

PRIOR PERMISSION

Service Category: Voice-based, text-charged

Any registered 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 specific to named services.

Definition:

A voice-based, text-charged service is any premium rate service that is a voice-based virtual chat service or a voice-based sexual entertainment service (live or recorded) and is charged for using one or more reverse-billed SMS messages ('voice-based, text-charged 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) Any users who attempt to access the service from a handset not verified as being owned by someone aged 18 or over must be denied access to the service and receive no further promotional contact for that service.
- (ii) All promotional and/or marketing material for the service must provide clear and comprehensible information to enable the consumer to know:
 - a. how the service is accessed,
 - b. the total cost to the consumer of obtaining the whole service, including all costs relating to the SMS as well as any additional charges for joining the service or accessing the voice element,
 - c. any other service conditions or restrictions which could affect the consumer's decision to access the service.
- (iii) Any price-per-minute information provided must be significantly less prominent than the information providing the total cost to the consumer.
- (iv) No service may be promoted using a number not allocated by Ofcom for use as PRS.
- (v) Mobile shortcodes may be used by providers only in accordance with the structure in place for shortcode allocation as agreed by Mobile Network Operators.
- (vi) All services promoted to, and/or accessed by, previous users of the same service must, on each occasion of subsequent or repeat use, ensure that users are age-verified and given clear pricing information prior to allowing access to the service.

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, providers should email the Executive (compliance@phonepayplus.org.uk). The application must:

- Contain a description of the service;
- Include examples of intended promotional material for the service;
- Provide clear evidence that they are able to verify the age of all customers from all mobile networks;
- 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).