set up a payment scheme and pay the minimum amounts shown in the table opposite.

For details of our range of ways to pay, please visit tvlicensing.co.uk or call 0300 790 6091.

If you set up a payment scheme, you will need to show you are committed to paying the full licence fee. Once you have paid the amounts shown in the table below, we will stop the prosecution process.

Payment scheme	Amount required	No. of weeks from visit date
Cash – weekly	£51.00	12 weeks
Cash – monthly	£53.00	12 weeks
Direct Debit – monthly	£53.00	12 weeks
Direct Debit – quarterly	£41.00	12 weeks
Simple Payment Plan – fortnightly	£24.58	12 weeks
Simple Payment Plan – monthly	£26.50	12 weeks

Remember, you need to continue meeting your payments. If you don't – or if you cancel your licence – we will continue with our investigation, which could lead to you being prosecuted. For certain types of TV Licence, such as those for hotels, accommodation for residential care and multiple sites, the applicable licence fee(s) must be paid in full.

Our prosecution will continue to the next stage if you have not paid the licence fee in full, or not made the minimum payments in the time period outlined in the table above, or if your licence is cancelled. If this is the case, and a summons is issued, then the only way to stop the prosecution is to pay for a licence in full, together with the summons server's costs and any missed payments for the period of unlicensed use, before your case is dealt with by the Judge.

The prosecution process

If the decision to prosecute has been made and you have either not been offered an alternative to prosecution or you have not made the payments required, you will be served with a summons.

The summons will be served on you in person or by post and will provide the date and time of a hearing in your local magistrates' court.

The summons will set out the charge and you will be provided with the evidence against you that the prosecution intend to rely on and any previous convictions that the court will take into consideration if you are found guilty.

You may write to the court in advance of the hearing or attend court on the day and submit your plea and any information you would like the court to take into consideration.

If you plead guilty, the Judge will sentence you based on the information provided by you and the evidence provided by TV Licensing.

If you plead not guilty, the case will be adjourned to another date for contest (trial) when you will be given the opportunity to challenge the prosecution evidence and to present your own evidence. You may also call any witnesses you would like to give evidence in support of your defence.

At the conclusion of the case the Judge will decide, based on the evidence, whether or not you are guilty of the charge.

If you do not attend or respond to the court then the hearing will go ahead without you and you may be found guilty in your absence.

If you are found guilty, you will be able to provide the court with any mitigating circumstances that you think the court should be aware of and a statement of your means.

Sentencing

If you are found guilty of the offence of using television receiving equipment without a licence, the Judge will decide the level of the fine. You may have to pay:

- A maximum fine of up to £1,000.
- An offender levy of £15.
- Compensation for the period of unlicensed use.
- Prosecution costs – the costs of the summons server of at least £21 for each attempt made to serve the summons and solicitors' costs, where this is considered appropriate.

You will also still have to buy a TV Licence, if you need one.



You cannot be sent to prison for a TV Licensing conviction. However, the court may decide to send you to prison for deliberately refusing to pay court fines.

Help with managing debt

There are some not-for-profit organisations that could help you. Their advice is free, confidential and independent.

- **Advice NI, Debt Action** – visit www.adviceni.net or call **0800 028 1881**.
- **StepChange Debt Advice (NI)** – visit stepchange.org/DebtadviceinNorthernIreland or call **0800 138 1111**.
- **Christians Against Poverty** – visit capuk.org or call **0800 328 0006**.

Taking your personal circumstances into account

If you have recently been visited by an Enquiry Officer, you may have told us about circumstances which you believe may be relevant. To ensure your circumstances can be considered, please provide written evidence within 21 days of the visit.

What circumstances will be considered?

The circumstances need to be serious enough that they have prevented you from buying a TV Licence or managing your day-to-day affairs – an illness or disability, for example. Only in extreme cases will your financial circumstances be the only factor considered in the decision to prosecute.

Who should provide the evidence?

All evidence must be in writing and provided by an independent person with expertise in that area, who will also need to provide their name, contact details and the capacity in which they are acting. For instance, if you have an illness or disability, the evidence must come from a qualified healthcare professional. The evidence should be provided on official documentation and must explain how your circumstances have prevented you from buying a TV Licence. The evidence may also explain any difficulties you have in managing your day-to-day affairs and the impact a prosecution could have on you.

How should the evidence be sent?

Evidence can be sent via email or the post.

If you're sending documents by post, please only send copies (not originals), as we are not able to return them. Please fill in the form overleaf and include it with your evidence.

If you choose to email, please include the same details as on the form, scan your evidence and email it to:

visit@tvlicensing.co.uk

What will happen after the evidence is sent?

Any evidence provided will be considered carefully before any decision to prosecute is made. Please note, you may still be prosecuted even if you have bought a TV Licence.

Use this form if you are posting evidence of your personal circumstances to us

Complete this form, tear it off, and include it in the envelope when you post copies of your evidence to us.

If you are sending us evidence by email, please also include the information below.

Interview reference number:

Found under the barcode on your Record of Interview form.

Full name:

Date of birth: __ / __ / ____

Address: _____

Postcode: _____

Signature: _____

Date: __ / __ / ____

Send copies of your evidence, together with this completed form, to:

**TV Licensing,
Customer Service Centre,
PO Box 88,
Darwen BB3 1WZ**

TV Licensing (including the BBC as the data controller, and its suppliers) will only use the personal data you provide to help decide whether to prosecute you for the offence of using a TV receiver without a licence and in connection with that prosecution. We will not share it with anyone else unless required or permitted to do so by law. To find out more, visit [tvlicensing.co.uk/privacypolicy](https://www.tvlicensing.co.uk/privacypolicy)

For further information regarding a visit from an Enquiry Officer, or a potential prosecution for a TV Licensing offence, please visit **[tvlicensing.co.uk/visit](https://www.tvlicensing.co.uk/visit)**

If you have sight problems, you can get this information by email or in Braille, large print or audio by calling 0300 790 6076.

If you are deaf, hard of hearing or speech impaired, we support the Next Generation Text (NGT) Service. For more information see **[tvlicensing.co.uk/accessibility](https://www.tvlicensing.co.uk/accessibility)**