



ALBA | CHRUTHACHAIL

UK Government Consultation – [Decriminalising TV licence evasion](#)

Submitted: March 2020

Consultation questions

1. *Should TV licence evasion (the use or installation of a television receiver without a TV licence) no longer be a criminal offence?*

It should no longer be a criminal offence

It should remain a criminal offence

Don't Know

2. *If you consider that TV licence evasion should remain a criminal offence, why is this the case?*

We consider that it should remain a criminal offence. We are of the view that the current systems in place deal with cases in an efficient manner which lead to few custodial sentences and allow for flexibility across the UK as appropriate to each judicial system. It is clear the current method has resulted in a low rate of TV licence evasion, allowing maximum revenue to be collected.

It is our view that decriminalising of TV licence evasion would have a serious impact on the revenue of the BBC, and therefore the Corporation's ability to commission high quality programming from across the United Kingdom for its network and local services. The Perry Review has estimated that the loss in revenue could be up to £156 million, if TV licence evasion were to become decriminalised, a significant loss in revenue.

It is clear that the current system is effective across all the nations. In Scotland prosecutions are brought by the Procurator Fiscal, who may decide to use an out of court disposal option and a defendant can avoid prosecution by agreeing to pay a set sum. This has resulted in a tiny minority of cases going to prosecution (six in 2017-18), with some 6,389 receiving a non-judicial disposal (Scottish Government, Criminal proceedings regarding TV Licence evasion: FOI release, <https://www.gov.scot/publications/foi-201900001045/>). Equally in England and Wales, it is clear that a custodial sentence is the absolute last resort and most cases are resolved quickly and efficiently in a way which takes into account the defendant's circumstances.

It has been shown, according to the evidence in the consultation paper, that criminalising non-payment of the TV licence has had a positive effect on the numbers paying the TV licence, leading to the UK having one of the lowest rates of non-payment in Europe, sitting at 6.57% in 2018/19, compared to 12% in Ireland and 26% in Italy (Department for Digital Culture Media and Sport, Consultation on decriminalising TV licence evasion:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863584/Consultation_on_decriminalising_TV_licence_evasion.pdf , 5 February 2020, p.13).

In addition, a number of costs would accrue for the BBC and those accused on non-payment if moving to a civil system, leading to yet more loss of revenue for the Corporation, further undermining its ability to commission original content. The submission of the BBC to the TV Licence Review in 2015 stated that “...we estimate that a move to a civil model would likely result in a financial impact on licence fee payers of around £200m per annum: lost income at c.£150m and increased collection costs at c.£45m. This would virtually double the current cost of evasion, and outweigh any financial savings to the magistrates’ courts from a move to a civil system. We estimate that the costs to the courts of enforcement, under the current system, are largely or wholly borne by those who evade through the payment of financial penalties.” (TV Licence Enforcement Review, Submission from the BBC in response to consultation (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445844/45_2015_04_24_-_BBC_RESPONSE_TO_CONSULTATION.pdf, April 2015, p.5).

3. If you have a view, what alternative enforcement scheme models do you consider to be most appropriate? Why?

N/A

4. What steps could the Government take to mitigate any impacts that may result from decriminalisation of TV licence evasion?

If the UK Government decides to decriminalise TV licence evasion, the major concern would be a sharp drop in revenue collected from payment of TV licences and an increase in costs for the BBC as the Corporation incurs the costs of taking cases through the civil courts. In this case, we would consider that the best step to mitigate this would be guarantee to provide equivalent funding which will fill this shortfall and provide a specific fund to ensure that cases can be taken to the civil courts.

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.

Maintaining the viability of independent public service broadcasters with journalistic integrity, like the BBC is crucial at this time where much of the public’s information comes from social media and other unverified sources. The BBC is central to the culture of the United Kingdom, providing both an essential platform for representation and much of the capital invested in original creative content produced by the UK’s highlight competitive independent production sector across television and film. The Scottish screen sector is particularly dependent on the BBC’s delivery against its public purpose to reflect, represent and serve the diverse communities of all of the United Kingdom’s nations and regions and, in doing so, support the creative economy across the United Kingdom. The anticipated drop in revenue should non-payment of the licence fee be decriminalised would have a serious impact on the BBC’s ability to deliver its vital public purposes.