



Department for  
Digital, Culture,  
Media & Sport

## Consultation on decriminalising TV licence evasion

**5 February 2020**

# Table of Contents

<b>Consultation on decriminalising TV licence evasion</b>	<b>1</b>
Summary	3
The TV licence and the criminal sanction	5
The TV licence	5
The current enforcement scheme and criminal sanction	6
The Perry Review	7
The case for decriminalisation	8
Fairness and proportionality	9
Changes to the number and type of people required to buy a TV licence	11
Impact on the justice system	11
Information on alternative enforcement schemes	12
A civil enforcement scheme	12
Impacts of a civil enforcement scheme	13
Evasion rates	13
Set up and administration costs	14
Changes in how sanctions are decided	15
Impact on individuals	15
Consultation Questions	16
Responding to this consultation and what will happen	17
How to respond	17
Disclosure of responses and data protection	17
Next steps	18

## Summary

1. Under the Communications Act 2003, a television licence ('TV licence') is required to install or use a television receiver. Everyone in the UK, and the Crown Dependencies, who watches or records television from any provider as it is broadcasted, and/or who watches content on BBC iPlayer, whether it is on television sets, computers or other devices, is required to be appropriately licenced. The Government has committed to the TV licence model and the circumstances under which a TV licence is required for the rest of the current Royal Charter (the Charter) period, which will end on 31 December 2027.<sup>1</sup>
2. Currently, a person who installs, uses a television receiver or watches content on BBC iPlayer without a TV licence is guilty of a criminal offence. This is known as TV licence evasion. TV licence evasion in and of itself is not an imprisonable offence and will not lead to a criminal record in most cases. However, non-payment of the fine imposed, following a criminal conviction, could lead to risk of imprisonment.
3. The BBC, operating under its trademark TV Licensing, is responsible for collecting and enforcing the TV licence. It uses a range of methods to encourage people who require a TV licence to purchase one; it says that imprisonment is a 'last resort' option for the court where all other methods of enforcement have been unsuccessful.<sup>2</sup> Even then, imprisonment where there has been a default in the payment of a fine will only occur following a formal inquiry into the offender's ability to pay.
4. The way in which the TV licence requirement is enforced was considered most recently in the 2015 '*TV Licence Fee Enforcement Review*', led by David Perry QC (the Perry Review). The Perry Review, which was required under section 77 of the Deregulation Act 2015, looked at whether TV licence evasion should be decriminalised and replaced with a non-criminal alternative enforcement scheme. The Perry Review noted that this was a nuanced decision and concluded, together with other recommendations, that under the TV licence model at the time, the current form of criminal deterrence and prosecution should be maintained.<sup>3</sup>
5. The current collection and enforcement model was subsequently confirmed in the Government's White Paper '*A BBC for the future: a broadcaster of distinction*' (the White Paper) in 2016.<sup>4</sup> However, the Government believes that it is right to look again at whether the criminal sanction remains appropriate for TV licence fee evasion given ongoing concerns that the criminal sanction is unfair and disproportionate.

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<sup>1</sup> The Royal Charter is the constitutional basis for the BBC. It sets out the BBC's Object, Mission and Public Purposes. The Charter also outlines the BBC's governance and regulatory arrangements, including the role and composition of the BBC Board.

<sup>2</sup> [TV Licence Enforcement Review: Submission from the BBC in response to consultation](#), April 2015, paragraph 3.2.

<sup>3</sup> [TV Licence Fee Enforcement Review](#), page 8.

<sup>4</sup> '[A BBC for the future: a broadcaster of distinction](#)', May 2016.

6. It has been five years since the Perry Review, and the broadcasting landscape has changed. For example, a TV licence was not required to watch or download content on the BBC iPlayer in 2015. Further, following the BBC's decision on the future of the over 75 licence fee concession from June 2020, some vulnerable people in the UK will soon become liable to face TV Licensing enforcement procedures; some for the first time since 1999. The Government has made clear that it is disappointed with the BBC's decision to restrict the over 75 licence fee concession only to those in receipt of Pension Credit. The Government recognises the value of free TV licences for over 75s and believes they should be funded by the BBC.
7. This consultation therefore seeks views on whether the Government should proceed with the decriminalisation of TV licence evasion by replacing the criminal sanction with an alternative civil enforcement scheme.
8. In deciding whether to decriminalise TV licence evasion, and considering how this could happen, the Government's objectives and determining factors will include:
  - a. whether an alternative, non-criminal enforcement scheme is fairer and more proportionate;
  - b. the cost and difficulty to implement any alternative scheme;
  - c. the potential impact on licence fee payers, particularly the most vulnerable and those with protected characteristics; and
  - d. the overall impact on licence fee collection.
9. **This consultation is not considering any other changes to the TV licence. Information given in these areas may be disregarded.**
10. The Government expects that any changes to the enforcement of the TV licence would take effect in the upcoming licence fee settlement period. This is due to begin in April 2022 and last for a period of at least five years. The Government will therefore work closely with the BBC and TV Licensing to ensure that any changes will be delivered in a manageable and efficient manner. The Government will consider the future of the TV licence model ahead of the next Charter.
11. This consultation will be open for a period of eight (8) weeks. The Government will then consider carefully the responses and expects to publish a response by summer 2020. Subject to the findings of this consultation, the Government may need to consult further on the detail of any potential changes to the current enforcement model before taking a final decision.
12. The closing date and time for responses is 5pm on 1 April 2020.

## The TV licence and the criminal sanction

13. This section of the consultation provides background information on the TV licence. It also explains the current criminal sanction, the current enforcement procedure and provides more information on how the system works.

## The TV licence

14. Everyone in the UK, and the Crown Dependencies, who watches or records television from any provider as it is broadcasted, and/or who watches content on BBC iPlayer, whether it is on television sets, computers or other devices, is required to have a TV licence. Money collected from payment of the licence fee is given primarily to the BBC in order to fund the BBC's UK television, radio and online services, as well as the World Service. However, while a substantial proportion of the licence fee goes to the BBC, licence fee revenue is also used to support other strategic public service objectives, including local television and S4C (the Welsh language broadcaster).
15. The requirement for a TV licence and what activities it covers are set out in legislation.<sup>5</sup> The TV licence model is usually reviewed during the process called the BBC Charter Review, where the Government agrees what the BBC's mission should be for a ten or eleven-year period. The last Charter Review in 2015/16 considered the licence fee model, the enforcement of this model and set the current arrangements until the end of 2027.
16. The TV licence is currently administered and enforced by the BBC under its trademark TV Licensing, which works with other partners to collect and enforce the requirement. Under the Charter, it is the responsibility of the BBC Board to make sure that arrangements for the collection of the licence fee are '*efficient, appropriate and proportionate*'.<sup>6</sup>
17. The level of the licence fee is controlled by the Government through legislation. In 2015, the Government and the BBC agreed a five-year licence fee funding settlement which began in 2017. The settlement provides for the licence fee to increase each year from 2017 in line with CPI inflation: in 2019/20, the cost of a colour TV licence is £154.50 and the cost of a black and white TV licence is £52.00.
18. There were 25.9 million licences in force around the UK in 2018/19, including those issued under a concession scheme.<sup>7</sup> Income generated from the licence fee in 2018/19 was £3.69 billion.<sup>8</sup>

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<sup>5</sup> Sections 363 to 365A of the Communications Act 2003 and the Communications (Television Licensing) Regulations 2004.

<sup>6</sup> [The BBC Charter](#), Article 20(7)(b).

<sup>7</sup> [BBC Television Licence Fee Trust Statement for the year ending 31 March 2019](#), page 6.

<sup>8</sup> [BBC Group Annual Report and Accounts 2018/19](#), page 202.

## The current enforcement scheme and criminal sanction

19. Under the terms of the Communications Act 2003, it is a criminal offence to install or use a television receiver without holding a TV licence.<sup>9</sup> The offence has a maximum penalty of a fine, which in most cases does not go on an individual's criminal record. Given this, no one is sent to prison for not having a TV licence. However, if a person wilfully refuses to pay the fine despite repeated warnings, they may be imprisoned for non-payment of that fine.
20. TV Licensing will attempt to contact someone whom it suspects may require a TV licence through letters and calls. It then carries out the investigation as to whether someone has committed a TV licence offence following the established code of conduct and other guidelines.<sup>10</sup> Enquiry officers will give a caution to an individual if there are grounds to suspect that an offence has been committed. A court may grant a warrant to enter and search a premises under certain circumstances. TV Licensing sets out on its website more information about how it investigates TV licence evasion.<sup>11</sup>
21. TV Licensing can then bring a prosecution for an offence. It must adopt the approach in the Code for Crown Prosecutors in doing so; it must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction (known as the evidential test). Where this is satisfied, TV Licensing must also then consider whether the prosecution is required in the public interest (known as the public interest test).
22. If the courts find that the offence of evasion has been committed, the maximum sentence available is known as a Level 3 fine, which is currently set at a maximum of £1000. The penalty in an individual case is decided with regard to the Magistrates' Court Sentencing Guidelines and will take into account the means of the offender and the circumstances of the case. In 2018, 121,203 people were convicted and sentenced for evasion of the requirement to hold a TV licence.<sup>12</sup> The average fine to these offenders was £176.<sup>13</sup>
23. Typically, the enforcement of criminal fines is allocated to a fines officer, employed by Her Majesty's Court and Tribunal Service (HMCTS). They have the discretion to tailor the approach to enforcement to an individual's means, including the ability to allow payments by instalments, and the use of a range of enforcement methods such as attachment of earnings or benefits, and removal of goods by bailiffs.<sup>14</sup> Imprisonment

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<sup>9</sup> [Section 363 of the Communications Act 2003](#) states that: '(1) A television receiver must not be installed or used unless the installation and use of the receiver is authorised by a licence under this Part.(2) A person who installs or uses a television receiver in contravention of subsection (1) is guilty of an offence.' This includes the use of BBC iPlayer.

<sup>10</sup> See TV Licensing, [Visits, prosecutions and fines](#).

<sup>11</sup> More information on TV Licence evasion and enforcement can be found on the [TV Licensing website](#).

<sup>12</sup> [Criminal Justice System statistics quarterly: December 2018](#)

<sup>13</sup> [Criminal Justice System statistics quarterly: December 2018](#)

<sup>14</sup> Schedule 5 to the Courts Act 2003.

is only pursued as a matter of last resort; and (unless the court considers that the offender is unlikely to remain at one abode in the UK long enough to enable enforcement by any other method) the court must first be satisfied beyond reasonable doubt that failure to pay is due to wilful refusal or culpable neglect, and that all other methods of enforcement have been considered or tried.<sup>15</sup>

24. All TV licence evasion cases that are prosecuted are dealt with in the Magistrates' Court. As the question of whether a person has a TV licence is an easily determined fact, and given the Communications Act 2003 is clear about when a TV licence is required, the options for contesting a case in court are limited. As a result, whilst such cases presented to the Magistrates' Court are high in volume, they are seldom contested and are efficiently disposed of. They are often dealt with by way of the Single Justice Procedure (by a single Magistrate on the papers and not in open court).
25. As set out above, TV licence evasion in and of itself is not an imprisonable offence and it will not lead to a criminal record in most cases; it is the non-payment of a fine imposed for TV licence evasion that may lead to imprisonment. In 2018, five people were imprisoned for default of payment of the fine, with an average sentence length of 19 days; it is possible that these five cases would have involved other criminal offences that were dealt with at the same time.<sup>16</sup> It is also not unusual for people receiving custodial sentences for unrelated offences to request that outstanding and defaulted fines and other matters are dealt with together.
26. There are differences to this process where prosecutions are brought under different legal jurisdiction. For example, in Scotland, TV Licensing passes information to the Procurator Fiscal who decides whether or not to prosecute.<sup>17</sup>

## The Perry Review

27. Decriminalisation of TV licence evasion has received frequent political attention and attracted support in Parliament. During the passage of the Deregulation Bill in 2015, the Coalition Government supported an amendment which required a review of the enforcement scheme for TV licence evasion. This legislation led to the Perry Review.
28. The Perry Review explored the current criminal offence scheme and set out a range of alternative enforcement schemes for the TV licence within the TV licence model, including the option of retaining the criminal offence with no changes.<sup>18</sup> The Review asked for evidence and opinions on the options in a public consultation and received

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<sup>15</sup> Section 82 Magistrates Court 1980. [The TV Licence Fee Enforcement Review](#), July 2015, page 105, paragraphs 17- 21.

<sup>16</sup> In England and Wales for a primary offence. Information on these offences has been published by the [Ministry of Justice in response to an FOI request](#).

<sup>17</sup> [The Perry Review](#), page 101.

<sup>18</sup> [The Perry Review](#) considered six options: retaining the current criminal enforcement system; reform of the current system; an out-of-court settlement; a fixed monetary penalty; a civil monetary penalty or a civil debt.

responses from the BBC, Governments in the Crown Dependencies and a range of stakeholder bodies among others.

29. The Review concluded in July 2015, finding that *‘the current system of criminal enforcement should be maintained, at least while the method of licence fee collection remains in its present form’*.<sup>19</sup> The Review made a range of other recommendations.
30. The Review highlighted the advantages and disadvantages of changes to enforcement within the licence fee model, including options to decriminalise evasion and introduce a civil penalty instead, noting that significant concerns and costs to the BBC and the taxpayer should be examined if wider changes were reconsidered.
31. The TV licence model and the way in which it is enforced was then considered as part of the review of the BBC Charter in 2015/16. In doing so, the Government (under David Cameron) considered the recommendations of the Perry Review. The Government stated in the White Paper that the licence fee model would be maintained until 2027.<sup>20</sup> While, at that point, the Government accepted the recommendation of the Perry Review not to decriminalise TV licence evasion, it did not endorse the criminal sanction.
32. The Government has considered the evidence and recommendations presented in the Perry Review in assessing whether there is a case for decriminalisation. For the reasons set out below, the Government believes there may now be a case for considering whether a different conclusion should be reached.

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<sup>19</sup> [The Perry Review](#), page 3.

<sup>20</sup> [The White Paper](#), page 92.

## The case for decriminalisation

33. This section of the consultation document looks at the case for decriminalising TV licence evasion. In deciding whether to decriminalise TV licence evasion, and considering how this could happen, the Government's objectives and determining factors will include:
- a. whether an alternative, non-criminal enforcement scheme is fairer and more proportionate;
  - b. the cost and difficulty to implement any alternative scheme;
  - c. the potential impact on licence fee payers, particularly the most vulnerable and those with protected characteristics; and
  - d. the overall impact on licence fee collection.

## Fairness and proportionality

34. Criminal penalties are an important part of the justice system, representing the means to penalise those who commit an offence which is against the laws of the United Kingdom. However, it is essential in a just and democratic society that such penalties are appropriate and are perceived as a fair punishment for the crime committed.
35. It is already government policy to avoid the proliferation of unnecessary criminal offences, and ensure that alternatives are considered where appropriate, provided they are effective, dissuasive and proportionate.
36. The Perry Review acknowledged this issue in relation to TV licence evasion, referring to, *"a concern that the criminal nature of the current regime is not a proportionate response to the problem of licence fee evasion. In particular, it was suggested that the availability of a criminal prosecution, with a financial penalty on conviction, and the possibility of imprisonment in default of payment, was not comparable to the sanctions for non-payment of utility service bills, such as water, gas and electricity"*.<sup>21</sup>
37. Similarly, in February 2015, the House of Commons Select Committee Report 'Future of the BBC' concluded that, *"the justification for criminal penalties for non-payment of the TV licence fee and the way TV licensing enforcement is carried out is anachronistic and out of proportion with responses to non-payment for other services"*.<sup>22</sup>
38. The Perry Review also noted that the criminal sanction was seen as particularly disproportionate for some social groups, including women and those on low incomes. TV Licensing undertook a review of enforcement practices following the conclusion of the Perry Review which found that, *'there is strong evidence demonstrating that the*

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<sup>21</sup> [The Perry Review](#), page 10.

<sup>22</sup> 4th Report - [Future of the BBC](#), HC 315, page 3.

*majority of the factors contributing to this disparity are driven by circumstances which are outside TV Licensing's control".<sup>23</sup>*

39. Resolving some of these issues will not be possible until the Government next reviews the TV licence model ahead of the next BBC Charter. However, decriminalisation may reduce the impact of any disparity against certain social groups including women, the most vulnerable and those with protected characteristics by changing the consequences for evasion. It is therefore appropriate to consider these factors in this consultation and the Government welcomes evidence on these points.
40. The Government also remains concerned about how the risk of criminal prosecution is portrayed in the way in which TV licence evasion is investigated by TV Licensing and its agents. The Perry Review recommended that TV Licensing should consider *"changing the tone and content of its written communications with households so as to ensure that they are expressed in reasonable terms and can be easily understood"*.<sup>24</sup> TV Licensing has taken action following this recommendation and it now makes available its Prosecution Code to members of the public.<sup>25</sup>
41. Despite this, concerns continue to be raised in letters to Members of Parliament from individual citizens and organisations, including charities, about the wording, images and format used by TV Licensing in its communications.
42. The Government recognises and accepts that enforcement must involve contact with individuals and organisations, and that this would remain the case under an alternative civil enforcement scheme. However, the Government remains concerned that, combined with the threat of a criminal prosecution, such enforcement approaches may appear disproportionate, heavy-handed and may cause considerable stress and anxiety, in particular to the most vulnerable in society.
43. The Government is also aware that there can be some confusion over which activities require a TV licence and which do not, especially when such services are offered on the same platform. For example, a TV licence is not required for accessing on-demand content on ITVHub, All4 or My5; but, a licence is required for watching live (or almost live) content on these platforms. Similarly, a TV licence is now required for watching live sporting events on Amazon Prime, despite a TV licence remaining unnecessary for on-demand programmes on the same platform. In cases where individuals were unaware they needed a TV licence, a criminal sanction could be considered as disproportionate.

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<sup>23</sup> [TV Licensing Gender Disparity Report](#), dated December 2017, page 2. Women form the majority of defendants in prosecutions for licence evasion.

<sup>24</sup> [The Perry Review](#), page 8.

<sup>25</sup> The [TV Licensing Prosecution Code](#) can be found on the TV Licensing website.

## Changes to the number and type of people required to buy a TV licence

44. The BBC announced in June 2019 that only people who are aged 75 and above and in receipt of Pension Credit will continue to receive a free TV licence from June 2020. The BBC estimates that up to 3.75 million people aged over 75 may be required to purchase a TV licence as a result of this decision.<sup>26</sup>
45. The BBC has set out measures to help those aged over 75 with this transition, but the Government remains concerned that the impact of TV licence enforcement and the risk of criminal sanctions could be disproportionate on this group in particular.
46. To help mitigate this, the Government, for its part, is taking action to support those who may otherwise face enforcement methods to remain appropriately licensed. To help reduce the burden of the licence fee on the most vulnerable, the Government has announced that it will introduce the 'Simple Payment Plan' on an ongoing basis as recommended by the BBC, to be available for eligible customers from 1 April 2020. This will offer flexible fortnightly or monthly payment options for vulnerable eligible customers without the need to pay for the first year's licence upfront (known as 'front-loading'). The Government will consider whether this payment plan may be extended further to increase flexibility and convenience for all licence fee payers.

## Impact on the justice system

47. Decriminalisation of TV licence evasion and replacement with a civil enforcement scheme would move cases from the criminal justice system into the civil justice system.
48. In 2018, there were 129,446 prosecutions for TV licence evasion, resulting in 121,203 convictions.<sup>27</sup> The vast majority of TV licence evasion cases are dealt with under a very efficient procedure in the Magistrates' Court – the Single Justice Procedure – taking an average of two minutes each to complete. It is estimated that the majority of Single Justice Procedure cases are listed and completed at the Magistrates' Court on the same day.
49. While significant savings in criminal court resources are therefore not anticipated from moving from a criminal justice to a civil justice enforcement scheme, as set out above, the Government nonetheless believes the civil justice system is a more appropriate forum for these cases given the nature of the offence.

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<sup>26</sup> BBC, [Age-Related TV Licence Policy Decision Document](#), page 5.

<sup>27</sup> [Criminal Justice System statistics quarterly: December 2018](#) "Outcomes by offence".

## Information on alternative enforcement schemes

50. This section of the consultation sets out information on potential alternative enforcement schemes and the implications which would need to be considered in responding to this consultation.

### A civil enforcement scheme

51. The two non-criminal enforcement schemes most commonly identified as replacements for the TV licensing offence are: **a civil monetary penalty or treatment as a civil debt**. These schemes were also considered in the Perry Review, alongside an out-of court-settlement option or fixed penalty notices (FPN) system, which this consultation does not cover, as these options involve retaining a criminal offence.
52. A **civil monetary penalty** involves the repeal of the TV licensing offence and in its place the creation of a statutory obligation to have a TV licence and the introduction of a financial penalty for failure to comply with this obligation (i.e. for not having a TV licence when one is required).
53. Examples of other civil monetary penalties include penalty charge notices (PCNs) issued in relation to traffic infractions, including parking fines and unpaid congestion charges.
54. Following receipt of a penalty notice, the recipient has a period of time to pay the amount claimed (typically 28 days, potentially with a discount for early payment). As with a parking charge notice, an individual would have the opportunity to challenge the penalty notice, and if unsuccessful, a right to appeal that decision (potentially through an independent adjudicator).
55. Under this option, if a penalty notice remained unpaid, the licensing authority could take steps to enforce the charge. The majority of unpaid penalty charge notices for parking and congestion charge infractions are passed to private enforcement agents (bailiffs).<sup>28</sup> Alternatively, the licensing authority could apply to the court for enforcement. Additional enforcement procedures available through the court include the use of attachment of earnings orders and charging orders.
56. Alternatively, following the repeal of the TV licensing offence, the TV licence fee could be treated as a **civil debt** recoverable through a money claim in the civil courts. For example, this is currently the case for unpaid utility bills, where as a matter of last resort, a debtor may be taken to the County Court, and if liability is proven an order may be made requiring payment of the debt and any costs incurred. Another

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<sup>28</sup> There are different types of bailiffs. Private enforcement agents charge fees to the debtor, as set out in the Taking Control of Goods (Fees) Regulations 2014.

alternative would be to enable the debt to be pursued through the Magistrates' Court, as is the case for unpaid council tax.

57. Under this option, if the debt remained unpaid, the licensing authority could take steps to enforce the charge through the civil courts. The enforcement methods available would depend on the value of the debt and the court used, but they could include taking control of goods by enforcement agents (bailiffs), the use of attachment of earnings orders and charging orders.<sup>29</sup>
58. The Ministry of Justice (MoJ) is currently reviewing the enforcement agent (bailiff) industry to make sure that enforcement remains effective but does not subject people, especially the vulnerable, to aggressive action. Following a call for evidence last year, MoJ will shortly set out its reform package. It has already announced that it intends to make body-worn cameras mandatory for enforcement agents, to protect both those in debt and the agents themselves. It is also considering further measures to ensure that individuals are treated fairly, including strengthening the regulation of the industry and improving the effectiveness, transparency and independence of the complaints system.

### Impacts of a civil enforcement scheme

59. There will be a range of challenges moving from a criminal to a civil system of enforcement. The key points are captured below. If the Government is minded to move to decriminalisation of the licence fee, a further consultation may be needed to set out in detail the implications of this change.

### Evasion rates

60. The introduction of a civil enforcement scheme would be likely to have an impact on evasion levels - the number of people who do not pay for a TV licence when one is required. Moving from a criminal to a civil system of enforcement could create an impression that non-payment of the licence fee is now regarded as less important. Under the current scheme, the BBC has successfully reduced TV licence evasion to a low level when compared to similar countries in Europe. The 2018/19 TV licence evasion rate for the UK was 6.57%; significantly below the evasion rates for Italy and Ireland according to the most recently-available information.<sup>30</sup>

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<sup>29</sup> County Court bailiffs are employed by HMCTS. The creditor pays an upfront fee for enforcement which they may seek to recover from the debtor. County Court bailiffs do not charge the fees set out in the Taking Control of Goods (Fees) Regulations 2014. County Court Judgements over the value of £600 may be transferred to the High Court for enforcement. They may then be passed to a privately-employed High Court Enforcement Officer, who will charge fees as set out in the Taking Control of Goods (Fees) Regulations 2014.

<sup>30</sup> 18/19 UK evasion rate from TV Licensing Trust, [Television Licence Fee Trust Statement for 2018-19](#), page 4. Information from TV Licensing provided to BBC News reports in 2014 that the evasion rate in Italy was 26%, and Ireland had an evasion rate of 12%. [How is TV funded around the world?](#), accessed 07/01/20.

61. The Perry Review found that the threat of a criminal offence itself was a strong deterrent to TV licence evasion. As such, depending on the exact circumstances, the Review concluded that TV licence evasion rates could increase by up to 3.9% under a civil enforcement scheme.<sup>31</sup> The Perry Review estimated a likely increase in evasion could mean a loss of up to £156 million in licence fee revenue per year.<sup>32</sup> This would have an impact on the amount of money available to the BBC and S4C to provide the programmes and services. This could also lead to a sense of unfairness amongst those who continue to pay their licence fee.
62. However, the Perry Review made a number of assumptions that TV Licensing would not be able deal with increased evasion. Further consideration of this issue could identify methods to keep evasion low, even under a civil system. For example the Perry Review considered that a civil monetary penalty level of £500 could reduce the loss of licence fee revenue to £16 million a year.<sup>33</sup>

#### Set up and administration costs

63. The Government recognises that there will be set up and operational costs with moving from a criminal to a civil system of enforcement; this will also have different cost and resource implications depending on the legal jurisdiction in which the civil proceedings occur.<sup>34</sup> Northern Ireland, Scotland and the Crown Dependencies have separate legal systems to England and Wales.
64. Introducing an alternative enforcement scheme will have a direct impact on the justice system, the BBC and TV Licensing, and on government revenue. In addition to likely significant set-up costs, the ongoing cost of enforcement could also be higher, especially given the current procedure for handling TV licence evasion prosecutions is extremely efficient and the reduction in cost to the Magistrates' Courts will be very small. These changes will have a big impact on the BBC which estimates that moving to a civil enforcement scheme could cost £45 million more in collection costs.<sup>35</sup>
65. Concerns surrounding the costs of moving to a non-criminal TV licence enforcement system were set out in the Perry Review. It was argued that increased TV licence evasion and subsequent civil collection costs could significantly reduce the value for money for both licence fee payers and taxpayers. Collection of civil debts, in some instances, can be both expensive and difficult to achieve, potentially making it more cost effective to write off a certain level of evasion.<sup>36</sup>

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<sup>31</sup> [The Perry Review](#), page 83.

<sup>32</sup> [The Perry Review](#), page 83.

<sup>33</sup> [The Perry Review](#), page 95.

<sup>34</sup> England and Wales; Scotland; Northern Ireland; Jersey; Guernsey; and the Isle of Man.

<sup>35</sup> [TV Licence Enforcement Review: Submission from the BBC to consultation](#), April 2015, page 5.

<sup>36</sup> [TV Licence Enforcement Review: Ministry of Justice response](#), 28 April 2015.

### Changes in how sanctions are decided

66. The Government also recognises that the current enforcement regime has safeguards which allow the courts to mitigate the impact of fines and prosecution on the most vulnerable. Sentencing guidelines currently allow courts to consider individual circumstances and ability to pay, alongside the severity of the offence including whether it is a first-time offence, in deciding how to apply the sanction. These may not be available under a civil enforcement regime.

### Impact on individuals

67. There are also likely to be changes to the way in which individuals are affected by the enforcement regime, beyond removing the risk for individuals of receiving a criminal conviction and its perceived associated stigma.
68. Under a civil enforcement scheme, individuals may be required overall to pay more when facing enforcement action for TV licence evasion than in the current enforcement scheme. Depending on the model chosen, individuals may be liable for court fees for issuing a court claim and enforcing the court order, in addition to other enforcement costs such as fees for private enforcement agents if used. Furthermore the Perry Review said that, approximately to maintain current evasion rates through use of a civil monetary penalty, the BBC would need to set the financial penalty for evasion at a level of £500; significantly higher than the current average fine given for the offence.<sup>37</sup>
69. Depending on the type of civil enforcement scheme used, the unpaid debt may be entered onto the Register of Fines, Orders and Judgements, which could have an impact on an individual's ability to obtain credit.<sup>38</sup> It is also likely to lead to the use of enforcement agents (bailiffs) to enforce the debt, which may cause additional anxiety for individuals who may already be vulnerable.

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<sup>37</sup> [The Perry Review](#), page 67.

<sup>38</sup> While it is possible for an entry on the Register to be made following a criminal conviction, this is not currently done in practice.

## Consultation Questions

This consultation is concerned with whether to decriminalise TV licence evasion, and considering how this could happen. The Government's objectives and determining factors will include:

- whether an alternative, non-criminal enforcement scheme is fairer and more proportionate;
- the cost and difficulty to implement any alternative scheme;
- the potential impact on licence fee payers, particularly the most vulnerable and those with protected characteristics; and
- the overall impact on licence fee collection.

Considering these objectives and factors, together with the information set out in this consultation document and other information you believe appropriate, we invite respondents to answer the following questions:

1. Should TV licence evasion (the use or installation of a television receiver without a TV licence) no longer be a criminal offence? Why do you consider that TV licence evasion should no longer be a criminal offence?
2. If, alternatively, you consider that TV licence evasion should remain a criminal offence, why is this the case?
3. If you have a view, what alternative enforcement scheme models do you consider to be most appropriate? Why?
4. What steps could the Government take to mitigate any impacts that may result from decriminalisation of TV licence evasion?
5. Please provide any evidence you consider appropriate in answering these questions and any other information that you believe the Government should consider, especially where there is an impact on those with protected characteristics or the most vulnerable.

## Responding to this consultation and what will happen

### How to respond

This consultation covers the United Kingdom. We welcome comments from all stakeholders who may be interested. The consultation **will close at 5pm on 1 April 2020**. Please respond by completing a survey in the link below:

[Please click here to access the survey.](#)

Alternately please send your response to [tvlicensedecriminalisation@culture.gov.uk](mailto:tvlicensedecriminalisation@culture.gov.uk)

or post your response to:

Consultation on decriminalising TV licence evasion  
Media Team  
DCMS  
4th Floor, 100 Parliament Street  
London  
SW1A 2BQ

We are happy to provide a copy of this document in Welsh or alternative accessible formats. If you require a copy in an alternative format or if you have any questions, please get in touch at: [tvlicensedecriminalisation@culture.gov.uk](mailto:tvlicensedecriminalisation@culture.gov.uk).

### Disclosure of responses and data protection

- A. The Department for Digital, Culture, Media and Sport (DCMS), 4th Floor, 100 Parliament Street, London, SW1A 2BQ, is the data controller in respect of any information you provide in your answers. Your personal data is being collected and processed by DCMS, which processes your personal data on the basis of informed consent. We will hold the data you provide for a maximum of 2 years. You can find out more here:  
<https://www.gov.uk/government/organisations/department-for-digital-culture-media-sport/about/personal-information-charter>.
- B. We will process the names and addresses and email addresses provided by respondents, and information about which organisations respondents belong to, where this is provided. We will also process the information that you provide in relation to your views on the proposed changes contained in the consultation, which may of course include commercially sensitive data. When the consultation ends, we will publish a summary of the key points raised on the Department's website: [www.gov.uk/DCMS](http://www.gov.uk/DCMS). This will include a list of the organisations that responded, but not any individual's personal name, address or other contact details. All responses and personal data will be processed in compliance with the Data Protection Act 2018 and the General Data Protection Regulation.

- C. If you want some or all of the information you provide to be treated as confidential or commercially sensitive, it would be helpful if you could clearly identify the relevant information and explain why you consider it confidential or commercially sensitive. Please note that DCMS may be required by law to publish or disclose information provided in response to this consultation in accordance with access to information regimes: primarily the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Data Protection Act 2018 and the General Data Protection Regulation. If we receive any request to disclose this information, we will take full account of your explanation, but cannot give you an absolute assurance that disclosure will not be made in any particular case. We will not regard an automatic disclaimer generated by your IT system as a relevant request for these purposes.
- D. Once you have submitted your response to the consultation you will not be able to withdraw your answers from the analysis stage. However, under the Data Protection Act 2018 (and the General Data Protection Regulation), you have certain rights to access your personal data and have it corrected or erased (in certain circumstances), and you can withdraw your consent to us processing your personal data at any time.
- E. You have the right to lodge a complaint to the Information Commissioner's Office about our practices, to do so please visit the Information Commissioner's Office website: <https://ico.org.uk/concerns/> or contact the Information Commissioner at:
- Information Commissioner's Office  
Wycliffe House  
Water Lane Wilmslow  
Cheshire SK9 5AF  
[casework@ico.org.uk](mailto:casework@ico.org.uk) Telephone: 0303 123 1113 Textphone: 01625 545860 Monday to Friday, 9am to 4:30pm.
- F. If you need any further information please contact us:  
[dcmsdataprotection@culture.gov.uk](mailto:dcmsdataprotection@culture.gov.uk).

## Next steps

- G. A summary of responses and the Government's response to this consultation will be published in due course following the closure of the consultation. The Government's response will take all responses submitted to this consultation into account, and will be based on a careful consideration of the points made in consultation responses, not the number of responses received. Subject to the findings of this consultation, the Government may need to consult further on the detail of any potential changes to the current enforcement model before taking a final decision.
- H. Further information on the consultation principles can be found at <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>.
- I. We would welcome views on all aspects of the consultation paper.