

## WHAT SHOULD I DO WHEN THE TV LICENCE MAN CALLS?

***IT IS ONLY POSSIBLE TO OFFER GENERAL ADVICE IN THIS DOCUMENT. IF YOU ARE IN ANY DOUBT WHAT YOU SHOULD DO CONTACT A SOLICITOR IMMEDIATELY.***

The purpose of a visit from a Television Enquiry Officer is to gather information that you have a television, but that you do not have a licence.

You can always ask him to come back when you have had a chance to get some legal advice, before you answer his questions.

### **REMEMBER**

Television Enquiry Officers must interview you under caution, if they are to use their visit as evidence against you in court. The caution says:

***You do not have to say anything.***

*But it may harm your defence if you do not mention when questioned something which you later rely on in court.*

***Anything you do say may be given in evidence.***

*Do you understand?*

So, if you answer questions, those answers can be read out in court, but:

### **YOU DO NOT HAVE TO SAY ANYTHING**

This means "**anything**".

You do not have to tell the enquiry officer your name, you do not have to tell him whether or not you have a television, or if you live at the address, or if you have a licence.

### **WHAT WILL THEY ASK ME?**

No surprises here.

Television Licensing officers are not paid to think for themselves, they have a list of questions to ask in every case. They are:

Day/date:

Name:

Address:

Post Code:

Are you the occupier?

Do you have a television licence on the premises?

Do you have a licence?

*If no administer caution:*

*“You do not have to say anything.*

*It may harm your defence if you do not mention when questioned something which you later rely on in court.*

*Anything you do say may be given in evidence.*

*Do you understand?”*

Time of caution:

### **TELEVISION SET**

May I inspect the set?

Inspection details: Black and white/colour

Use?

Channels tested?

Was there a video recorder?

When was the set installed?

When did you first use the set without an appropriate licence?

When did you last use the set?

Do you have satellite or cable?

If yes which channels do you watch?

### **PERSONAL DETAILS**

What is your date of birth?

What is your occupation or status?

I have to tell you that you may be prosecuted for an offence under the Wireless Telegraphy Act 1949. Is there anything you want to say?

You will then be asked to buy a television licence, “without prejudice”, or in other words pay for a licence and still run the risk of being prosecuted.

They will then ask you to sign the interview record as accurate, but you don't have to do so.

### **THEY SAID IT MIGHT HARM MY DEFENCE IF I DON'T ANSWER QUESTIONS.**

You are being asked questions because they know you don't have a licence, but they don't know who you are, or if you are using a television. If you tell them who you are and you say you are using a television, they will usually take you to court.

If you don't tell them you stand a better chance of not being taken to court as they don't know who you are, or if you have a television. If they knew that in the first place there would be no need for them to call.

### **CAN THEY COME INTO MY HOME?**

They can only come into your home if you let them in (*Can I inspect the set?*), or if a magistrate grants them a search warrant. They will only get a search warrant if they can satisfy the magistrate there are reasonable grounds to suspect you have a television for use on the premises.

## **SO I ANSWERED THE QUESTIONS AND NOW I'VE GOT A SUMMONS. WHAT CAN I DO?**

### **CAN I GET LEGAL AID?**

Every one is entitled to receive a public funding certificate to cover magistrates' court proceedings free of charge, even if they are a millionaire.

If you want advice, you need to see a solicitor who deals in criminal law. Details of solicitors offering legal help can be found from the Legal Services

Commission, using their call centre number **0845 608 1122**, or using the web site [www.justask.org.uk](http://www.justask.org.uk). Alternatively look in yellow pages for any solicitor displaying the Criminal Defence Service logo.

If you are on income support, income based job seekers allowance, or working families' tax credit, you will qualify for free legal help before you go to court. You may also qualify for this help if you are on a low income. Many solicitors will offer you a free first interview anyway. Ask a solicitor for details.

### **CHECK WHEN THE SUMMONS WAS ISSUED.**

The Magistrates' Courts' Act 1980 allows the TV Licence authority 6 months to tell the magistrates' clerk they want a summons issued. If they are too late it's just too bad; they cannot prosecute you.

### **I WANT TO PLEAD "GUILTY" WHAT CAN I EXPECT?**

There are two ways of pleading guilty. You will have received a form with your summons that you can return to the court, saying that you want to plead guilty, or you can attend the hearing.

### **DOES IT MAKE ANY DIFFERENCE IF I TURN UP?**

Television licensing courts expect to get through 60 – 70 cases in a court session. They do not expect many people to turn up and they expect most of those who do not come to plead guilty by letter. If they don't do that, and don't attend, the TV Licensing officers will ask to have the case "proved in absence". This means that the statement that the TV Enquiry officer made when he visited you and his "interview" will be read out. The magistrates will then find you guilty, and you will normally be fined £150 to £200 and ordered to pay the TV Licensing officers' costs (currently £45.00).

If you turn up and plead guilty, the magistrates must listen to what you have to say. They will probably fine you about the same amount and order you to pay the costs, but it will take them longer and they will have to consider your case in greater depth.

### **CAN I PLEAD NOT GUILTY?**

Yes; you can either use the form to tell the court you are "not guilty", in which case the magistrates will adjourn the case to a trial date, when you must attend, and the trial will take place.

You should plead "not guilty" if you do not have television receiving equipment installed, or if you had a licence when the enquiry officer called. If you were promised you wouldn't be prosecuted, or if you have any doubts what to do, you should see a solicitor.

### **I HAVE HEARD YOU PAY LESS IF YOU PLEAD GUILTY. IS THIS TRUE?**

You are supposed to be given a discount if you plead guilty, but the magistrates will still fine you, and they will fine you more for not having a television licence than they would have fined you if you had stolen something or hit someone in most cases.

**I HAVE HEARD THAT IT IS AGAINST EUROPEAN LAW TO BE FINED FOR NOT HAVING A TELEVISION LICENCE. IS THIS TRUE?**

The power of the TV Licence agency to prosecute people is being challenged in a number of test cases, which are based on European law. The result will not be known for some time. A solicitor can advise you how you can have your case challenged in the same way.