



Information Rights

bbc.co.uk/foi bbc.co.uk/privacy

Joyce Lawrence

Via email: request-593683-59604462@whatdotheyknow.com

22 August 2019

Dear Joyce Lawrence

Freedom of Information request – RFI20191275

Thank you for your request under the Freedom of Information Act ('the Act') dated 31 July 2019 seeking:

- 1) Could you please tell me if there is to be a change in the law as regards to allowing ARC ?licences.*
- 2) If so when ?*
- 3) What are the changes ?*

Response

The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. We are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded.

By way of background, the requirement to hold a TV Licence and to pay a fee for it is mandated by law under the Communications Act 2003 and Communications (Television Licensing) Regulations 2004 (as amended). The provision of Accommodation for Residential Care (ARC) concessionary licences is governed by this legislation.

Generally, the legal framework for television licensing remains the responsibility of the UK Government, but under amendments to the 2003 Act made in 2017, the BBC has power to establish age-related TV licence fee concessions, and as you will be aware, this power has been exercised. The BBC Board decided that any household with someone aged over 75 who receives Pension Credit will be eligible for a free TV licence funded by the BBC in respect of their sole or main residence. However, the relevant legislation specifically excludes from the BBC's power any authority to make changes to the ARC scheme: see sections 365(5B) and 365A(3)(b). The specific provisions of the ARC concessionary licence therefore remain a matter for the responsible government department; which is the Department for Digital, Culture, Media and Sport at 100 Parliament Street, London SW1A 2BQ.

Recorded information relevant to this request is available in the explanatory note attached to the BBC Determination on the Age-Related TV Licence Fee Concession which is published on the BBC website at the following web-link:

<http://downloads.bbc.co.uk/aboutthebbc/reports/consultation/age/determination.pdf>

As noted above, the ARC licence will not be affected by the changes being made to the government funded, free over 75 TV Licence scheme on 1 June 2020. This is subject to any changes the Secretary of State may make in the future.

Appeal rights

If you are not satisfied that we have complied with the Act in responding to your request, you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review and including your reference number. A request for an internal review must be made within 40 working days of receiving the BBC's response to your original request.

If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or see <https://ico.org.uk/>.

Yours sincerely

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BBC Legal

