



Statutory Document No. 81/93

**THE TV LICENCE (REFUNDS) SCHEME 1990 (AMENDMENT) SCHEME 1993**

*Approved by Tynwald*

16 March 1993

*Coming into operation*

1st April 1993

*Citation, commencement and interpretation*

1. This Scheme may be cited as the TV Licence (Refunds) Scheme 1990 (Amendment) Scheme 1993 and shall come into operation on 1st April 1993.

*Amendment of the TV Licence (Refunds) Scheme 1990*

2. 1) The TV Licence (Refunds) Scheme 1990(a) shall be amended in accordance with sub-paragraphs (2) to (9).

2) For paragraph 1 (General Conditions of Entitlement) substitute -

"1.(1) Subject to the provisions of this Scheme a person who has made a claim under Part II and who, at the date of claim

- (a) is or has a partner who is of pensionable age, and
- (b) is, or is treated under paragraph (2) as being, in receipt of supplementary benefit or, has a partner who is, or is so treated as being, in receipt of such benefit, and
- (c) either -
  - (i) is, on a day within the period of one month after that date, liable or is the partner of someone liable to pay a fee for a licence for a period beginning with that day, or
  - (ii) has or is the partner of someone who has, within the period commencing two months before and ending with that date, paid a fee for a licence for which he was liable for a period beginning within those two months

shall be entitled to a lump-sum payment equal to the amount of the fee payable or so paid.

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(a) G C 152/90

- (2) Where the claimant proves that there was good cause, throughout the period from the expiry of two months from the date on which his licence fee was due to be paid, for the failure to claim a refund under this Scheme before the date on which the claim was made, the period of two months referred to in paragraph 1(1)(c)(ii) shall be extended for the period for which good cause has been shown, but subject to a maximum extension of four months."
- 3) In paragraph 4 (Making a claim for a lump-sum payment) -
- (i) in sub-paragraph (1) after the words "made in writing to the Department" insert the words "or the Post Office."; and
  - (ii) in sub-paragraph (3) after the words "the Department" insert the words "or the Post Office".
- 4) In paragraph 6 (Date of claim) after the words "the Department" (where they twice appear) insert the words "or the Post Office".
- 5) For paragraph 8 (Time and manner of payment) substitute -
- "8(1) Subject to the following provisions of this Part, payment of a refund under this Scheme shall be made by one of the following methods -
- (a) The issue of a television licence, free of charge by the Post Office, or
  - (b) A lump-sum payment shall be paid by the Department in accordance with an award as soon as it is reasonably practicable after an award has been made, by means of an instrument of payment or by such other means as appears to the Department to be appropriate in the circumstances of any particular case.
- (2) In connection with sub-paragraph (1)(b), the Department shall take steps to notify persons to whom a lump-sum payment is payable of the arrangements it has made for payment."
- 6) In Part V after paragraph 12 insert -

"Claims received by the Post Office

- 12A(1) Where a person presents to the Post Office, within the period from one calendar month before he is liable to pay a fee for a TV Licence, to two calendar months after:-
- (a) his TV Licence renewal notice; and
  - (b) his retirement pension order book; and
  - (c) his supplementary benefit order book,
- and signs a form of declaration issued by the Post Office, that person shall be regarded as having made a claim for a refund under this Scheme.
- (2) The Post Office may determine that a person claiming a refund under the provisions of sub-paragraph (1) is entitled to a refund under this Scheme and may issue a TV Licence to that person, free of charge, to take effect from the renewal date indicated by the renewal notice, in lieu of such refund."

- 7) In paragraph 13 (Claims and questions to be submitted to an adjudication officer) in sub-paragraph (1) after the words "Subject to the provisions of this Part" insert the words ", but excluding claims made under the provisions of paragraph 12A,".
- 8) In sub-paragraph (1) of paragraph 14 (Appeals) for the words "paragraph 11(4)" substitute the words "paragraph 13(4)".
- 9) In paragraph 19 (Interpretation) after the definition of "pensionable age" insert the words "'Post Office" means the Isle of Man Post Office Authority;".

Made this 11th day of February 1993

B MAY M.H.K.

Minister for Health and Social Security

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**EXPLANATORY NOTE**

(This note is not part of the Scheme)

This Scheme, which comes into force on 1st April 1993, amends the TV Licence (Refunds) Scheme 1990 -

- (a) to provide for the Post Office to issue TV Licences free of charge in lieu of refunds under the Scheme, in certain cases, and
  - (b) to provide for the time limits for claiming refunds under the Scheme to be extended to a maximum of 6 months where it is shown that there is good cause for a delay in claiming.
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