

## PRIOR PERMISSION

### **Service Category: Subscriptions over £4.50 in any given seven-day period**

Any provider that wishes to be involved in the provision of a premium rate service ('PRS') which carries a subscription charge and/or joining fee which costs a consumer more than £4.50 in any seven-day period of their operation (N.B. Providers who only use the Payfort payment mechanism in order to charge for these types of services are exempt from this prior permission requirement), 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.

#### **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 content of the services (including price and name) provided are as described within the prior permission application.
- (ii) That the names of company directors, partners and/or managers with directing responsibility for subscription services which cost more than £4.50 in any given seven-day period, are provided to PhonepayPlus.
- (iii) Promotional material must not use the words 'FREE' or 'NO CHARGE', or contain wording that implies the same, except to state that the promotional message itself is free. This extends to promotional SMS messages, search engine metatags and websites within their control which use these words, or other wording which carries the same implication.
- (iv) No free service may directly link to another product or service which carries a premium rate charge, unless the consumer is made aware of that charge and has consented to it.
- (v) Once a consumer has selected a service by texting a keyword to a shortcode, or by selecting a product on a website, they must be immediately provided with a free text message, which states the following:

*"U are about to join / subscribe to [name of service and optional description] for [cost of service in £] per [billing frequency] until you send STOP to [originating service shortcode]. Helpline [UK standard rate or free helpline number]. To confirm text AGREE / AGREE[+keyword] / YES / YES[+keyword] to this message / shortcode xxxxx."*

Until consumers have texted 'AGREE' to the shortcode concerned, they should not be charged.

However, please note that providers who provide subscription services, whatever the cost per week, who breach the [PhonepayPlus Code of Practice](#) may be required to seek prior permission under the above conditions if required to do so as part of a sanction issued by a PhonepayPlus Tribunal.

Please note that, in addition to the conditions set out above, additional conditions may be imposed at the time that 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](mailto:compliance@phonepayplus.org.uk)). The application must:

- Contain a description of the service(s);
- Include examples of promotional material;
- Detail the shortcodes that will be used;
- 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).