

The logo for The Authority for Television On Demand (ATVOD) features the letters 'ATVOD' in a bold, white, sans-serif font, centered within a solid black rectangular background.

ATVOD

THE AUTHORITY FOR TELEVISION ON DEMAND

Year Two Fee Tariff

**Regulatory fees for providers of On-Demand Programme
Services for the period 1 April 2011 – 31 March 2012**

Published 28 June 2011

Regulatory fees for providers of On-Demand Programme Services for the period 1 April 2011 – 31 March 2012 are set out below

| | First service | Additional services (per service) | Maximum fee (per provider) |
|--|---------------|--------------------------------------|-------------------------------|
| Standard rates | | | |
| Super A Rate (Provider revenue > £25.9m) | £10,350 | £800 | £25,000 |
| A Rate (Provider revenue > £6.5m) | £5,175 | £800 | £25,000 |
| B Rate (Provider revenue £6.5m or less) | £800 | £400 | £25,000 |
| Concessionary rates | | | |
| Non-commercial (charities, community interest companies, not for profit companies acting in the public interest) | £100* | £100* | N/A** |
| Commercial micro-scale (Provider revenue > £50,000) | £150* | £150* | N/A** |
| Commercial small-scale (Provider revenue > £100,000) | £200* | £200* | N/A** |

* no fee will be levied if a new service would qualify for a concessionary rate, closes within the first three months of operation and no breaches of the Rules are found to have occurred. This temporary waiver will apply only if the service provider has, prior to launching the service, received from ATVOD confirmation of its qualification for a concessionary rate and has submitted to ATVOD a completed notification form for the new service.

** given the lack of evidence suggesting that very large numbers of services are being provided by individual service providers who would qualify for a concessionary rate, we have not set a maximum fee per provider at this time. However, we reserve the right to introduce such a cap at a later date should circumstances require it.

For those qualifying for a concessionary rate or Rate B, ATVOD will also accept payment by quarterly instalments.

A service provider will be liable for the Super A Rate unless they establish to the satisfaction of ATVOD that they have a turnover or status which qualifies for a lower rate as follows:

Qualification for Rate A

Qualification for Rate A will be established if the service provider can demonstrate to ATVOD's satisfaction that the **service provider** had an annual turnover of not more than £25.9 million in the last accounting year for which figures are available.

Qualification for Rate B

Qualification for Rate B will be established if the service provider:

- a) can demonstrate to ATVOD's satisfaction that the **service provider** had an annual turnover of not more than £6.5 million in the last accounting year for which figures are available; or
- b) was in its first year of trading on 1 April 2011, or has commenced trading only after that date.

Qualification for the Non-Commercial Concessionary Rate

Qualification for the Non-Commercial Concessionary Rate will apply if the service provider can demonstrate to ATVOD's satisfaction that it

- a) is a registered charity; or
- b) is a community interest company; or
- c) is a not-for-profit company operating in the public interest (as demonstrated, for example, in the articles of association of the service provider); or
- d) is The Welsh Authority.

Qualification for the Commercial Micro-scale Concessionary Rate

Qualification for the Commercial Micro-scale Concessionary Rate will apply if the **service provider** can demonstrate to ATVOD's satisfaction that it:

- a) has no affiliation to a larger company¹; and
- b) satisfies one of the two conditions below:
 - (i) had a turnover of less than £50,000 in the last accounting year for which figures are available; or
 - (ii) is in the first year of trading and expect to have a turnover of less than £50,000 in that first year.

Qualification for the Commercial Small-scale Concessionary Rate

Qualification for the Commercial Small-scale Concessionary Rate will apply if the **service provider** can demonstrate to ATVOD's satisfaction that it:

- a) has no affiliation to a larger company²; and
- b) satisfies one of the two conditions below:
 - (i) had a turnover of less than £100,000 in the last accounting year for which figures are available; or
 - (ii) is in the first year of trading and expect to have a turnover of less than £100,000 in that first year.

Evidence required in order for ATVOD to consider whether the service provider has demonstrated to ATVOD's satisfaction that it falls within the relevant category:

Registered charities, community interest companies or not-for-profit companies operating in the public interest should provide documentary evidence of their status. For not-for-profit companies operating in the public interest, documentary evidence will include, but may not be limited to, the Articles of Association.

Other service providers registered with Companies House who wish to establish qualification for a lower rate should provide to ATVOD a copy of their filed accounts for the last year for which figures are available, or evidence that they were in their first year of trading on 1 April 2011 or have begun trading since 1 April 2011.

Service providers who are not registered at Companies House (e.g. non-UK companies, sole traders and unincorporated bodies) and who wish to establish qualification for a lower rate should provide equivalent evidence (e.g. the audited accounts of an unincorporated provider).

Evidence of qualification for a lower rate must be provided within 21 days of the date of this statement or the date of notification, whichever is later.

Opting for consideration as a group

¹ A service provider will be regarded as having an affiliation to a larger company if (a) a larger company has a 10% or greater stake in the service provider (in terms of ownership or voting rights), or (b) the Board of the service provider includes a representative of a larger company with an interest in the video on demand sector

² See footnote 1

Individual service providers may nominate themselves to be considered at group level for both banding and capping purposes. In such circumstances qualification for a tariff band will be established by reference to the annual turnover of the parent company and the total amount of fees paid by providers belonging to the same group will not exceed £25,000. For these purposes service providers will only be considered to be part of the same group if they are entities which are wholly and directly owned by the same parent company.