

087

**Regulating 0871,
0872 and 0873
from 1 August 2009**

All you need to know

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087 – Get ready for the changes!
At the beginning of August, a major change will be happening to 087 numbers: the non-geographic telephone numbers that are typically bought by businesses or public sector organisations to be used as sales lines or customer service hotlines. From 1 August 2009, 087 numbers will officially be reclassified as Controlled Premium Rate Services (PRS).

We believe that this will make the 087 number range easier to understand for consumers, bringing clarity and confidence.

Following their reclassification, 087 numbers will fall under the remit of PhonepayPlus, the regulator for phone-paid services. Phone-paid services are the goods and services that consumers purchase by adding the cost to their phone bill or deducting it from pay-as-you-go credit.

As a result, Network Operators, Service Providers and Information Providers offering services over 087 numbers will need to follow PhonepayPlus' Code of Practice.

Don't worry, there's plenty of time to get compliant – the new regime doesn't come into effect until 1 August 2009 – and we'll be offering lots of help along the way.

Over the following pages, you'll be able to find out if the changes will affect you and, if so, how. It will also tell you what you need to do next, and how to access help if you need it. The full Statement of Application can be found at the back of this leaflet, which outlines the changes in more detail.

If, after reading this guide, you're still not sure how the changes affect you, or of the action you need to take, contact our Industry Support and Policy Team – their details are in the contacts section of this pamphlet.

Does this affect you?

The 087 PRS reclassification only affects numbers beginning 0871, 0872 and 0873, where the price paid per minute is five pence or more. It will have no impact on 0870 or 0845 numbers, which will continue to be regulated by Ofcom.

The changeover will have an effect on three main groups of organisation: Network Operators, Service Providers and Information Providers. If you are involved in the provision of 087 services and you want to see if you are affected, check if you match one of the following descriptions.

Network Operators

This group includes the 'lead networks' (those who own their own infrastructure) e.g. BT, Cable & Wireless or Virgin Media; and operators with a direct network connection and direct billing relationship with a lead network. Network Operators' main responsibility is to make sure they do business only with reputable Service Providers.

Service Providers

These are individuals, companies or organisations that contract directly with a Network Operator but are not Network Operators themselves (i.e., they have no direct billing arrangement with a lead network). This category can include re-sellers and aggregators. Service Providers have overall responsibility for compliance. Service Providers may defer regulatory responsibility to Information Providers through their contracts.

Information Providers

These create, and often promote, the content for phone-paid services and might be, for example, a technical helpline or a customer services desk. Information Providers may be liable for regulation through their contracts with Service Providers and should work with their Service Provider partners in order to ensure compliance.

If you are a reseller of 087 number services you should seek legal advice to review your contracts and ensure that you understand any regulatory responsibilities you might have.

Network Operators and Service Providers are required to take specific steps before the changeover, including registration with PhonepayPlus. Details of these steps are outlined later in this booklet in sections dedicated to each group.

Whilst Information Providers do not need to register with PhonepayPlus, they should be sure to familiarise themselves with the Code of Practice and Statement of Application, particularly in relation to the points raised in the next section, 'What is changing?'. They should then take every step necessary to ensure that they are compliant.

What is changing?

Following the 1 August reclassification of 087 numbers as Premium Rate Services, operators of these services will have to conform to PhonepayPlus' Code of Practice.

PhonepayPlus recognises the differences between the models of services operating on 087 numbers and those operating on higher-tariff 09 numbers and understands that many areas of the Code will not be applicable. So, here are some of the key changes that will affect organisations using and providing 087 services.

Pricing

Wherever your 087 number appears it should be accompanied by its pricing information. This includes everything from websites and print promotions, to listings and van liveries. Pricing information must be clear, close to the telephone number and prominent. In the short term, PhonepayPlus will accept a spoken message, explaining the tariff, at the beginning of every call as an alternative, though we expect everyone to change their collateral as soon as is practically possible.

Undue Delay

You must ensure that there is not an unfair delay in a caller accessing the service on offer. Most importantly, this affects the time that it takes to start providing the service after the call has been connected. PhonepayPlus requires organisations to inform callers of the expected time it will take until their call is answered and, if appropriate, their position in any queuing system. The caller should be able to make an informed decision as to whether they are prepared to wait the required time and incur the associated costs.

Prior permission licences

Certain services require prior permission from PhonepayPlus before they can operate on a premium-rate line, for example, international dial-through services, where callers can achieve discounted international call rates by dialling into a service before connecting to their destination number. PhonepayPlus believes that most services currently using 087 numbers will not need licences, but it's important to check the full list of services affected in the Statement of Application, which can be found at the back of this leaflet. If you have an existing license for a similar service operating on another phone-paid number range, or if you believe that your service might fall into these categories, then please contact the Industry Support and Policy Team to find out more.

Of course, everybody's business is slightly different so we strongly recommend reading the whole of the Statement of Application, alongside the Code, to ensure your compliance.

Customer care contact number

Under our Code, you must provide consumers with a telephone number they can call if they have concerns or a complaint. In the case of 087 providers, PhonepayPlus will accept this number being the same, or an alternative, 087 number.

Why have the changes happened?

Following an in-depth assessment of the use of Number Translation Services (NTS), Ofcom, the communications regulator, published a policy statement on NTS on 19 April 2006.

The statement, entitled 'NTS – A Way Forward' sets out a number of changes to the regulation of 087 numbers.

Ofcom stated that it had two particular objectives for the 087 number range:

To increase the level of consumer protection provided for calls to these numbers

To improve pricing transparency for 087 calls

One of the changes Ofcom chose to implement was to recategorise 087 numbers as premium rate services. This would mean the transfer of the regulation of the 087 number range to PhonepayPlus.

On 25 April 2007, PhonepayPlus (which was then called ICSTIS) issued a public consultation, seeking views on its proposals for how it would regulate the 087 number range.

The consultation closed on 28 June 2007 following the collection of numerous responses from across the industry.

As a result, PhonepayPlus has stated how it intends to apply its Code of Practice to services operated over 087 numbers. This is outlined in the Statement of Application, which you can find at the back of this document.

Who is PhonepayPlus?

PhonepayPlus regulates phone-paid services in the UK. These are the goods and services that consumers can buy by charging the cost to their phone bill or deducting it from pre-pay mobile credit.

We focus on pre-empting and preventing problems - the key, we believe, to effective long-term consumer protection.

We regulate services using our Code of Practice. This sets out the rules with which all providers of phone-paid services must comply. Among other things, we require:

Clear and accurate pricing information

Honest advertising and service content

Appropriate and targeted promotions

We investigate complaints about phone-paid services. Where we decide that our rules have been broken, we can fine the company responsible, bar access to its services and even bar the individual behind the company from running other services under a different company name. Our investigations and adjudications service is free to consumers and fully independent.

Under the Communications Act 2003, Ofcom has responsibility for the regulation of premium rate services. In December 2007 it was confirmed that PhonepayPlus will act as the agency which carries out the day-to-day regulation of the PRS market on Ofcom's behalf.

We are non-profit making and consist of nine part-time Board members, supported by a full time Executive of just over 50 people.

We are funded through a combination of an industry levy and fines. Our goal is to use the fines levelled at organisations abusing the system to reduce the impact of regulation on people trading fairly.

Our vision is to help shape an industry where people can use phone-paid services with confidence.

What do Network Operators need to do?

The transfer of regulation comes into effect on 1 August 2009, so all Network Operators must ensure that they are compliant with the PhonepayPlus Code of Practice by Friday 31 July 2009.

Registration

However, there is an earlier deadline that Network Operators should aim to meet. By 30 April 2009, all Network Operators should register with PhonepayPlus. To do this, simply contact our Industry Support and Policy Team and provide them with a copy of the interconnect agreement that you have with your Lead Network Operator. You can find the contact details towards the end of this booklet.

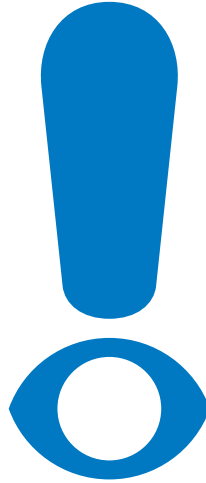
There are a number of elements of the Code of Practice that will affect Network Operators following the changeover. We suggest that you carefully read the Statement of Application to understand exactly how the Code will impact your business. However, here are some key things that you need to know:

Service Provider data

You must provide, when PhonepayPlus requests it, data on Service Providers you are supplying 087 numbers to. In order to legally share this with us, you'll need to inform the Information Commissioner that this is happening. You may also need to re-word privacy elements of your contracts with your Service Providers to ensure that you are not breaking any conditions by sharing this information.

As part of the regulation process, all Service Providers will be asked to register with PhonepayPlus and will receive a unique record as a result. You will need to keep a copy of that record for any Service Provider you are supporting that sends it to you. You are not required to demand these records from your existing customers though must accept, and store safely, all those that you receive.

Network Operators must also satisfy themselves that Service Providers they contract with have in place adequate customer service functions, and an effective mechanism for the consideration of claims for refunds and their payment where justified. PhonepayPlus recommends a written agreement with Service Providers regarding their customer service levels, although we will consider alternative methods.



Remember to carefully read the Statement of Application

Service Provider education

As a vendor of 087 numbers, it will become incumbent on you to ensure that your customers are aware of the rules that apply to the products you are selling. You must inform all Service Providers who buy 087 numbers from you of PhonepayPlus' Code, and require them to comply with it.

Service Provider payments

In the event that PhonepayPlus requires a Service Provider to pay a fine or refund a customer charge, this will usually be collected from the next monthly income-share reimbursement from the Network Operator. Network Operators are therefore required to build in a window of at least 30 days between a premium rate call being placed and the revenue share being paid to the Service Provider.

Service Provider sanctions

In the event that PhonepayPlus takes action against a Service Provider, and that Service Provider is banned from operating phone-paid services, no Network Operator may provide them with access to 087 numbers.

Levies and outpayments

PhonepayPlus is financed through an industry levy and by collecting fines imposed as sanctions. The levy is set annually as a percentage of the outpayment made as part of the income-sharing process. PhonepayPlus' levy for 2009/10 is set at 0.48 per cent.

PhonepayPlus recognises that, often in the 087 number range, there is no financial payment made. Rather, the Service Provider or Information Provider receives a service in kind. For example, many organisations don't receive a share in the revenues generated by the calls but, instead, they gain access to Interactive Voice Response (IVR) tools that allow them to automate call handling.

In these circumstances, PhonepayPlus will assess the value of these services as equivalent to 60 per cent of the revenue from the call and will charge a levy on that basis.

If you'd like more information on levies and outpayments, please contact our Industry Support and Policy Team.

What do Service Providers need to do?

As the regulations begin to affect 087 numbers on 1 August 2009, you need to make sure that you have done everything that you need to meet your obligations by 31 July 2009.

But, don't panic! Reading the section 'What is changing?' may sound like you've got an awful lot to do; but you don't need to reprint all your stationery overnight, repaint your van and recall any products with your phone number stamped on them. If you follow some simple steps to compliance, the changeover needn't be a headache at all.

Registration

The first thing that you have to do is register with us. We ask that you do this by 31 April 2009. It's easy to do online by visiting www.phonepayplus.org.uk. At the end of the process, you'll receive a unique record that you need to pass on to your Network Operator.

Due diligence

If you are a reseller or aggregator it is essential that you carry out effective due diligence because you may be held to account for the people you contract with. We recommend checking identification for those you do business with, carrying out a simple Companies House search and checking PhonepayPlus' and other partner regulators' websites for potential breach history. You know your clients far better than we do, so we won't prescribe how you carry out due diligence, only that you are fully informed about your clients' identity. If, in the course of an investigation your due diligence is deemed insufficient you may find yourself investigated rather than your Information Provider.

Pricing information

The rules on pricing information are laid out in the 'What is changing?' section. You may need to work with your information providers to make sure that pricing information for the service appears alongside its number everywhere it is printed. Though we expect all Service Providers to update their collateral as soon as possible, we don't expect people to pulp everything in the stationery cupboard and start again. In the short term, PhonepayPlus will allow you to substitute a message at the beginning of each call explaining its cost. And, unlike other PRS, PhonepayPlus allows this message to be charged at the same rate as the rest of the call. Setting up this message now will protect you from breaching the rules, even if you aren't able to change all of your collateral before 1 August 2009. If you only promote your number to other businesses (such as on a business card) then you don't need to state the price of the call.

Undue delay

Undue delay, an unfair period of waiting between a call connecting and a caller accessing a service, constitutes a breach in the Code. PhonepayPlus encourages all Services Providers to ensure that waiting times are kept to a minimum and, where this is not possible due to unexpected call volumes, suggests that Service Providers inform customers of their anticipated waiting time and, if appropriate, their place in any queue.

PhonepayPlus accepts that 087 services, generally, do not see any financial benefits from undue delay, so, in the first instance, it will classify them as customer satisfaction issues and refer them back to the Service Provider. However, if a resolution has not been reached within 30 days, PhonepayPlus will consider an investigation. If the results of the investigation find that refunds are required, a Service Provider will be required to process any and all of them within two weeks.

Prior permission

Certain services require prior permission from PhonepayPlus before they can operate on a premium rate line, for example, international dial-through services, where callers can achieve discounted international call rates by dialling into a service before connecting to their destination number. PhonepayPlus believes that most services currently using 087 numbers will not need licences but it's important to check the full list of services affected in the Statement of Application. If you have an existing license for a similar service operating on another phone-paid number range, or if you believe that your service might fall into these categories, then please contact the Industry Support and Policy Team to find out more.

Levies and outpayments

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For this reason, PhonepayPlus assesses the value of 087 services as equivalent to 60 per cent of the revenue from the call and will charge a levy on that basis.

If you'd like more information on levies and outpayments, please contact our Industry Support and Policy Team.

How do I get help?

If you still have questions about the 087 changeover, don't worry, we're here to help.



You can find lots of information on the reclassification of 087 numbers, and how to ensure you are compliant with our Code, on the PhonepayPlus website at:

www.phonepayplus.org.uk



Or, if you'd like to speak to someone in person, please get in contact with our Industry Support and Policy team by calling:

0845 026 1060*

Overseas callers can reach us on:

+44 20 7940 7418

*Calls provided by BT cost 4 pence per minute at all times. A set-up fee of 6 pence per call applies to calls from residential lines. Mobiles and calls from other operators may vary.



You can email:

compliance@phonepayplus.org.uk

Or reach us by post at :

**Clove Building
4 Maguire Street
London
SE1 2NQ**

What happens next?

As the stakeholder groups with the most to do before the reclassification of 087 numbers, you're the first people we're talking to about the changeover.

In the coming months, you'll be seeing a lot more activity from us to support both you and the consumers that make calls to 087 numbers as we make the changes. Expect to see:

More communications from PhonepayPlus

You have already received this booklet and may also have been sent a letter from our CEO. You'll continue to hear from us throughout the changeover process and you can also sign up to receive regular news alerts via our website.

Industry workshops

Industry workshops will be held for both Network Operators and Service Providers.

Online information tools

We have already put a lot of information on our website about the 087 changeover. We're continuing to upload information and guidelines as they become available so make sure you visit the site regularly for all the latest news.

Liaison with consumer protection groups

One of the key reasons for the changeover is to help build trust in 087 services amongst consumers. We'll be educating consumer groups on the changes and the benefits that regulation brings to ensure that confidence increases.

Glossary of Terms

Code of Practice

The expectations that are placed upon organisations to ensure that they achieve compliance with the Regulator.

DQ Services

Directory enquiry services where callers receive listings information.

ICSTIS

The former name of PhonepayPlus 'Independent Committee for Supervisation of Telephone Information Services'.

IVR

'Interactive Voice Recognition'
Intelligent telephony solution that allows complex call handling, such as queuing, routing or recording.

Live Services

Paid telephone services where the caller is connected to a person in real time.

NTS

'Number Translation Services'
Non-geographical telephone services that allow organisations to have a single telephone number regardless of location.

Ofcom

The UK's communications industries' regulator.

PhonepayPlus

The UK's phone-paid services regulator.

Prior Permission

A term used to describe the license required to operate controlled services on phone-paid number ranges.

PRS

'Premium Rate Services'
Telephone services charged at a higher rate due to the value of their content.

Statement of Application

An interpretation of how the Code of Practice is applied to a section of the industry.

Check List

Network Operators

Have you sought independent legal advice?

Have you registered?

Have you informed your Service Providers of the new Code?

Have you registered with the Information Commissioner?

Have you checked your contracts with Service Providers to ensure you are able to share information with us?

Have you taken reasonable measures (such as obtaining a written undertaking) to satisfy yourself that your clients have adequate customer service functions?

Have you checked your financial accounts systems allow you to make quarterly out-payment statements to PhonepayPlus?

Have you contacted PhonepayPlus in relation to clients to which you make no out-payments?

Have you built in a one month payment window into your finance procedure?

Service Providers

Have you sought independent legal advice?

Have you registered?

Have you provided your records to your Network Operator?

Do you have a customer service number?

Have you reviewed your due diligence procedures for contracting with information providers?

Have you checked if you need prior permission for your services?

Are you displaying your pricing?

Do you have a method/policy for informing people of waiting times?

Annex A

Statement of Application

Background

This statement sets out PhonepayPlus' policy on the application of the Code of Practice (currently in its 11th edition) in relation to the 0871, 0872 and 0873 number ranges (collectively referred to as 087X numbers below).

Where number ranges are opened up in the future on 087X and designated by Ofcom as Controlled Premium Rate Services and are to be regulated by PhonepayPlus, references in this statement to 087X numbers shall also apply to those number ranges. For the avoidance of doubt, the statement will not apply to the 0870 number range.

This statement should be read in conjunction with, and is subject to, the Code of Practice and details the likely application of the Code by PhonepayPlus when considering complaints or advice in relation to 087X services. Where particular Code provisions are not addressed, there will be no change to PhonepayPlus' application of those provisions when applying them to the 087X number range.

Section 1: Introduction

This section sets out the principles of good regulation, to which PhonepayPlus expects to adhere when applying its Code. It also sets out the scope of the Code.

There are no specific and unique changes to our interpretation of Section 1 of the Code of Practice that apply to the 087X number range.

Section 2: Network operators

This section sets out the obligations of network operators under the Code. In particular, the requirements for due diligence checks and any withholding of outpayments are worthy of special note.

Under paragraph 2.3.1, network operators are obliged to carry out due diligence in respect of service providers before making their networks and/or services available to them. PhonepayPlus has the power in the Code to waive these requirements.

PhonepayPlus does, by this Statement of Application, waive the due diligence obligations on network operators set out in paragraphs 2.3.1 (a), (b) and (c) in circumstances where the only premium rate services for which their network and/or services are made available to a service provider are limited to the 087X number range.

Paragraph 2.3.1(d) will continue to apply in respect only of such information as network operators may have collected for their own purposes.

Paragraph 2.3.1(e) will also continue to apply.

In the case of services operating on the 087X number range, PhonepayPlus considers that the obligations on network operators set out in paragraph 2.3.1(f) are complied with where the network operator obtains an undertaking from the service provider that such systems are in place.

The requirement on network operators to withhold outpayments to service providers for 30 days under paragraph 2.3.3 shall remain applicable in all cases.

Section 3: Service providers

This section sets out the general provisions and obligations relating to service providers.

It is to be noted that, under paragraph 3.3.5, service providers are obliged to have in place adequate customer service arrangements, including a non-premium rate UK customer service telephone number. Furthermore, under paragraph 2.3.1(f), network operators must satisfy themselves that service providers have in place a non-premium rate customer service telephone number.

PhonepayPlus has carefully considered the application of this rule to services provided on the 087X range. PhonepayPlus has decided that the objective of paragraph 3.3.5 in respect of requiring the provision of a non-premium rate number can be met by means other than strict adherence to the Code. A notice to this effect is attached at **Annex B**.

This notice has the effect of enabling 087X service providers to choose to include its customer service provision on 087X numbers provided the relevant conditions about call handling and full refunds are met. Alternatively, service providers may choose to use a non-premium rate number as set out in paragraph 3.3.5. Network operators may accept the provision of an 087X number for the purposes of paragraph 2.3.1(f).

Section 4: Information providers

This section sets out the obligation of information providers to comply with the Code. There are no specific and unique changes to our interpretation of Section 4 of the Code of Practice that apply to the 087X number range.

Section 5: General provisions applicable to all premium rate services

This section sets out the general provisions applicable to all premium rate services. There are several areas of this section which require particular note.

Prior permission

Under paragraph 5.1, certain categories of service may not be provided without having obtained prior permission from PhonepayPlus. A list of these categories is available from PhonepayPlus.

This requirement shall remain applicable to services provided on the 087X number range and, as a consequence, it is expected that most services provided on the 087X number range will fall within the published exceptions to this rule. PhonepayPlus has modified the list of exempted services to remove certain categories of service on 087X numbers that would otherwise be inadvertently subject to these requirements.

Undue delay

PhonepayPlus recognises that the provision of customer service can be 'demand-led' and that mismatches can occur between customer demand and available agents to take and handle calls. Recognising this problem, PhonepayPlus is keen to ensure that customers receive the best possible information about any delays that they may incur when accessing a service in order that they may make an informed choice as to whether to continue with the call or take some other action. Where this information is provided, consumers may be more accepting of the situation than where they are provided with no information whatsoever and merely kept on hold.

There are numerous ways in which customer service can be structured to do this, including by offering the opportunity for an agent to call the consumer back at a more convenient time. However, we do not intend to take a prescriptive approach to this at this time.

The Code states, in paragraph 5.4.2, that 'services must not be unreasonably prolonged or delayed'. Where PhonepayPlus receives complaints which may emanate from delay, it will refer the complainant back to the service provider with a direction to the service provider that, if the complaint has not been resolved within 30 days, PhonepayPlus is likely to open an investigation.

When investigating any such complaint about undue delay, PhonepayPlus will take into account any action taken by the service provider in the configuration of their service to ensure that the customer was advised of any delay and any consequential steps taken by the service provider to manage that delay.

PhonepayPlus considers that, where a breach of paragraph 5.4.2 has been upheld as the result of an unduly long queue time, it will be a strongly aggravating circumstance where the service has provided no or little information to the consumer regarding their position in the queue or the expected length of the waiting time. This may also constitute a breach of the fairness provisions under paragraph 5.4.1 of the Code insofar as it seems reasonable that the consumer should have been reasonably forewarned as to a likely long delay.

It should be noted, however, that a delay may still be considered to be unduly long despite any measures taken to inform the customer of their position.

Service providers are reminded that, under paragraph 3.3.5 of the Code, they are expected to have in place arrangements for considering claims for refunds where appropriate.

Pricing information

The provisions of paragraph 5.7 of the Code in relation to pricing transparency will apply in full.

It is to be noted that, as a result of the Distance Selling Regulations 2000, a supplier of goods or services that fall within the regulations is required to provide in advance the price and delivery costs of those goods or services.

PhonepayPlus considers that, since an explicit purpose of its assumption of the regulation of the 087X number range is pricing transparency, the exemption from pricing under paragraph 5.7.5 should be construed narrowly.

The rule says that services are exempt from pricing information requirements if they do not generally cost more than 50p. Service providers should be aware that PhonepayPlus views 'generally' as meaning 'virtually universally'. Accordingly, if more than an occasional caller is charged above a total cost of 50p, then pricing information must be provided. If service providers are in any doubt, they should provide pricing information. PhonepayPlus will take a serious view of the absence of pricing information which should have been included.

Regulation of the content of the service

Under Section 5 of the Code of Practice, PhonepayPlus will normally restrict itself to investigating complaints about poor service only where that does not directly relate to the primary purchase of goods or services.

Where PhonepayPlus declines to investigate a complaint because the matter relates primarily to the purchase of goods or services which are not premium rate services, it will direct the complaint to a more appropriate body if one is available and/or provide information to the complainant as to their rights.

Should PhonepayPlus receive a level of complaint about a particular service that indicates a risk of potential consumer harm, it may choose to commence an investigation into that service.

Section 6: Provisions relating specifically to live services

This section sets out various obligations associated with the provision of live services.

PhonepayPlus considers that, while a number of categories of live service are provided on the 087X number range, the majority of these will already fall within the exemptions from prior permission which have been recognised by PhonepayPlus.

Additionally, PhonepayPlus hereby grants permission for live services operating on the 087X number range to be exempt from the requirements of paragraph 6.3.1 of the Code.

Section 7: Additional provisions relating to specific categories of service

This section sets out various obligations associated with the provision of specific categories of service.

PhonepayPlus does not consider that there is anything unique about the 087X number range that would require a different level of regulation in this respect. There are, therefore, no changes to our application of Section 7 of the Code of Practice.

Sections 8 to 11

These sections set out PhonepayPlus' powers of investigation, adjudication and its terms of reference.

PhonepayPlus does not consider that there is anything unique about the 087X number range that would require a different application of these rules. There are, therefore, no changes to our application of Sections 8 to 11 of the Code of Practice.

Annex B

Notice in respect of paragraph 5.1.2 (a) of the PhonepayPlus Code of Practice (11th Edition)

Having given due consideration to the provisions of paragraph 3.3.5 of the Code, PhonepayPlus is satisfied that, in respect of services it regulates operating on the 087X number range, the objectives of that paragraph in requiring inclusion of a non-premium rate UK customer service phone number may be met instead by the provision of an 087X number when, on connection, the caller is:

provided with the clear opportunity to make a complaint about the premium rate service operated on that 087X number or another 087X number operated by the same provider, and

if making a complaint, informed that the cost of calling that 087X number for the purpose of making such a complaint will be fully refunded and is so refunded.

The operation of customer complaint services in respect of premium rate services operating on the 087X number range will be kept under review by PhonepayPlus and the permission hereby granted may be withdrawn by PhonepayPlus if it considers that the public interest so requires. Such withdrawal will be made only on reasonable notice.



Sir Alastair Graham
Chairman, PhonepayPlus

Annex C

Help Note: Live services - list of current exemptions from prior permission

Introduction

Paragraph 6.1.1 of the 11th Edition of the PhonepayPlus Code of Practice states that:

'No live services may be provided without prior permission from PhonepayPlus, save that PhonepayPlus may identify categories of live services which are exempt from the prior permission requirement. Such exemptions may be withdrawn or modified by PhonepayPlus at any time on reasonable notice and a list of exempt categories will be published by PhonepayPlus from time to time.'

Service providers are hereby given notice that the categories of live service listed below are exempt from the requirement for prior permission, unless they are charged at more than £1 per minute where the total cost of the call can exceed £30:

- live customer support services
- live directory enquiry (DQ) services
- live data capture services – these are services that take callers' details so that a service or product can be provided following the premium rate call
- connection services for live conversation for UK end destinations only – these services include services enabling 'cheap' (typically 10ppm up to 60ppm) calls to hospitalised relatives and friends
- live classified advertisement services – these services usually take the form of data capture services
- live alarm services – these services usually involve calls being made to the police at a premium rate by alarm monitoring centres following receipt of notification that alarms have been activated
- live betting tipster services
- live advice services using non-087X numbers – these exclude 'professional' services such as those providing legal or medical advice, or services providing any type of counselling

- live advice (including advice on consumer credit) and counselling services using 087X numbers
- business conference services – these are services in which two or more persons are enabled to simultaneously conduct a telephone conversation with each other where that conversation is chaired by a designated individual and is in furtherance of an existing or forthcoming business relationship.

Providers of live services that fall into the categories set out above must still inform PhonepayPlus in advance of the services they intend to operate, the fact that they are considered exempt and the number ranges on which they operate. This can be done using the online registration forms available on the PhonepayPlus website.

If you are unsure as to whether your service requires permission or not, you are strongly urged to contact the PhonepayPlus Executive.

Further Information

Contacting the Executive:

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