

PRIOR PERMISSION

Service Category: Call TV Quiz

Any provider that wishes to be involved in the provision of a premium rate service ('PRS') that falls within the definition below, and fulfils any of the key conditions outlined below, must have prior permission from PhonepayPlus before the service can commence operation. Prior permission will only be granted subject to the application of certain conditions as set out below.

Permission granted under this category of service is applicable to any services within this category.

Definition:

Premium rate Call TV Quiz services are defined as only those services which broadcast output (programmes, channels and tele-shopping) on television where:

- The primary functions and content of the entire output is participation in competitions by viewers.
- Viewers are invited to call or text a premium rate number to give their answer (normally either by being connected to the presenter or via a call-back).
- If viewers are not selected initially, they are informed accordingly and have the option to make repeat attempts.

Call TV Quiz services should not be confused with general broadcast TV output which may include a premium rate competition or vote as part of the editorial content, and which do not form a part of the definition of Call TV Quiz services.

General conditions:

- (i) All provisions of the [PhonepayPlus Code of Practice](#) ('the Code') (as far as they are applicable) apply to the service.
- (ii) PhonepayPlus may impose such further conditions as it may deem necessary upon reasonable notice.
- (iii) This permission certificate may be immediately revoked by PhonepayPlus at any time if any condition is breached.
- (iv) PhonepayPlus may revoke this permission certificate after giving reasonable notice.
- (v) That all platforms and connections to a Network operator that provide access to the service(s), and any other relevant services provided, are of adequate technical quality-

- (vi) The Level 2 provider must register the applicable premium rate numbers ('PRNs') with PhonepayPlus before the service commences. Once registered, any change to the PRNs must be registered within two working days.
- (vii) If, for any reason, the service fails to commence within six months from the date of this permission certificate; or, having commenced, does not operate for any continuous period of six months – then this permission certificate (in either case) will immediately cease to be in force.

Category-Specific conditions:

- (i) That the nature and the content of the service (including price and name) provided are as described within the application.
- (ii) Pricing information on-screen must be easily legible, prominent, horizontal and not require close examination. If it crawls or scrolls, it should never be off-screen for more than 60 seconds.
- (iii) Pricing information on-screen must make clear that the charge applies to all calls, regardless of whether the viewer is successful in getting through.
- (iv) Pricing information must be spoken by a presenter or voice-over at intervals of no more than 10 minutes. The pricing announcement must make clear that the cost will apply regardless of whether the entrant is successful in getting through to the next stage of the service.
- (v) Pricing information, in a basic format, which makes clear to consumers that all calls are being charged, should be announced in the message at the beginning of every call to the service. An equivalent return text message should be sent to viewers who use premium SMS to participate.
- (vi) Call cost warnings must be provided to all callers (other than where the number is withheld) at intervals of no more than each £10 spent in each calendar day. Alternatively, warnings may be provided at set call intervals in any calendar day that equate to accumulations of £10 of call spend (for example, call warnings at every tenth call where the cost of each call is £1). Such warning must make clear the number of calls, the cost of each chargeable call and that this may vary across different networks.
- (vii) The chances of acceptance or rejection of an attempt by a viewer to get beyond the first stage must be shown on-screen in near real-time. This will be achieved as a minimum by a prominent, permanently visible, stand-alone display (whether static, crawling or scrolling) showing the total number of entries (paid and free) to the service in the preceding 15-minute period. This must be updated at no more than 10-minute intervals. This minimum standard would mean showing at least six updates within the space of an hour.

- (viii) The identity and contact details in the UK of the provider, where not otherwise obvious, must be clearly stated. Customer service arrangements must be in place via a non-premium rate customer service phone number.
- (ix) Key terms and conditions (Ts&Cs) must be provided on-screen periodically. Full Ts&Cs must be provided via the contact means provided. Key Ts&Cs are considered to be:
- a. cost per call/minute, regardless of getting through to the studio
 - b. any age limit,
 - c. the quiz question and any rules specific to the quiz, where applicable,
 - d. details of any alternative free entry route (if one is provided),
 - e. information as to the broad chances of acceptance or rejection when making a call to attempt to get to air.
- (x) When offering cash prizes, and as a precautionary measure, a warning that entrants must be 16 years or over should be stated on-screen at regular intervals.
- (xi) The use of clocks and other countdown triggers must be clearly explained and must not mislead consumers into making more calls than they might otherwise have done because they think the competition is about to close.
- (xii) Ofcom's Broadcasting Code must be complied with (Rules 2.13 and 2.16 state respectively: "Broadcast competitions and voting must be conducted fairly" and "Broadcast competition prizes must be described accurately"). Ofcom has issued separate guidance about compliance with the Broadcasting Code.

Please note that, in addition to the conditions set out above, additional conditions may be imposed at the time when the permission is granted.

Who should apply:

The provider contracted to, or having arrangements with, a Network operator in respect of the provision of the service (the 'contracted provider') must apply for the prior permission. The prior permission application must include the following:

- Details of all associated providers involved in the delivery of the service who have a responsibility to be registered with PhonepayPlus;
- A statement listing the provider(s) (i.e. of those that are required to register) that fulfils each of the conditions. (N.B. This must be set out clearly in respect of each service delivery-chain that has associated providers);

- Written confirmation from each of the associated providers that they fulfil the conditions set out against their name in the statement, and that they acknowledge and understand that permission granted to them will be granted in respect of the conditions that they fulfil and that they will therefore be liable under the Code for any failure to meet those conditions.

How to apply:

In the first instance, the contracted provider should email the Executive (compliance@phonepayplus.org.uk). The application must:

- Contain a description of the service;
- Include examples of promotional material for each service;
- Explain how the conditions outlined in this document will be fulfilled, providing the details, statement and confirmation required in the 'Who should apply' section above.

Please note that evidence should be supplied where appropriate or requested.

In the event of an investigation:

In the event of an investigation, PhonepayPlus will target the provider or providers responsible for the conditions of the prior permission certificate which have been breached and hold them liable under the Code. This may result in the withdrawal of permission from those providers and/or the imposition of sanctions against those providers, where a Tribunal finds that those breaches have occurred.

Upon request, providers will be required to provide evidence of contracts which establish their responsibility for fulfilment of the condition(s).