

Withdrawal Of Implied Rights of Access (WOIRA)

- 7.11 A common law implied right of access to a property exists for anyone that has a legitimate reason to be on / visit the property. This implied right allows callers to come to the front door if they have legitimate business with the occupier. EOs have a legitimate purpose for their visits, to collect and enforce the TV Licence, and therefore have such an implied right of access.
- 7.12 An occupier of a property has the right to withdraw this implied right of access for certain people, or groups of people, to set foot on their property and knock on their door.
- 7.13 Withdrawn implied rights of access must be respected by TV Licensing since EOs would be committing trespass if they visited the address after the right of access had been withdrawn.

Existing WOIRA claimed

If a person being visited states that they have already withdrawn the implied right of access for TV Licensing officers to visit the premises, the EO should proceed as follows:

- 7.14 Apologise, and leave immediately assuring the person seen that the matter will be investigated.
- 7.15 Mark the visit as a reply code 9P
- 7.16 Add "Existing WOIRA claimed" in the 'Close Visit Comments' from the list of standard comments available
- 7.17 Full use should also be made of an additional notes form to report any other relevant information and/or comments concerning the visit
- 7.18 On receipt of the visit outcome Customer Relations will make appropriate checks of the address and write to the customer.

Customer states they are withdrawing TV Licensing's right of access

- 7.19 It is sometimes difficult to identify a WOIRA declaration, as opposed to a simple request just to leave for now and call back at another, possibly more convenient, time, etc.
EOs must be careful not to inadvertently lead a customer into making a WOIRA declaration, nor to interpret a request to leave 'for now' as a WOIRA declaration when, for example, the customer has just decided they do not wish to continue a discussion at the present time; e.g. possibly because of some difficult domestic circumstances, etc., at the moment, that means whilst it would be appropriate for the EO to leave for now, it would still be acceptable for a further visit to be made at another, possibly more convenient, time.
- 7.20 For guidance, some examples of typical wording that may constitute a WOIRA request, which will usually follow the person having said words like 'withdraw', 'revoke' or 'remove', are:
The / your / TV Licensing's right to visit
Common law right to visit
Implied right of access

TV Licensing Enforcement Visiting Procedures (Chapter 4 – Section 7) – Confirming
licensing position at address / Appropriate person to interview
Commercial In Confidence

In addition to this, if the customer mentions anything to do with "trespass" this will also usually indicate they are making a WOIRA declaration.

- 7.21 If you believe the person being visited is withdrawing the implied right of access for TV Licensing to make any further visits to their property, the EO should proceed as follows:
Leave immediately when asked to do so and if possible:
a) Try to gain the person's name if they are willing to provide it
b) Explain that you will report their request not to receive further visits from TV Licensing
- 7.22 Mark the visit as a reply code 9P
- 7.23 Enter "New WOIRA request" in the 'Close Visit Comments' from the list of standard comments available
- 7.24 Full use should also be made of an additional notes form to report any other relevant information and/or comments concerning the visit
- 7.25 On receipt of the visit outcome Customer Relations will correspond further with the customer to confirm their request