

2024 No. 1046

ELECTRONIC COMMUNICATIONS

The Regulation of Premium Rate Services Order 2024

<i>Made</i>	- - - -	<i>21st October 2024</i>
<i>Laid before Parliament</i>		<i>24th October 2024</i>
<i>Coming into force</i>		<i>1st February 2025</i>

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The Office of Communications (“OFCOM”) make this Order in exercise of the powers conferred by sections 122(1) to (4) and 403(7) of the Communications Act 2003(a) (“the Act”).

The consent of the Secretary of State has been obtained in accordance with section 122(6) of the Act.

OFCOM consider that there is no code in force to which they think it would be appropriate to continue to give their approval under section 121 of the Act.

OFCOM gave notice of their proposal to make this Order in accordance with section 403(4)(a) of the Act, published notice of their proposal in accordance with section 403(4)(b) of the Act and considered representations made to them before the time specified in that notice in accordance with section 403(4)(c) of the Act.

PART 1

Introduction

Citation, commencement and extent

1.—(1) This Order may be cited as the Regulation of Premium Rate Services Order 2024 and comes into force on 1st February 2025.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

General interpretation

2. In this Order—

“the 2005 Act” means the Gambling Act 2005(b);

“the Act” means the Communications Act 2003;

(a) 2003 c.21. Section 403 was amended by S.I. 2020/1419. See section 120(7) of the Act for the definition of “premium rate service”.

(b) 2005 c.19.

“call” means a connection established by means of a public electronic communications service allowing speech communication between two or more persons in real time;

“charity” means—

- (a) as respects England and Wales, a body falling within the definition of a charity for the purposes of the Charities Act 2011^(a),
- (b) as respects Northern Ireland, a body falling within the definition of a charity for the purposes of the Charities Act (Northern Ireland) 2008^(b), or
- (c) as respects Scotland, a body entered into the Scottish Charity Register for the purposes of the Charities and Trustee Investment (Scotland) Act 2005^(c);

“Code 15” means the code made by the PSA known as the “Code of Practice 2021 (Fifteenth edition) – Code for Premium rate services”;

“electronic communication” means a communication for transmission by means of an electronic communications network;

“mobile phone service” means a public electronic communications service which is provided for the purpose of communicating with others, or accessing data, by mobile phone;

“PSA” means the Phone-paid Services Authority, a company limited by guarantee and registered in England and Wales under company number 2398515;

“SMS message” means a Short Message Service text message composed principally of letters or numbers that may be sent between telephone numbers allocated in accordance with a national or international numbering plan;

“VAT” means value added tax;

“working day” means any day other than—

- (a) Saturday or Sunday, or
- (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971^(d) in any part of the United Kingdom.

Meaning of “controlled PRS”

3.—(1) In this Order, “controlled PRS” means a premium rate service—

- (a) that falls within paragraph (2), (3) or (4), and
- (b) that is not exempt by virtue of paragraph (5).

(2) A premium rate service falls within this paragraph if—

- (a) the use of a premium rate number is required to use the service, and
- (b) the charge for the provision of the service is—
 - (i) a single charge of 5.833 pence or more, or
 - (ii) calculated by reference to a rate of 5.833 pence or more for each minute of the duration of the electronic communication.

(3) A premium rate service falls within this paragraph if—

- (a) it is provided by means of an electronic communications service, other than by using a premium rate number, and
- (b) the charge for the provision of the service is—
 - (i) a single charge of 10 pence or more, or

(a) 2011 c.25.

(b) 2008 c.12.

(c) 2005 asp.10.

(d) 1971 c.80; section 1 of and Schedule 1 to that Act relate to bank holidays. Schedule 1 was amended by section 1 of the St Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2).

- (ii) calculated by reference to a rate of 10 pence or more for each minute of the duration of the electronic communication.
- (4) A premium rate service falls within this paragraph if it is—
 - (a) a chatline service,
 - (b) a sexual content service, or
 - (c) an information, connection or signposting service.
- (5) A premium rate service is exempt by virtue of this paragraph if it is provided by means of—
 - (a) a call which terminates on an electronic communications network outside of the United Kingdom, or
 - (b) an electronic communications service which is provided by the same person as provides the premium rate service.
- (6) In paragraph (2), references to 5.833 pence or more are exclusive of VAT.
- (7) In paragraph (3), references to 10 pence or more are inclusive of VAT.
- (8) In this article—
 - “premium rate number” means a relevant telephone number beginning with the digits “087”, “090”, “091”, or “118”;
 - “relevant telephone number” means a telephone number determined under the National Telephone Numbering Plan^(a) to be available for allocation, adoption or otherwise as a telephone number for use on a public electronic communications network.

Meaning of “threshold service”

4. In this Order, “threshold service” means a premium rate service that—
- (a) falls within article 3(2) or (3), and
 - (b) is not exempt by virtue of article 3(5).

Meaning of “chatline service”

- 5.—(1) In this Order, “chatline service” means a premium rate service that—
- (a) makes available a facility enabling at least three consumers to participate in a call immediately before which no participant knows which other individual consumers will participate, and
 - (b) is not exempt by virtue of paragraph (2).
- (2) A premium rate service is exempt by virtue of this paragraph if it is provided by means of—
- (a) a call which terminates on an electronic communications network outside of the United Kingdom, or
 - (b) an electronic communications service which is provided by the same person making available the facility in paragraph (1)(a).

Meaning of “sexual content service”

- 6.—(1) In this Order, “sexual content service” means a premium rate service that—
- (a) includes content of such a nature that it is reasonable to assume that it was produced solely or principally for the purpose of stimulating the sexual interests or desires of the consumer using the service, and
 - (b) is not exempt by virtue of paragraph (2).

(a) See section 56(1) of the Act for the definition of “National Telephone Numbering Plan”. Section 56 was amended by S.I. 2011/1210.

- (2) A premium rate service is exempt by virtue of this paragraph if it is provided by means of—
- (a) a call which terminates on an electronic communications network outside of the United Kingdom, or
 - (b) an electronic communications service which is provided by the same person as provides the content in paragraph (1)(a).

Meaning of “information, connection or signposting service” (“ICSS”)

7.—(1) In this Order, “information, connection or signposting service” (“ICSS”) means a premium rate service that—

- (a) includes the making available of a facility to connect a consumer by means of a call to speak to another person or to access that person’s service (other than a premium rate service),
 - (b) requires the use of a relevant telephone number beginning with the digits “084”, “087”, “090” or “091”, and
 - (c) is not exempt by virtue of paragraph (2).
- (2) A premium rate service is exempt by virtue of this paragraph if it is provided—
- (a) by means of a call which terminates on an electronic communications network outside of the United Kingdom,
 - (b) by means of an electronic communications service which is provided by the same person making available the facility in paragraph (1)(a), or
 - (c) by a person who is employed or engaged under the direction of the person providing the service to which the consumer is being connected.
- (3) In this article, “relevant telephone number” has the meaning given in article 3(8).

Meaning of “subscription service”

8.—(1) In this Order, a “subscription service” means a service mentioned in paragraph (2) provided by means other than a call and to which either paragraph (3) or (4) (or both) applies.

- (2) The services are—
- (a) a children’s service,
 - (b) a professional advice service,
 - (c) a recurring donation service,
 - (d) a sexual content service,
 - (e) a society lottery service, or
 - (f) any other threshold service, except—
 - (i) a competition or voting service,
 - (ii) a remote gambling service, or
 - (iii) a virtual chat service.
- (3) This paragraph applies where—
- (a) the provision of content, or the making available of a facility, to a consumer will be on a continuing basis for a specified or indefinite period under a subscription contract, and
 - (b) the consumer will automatically incur a charge, or recurring charges, for the matters mentioned in sub-paragraph (a).
- (4) This paragraph applies where—
- (a) the provision of content, or the making available of a facility, to a consumer will be free of charge, or at a charge specified in a subscription contract, for a specified period in the contract, and

- (b) the consumer will become automatically liable for a charge after that period (including where the merchant has an option to impose a charge or a higher charge after the end of the period).

(5) In this article—

- “children’s service” has the meaning given in article 23(2);
- “competition or voting service” has the meaning given in article 41(1);
- “professional advice service” has the meaning given in article 51(3);
- “recurring donation service” has the meaning given in article 28(6);
- “remote gambling service” has the meaning given in article 52(4);
- “society lottery service” has the meaning given in article 53(4);
- “subscription contract” means a contract under which a merchant provides, or agrees to provide, a subscription service to a consumer and the consumer pays, or agrees to pay, the charge to be imposed for the provision of that service;
- “virtual chat service” has the meaning given in article 31(5).

Meaning of “PRS provider” and “regulated activity” etc.

9.—(1) The following definitions apply for the purposes of this Order.

(2) “Intermediary” means a person who, under an agreement with B, provides a service to B that consists of one or both of the following things—

- (a) the packaging together of the contents of a controlled PRS for the purpose of facilitating its provision;
- (b) the making available of a facility comprised in a controlled PRS.

(3) Where one or more persons are employed or engaged under the direction of another to do any of the things mentioned in paragraph (2) as a service to B, only that other person is to be treated as the intermediary that provides the service to B.

(4) For the purposes of paragraphs (2) and (3), “B” means—

- (a) a merchant, or
- (b) any person (other than a merchant) who seeks to provide a service consisting of one or both of the things in paragraph (2)(a) or (b) on a business-to-business basis.

(5) “Merchant” means a person who provides a controlled PRS to a consumer.

(6) Where one or more persons are employed or engaged under the direction of another to provide a controlled PRS to a consumer, only that other person is to be treated as the merchant that provides the controlled PRS to the consumer.

(7) “Network operator” means a person falling within paragraph (8) or (9).

(8) A person falls within this paragraph if the person—

- (a) is the provider of an electronic communications service used for the provision of a controlled PRS, and
- (b) under arrangements with an intermediary or a merchant, is entitled to retain some or all of the charges received in respect of the provision of the controlled PRS or in respect of the use of the electronic communications service for the purposes of the controlled PRS.

(9) A person falls within this paragraph if the person—

- (a) is the provider of an electronic communications network used for the provision of a controlled PRS, and
- (b) is party to an agreement with an intermediary or a merchant for the use of the network in the provision of the controlled PRS.

(10) “PRS provider” means—

- (a) an intermediary,

- (b) a merchant, or
 - (c) a network operator.
- (11) References to provision of a service by a PRS provider are references to—
- (a) in relation to an intermediary, the doing of one or both of the things in paragraph (2)(a) or (b),
 - (b) in relation to a merchant, the provision of a controlled PRS to a consumer, and
 - (c) in relation to a network operator, the provision of an electronic communications service or an electronic communications network for use in the provision of a controlled PRS,
- and cognate expressions are to be construed accordingly.
- (12) “Regulated activity” means—
- (a) provision of a service or network within the meaning of paragraph (11), or
 - (b) arrangements made for the promotion and marketing of a controlled PRS.

PART 2

Registration

Requirements before carrying out a regulated activity

- 10.**—(1) No person may carry out a regulated activity (or purport to do so), unless the person—
- (a) is a PRS provider who—
 - (i) satisfies the conditions in paragraph (3) (but see article 13 (registration for transitional cases)), or
 - (ii) is exempt under article 11, and
 - (b) has appointed one or more persons in senior management for such of the purposes described in paragraph (5) as are relevant to that provider (“generally authorised person”).
- (2) An appointment under paragraph (1)(b) may be—
- (a) general for all purposes, or
 - (b) where more than one person is appointed, limited to one or more of the purposes, described in paragraph (5).
- (3) A provider satisfies the conditions in this paragraph if—
- (a) the provider has given OFCOM the information described in Schedule 1 in respect of the regulated activity in the manner specified by OFCOM on their website, and
 - (b) at least five working days have elapsed beginning with the day on which the information was given.
- (4) Where any change in the provider’s circumstances renders inaccurate the information given under paragraph (3)(a), the provider must update OFCOM accordingly in the manner specified by OFCOM on their website, within five working days (beginning with the day on which a reasonable provider in like circumstances would have become aware of the inaccuracy).
- (5) The purposes referred to in paragraph (1)(b) are—
- (a) indicating, by providing an email address, the PRS provider’s willingness to receive notifications and documents transmitted by OFCOM in electronic form in accordance with section 395(5) of the Act,
 - (b) approving risk assessments and measures under article 17(10),
 - (c) approving relevant security testing under article 21(2)(b),
 - (d) approving the policies and procedures under article 39(3)(a) in relation to vulnerable consumers, and

- (e) approving the policies and procedures under article 36(4)(c)(i) in relation to enquiries and complaints.

(6) In this article, “senior management”, in respect of a PRS provider, means persons having a significant role in—

- (a) the making of decisions about how the whole or a substantial part of the PRS provider’s activities are managed or organised, or
- (b) the actual managing or organising of the whole or a substantial part of those activities.

Exemption for certain merchants

11.—(1) A PRS provider is exempt for the purposes of article 10(1)(a)(ii) if the provider is a merchant who provides a controlled PRS—

- (a) in respect of which charges imposed on consumers are enabled solely by means of a facility made available by one qualifying intermediary, or
- (b) to consumers through an application made available by the merchant via an app store provided by a qualifying intermediary.

(2) An intermediary is a qualifying intermediary for such time as the conditions set out in paragraphs (3), (4), (6) and (7) are satisfied.

(3) The first condition is that the intermediary itself satisfies the conditions in article 10(3) and complies with the requirement in article 10(4) in carrying out a regulated activity.

(4) The second condition is that the intermediary has given (and not withdrawn) an undertaking to OFCOM only to make available—

- (a) a facility to a merchant as referred to in paragraph (1)(a), or
- (b) an app store to a merchant as referred to in paragraph (1)(b),

where the intermediary does the things mentioned in paragraph (5).

(5) Those things are that the intermediary—

- (a) makes and keeps an up-to-date relevant record in respect of each and every merchant to which it makes available a facility or app store as referred to in paragraph (1), and
- (b) administers a process for handling complaints made by consumers in respect of such a merchant, including, in particular, making available to consumers contact details for the merchant on its website.

(6) The third condition is that the intermediary has notified OFCOM, in the manner specified by OFCOM on their website, of its undertaking mentioned in paragraph (4).

(7) The fourth condition is that five working days have passed beginning with the day on which the intermediary notified OFCOM in accordance with paragraph (6).

(8) A PRS provider is also exempt for the purposes of article 10(1)(a)(ii) until 3rd March 2025 if the provider is a previously exempted merchant.

(9) Where an intermediary becomes aware of changes such that it is, or will be, unable to continue to give the undertaking required under paragraph (4), the intermediary must—

- (a) immediately notify merchants as referred to in paragraph (1) whose exemption is affected by such a change, and
- (b) update OFCOM accordingly in the manner specified by OFCOM on their website, within five working days.

(10) In this article—

“app store” means an online facility by means of which a consumer can—

- (a) browse applications online, or
- (b) download an application onto an electronic device;

“generally authorised person” has the meaning given in article 10(1)(b);

“online facility” means a website, or any other means by which information is made available over the internet, which facilitates the supply of applications or other data which are produced and supplied in digital form through the website or other means by persons other than the operator (whether or not the operator also supplies those things through the facility);

“operator”, in relation to an online facility, means the person who establishes, maintains and operates the online facility;

“previously exempted merchant” means a merchant who immediately before 1st February 2025 was a person who was exempted by the PSA from the requirement to provide information for the purposes of complying with paragraph 3.8.1 of Code 15;

“relevant record” means a record in writing of—

- (a) in the case of a merchant who is a body corporate, firm, unincorporated body or association that is a legal person under the law by which it is governed—
 - (i) in the case of a limited company that is registered in the United Kingdom, the registered name, number and address, and any trading name, or
 - (ii) in any other case, particulars of the legal form of a company, firm, unincorporated body or association under the law by which it is governed, and (if applicable) the register in which it is entered and its registered name, number and address in that register, and any trading name,
- (b) in any other case, the name (including any trading name) and the last known address of the merchant,
- (c) the brand name (if any) of the controlled PRS provided by the merchant, and
- (d) the name, job title, telephone number, and email address of the merchant’s generally authorised person (or persons).

OFCOM’s duty to establish and maintain a register

12.—(1) OFCOM must establish and maintain a register for the purposes of carrying out their functions under this Order.

(2) OFCOM must record in the register the following information—

- (a) all information given under article 10,
- (b) every notification, including any update, given under article 11,
- (c) all information given under article 13,
- (d) every final enforcement notice served under article 61,
- (e) every direction given under article 62,
- (f) every decision made under article 63,
- (g) every direction given under article 64,
- (h) every direction or decision given under Schedule 4 by virtue of article 66, and
- (i) such other information as OFCOM consider to be appropriate for the purposes of carrying out their functions under this Order.

(3) Information in the register must be—

- (a) recorded in such manner, and
- (b) published in such manner,

as OFCOM consider appropriate.

(4) OFCOM must keep the information recorded in the register for as long as OFCOM considers appropriate for the purposes of carrying out their functions under this Order.

Registration for transitional cases

13.—(1) This article applies to a person who immediately before 1st February 2025 was carrying out an activity in compliance with Code 15.

(2) The person is to be treated, beginning with 1st February 2025, as satisfying the conditions in article 10(3) in respect of that activity.

(3) Where paragraph (2) applies, the person must give OFCOM before 2nd May 2025 the information described in Schedule 2 in the manner specified by OFCOM on their website.

(4) If the person does not give OFCOM all of the required information before 2nd May 2025, paragraph (2) ceases to apply to that person on and after that date.

(5) Where any change in the person's circumstances renders inaccurate the information given under paragraph (3), the person must update OFCOM accordingly in the manner specified by OFCOM on their website, within five working days (beginning with the day on which a reasonable person in like circumstances would have become aware of the inaccuracy).

(6) Where paragraph (2) applies, the person must also—

- (a) review before 2nd June 2025 any information published in the register maintained by OFCOM under article 12 in relation to that person, and
- (b) where any change in the person's circumstances renders inaccurate the information referred to in sub-paragraph (a), update OFCOM accordingly in the manner specified by OFCOM on their website, within five working days (beginning with the day on which a reasonable person in like circumstances would have become aware of the inaccuracy).

PART 3

OFCOM's expenditure

Requirement to pay OFCOM's administrative charges

14.—(1) A liable network operator must pay to OFCOM the amount in pounds sterling for the administrative charge that is calculated in accordance with paragraphs (2) and (3) for each charging year.

(2) The formula to calculate the amount mentioned in paragraph (1) is—

$$AC = [(DAE + O) \div TOP] \times NOS$$

Where—

“AC” means the amount of the administrative charge payable by the liable network operator in question,

“DAE” means the total sum of the relevant expenditure estimated by OFCOM to be incurred in the charging year in question, together with any adjustments to deal with a deficit or surplus mentioned in paragraph (6),

“O” means a reasonable apportionment of OFCOM's estimated overhead costs attributable to such expenditure for the charging year in question,

“TOP” means the total amount of outpayments of all liable network operators in the relevant calendar year, and

“NOS” means the total amount of outpayments of the liable network operator in question in the relevant calendar year.

(3) If the amount calculated in accordance with paragraph (2) is a fraction of a whole number, it must be rounded down to the nearest whole number.

(4) The amount mentioned in paragraph (1) must be paid to OFCOM—

- (a) where it is equal to or less than £75,000, in full within 30 days after receipt of the invoice sent by OFCOM, or
 - (b) where it is more than £75,000, in 12 equal monthly instalments, with the first instalment to be paid by the date falling one calendar month after the date the invoice is sent by OFCOM and subsequent instalments payable at calendar monthly intervals after that.
- (5) As soon as reasonably practicable after the end of each charging year, OFCOM must publish a statement setting out, in respect of that year—
- (a) the aggregate amounts of the administrative charges that have been received by OFCOM for that year,
 - (b) the aggregate amount of the administrative charges for that year that remain outstanding and are likely to be paid or recovered, and
 - (c) the relevant expenditure for that year.
- (6) Any deficit or surplus shown (after applying this paragraph for all previous years) by a statement under paragraph (5) must be carried forward and taken into account by OFCOM to ensure that the aggregate amount of the charges payable to OFCOM is sufficient to meet, but does not exceed, the relevant expenditure estimated to be incurred in relation to the following year.
- (7) In this article—
- “charging year” means—
- (a) the period beginning with 1st February 2025 and ending with 31st March 2025, or
 - (b) any subsequent period of 12 months beginning with 1st April;
- “liable network operator” means a network operator whose total amount of outpayments in a relevant calendar year is equal to or more than £10,000 exclusive of VAT;
- “originating communications provider” means a person providing electronic communications services to consumers;
- “outpayments” mean the total sum of the amounts payable by a liable network operator to intermediaries and merchants in respect of PRS revenue;
- “PRS revenue” means the total net amount passed onto a liable network operator by an originating communications provider in respect of charges imposed by the provider on users of its electronic communications services for the provision of controlled PRS, together with any facilities made available to them, except for any charges imposed for the purpose of those users donating to a charity;
- “relevant calendar year” means the period of 12 months beginning with the first day of January in the year two years before the calendar year in which the charging year in question begins;
- “relevant expenditure” means expenditure in connection with—
- (a) OFCOM’s establishment and maintenance, in accordance with this Order, of any procedure, and
 - (b) the making of other arrangements by OFCOM for the purposes of the requirements of this Order.

PART 4

Due-diligence measures and risk assessments in dealing with others

Prohibition on dealing with unregistered PRS providers

15. No PRS provider (“O”) may enter into an arrangement with another PRS provider (“P”) in respect of a regulated activity, unless O is satisfied that P is—

- (a) registered with OFCOM under articles 10 or 13, or
- (b) exempt from registering with OFCOM under article 11,

by considering the information in article 12(2)(a), (b) or (c) (as the case may be) in OFCOM's register (see article 12(1) and (3)(b)).

Prohibition on dealing with persons on whom a relevant direction, decision or sanction has been imposed

16.—(1) No PRS provider may enter into an arrangement with another person in respect of a regulated activity where—

- (a) that person is the subject of—
 - (i) a direction or decision given by OFCOM as set out in paragraph (2), or
 - (ii) a sanction imposed by a relevant enforcement authority as set out in paragraph (3), and
- (b) that arrangement would contravene any such direction, decision or sanction that remains in effect.

(2) A direction or decision is one given by OFCOM under—

- (a) article 62(5) or (6)(c) (interim direction prohibiting, suspending, or restricting a PRS provider from working in connection with, or carrying out, a regulated activity) and any confirmation of such directions under article 63,
- (b) article 64(5) or (6)(c) (direction for serious contraventions prohibiting, suspending, or restricting a PRS provider from working in connection with, or carrying out, a regulated activity), or
- (c) Schedule 4 by virtue of article 66 (transitional arrangements for the purposes of a relevant approved code).

(3) A sanction is one which is—

- (a) imposed by a relevant enforcement authority under any provision in a relevant approved code which corresponds to paragraph 5.8.5 (f) to (h) of Code 15, and
- (b) published on the PSA's website.

(4) In this article, “relevant approved code” and “relevant enforcement authority” have the meanings given in paragraph 1 of Schedule 4.

Risk assessment requirements

17.—(1) No PRS provider may enter into an arrangement in respect of a controlled PRS, unless the provider has carried out an assessment of risk in respect of that arrangement (but see paragraph (6)).

(2) In carrying out that assessment, the PRS provider must have regard to—

- (a) the purpose and nature of the arrangement,
- (b) the parties to the arrangement, and
- (c) the provision, content, promotion and marketing of the controlled PRS in respect to which the arrangement is being made.

(3) For the purposes of paragraph (2)(b), the PRS provider must take account of such of the following information as it may reasonably access from public sources in relation to each party—

- (a) the party's corporate structure,
- (b) whether there are reasonable grounds for suspecting that the party is unable, or is likely to be unable, to pay its debts as they fall due,
- (c) the party's involvement in any legal proceedings, including any previous or ongoing legal proceedings and judgments or any other decisions made by a court, tribunal or other body in respect of the party,

- (d) registered information (if any) of any sub-contractors used, or to be used, by the party in respect of the controlled PRS to which the arrangement mentioned in paragraph (1) relates, and
 - (e) the party's relevant compliance history.
- (4) In paragraph (3)(e), "relevant compliance history" means—
- (a) where a party referred to in paragraph (2)(b) is a PRS provider, any decisions made by OFCOM under Part 10 of this Order concerning the party's compliance with requirements imposed by Parts 2 to 9 of this Order,
 - (b) where a party referred to in paragraph (2)(b) is a person to whom a relevant approved code applied, any decisions made by a relevant enforcement authority under such a code concerning the party's compliance with requirements under such a code, and
 - (c) where a party referred to in paragraph (2)(b) is a person who is subject to other requirements imposed by OFCOM or any other regulatory body, any decisions by that body concerning the party's compliance with the requirements in question.
- (5) The PRS provider must take such measures as are appropriate and proportionate for the purpose of mitigating and managing any risks identified in the assessment.
- (6) Where there is no reasonable prospect of the PRS provider taking the measures required by paragraph (5), the provider must not enter into the arrangement.
- (7) Where the PRS provider enters into the arrangement referred to in paragraph (1), it must review and update the assessment at appropriate intervals (for so long as the arrangement remains in place) to consider—
- (a) where risks were previously identified by the assessment, whether those risks have materially changed, and
 - (b) whether any new risks have arisen, having regard to the matters in paragraph (2).
- (8) Where the updated assessment under paragraph (7) identifies either materially changed risks or new risks, the PRS provider must go on to take such measures as are appropriate and proportionate for the purpose of preventing adverse effects arising from such risks.
- (9) Where there is no reasonable prospect of the PRS provider taking such measures, it must immediately terminate the arrangement.
- (10) A generally authorised person of the PRS provider required to carry out any assessments and take any measures under this article must approve such assessments and measures.
- (11) The PRS provider must make and keep a record in writing of—
- (a) the assessment carried out for the purposes of this article (including any updated assessment made in accordance with paragraph (7)), and
 - (b) any measures taken in accordance with paragraphs (5) or (8).
- (12) In this article—
- "appropriate intervals" means—
- (a) within the period of 12 months beginning with the day after the PRS provider has carried out the risk assessment under paragraph (1), and
 - (b) thereafter at intervals not exceeding 12 months from the previous review until the arrangement has concluded;
- "generally authorised person" has the meaning given in article 10(1)(b);
- "public sources" means sources that contain information that is available to members of the public in the United Kingdom;
- "registered information" means—
- (a) in the case of a body corporate, firm, unincorporated body or association that is a legal person under the law by which it is governed—
 - (i) in the case of a limited company that is registered in the United Kingdom, the registered name, number and address, and any trading name, or

- (ii) in any other case, particulars of the legal form of a company, firm, unincorporated body or association under the law by which it is governed, and (if applicable) the register in which it is entered and its registered name, number and address in that register, and any trading name, or
- (b) in any other case, the name (including any trading name) and the last known address of the person;

“relevant approved code” and “relevant enforcement authority” have the meanings given in paragraph 1 of Schedule 4;

“risk” means any reasonably identifiable circumstance or event having a potential adverse effect on consumers using the controlled PRS to which the arrangement mentioned in paragraph (1) relates.

Suspension of arrangements by network operators

18.—(1) This article applies where a network operator has an arrangement in respect of a regulated activity with one of the following PRS providers (“P”)—

- (a) an intermediary, or
- (b) a merchant.

(2) A network operator must suspend such an arrangement where it has reasonable grounds for suspecting that—

- (a) there is a security compromise, or a material risk of such a compromise, in P’s payment platform or systems, or
- (b) P is contravening, or has contravened, one or more requirements imposed by this Order.

(3) Where an arrangement has been so suspended, the network operator must not do anything in relation to that arrangement, unless it is satisfied that (as the case may be)—

- (a) the security compromise in paragraph (2)(a) has been eliminated,
- (b) the risk of such a compromise in paragraph (2)(a) is not, or is no longer, material, or
- (c) no action needs to be taken in relation to the suspected contravention.

(4) In this article—

“connected security compromise” means anything referred to in sub-paragraphs (a) to (f) of the definition of “security compromise” which occurs in relation to another person’s payment platform or systems, and references to P in sub-paragraphs (d) and (f) of that definition are to be read accordingly;

“payment platform” means a facility for enabling a charge to be imposed for the provision of a controlled PRS;

“security compromise”, in relation to a payment platform or systems, means—

- (a) anything that compromises the availability, performance or functionality of the payment platform or systems,
- (b) any unauthorised access to, interference with or exploitation of the payment platform or systems, or anything that enables such access, interference or exploitation, for whatever reason,
- (c) anything that compromises the confidentiality of signals conveyed by means of the payment platform or systems,
- (d) anything that causes signals conveyed by means of the payment platform or systems to be lost, unintentionally altered or altered otherwise than by or with the permission of P,
- (e) anything that occurs in connection with the payment platform or systems and compromises the confidentiality of any data stored by electronic means,
- (f) anything that occurs in connection with the payment platform or systems and causes any data stored by electronic means to be lost, unintentionally altered or altered otherwise than by or with the permission of P, or

- (g) anything that occurs in connection with the payment platform or systems and causes a connected security compromise;

“systems” means—

- (a) an electronic communications network,
- (b) an electronic communications service,
- (c) any device or group of interconnected or related devices, one or more of which, pursuant to a program, perform automatic processing of digital data, or
- (d) digital data stored, processed, retrieved or transmitted by elements covered under subparagraphs (a), (b) or (c) for the purposes of their operation, use, protection and maintenance,

that is used in respect of the provision of a controlled PRS, but it does not include a payment platform.

Suspension of arrangements by intermediaries

19.—(1) This article applies where an intermediary has an arrangement with a merchant in respect of a regulated activity.

(2) An intermediary must suspend an arrangement where it has reasonable grounds for suspecting that—

- (a) there is a security compromise, or a material risk of such a compromise, in the payment platform or systems of the merchant, or
- (b) the merchant is contravening, or has contravened, one or more requirements imposed by this Order.

(3) Where an arrangement has been so suspended, the intermediary must not do anything in relation to that arrangement, unless it is satisfied that (as the case may be)—

- (a) the security compromise in paragraph (2)(a) has been eliminated,
- (b) the risk of such a compromise in paragraph (2)(a) is not, or is no longer, material, or
- (c) no action needs to be taken in relation to the suspected contravention.

(4) In this article, “connected security compromise”, “payment platform”, “security compromise” and “systems” have the meanings given in article 18(4) but references to “P” in the definitions of “connected security compromise” and “security compromise” are instead to be read as references to “merchant”.

Arrangements entered into before 1st February 2025

20.—(1) This article applies to a PRS provider who immediately before 1st February 2025—

- (a) is a person to whom Code 15 applied,
- (b) is party to an arrangement, which remains in effect, in respect of a controlled PRS, and
- (c) complied with all requirements in paragraphs 3.9.1 to 3.9.15, and 3.10.8 to 3.10.9, of Code 15 applicable to the person in respect of that arrangement.

(2) The PRS provider is deemed to have complied, beginning with 1st February 2025, with the following articles, in respect of such an arrangement, where they apply—

- (a) article 15, and
- (b) article 16.

(3) The PRS provider is also deemed to have complied, beginning with 1st February 2025, with the following requirements (where applicable) in article 17, in respect of such an arrangement—

- (a) article 17(1) to (6),
- (b) article 17(10) (other than in relation to an updated assessment made for the purposes of paragraph (7) and measures taken in accordance with paragraph (8)),

- (c) article 17(11)(a) (other than in relation to an updated assessment made for the purposes of paragraph (7)), and
- (d) article 17(11)(b) (other than in relation to measures taken in accordance with paragraph (8)).

PART 5

Security testing

Requirements relating to relevant security testing

21.—(1) No intermediary may carry out a regulated activity, unless the intermediary has completed relevant security testing—

- (a) within the period of 12 months ending with the day on which any regulated activity begins, and
- (b) subsequently at annual intervals from the day after which the relevant security testing was most recently completed, for so long as the intermediary carries out the regulated activity.

(2) In this article, “relevant security testing” means a process—

- (a) which is undertaken for the purpose of determining whether the intermediary’s payment platform for relevant operator billing is (in principle) at risk of any security compromises, and
- (b) the results of which are approved by the generally authorised person (“P”).

(3) P may not give an approval for the purposes of paragraph (2)(b), unless P is satisfied that—

- (a) there is no material risk of security compromises on the intermediary’s payment platform for relevant operator billing, or
- (b) there is such a risk but that risk is materially reduced by the intermediary having in place measures which, in the reasonable opinion of P, ensure that consumers are adequately protected.

(4) The intermediary must keep an up-to-date record of the relevant security testing that it carries out, including details of—

- (a) the processes for determining risks of security compromises,
- (b) any risks and measures identified for the purposes of paragraph (3)(b), and
- (c) the approval given for the purposes of paragraph (2)(b).

(5) As soon as reasonably practicable after completing the relevant security testing, the intermediary must provide a record of that testing to the relevant network operator.

(6) Where, on receipt of that record, a relevant network operator reasonably believes that—

- (a) there is a risk of a security compromise, and
- (b) no measures could be put in place which would ensure that consumers are adequately protected,

the relevant network operator must immediately notify the intermediary of that belief.

(7) Where a relevant network operator has given a notification under paragraph (6), the relevant network operator and the intermediary must not do anything that would (if done) contribute to the carrying out of the regulated activity affected by the risk of a security compromise.

(8) In this article—

“connected security compromise” means anything referred to in sub-paragraphs (a) to (f) of the definition of “security compromise” which occurs in relation to another person’s payment platform, and references to the intermediary in sub-paragraphs (d) and (f) of that definition are to be read accordingly;

“generally authorised person” has the meaning given in article 10(1)(b);

“operator billing” means the process for imposing charges made by a person providing a mobile phone service for a consumer’s use of that service;

“payment platform” has the meaning given in article 18(4);

“relevant network operator” means a network operator in respect of which the intermediary has entered into arrangements for the purposes of carrying out a regulated activity;

“relevant operator billing” means operator billing in respect of a controlled PRS provided by means of an internet access service;

“security compromise”, in relation to a payment platform, means—

- (a) anything that compromises the availability, performance or functionality of the payment platform,
- (b) any unauthorised access to, interference with or exploitation of the payment platform, or anything that enables such access, interference or exploitation, for whatever reason,
- (c) anything that compromises the confidentiality of signals conveyed by means of the payment platform,
- (d) anything that causes signals conveyed by means of the payment platform to be lost, unintentionally altered or altered otherwise than by or with the permission of the intermediary,
- (e) anything that occurs in connection with the payment platform and compromises the confidentiality of any data stored by electronic means,
- (f) anything that occurs in connection with the payment platform and causes any data stored by electronic means to be lost, unintentionally altered or altered otherwise than by or with the permission of the intermediary, or
- (g) anything that occurs in connection with the payment platform and causes a connected security compromise.

PART 6

Consumer Protection

CHAPTER 1

Information provided to consumers in carrying out a regulated activity

Misleading information

22.—(1) The information that is provided by a PRS provider in carrying out a regulated activity must not be likely to mislead a consumer.

(2) For the purposes of paragraph (1), information that is provided is likely to mislead a consumer if—

- (a) it, or any material part of it, is false information and is therefore untruthful in relation to the pre-contract information or if it, or its overall presentation, in any way deceives or is likely to deceive the average consumer, even if the information is factually correct, and
- (b) it causes, or is likely to cause, the average consumer to take a transactional decision that the consumer would not have taken otherwise.

(3) In assessing whether information that is provided is likely to mislead a consumer, regard is to be had to whether the information provided is misleading because it does not include pre-contract information which, had it been provided, would have caused, or would have been likely to cause, the average consumer to take a transactional decision that the consumer would not have otherwise taken.

(4) For the purposes of paragraph (3), information that is provided (but for this paragraph) is to be treated as not including pre-contract information to the extent that the pre-contract information is—

- (a) hidden,
- (b) provided in a manner which is unclear, unintelligible, ambiguous or untimely, or
- (c) provided with commercial intent and which fails to identify that intent, unless that is already apparent from the context.

(5) References in this article to the average consumer are, subject to paragraph (6), references to a consumer who is—

- (a) reasonably well informed,
- (b) reasonably observant, and
- (c) reasonably circumspect.

(6) Where a regulated activity is directed at a particular group (including a group of vulnerable consumers), references to the average consumer are references to an average member of that group (and the attributes of the average consumer in paragraph (5) are to be read accordingly).

(7) In this article—

“pre-contract information” means the information specified in Schedule 3;

“transactional decision” means any decision taken by a consumer, whether it is to act or to refrain from acting, concerning—

- (a) whether, how and on what terms to purchase, or make payment in whole or in part for, a controlled PRS, or
- (b) whether, how and on what terms to exercise a contractual right in relation to a controlled PRS;

“vulnerable consumers” has the meaning given in article 39(4).

CHAPTER 2

Promotion and marketing

Promoting and marketing services to children

23.—(1) A PRS provider must not offer a children’s service, unless any promotion and marketing for such a service specifies—

- (a) the age requirements (if any) applicable for the use of the service in question, and
- (b) that, if the consumer is not the bill-payer, the consumer must obtain the bill-payer’s permission before using the service.

(2) In this article—

“bill” means the information issued, or made available, by an originating communications provider to a customer about the charges levied and due for payment (or, as the case may be, the debits and credits applied to the customer’s account) for providing an electronic communications service by means of which the service in question is provided;

“bill-payer” means the customer to whom a bill is issued or made available;

“child” means a person under the age of 16;

“children’s service” means a threshold service that includes—

- (a) the provision of content, or
- (b) the making available of a facility,

that is aimed at children or could reasonably be expected to appeal to a child;

“originating communications provider” has the meaning given in article 14(7).

Factual claims made in promotion and marketing about a controlled PRS

24. A PRS provider must make and keep a record in writing of all evidence necessary to substantiate claims made in the promotion and marketing of a controlled PRS.

Usage requirements for some types of controlled PRS to be stated in promotion and marketing

25.—(1) A PRS provider must not offer a service mentioned in paragraph (2), unless the promotion and marketing of such a service complies with the requirements in paragraph (3).

(2) The services are—

- (a) a chatline service,
- (b) a live entertainment service,
- (c) a remote gambling service,
- (d) a sexual content service, or
- (e) a virtual chat service.

(3) The promotion and marketing of any service to which this article applies must clearly state that—

- (a) the service must not be used by any person under the age of 18,
- (b) if the consumer is not the bill-payer, the consumer must obtain the bill-payer's permission before using the service, and
- (c) details of the service may appear on the bill-payer's bill.

(4) In this article—

“bill” and “bill-payer” have the meanings given in article 23(2);

“excluded service” means—

- (a) a children's service (within the meaning given in article 23(2),
- (b) a competition or voting service (within the meaning given in article 41(1),
- (c) a remote gambling service, or
- (d) a society lottery service (within the meaning given in article 53(4);

“live entertainment service” means a threshold service (other than an excluded service) provided by means of a call between at least two persons and that includes content of such a nature that it is reasonable to assume that it was produced solely or principally for the purposes of entertaining a consumer;

“remote gambling service” has the meaning given in article 52(4);

“virtual chat service” has the meaning given in article 31(5).

CHAPTER 3

Pre-contract information and express consent for imposing certain charges

Information to be provided before entering into a controlled PRS contract

26.—(1) Before entering into a controlled PRS contract with a consumer, the merchant must provide the consumer with the information specified in Schedule 3 in a clear, comprehensible and prominent manner, and in a way appropriate to the means of communication used.

(2) In this article, a “controlled PRS contract” means a contract under which a merchant provides, or agrees to provide, a controlled PRS to a consumer and the consumer pays, or agrees to pay, the charge to be imposed for the provision of the controlled PRS.

Express consent for charges imposed under a subscription contract entered into by means of an internet access service

27.—(1) This article applies to a subscription contract entered into by means of an internet access service.

(2) The merchant must not impose any charge unless, directly before the consumer is bound by the contract, the merchant has satisfied the conditions in this article.

(3) The first condition is that the merchant must make available to the consumer, directly before the consumer pays or agrees to pay the charge for the provision of the service, the information specified in sub-paragraphs (a), (b), (c), (g), (h), (i) and (o) of paragraph 2 of Schedule 3 in a clear, comprehensible and prominent manner, and in a way that complies with paragraph (4).

(4) The merchant must make available to the consumer the information referred to in paragraph (3) clearly and legibly on the merchant's website, adjacent to the button or other similar function mentioned in paragraph (6).

(5) The second condition is that the merchant must obtain the consumer's express consent by ensuring that the consumer explicitly acknowledges that the provision of the service in question entails an obligation to pay the charge in question.

(6) The consumer's express consent is deemed to have been given when the consumer activates a button or a similar function labelled in an easily legible manner with words such as 'SUBSCRIBE' or a corresponding unambiguous formulation indicating that the consumer's activation entails an obligation to pay the merchant.

(7) In this article, "subscription contract" has the meaning given in article 8(5).

Express consent for charges imposed under a subscription contract entered into by means of an SMS message

28.—(1) This article applies to a subscription contract entered into by means of an SMS message, except for a subscription contract for a recurring donation service.

(2) The merchant must not impose any charge unless, directly before the consumer is bound by the contract, the merchant has satisfied the conditions in this article.

(3) The first condition is that the merchant must make available to the consumer, directly before the consumer pays or agrees to pay the charge for the provision of the service, in a clear, comprehensible and prominent manner—

- (a) by means of an SMS message, the information specified in sub-paragraphs (g), (h) and (o) of paragraph 2 of Schedule 3, and
- (b) the information specified in sub-paragraphs (a), (b), (c), (i), (j), (k) and (l) of paragraph 2 of Schedule 3 either—
 - (i) by means of an SMS message, or
 - (ii) by means of a webpage, a link to which is provided in the SMS message referred to in sub-paragraph (a).

(4) The second condition is that the merchant must obtain the consumer's express consent by ensuring that the consumer explicitly acknowledges that the provision of the service in question entails an obligation to pay the charge in question.

(5) The consumer's express consent is deemed to have been given when the consumer replies by means of an SMS message in response to the SMS message referred to in paragraph (3) with a word such as 'SUBSCRIBE' or a corresponding unambiguous formulation indicating that the consumer's reply entails an obligation to pay the merchant.

(6) In this article—

"recurring donation service" means a threshold service that includes the making available of a facility for making payments at regular intervals to a charity;

"subscription contract" has the meaning given in article 8(5).

Express consent for charges imposed under a contract for an ICSS

29.—(1) This article applies to a contract under which a merchant provides, or agrees to provide, an ICSS to a consumer and the consumer pays, or agrees to pay, the charge to be imposed for the provision of that service.

(2) The merchant must give to the consumer by way of an automated message the information mentioned in paragraph (3) in a clear and comprehensible manner.

- (3) The information is—
- (a) the information specified in sub-paragraphs (f), (g) and (j) of paragraph 2 of Schedule 3,
 - (b) the telephone number of the person or service to whom the consumer wishes to be connected through the use of the ICSS,
 - (c) an explanation of the fact that, if the consumer still wishes to be connected, the charge for the continued use of the ICSS would be more expensive than the cost (if any) of the consumer speaking to the person directly or accessing that person’s service directly, and
 - (d) an explanation of the maximum charge for the provision of the ICSS that may be imposed in accordance with article 50, together with an explanation of what will happen to the use of the ICSS once the maximum charge has been reached.
- (4) That information must be given without undue delay after—
- (a) a connection for the electronic communication has been established between the merchant and the consumer, and
 - (b) the consumer has informed the merchant of the person or service to whom the consumer wishes to be connected through the use of the ICSS.
- (5) After giving the information mentioned in paragraph (3), the merchant must not impose any charge for the continued use of the ICSS, unless the merchant obtains the consumer’s express consent by ensuring that the consumer explicitly acknowledges that the continued use, including the connection to the person or service in question, entails an obligation to pay the charge in question.
- (6) The consumer’s express consent is deemed to have been given when the consumer activates a button or a similar function for indicating consent during the electronic communication with the merchant in response to the automated message containing the information mentioned in paragraph (3).

CHAPTER 4

Provision of controlled PRS

Requirement to provide a controlled PRS within a reasonable time

30.—(1) This article applies where a merchant and a consumer enter into a controlled PRS contract and—

- (a) the contract does not expressly fix the time for the service to be provided and does not say how it is to be fixed, and
 - (b) the information required to be provided to the consumer under article 26(1) does not fix the time either.
- (2) The merchant must provide the service within a reasonable time.
- (3) What is a reasonable time is a question of fact.
- (4) In this article, “controlled PRS contract” has the meaning given in article 26(2).

Charging information for a controlled PRS purchased through the use of a mobile phone service

31.—(1) This article applies to the provision of a controlled PRS for which a consumer is required to pay the charge to a person providing a mobile phone service by means of which the controlled PRS in question is provided (but see paragraph (4)).

- (2) The merchant must provide the consumer, free of charge, with the information specified in paragraph (3) by means of an appropriate medium without undue delay after a charge for the provision of the controlled PRS has been imposed.
- (3) That information is—
- (a) the name of the merchant (including any trading name),

- (b) a link to the webpage of the merchant’s website containing the information required by article 36(1) and (2) or, if the merchant does not have a website, the full name and contact details of the merchant for the purposes dealing with consumer enquiries and complaints,
- (c) the total amount charged for the provision of the controlled PRS, and
- (d) in the case of a subscription contract, a reminder of—
 - (i) the frequency with which the consumer will become liable for charges and the total charge payable for the provision of the controlled PRS inclusive of VAT by the consumer on each occasion or, where the charge cannot be reasonably be calculated in advance, how that charge is to be calculated, and
 - (ii) clear instructions explaining how the consumer may terminate the provision of the service.

(4) This article does not apply to—

- (a) a controlled PRS which is provided to consumers by means of a call, or
- (b) a virtual chat service.

(5) In this article—

“appropriate medium” means an email or an SMS message that—

- (a) enables the consumer to store the information in a way accessible for future reference for a period that is long enough for the purposes of the information, and
- (b) allows the unchanged reproduction of the information;

“controlled PRS contract” has the meaning given in article 26(2);

“subscription contract” has the meaning given in article 8(5);

“virtual chat service” means a threshold service—

- (a) that includes a facility for enabling at least two consumers to transmit recorded speech, SMS messages or visual images to one another, and
- (b) which facility is provided only to consumers who, immediately before making use of it, do not know which other individual consumers will also be able to make use of it.

Notifications of charges for virtual chat services

32.—(1) This article applies to a merchant who provides a virtual chat service to a consumer.

(2) Where the charge for use of a virtual chat service first reaches £10 (inclusive of VAT), the merchant must—

- (a) notify the consumer of that fact, and
- (b) provide the consumer with the information specified in paragraph (4),

without undue delay after that time.

(3) Each time the charge for that use reaches a further increment of £10 (inclusive of VAT), the merchant must again—

- (a) notify the consumer of that fact, and
- (b) provide the consumer with the information specified in paragraph (4),

without undue delay after that time.

(4) The information is—

- (a) the total amount of the charge for the use of the service imposed since—
 - (i) the consumer first began using the service, or
 - (ii) the last notification sent under paragraph (2) or paragraph (3) (as the case may be), whichever is the most recent,
- (b) the name of the merchant (including any trading name),

- (c) a link to the webpage of the merchant’s website containing the information required by article 36(1) and (2) or, if the merchant does not have a website, the full name and contact details of the merchant for the purposes of dealing with consumer enquiries and complaints, and
 - (d) clear instructions explaining how the consumer may terminate the provision of the service.
- (5) A notification under paragraph (2) or (3), together with the information in paragraph (4), must—
- (a) be sent together, free of charge, by means of an SMS message to the telephone number used for the purpose of imposing the charge for the use of the service, and
 - (b) be separate and distinct to any other information which may be given as part of providing the service or any promotion and marketing of the service.
- (6) In this article, “virtual chat service” has the meaning given in article 31(5).

Right to terminate subscription contracts

- 33.—**(1) A consumer may terminate, with immediate effect, a subscription contract without becoming liable for any charge relating to a period after the contract has come to an end.
- (2) The right in paragraph (1) is exercised if the consumer indicates to the merchant that the consumer is terminating the contract and treating the contract as at an end.
- (3) The consumer must be able to give the indication by any reasonable means and by the same means of communication as the consumer used to enter into the contract.
- (4) Every subscription contract is to be treated as including terms that the consumer may terminate the contract as provided by paragraphs (1) to (3) of this article.
- (5) In this article, “subscription contract” has the meaning given in article 8(5).

Reminder notices of termination of subscription contracts

- 34.—**(1) This article applies to a subscription contract, except for a subscription contract for a recurring donation service or a society lottery service.
- (2) No charge is payable by the consumer—
- (a) as respects a subscription service where a consumer automatically incurs a charge, or recurring charges, for a specified duration only (“term-based subscription”), after the last cancellation date, or
 - (b) as respects a subscription service where the period for the imposition of charges continues indefinitely (“subscription of indeterminate duration”), beginning with the period referred to in paragraph (4)(b),

unless the merchant has provided a notice to the consumer containing the information in paragraph (3).

- (3) The information is—
- (a) a brief description of the service to which the contract relates,
 - (b) a reminder that—
 - (i) as respects a term-based subscription, the subscription will be automatically renewed for the same duration as previously specified, unless the consumer terminates the contract in accordance with the consumer’s right under article 33 before the last cancellation date,
 - (ii) as respects a subscription of indeterminate duration, the subscription will continue indefinitely unless the consumer terminates the contract in accordance with the consumer’s right under article 33, and
 - (c) only as respects a term-based subscription, the last cancellation date.
- (4) The notice must be sent to the consumer in an appropriate medium and—

- (a) as respects a term-based subscription, not less than seven calendar days, but not more than 30 calendar days, before the last cancellation date, and
 - (b) as respects a subscription of indeterminate duration, within the period of 14 calendar days beginning with the date falling 14 calendar days before each anniversary of the date that the contract was entered into by the consumer.
- (5) A notice sent under this article must be provided free of charge.
- (6) In this article—
- “appropriate medium” has the meaning given in article 31(5);
 - “last cancellation date” means the last day on which the consumer could avoid becoming liable for a charge for the provision of content or the making available of a facility;
 - “recurring donation service” has the meaning given in article 28(6);
 - “society lottery service” has the meaning given in article 53(4);
 - “subscription contract” has the meaning given in article 8(5).

Records of consent

35.—(1) A merchant who provides a controlled PRS to a consumer must make and keep a record in writing of the consumer’s consent to entering into a controlled PRS contract and for any charges imposed under such a contract.

(2) The consumer’s consent in paragraph (1) includes, in particular, consent obtained in accordance with articles 27 to 29 and 46(4).

(3) In this article, “controlled PRS contract” has the meaning given in article 26(2).

Consumer enquiries and complaints: policies and procedures

36.—(1) A merchant must not provide a controlled PRS to a consumer, unless the merchant—

- (a) has policies and procedures in writing about the matters mentioned in paragraph (2), which meet the requirements in paragraph (4), and
- (b) complies with the seven requirements set out in article 37.

(2) Those matters are—

- (a) the arrangements and facilities for dealing with any enquiries made to the merchant by a consumer,
- (b) the handling of complaints made to that merchant by a consumer where the complaint is in connection with the provision of a controlled PRS, and
- (c) the provision of refunds, or other form of redress, in respect of matters that form the subject-matter of such complaints.

(3) The policies and procedures referred to in paragraph (1)(a) must describe the means and methods for establishing compliance with the seven requirements set out in article 37.

(4) Those policies and procedures must—

- (a) be clear and accessible to members of the public free of charge, including on the merchant’s website (if any),
- (b) include, in particular—
 - (i) a statement of a consumer’s entitlement to take the enquiry or complaint to OFCOM, together with OFCOM’s contact details, where the consumer expresses dissatisfaction with the handling or resolution of the enquiry or complaint, and
 - (ii) up-to-date contact information for the merchant, and
- (c) be—
 - (i) approved by the generally authorised person,
 - (ii) kept up-to-date, and

(iii) reviewed, and where necessary revised, to ensure they are effective for the purposes of this article.

(5) In this article, “generally authorised person” has the meaning given in article 10(1)(b).

Consumer enquiries and complaints: requirements

37.—(1) This article sets out the seven requirements for the purposes of complying with article 36.

(2) The first requirement is that a consumer must be able to make any enquiry or complaint—

(a) free of charge, or

(b) where it is made using a telephone number for contacting the merchant, at no more than the basic rate.

(3) The second requirement is that the merchant must use its best endeavours to ensure that all calls received from consumers are answered between 9 am to 5 pm on working days for the purposes of dealing with any enquiries and complaints.

(4) The third requirement is that all enquiries and complaints made by means other than a call should be acknowledged to the consumer within five working days beginning with the day on which the enquiry or complaint is received.

(5) The fourth requirement is that the merchant must inform the consumer, at appropriate intervals, about the status and progress of the enquiry or complaint.

(6) The fifth requirement is that the merchant must use its best endeavours to resolve issues raised by consumer’s enquiry or complaint.

(7) The sixth requirement is that the merchant’s determination of any enquiry or complaint must be provided to the consumer without undue delay.

(8) The seventh requirement is that the merchant must make and keep appropriate records in writing of enquiries and complaints and any determination made in respect of them.

Additional requirements relating to refunds

38.—(1) This article applies where a merchant receives a complaint or other communication which amounts to a request for a refund from a consumer in relation to a charge imposed for the provision of a controlled PRS.

(2) The merchant must inform the consumer, at appropriate intervals, about the status and progress of the consumer’s request for a refund.

(3) The merchant must provide the consumer with its decision about whether or not a refund will be paid without undue delay.

(4) A decision under paragraph (3) must contain—

(a) the reasons for that decision,

(b) the amount of any refund, and

(c) the date on which any refund will be paid to the consumer.

(5) The merchant must pay the refund to the consumer—

(a) by making the arrangements so that the consumer receives the refund as a credit to the amount of the consumer’s next bill or in such other manner and by such time as the merchant and the consumer may expressly agree, and

(b) without imposing any charge on the consumer in respect of paying the refund.

(6) In this article, “bill” has the meaning given in article 23(2).

CHAPTER 5

Vulnerable consumers and harmful material

Vulnerable consumers

39.—(1) A PRS provider must not carry out any regulated activity, unless the PRS provider takes reasonable and proportionate steps—

- (a) to identify potential risks to the interests of vulnerable consumers, and
- (b) to mitigate any identified risks.

(2) The PRS provider must have policies and procedures in writing which describe the means and methods for establishing compliance with this article.

(3) Those policies and procedures must be—

- (a) approved by the generally authorised person,
- (b) kept up-to-date, and
- (c) reviewed, and where necessary revised, to ensure they are effective for the purposes of this article.

(4) In this article—

“generally authorised person” has the meaning given in article 10(1)(b);

“vulnerable consumers” means consumers having—

- (a) the capacity to make decisions about a controlled PRS but who because of a specific characteristic, circumstance or need, may require assistance to do so, or
- (b) limited capacity to make such decisions because of a specific characteristic, circumstance or need, and require assistance to do so,

in a way a PRS provider could reasonably be expected to foresee;

“decisions about controlled PRS” include decisions about whether, how and on what terms to purchase a controlled PRS, make a payment for a controlled PRS or exercise a contractual right in relation to a controlled PRS;

“specific characteristic, circumstance or need” includes, in particular, age, illness, physical or mental impairment which has an adverse effect on the carrying out of normal day-to-day activities, or emotional distress.

Harmful material

40.—(1) A PRS provider must not carry out any regulated activity that contains any material likely to incite violence or hatred against a group of persons or a member of a group of persons based on any of the specified characteristics.

(2) A PRS provider must also take all reasonable steps to prevent the risk of the regulated activity causing harm to consumers.

(3) In paragraph (2), the reference to harm includes harm to mental health (including, for example, as a consequence of suffering fear, anxiety or distress).

(4) In this article, “specified characteristics” mean—

- (a) age,
- (b) disability,
- (c) gender reassignment,
- (d) marriage or civil partnership,
- (e) pregnancy or maternity,
- (f) race,
- (g) religion or belief,

- (h) sex, or
- (i) sexual orientation.

CHAPTER 6

Competition or voting services

Meaning of “competition or voting service”

41.—(1) In this Chapter, “competition or voting service” means a threshold service (other than a remote gambling service or a society lottery service) that includes the making available of a facility for—

- (a) entering a competition or claiming a prize, or
- (b) registering a vote or recording a preference.

(2) In this article—

“remote gambling service” has the meaning given in article 52(4);

“society lottery service” has the meaning given in article 53(4).

Valid ticket of entry for competition or voting services

42.—(1) A merchant must specify a time limit for the use of a facility comprised in a competition or voting service before consumers are able to make use of it.

(2) Where a consumer uses the facility before that time limit has expired (but see paragraph (4)) and meets any conditions applicable to the competition or voting service, the merchant must—

- (a) give the consumer an entitlement to a chance of winning a competition or claiming a prize, or (as the case may be) to have a vote registered or a preference recorded, and
- (b) give a confirmation of that entitlement (“valid ticket of entry”) to the consumer without undue delay after the consumer has used the facility, in a way appropriate to the means of communication used.

(3) For the purposes of paragraph (2), where—

- (a) a consumer uses a relevant telephone number to establish a connection in order to make use of a facility comprised in a competition or voting service, and
- (b) that connection has been established before the time limit has expired,

the facility is to be treated as used by the consumer before the time limit has expired, despite the fact that the consumer is still in the process of using the facility after the time limit has expired.

(4) The requirement in paragraph (2) does not apply where the fact of the consumer’s use of the facility before the time limit expired was unknown to the merchant due to circumstances outside the control of the merchant.

(5) Where paragraph (4) applies, the merchant must give to the consumer without undue delay after the merchant becomes aware (if at all) of the consumer’s attempt to use the facility, in a way appropriate to the means of communication used—

- (a) a confirmation of the fact that the attempt to use the facility was unsuccessful, and
- (b) either—
 - (i) a confirmation of the fact that no charge has been imposed in relation to that attempt, or
 - (ii) information that the merchant has imposed a charge in relation to the consumer’s attempt and that it will pay a refund to the consumer for that charge,

whichever is applicable in the consumer’s case.

(6) Where the merchant informs a consumer about a refund under paragraph (5)(b)(ii), the merchant must pay the refund to the consumer—

- (a) by making the arrangements so that the consumer receives the refund as a credit to the amount of the consumer's next bill or in such other manner and by such time as the merchant and consumer may expressly agree, and
- (b) without imposing any charge on the consumer in respect of paying the refund.

(7) In this article—

“bill” has the meaning given in article 23(2);

“relevant telephone number” has the meaning given in article 3(8).

Consideration of a valid ticket of entry for competition or voting services

43.—(1) A merchant must comply with the requirements of this article in relation to a valid ticket of entry given to a consumer.

(2) Where the valid ticket of entry relates to having a vote registered or (as the case may be) a preference recorded, the merchant—

- (a) must take that valid ticket of entry into account when deciding the outcome of the votes registered or preferences recorded from all valid tickets of entry given to consumers, and
- (b) must not favour one such vote or preference over another.

(3) Where the valid ticket of entry relates to acquiring a chance of winning a competition or (as the case may be) claiming a prize, the merchant must ensure that the chance is equally favourable to all other valid tickets of entry given to consumers.

(4) In this article, “valid ticket of entry” has the meaning given in article 42(2)(b).

Claiming prizes free of charge

44.—(1) Where a consumer wins a prize in relation to a valid ticket of entry, a merchant must provide the prize to the consumer free of charge.

(2) In this article, “valid ticket of entry” has the meaning given in article 42(2)(b).

Attempted use of a facility comprised in a competition or voting service after a time limit has expired

45.—(1) Where a consumer attempts to use a facility comprised in a competition or voting service after the time limit specified by a merchant in accordance with article 42(1) has expired, the merchant must comply with the requirements of this article.

(2) The merchant must not impose any charge on the consumer in relation to the consumer's attempt to use the facility.

(3) Where the merchant imposes a charge (contrary to paragraph (2)) in relation to the consumer's attempt to use the facility, the merchant must pay the refund to the consumer after it becomes aware of that attempt—

- (a) by making arrangements so that the consumer receives the refund as a credit to the amount of the consumer's next bill or in such other manner and by such time as the merchant and consumer may expressly agree, and
- (b) without imposing any charge on the consumer in respect of paying the refund.

(4) The merchant must also provide to the consumer without undue delay after it becomes aware of the consumer's attempt to use the facility, in a way appropriate to the means of communication used—

- (a) a confirmation of the fact that the attempt to use the facility was unsuccessful, and
- (b) either—
 - (i) a confirmation of the fact that no charge has been imposed in relation to that attempt, or

- (ii) information that the merchant has imposed a charge (contrary to paragraph (2)) in relation to the consumer's attempt and that it will pay a refund for that charge in accordance with paragraph (3),

whichever is applicable in the consumer's case.

- (5) In this article, "bill" has the meaning given in article 23(2).

CHAPTER 7

Other requirements for certain controlled PRS

Pricing restrictions for some types of controlled PRS

46.—(1) This article applies where a merchant is providing one or more of the services mentioned in paragraph (2) to a consumer.

- (2) The services are—

- (a) a chatline service,
- (b) a live entertainment service,
- (c) a professional advice service used by means of a call, and
- (d) a sexual content service used by means of a call.

(3) Where the charge for use of any service reaches £15 (inclusive of VAT) for the duration of the call, the merchant must notify the consumer of that fact during the call.

(4) Where the charge for use of any service reaches £30 (inclusive of VAT) for the duration of the call, the merchant must—

- (a) notify the consumer of that fact during the call, and
- (b) not charge the consumer for further use of the service on that call, unless the consumer has given express consent.

(5) Where the charge for use of any service reaches £40 (inclusive of VAT) for the duration of the call, the merchant must—

- (a) notify the consumer of that fact during the call, and
- (b) not charge the consumer for further use of the service on that call.

- (6) In this article—

"live entertainment service" has the meaning given in article 25(4);

"professional advice service" has the meaning given in article 51(3).

Prohibition on provision of types of controlled PRS to persons under the age of 18

47. A merchant must not provide a service mentioned in article 25(2) (usage requirements for some types of controlled PRS to be stated in promotion and marketing) to any person under the age of 18.

Age verification for some types of controlled PRS

48.—(1) A merchant who provides a service mentioned in article 25(2) (usage requirements for some types of controlled PRS to be stated in promotion and marketing) to a consumer must comply with the four requirements in this article.

(2) The first requirement is that the merchant must establish and maintain procedures for obtaining and verifying that a consumer intending to use the service is not under the age of 18 ("age verification").

(3) The second requirement is that the merchant must carry out age verification in respect of the consumer before providing the service to that consumer.

(4) The third requirement is that the merchant must make and keep a record in writing of the age verification it carries out in respect of the consumer.

(5) The fourth requirement is that the merchant must refund to the bill-payer any charges paid for the use of the service by a person under the age of 18 without undue delay after the merchant becomes aware that the service has been, or is being, used by a person under the age of 18.

(6) In this article, “bill-payer” has the meaning given in article 23(2).

Requirements for controlled PRS provided to children

49.—(1) This article applies to a merchant who provides a controlled PRS to a child.

(2) The merchant must ensure that the service is not provided in a manner which exploits the credulity, inexperience or sense of loyalty of any child.

(3) The merchant must also not impose on the consumer a charge for an amount exceeding—

(a) where the service is not provided under a subscription contract, £5 for a single transaction, up to a total charge of £20 per month irrespective of the number of transactions, and

(b) where the service is provided under a subscription contract, £5 per month.

(4) References to amounts in pounds sterling in paragraph (3) are inclusive of VAT.

(5) In this article—

“child” has the meaning given in article 23(2);

“subscription contract” has the meaning given in article 8(5).

Charges for the provision of ICSS

50.—(1) A merchant must not impose a charge exceeding £40 (inclusive of VAT) on a consumer for the provision of an ICSS.

(2) Where a merchant provides an ICSS to a child, this article does not apply and instead the merchant must comply with article 49.

(3) In this article, “child” has the meaning given in article 23(2).

Relevant qualifications for professional advice services

51.—(1) This article applies to a merchant who provides a professional advice service to a consumer.

(2) The merchant must take reasonable and proportionate steps to ensure that any individual employed or engaged under its direction to provide advice or assistance to a consumer using the service has the qualifications and experience required and necessary to give, or offer to give, such advice or assistance.

(3) In this article—

(a) “professional advice service” means a threshold service that includes content comprising advice or assistance by an individual who has the qualifications and experience required and necessary to give, or offer to give, such advice or assistance, and

(b) references to advice or assistance include, in particular, advice or assistance in resolving matters of a legal, financial, medical and personal nature, including matters relating to family, relationships, and psychological or other health problems.

Consumer information relating to remote gambling services

52.—(1) This article applies to a merchant who provides a remote gambling service to a consumer.

(2) The merchant must make available to the consumer—

(a) a record of the consumer’s use of the remote gambling service (including information about wins and losses), and

- (b) the consumer's account information (including the latest balance).
- (3) The information in paragraph (2) must be made available at all times while the consumer is using the service.
- (4) In this article—
 - “remote gambling service” means a threshold service that includes the making available of a facility for—
 - (a) gaming (within the meaning of section 6 of the 2005 Act), or
 - (b) betting (within the meaning of sections 9 to 11 of the 2005 Act),but does not include a betting tipster service or a society lottery service;
 - “betting tipster service” means a threshold service solely making available a facility for offering information to consumers for the purposes of facilitating the making or accepting of a bet in relation to—
 - (a) the outcome of a race, competition or other event or process,
 - (b) the likelihood of anything occurring or not occurring, or
 - (c) whether anything is or is not true;
 - “society lottery service” has the meaning given in article 53(4).

PART 7

Additional requirements for network operators

Requirement for network operators to retain relevant payments

53.—(1) This article applies where a network operator is liable to make relevant payments to another PRS provider (“P”).

(2) The network operator must not make relevant payments to P for at least 30 calendar days beginning with the day on which the controlled PRS was used by the consumer.

(3) The requirement in paragraph (2) does not apply to relevant payments relating to a society lottery service.

(4) In this article—

“relevant payments” mean any payments owed by the network operator to P relating to, or connected with, the provision of a controlled PRS used by a consumer of an electronic communications service by means of which the controlled PRS is provided;

“society lottery service” means a threshold service solely making available a facility for entering a lottery (within the meaning of section 14 of the 2005 Act)—

- (a) operated by a non-commercial society (within the meaning of section 19 of the 2005 Act(a)), or
- (b) operated for the benefit of such a non-commercial society.

Requirement for network operators to keep premium rate number records

54.—(1) A network operator must make and keep a record in writing of any premium rate number which is being or has been—

- (a) transferred from the network operator to another person, or
- (b) used by another person,

for the provision of a controlled PRS.

(a) 2005 c.19. Section 19 was amended by paragraph 105 of Schedule 7 to the Charities Act 2011 (c.25).

- (2) The entry in the record must contain—
 - (a) the name of the person referred to in paragraph (1)(a) or (b) (as the case may be), and
 - (b) the name of the merchant using the premium rate number (if known and applicable).
- (3) In this article, “premium rate number” has the meaning given in article 3(8).

PART 8

Information requirements

Requirements to provide information to OFCOM

55.—(1) OFCOM may require a PRS provider to provide them with all such information as OFCOM consider necessary for the purpose of carrying out their functions under or by virtue of this Order.

(2) The information that may be required by OFCOM under paragraph (1) includes, in particular, information that they require for any one or more of the following purposes—

- (a) ascertaining whether a contravention of a requirement imposed by this Order has occurred or is occurring,
- (b) ascertaining or verifying the charges payable by a person under Part 3, and
- (c) assessing the results of relevant security testing completed by intermediaries pursuant to article 21.

(3) For the purposes of paragraph (1), OFCOM may, in particular, require the PRS provider to—

- (a) collect or retain any information that the PRS provider would not otherwise collect or retain,
- (b) process, collate or analyse any information held by the PRS provider, or
- (c) answer any questions.

(4) A PRS provider required to provide information under paragraph (1) must provide it in such manner and form, and within such reasonable period, as may be specified by OFCOM.

(5) OFCOM are not to require the provision of information under paragraph (1) except—

- (a) by a demand for the information that describes the required information and sets out OFCOM’s reasons for requiring it, and
- (b) where the making of a demand for the information is proportionate to the use to which the information is to be put in the carrying out of OFCOM’s functions under or by virtue of this Order.

(6) Except in the case of a demand made in the manner authorised by paragraph (7), a demand for information under paragraph (1) must be contained in a notice served on the PRS provider from whom the information is required.

(7) In the case of information required by OFCOM for the purpose of ascertaining who is liable to pay the charges under Part 3, the demand may—

- (a) be made by being published in such a manner as OFCOM consider appropriate for bringing it to the attention of the liable network operators who are described in the demand as being the persons from whom the information is required, and
- (b) take the form of a general demand for a liable network operator to provide information when specified conditions relevant to the liable network operator’s liability to such charges under Part 3 are satisfied in that operator’s case.

(8) In this article, “liable network operators” has the meaning given in article 14(7).

PART 9

Records

Record-keeping

56.—(1) A PRS provider to whom a requirement to make and keep a relevant record applies under this Order must keep such a record for at least the duration of the applicable period from the date on which the record was created.

(2) In this article—

“applicable period” means—

- (a) in the case of a record required to be kept by article 17(11), three years;
- (b) in any other case, two years;

“relevant record” means a record in writing that must be made and kept under this Order.

PART 10

Enforcement

CHAPTER 1

Enforcement of requirements under Parts 2 to 9 of this Order

Power of OFCOM to publish notice of investigation

57.—(1) Where OFCOM decide to conduct a relevant investigation, they may publish on their website a notice which may, in particular—

- (a) state their decision to do so,
- (b) indicate which of those two cases mentioned in paragraph (4) the investigation falls under,
- (c) summarise the matter being investigated,
- (d) identify any PRS provider whose activities are being investigated as part of the investigation, and
- (e) specify the controlled PRS which is the subject-matter of the investigation.

(2) Where OFCOM publish a notice under paragraph (1), they must also give a notification to each PRS provider whose activities are being investigated.

(3) A notification under paragraph (2) must—

- (a) set out the matters referred to in paragraph (1)(a) to (e), and
- (b) specify whether OFCOM is imposing a requirement on the PRS provider to preserve evidence in accordance with article 58.

(4) In this article, “relevant investigation” means an investigation to determine whether there are grounds—

- (a) for serving a notice in accordance with article 59, or
- (b) for giving a direction in accordance with article 62.

Preservation of evidence for an investigation

58.—(1) P must—

- (a) keep, or
- (b) take all reasonable steps to obtain from another person and keep,

any evidence relevant, or potentially relevant, to a matter being investigated by OFCOM.

(2) The requirement in paragraph (1) takes effect for an indefinite period beginning with the time at which OFCOM give pursuant to article 57(2) a notification to P, except so far as the notification otherwise provides.

(3) As soon as reasonably practicable after OFCOM have completed the investigation which is the subject of that notification, they must notify P of that fact and that the requirement in paragraph (1) therefore has ceased to have effect.

(4) In this article, “P” means a PRS provider on whom OFCOM has imposed a requirement in accordance with article 57(3)(b).

Provisional enforcement notice

59.—(1) Where OFCOM determine that there are reasonable grounds for believing that a PRS provider (“P”) is contravening, or has contravened, a requirement imposed by Parts 2 to 9 of this Order, OFCOM may serve a provisional enforcement notice (“PEN”) on P.

(2) A PEN is one which—

- (a) sets out the determination made by OFCOM,
- (b) specifies the requirement in respect of which that determination has been made,
- (c) specifies the period during which P has an opportunity to make representations,
- (d) specifies the manner in which such representations are to be made to OFCOM,
- (e) specifies the steps that OFCOM think should be taken by P in order to—
 - (i) comply with the requirement, and
 - (ii) remedy the consequences of the contravention,
- (f) specifies the period within which OFCOM think those steps should be taken by P,
- (g) specifies any penalty which OFCOM are minded to impose in accordance with article 60, and
- (h) where the contravention is serious, specifies any direction which OFCOM are minded to give under article 64.

(3) The periods mentioned in paragraphs (2)(c) and (f) may be whatever periods OFCOM consider reasonable, having regard to the facts and circumstances of the case.

(4) A PEN—

- (a) may be served in respect of more than one contravention, and
- (b) if it is served in respect of a continuing contravention, may be served in respect of any period during which the contravention has continued.

(5) Where a PEN has been served on P in respect of a contravention of a requirement imposed by Parts 2 to 9 of this Order, OFCOM may serve a further PEN in respect of the same contravention of that requirement if, and only if—

- (a) the contravention is one occurring after the time of the serving of the earlier PEN,
- (b) the contravention is a continuing contravention and the subsequent PEN is in respect of so much of a period as falls after a period to which the earlier PEN relates, or
- (c) the earlier PEN has been withdrawn without a penalty having been imposed in respect of the contravention.

Penalties

60.—(1) This article applies where a PEN is served on P under article 59 which specifies a proposed penalty.

(2) Where the PEN relates to more than one contravention, OFCOM may specify—

- (a) a single penalty in respect of all of those contraventions, or

- (b) separate penalties in respect of each of those contraventions,

according to whether OFCOM are minded to determine that a single penalty or separate penalties are appropriate and proportionate to those contraventions.

(3) The amount of a single penalty or the amount of each of separate penalties is to be such amount not exceeding £250,000 as OFCOM determine to be—

- (a) appropriate, and
- (b) proportionate to the contravention in respect of which it is imposed.

Final enforcement notice

61.—(1) This article applies where—

- (a) a PEN has been served on P under article 59,
- (b) OFCOM have allowed P an opportunity to make representations about the matters notified, and
- (c) the period allowed for the making of representations has expired.

(2) OFCOM may—

- (a) serve on P an enforcement notice with a final decision (“FEN”)—
 - (i) confirming the imposition of requirements on P,
 - (ii) confirming the giving of a direction under article 64 to P,
 - (iii) confirming the giving of a direction under article 64 to relevant providers, or
 - (iv) doing some or all of those things,in accordance with the PEN served under article 59, or
- (b) inform P, having considered any representations made by P, that no further action will be taken.

(3) Where the FEN includes OFCOM’s confirmation of the giving of a direction to relevant providers under paragraph (2)(a)(iii), OFCOM must also serve the FEN on those relevant providers.

(4) OFCOM may not serve a FEN on P unless, after considering any representations made by P, they are satisfied that P has, in one or more of the respects notified, been in contravention of a requirement specified in the PEN served under article 59.

(5) A FEN—

- (a) must be served on P without delay,
- (b) must include reasons for the final decision,
- (c) may require immediate action by P to comply with requirements of a kind mentioned in article 59(2)(e), or may specify a period within which P must comply with those requirements,
- (d) may require P to pay—
 - (i) the penalty specified in the PEN served under article 59, or
 - (ii) such lesser penalty as OFCOM consider appropriate in the light of P’s representations or steps taken by P to comply with the requirement or to remedy the consequences of the contravention, and
- (e) may specify the period within which the penalty is to be paid.

(6) P must comply with any requirement imposed by the FEN within the specified period.

(7) In this article, “relevant providers” has the meaning given in article 64(6).

Interim measures

62.—(1) This article applies where OFCOM determine—

- (a) that there are reasonable grounds for suspecting that a PRS provider (“Q”) is contravening, or has contravened, a requirement imposed by Parts 2 to 9 of this Order,
 - (b) that either Condition A or Condition B is satisfied, and
 - (c) that the giving of a direction under this article is appropriate and proportionate to the suspected contravention in respect of which it is imposed.
- (2) Condition A is that there are reasonable grounds for suspecting that Q is unable, or is likely to be unable, to pay Q’s debts as they fall due.
- (3) Condition B is that—
- (a) there are reasonable grounds for suspecting that the case is an urgent case, and
 - (b) the urgency of the case makes it appropriate for OFCOM to take action under this article.
- (4) A case is an urgent case for the purposes of paragraph (3)(a) if the contravention has resulted in, or creates an immediate risk of, serious harm to consumers or members of the public including, in particular, to vulnerable consumers.
- (5) OFCOM may give to Q—
- (a) where Q is not a body corporate, a direction that Q’s working in connection with a regulated activity is prohibited, suspended or restricted (either generally or in relation to a particular regulated activity), or
 - (b) where Q is a body corporate, a direction that Q’s carrying on a regulated activity is prohibited, suspended or restricted (either generally or in relation to a particular regulated activity).
- (6) OFCOM may also (irrespective of whether any direction has been given to Q under paragraph (5)) give to PRS providers (other than Q) who are carrying out a regulated activity (“relevant providers”)—
- (a) a direction that they must notify OFCOM of any relevant payments at such times and periods as may be determined by or in accordance with the terms of the direction,
 - (b) a direction that they must retain any relevant payment, or proportion of such payment, as may be determined by or in accordance with the terms of the direction, or
 - (c) a direction that they are prohibited, suspended or restricted from dealing with Q under such conditions as may be specified in the direction.
- (7) A direction under either paragraph (5) or paragraph (6)—
- (a) except so far as it otherwise provides, takes effect for an indefinite period beginning with the time at which it is notified to Q or (as the case may be) to relevant providers,
 - (b) in providing for the effect of a prohibition, suspension, restriction or a requirement to retain a relevant payment to be postponed, may provide for it to take effect only at a time determined by or in accordance with the terms of the direction, and
 - (c) in connection with a prohibition, suspension, restriction or a requirement to retain a relevant payment contained in the direction or with the postponement of its effect, may impose such conditions as appear to OFCOM to be appropriate for the purpose of protecting consumers.
- (8) Those conditions may include a condition requiring the making of payments—
- (a) by way of compensation for loss or damage suffered by consumers as a result of the direction, or
 - (b) in respect of annoyance, inconvenience or anxiety to which they have been put in consequence of the direction.
- (9) OFCOM may revoke a direction given under either paragraph (5) or paragraph (6)—
- (a) with effect from such time as they may direct,
 - (b) subject to compliance with such requirements as they may specify, and
 - (c) to such extent and in relation to such regulated activity as they may determine.

(10) Every person to whom a direction has been given under either paragraph (5) or paragraph (6) must comply with it.

(11) In this article, “relevant payments” mean any payments owed to Q relating to, or connected with, the provision of a controlled PRS to users of the electronic communications services by means of which the controlled PRS is provided.

Confirmation of directions under article 62

63.—(1) As soon as reasonably practicable after giving a direction under article 62, OFCOM must give the person to whom it is given—

- (a) an opportunity of making representations to them about the grounds on which it was given and its effect, and
- (b) an opportunity of proposing steps (if any) to remedy the situation.

(2) As soon as practicable after the period allowed by OFCOM for making those representations has ended (and in any event within three months beginning with the day on which the direction was given), they must determine—

- (a) whether the contravention providing the grounds for the giving of the direction did occur, and
- (b) whether the circumstances made it a case justifying the giving of the direction.

(3) The period of three months mentioned in paragraph (2) may be extended by up to three months if OFCOM—

- (a) require additional time to consider representations received, or
- (b) decide that it is necessary to obtain additional information from the person in order to make a determination under paragraph (2).

(4) If OFCOM decide that the contravention did occur and that the direction was justified, they may confirm the direction.

(5) If not, they must exercise their power to revoke it.

(6) As soon as reasonably practicable after determining whether to confirm the direction, OFCOM must notify the person to whom it was given of their decision.

(7) Conditions included in a direction by virtue of article 62(8) have effect only if the direction is confirmed.

(8) Every person to whom a direction has been confirmed under paragraph (4) must comply with it.

Directions for serious contraventions

64.—(1) OFCOM may give a direction under this article where—

- (a) either Condition A or Condition B is satisfied, and
- (b) the giving of a direction is appropriate and proportionate to the contravention in respect of which it is imposed.

(2) Condition A is that—

- (a) P is in serious contravention of a requirement imposed by Parts 2 to 9 of this Order,
- (b) at the time P contravenes the requirement, P either knowingly contravenes it or is reckless as to whether or not it is contravened, and
- (c) the proposed direction has been notified to P in a PEN under article 59 and confirmed by a FEN under article 61.

(3) Condition B is that—

- (a) P is in serious contravention of a requirement imposed by Parts 2 to 9 of this Order,
- (b) it was reasonably practicable for P to comply with the requirement and P failed to take all reasonable steps to prevent that serious contravention, and

- (c) the proposed direction has been notified to P in a PEN under article 59 and confirmed by a FEN under article 61.
- (4) Where either Condition A or Condition B is satisfied, a direction under this article is given where OFCOM serve a FEN under article 61 to P, or (as the case may be) to relevant providers (within the meaning of paragraph (6)), in respect of a direction proposed in a PEN under article 59.
- (5) OFCOM may give to P—
- (a) where P is not a body corporate, a direction that P’s working in connection with a regulated activity is prohibited, suspended or restricted (either generally or in relation to a particular regulated activity), or
 - (b) where P is a body corporate, a direction that P’s carrying on a regulated activity is prohibited, suspended or restricted (either generally or in relation to a particular regulated activity).
- (6) OFCOM may also (irrespective of whether any direction has been given to P under paragraph (5)) give to PRS providers (other than P) who are carrying out a regulated activity (“relevant providers”)—
- (a) a direction that they must notify OFCOM of any relevant payments at such times and periods as may be determined by or in accordance with the terms of the direction,
 - (b) a direction that they must retain any relevant payment, or proportion of such payment, as may be determined by or in accordance with the terms of the direction, or
 - (c) a direction that they are prohibited, suspended or restricted from dealing with P under such conditions as may be specified in the direction.
- (7) A direction under either paragraph (5) or paragraph (6)—
- (a) except so far as it otherwise provides, takes effect for an indefinite period beginning with the time at which it is given to P or (as the case may be) to relevant providers,
 - (b) in providing for the effect of a prohibition, suspension, restriction or a requirement to retain a relevant payment to be postponed, may provide for it to take effect only at a time determined by or in accordance with the terms of the direction, and
 - (c) in connection with the prohibition, suspension, restriction or a requirement to retain a relevant payment contained in the direction or with the postponement of its effect, may impose such conditions as appear to OFCOM to be appropriate for the purpose of protecting consumers.
- (8) Those conditions may include a condition requiring the making of payments—
- (a) by way of compensation for loss or damage suffered by consumers as a result of the direction, or
 - (b) in respect of annoyance, inconvenience or anxiety to which they have been put in consequence of the direction.
- (9) OFCOM may revoke a direction given under either paragraph (5) or paragraph (6)—
- (a) with effect from such time as they may direct,
 - (b) subject to compliance with such requirements as they may specify, and
 - (c) to such extent and in relation to such regulated activity as they may determine.
- (10) Every person to whom a direction has been given under either paragraph (5) or paragraph (6) must comply with it.
- (11) In this article, “relevant payments” mean any payments owed to P relating to, or connected with, the provision of a controlled PRS to users of the electronic communications services by means of which the controlled PRS is provided.

Interpretation of this Part

65.—(1) In this Part—

“FEN” has the meaning given in article 61(2)(a);

“PEN” has the meaning given in article 59(1);

“vulnerable consumers” has the meaning given in article 39(4).

(2) References in this Part to remedying the consequences of a contravention include references to paying an amount to a person—

(a) by way of compensation for loss or damage suffered by that person, or

(b) in respect of annoyance, inconvenience or anxiety to which the person has been put.

(3) In determining for the purposes of provisions of this Part whether a contravention is a serious contravention, OFCOM must have regard, in particular, to matters likely to have a significant impact on consumers or the general public in the United Kingdom or in a part of the United Kingdom.

CHAPTER 2

Transitional provisions

Transitional arrangements for the purposes of a relevant approved code

66. Schedule 4 contains transitional arrangements for the purposes of a relevant approved code (within the meaning in that Schedule).

21st October 2024

Lindsey Fussell
Group Director, Online Safety (Interim)
For and by the authority of the Office of Communications

I consent

17th October 2024

Peter Kyle
Secretary of State
Department for Science, Innovation and Technology

SCHEDULES

SCHEDULE 1

Article 10(3)(a)

Information to be given to OFCOM before carrying out a regulated activity

Interpretation

1. In this Schedule—

“generally authorised person” has the meaning given in article 10(1)(b);

“senior management” has the meaning given in article 10(6).

General details of the PRS provider

2. The following details—

(a) in the case of a body corporate, firm, unincorporated body or association that is a legal person under the law by which it is governed—

(i) in the case of a limited company that is registered in the United Kingdom, the registered name, number and address, and any trading name, or

- (ii) in any other case, particulars of the legal form of a company, firm, unincorporated body or association under the law by which it is governed, and (if applicable) the register in which it is entered and its registered name, number and address in that register, and any trading name, or
 - (b) in any other case, the name (including trading name) and the last known address of the PRS provider.
3. Main telephone number.
 4. Main email address.
 5. Website address (if applicable).
 6. Confirmation as to whether the PRS provider is—
 - (a) a network operator,
 - (b) an intermediary, or
 - (c) a merchant.

Generally authorised person

7. The name, job title, telephone number, and email address of the generally authorised person (or persons) and the purpose (or purposes) referred to in article 10(5) for which the person (or persons) has (or have) been appointed.

Directors or members of senior management

8. The name and job title of—
 - (a) where the PRS provider is a body corporate, each of the directors of the PRS provider, or
 - (b) where the PRS provider is not a body corporate, each member of the PRS provider's senior management.

Specific information required from merchants

9. Where a PRS provider is a merchant, the PRS provider must also provide the following information in respect of each controlled PRS to be provided to consumers—
- (a) the brand name (if any) of the service,
 - (b) a brief description of the service,
 - (c) the means by which consumers may use the service, including the telephone number (if applicable),
 - (d) the telephone number or email address to be used by consumers for making any complaints or enquiries,
 - (e) details of the name of any other PRS provider involved in the provision of that service, including for promotion and marketing of that service, and
 - (f) the name of any other person contracted with respect to the service, including for the promotion and marketing of that service.

SCHEDULE 2

Article 13(3)

Registration for transitional cases

Interpretation

1. In this Schedule, “generally authorised person” has the meaning given in article 10(1)(b).

General details of the PRS provider

2. The following details—
 - (a) in the case of a body corporate, firm, unincorporated body or association that is a legal person under the law by which it is governed—
 - (i) in the case of a limited company that is registered in the United Kingdom, the registered name, number and address, and any trading name, or
 - (ii) in any other case, particulars of the legal form of a company, firm, unincorporated body or association under the law by which it is governed, and (if applicable) the register in which it is entered and its registered name, number and address in that register, and any trading name, or
 - (b) in any other case, the name (including trading name) and the last known address of the PRS provider.
3. Main telephone number.
4. Main email address.

Generally authorised person

5. The name, job title, telephone number, and email address of the generally authorised person (or persons) and the purpose (or purposes) referred to in article 10(5) for which the person (or persons) has (or have) been appointed.

Specific information required from merchants

6. Where a PRS provider is a merchant, the PRS provider must also provide the following information in respect of each controlled PRS being provided to consumers—
- (a) details of the name of any other PRS provider involved in the provision of that service, including for promotion and marketing of that service, and
 - (b) the name of any other person contracted with respect to the service, including for promotion and marketing of that service.

SCHEDULE 3

Article 26(1)

Information to be provided before entering into a controlled PRS contract

Interpretation

1. In this Schedule—

“access charge” means the part of the charge that a consumer is required to pay—

 - (a) to a person providing an electronic communications service by means of which the controlled PRS in question is provided, and
 - (b) for making and transmitting a call comprised in the electronic communications service to the point of interconnection nearest to the origination of the call to a premium rate number at which the call may be handed over to an electronic communications network of another communications provider for conveyance;

“bill” has the meaning given in article 23(2);

“controlled PRS contract” has the meaning given in article 26(2);

“digital content” means data which are produced and supplied in digital form;

“goods” means any tangible moveable items;

“premium rate number” has the meaning given in article 3(8).

Pre-contract information

2. The information referred to in article 26(1) is—
- (a) a description of any contents offered by the controlled PRS, including the main characteristics of the contents, the information that the consumer will need to make use of the contents and, where applicable, the conditions, time limit, restrictions, limitations and procedures for using the contents,
 - (b) a description of any offered facility comprised in the controlled PRS, including the main characteristics of the facility and, where applicable and except to the extent provided for in sub-paragraphs (c) to (e), the information that the consumer will need to make use of that facility, the conditions, time limit, restrictions, limitations and procedures for making use of the facility,
 - (c) where a facility for making a payment for goods, services or digital content is comprised in the controlled PRS, the information that the consumer will need to make use of that facility and, where applicable, the conditions, time limit, restrictions, limitations and procedures for making such a payment,
 - (d) where a facility for entering a competition or claiming a prize is comprised in the controlled PRS, the information that the consumer will need to make use of that facility (including details of any different ways of using it) and, where applicable—
 - (i) the conditions of entering a competition or claiming a prize,
 - (ii) the time limit for entering a competition or claiming a prize,
 - (iii) the procedures for entering a competition or claiming a prize, and
 - (iv) details of the prizes available for allocation, including their number and value together with any criteria, restrictions and limitations for their allocation,
 - (e) where a facility for registering a vote or recording a preference is comprised in the controlled PRS, the information that the consumer will need to make use of that facility (including details of any different ways of using it) and, where applicable—
 - (i) the conditions of registering a vote or recording a preference,
 - (ii) the time limit for registering a vote or recording a preference, and
 - (iii) the restrictions, limitations and procedures for registering a vote or recording a preference,
 - (f) except in the case of a controlled PRS contract to which paragraph (h) applies, the total charge payable for the provision of the controlled PRS inclusive of VAT, or where the nature of the controlled PRS is such that the charge cannot reasonably be calculated in advance, how that charge is to be calculated,
 - (g) where applicable, all additional charges and any other costs for or in connection with the provision of the controlled PRS including any access charge or, where those charges or costs cannot reasonably be calculated in advance, the fact that such additional charges or costs may be payable,
 - (h) in the case of a controlled PRS contract of indeterminate duration or a controlled PRS contract containing a subscription, the frequency with which the consumer will become liable for charges under the controlled PRS contract and the total charge payable for the provision of the controlled PRS inclusive of VAT by the consumer on each occasion or, where the charge cannot reasonably be calculated in advance, how that charge is to be calculated,
 - (i) an explanation that any charge payable for the provision of the controlled PRS will be imposed in the form of a charge to a bill,
 - (j) the name of the merchant (including any trading name),
 - (k) the geographical address at which the merchant is established and, if different from that address, the geographical address of the place of business of the merchant, and, where available, the merchant's website address, telephone number and e-mail address, to enable the consumer to contact the merchant,

- (l) the name of the controlled PRS offering the contents or facility referred to in paragraphs 2(a) or (b), whichever is applicable,
- (m) the name and contact details of the person who is responsible on the merchant's behalf for dealing with consumer enquiries and complaints in respect of the provision of the controlled PRS,
- (n) the policies and procedures for handling consumer enquiries and complaints, and
- (o) the duration of the controlled PRS contract, where applicable, or, if the contract is of indeterminate duration or is to be extended automatically, the conditions for terminating the contract.

SCHEDULE 4

Article 66

Transitional arrangements for the purposes of a relevant approved code

Interpretation

1. In this Schedule—

“relevant approved code” means a code in respect of the time for which it was approved under section 121 of the Act;

“relevant enforcement authority”, in relation to a relevant approved code, means the person who under that code had the function of enforcing it.

General

2.—(1) This paragraph applies where, at any time before 1st February 2025 anything has been done by or in relation to a relevant enforcement authority for the purposes of or in connection with the carrying out of its functions under the provisions of a relevant approved code.

(2) That thing is to have effect, on and after 1st February 2025, and so far as necessary for its purposes, as if it had been made or done by or in relation to OFCOM.

(3) Where the provisions of a relevant approved code have effect in accordance with this paragraph—

- (a) so much of them as authorise or require anything to be done by or in relation to a relevant enforcement authority are to have effect in relation to times after 1st February 2025 as if they authorised or required that thing to be done by or in relation to OFCOM; and
- (b) other references in the provisions of a relevant approved code to a relevant enforcement authority are to have effect, in relation to such times, as references to OFCOM.

Enforcement of provisions of a relevant approved code

3.—(1) Subject to sub-paragraphs (2) and (3), despite the withdrawal by OFCOM of their approval for a relevant approved code in a notification given in accordance with section 121(7) of the Act, after 1st February 2025, they are authorised or required to do anything that the relevant enforcement authority was authorised or required to do for the purposes of or in connection with the carrying out of its functions under the provisions of that relevant approved code.

(2) Where the provisions of a relevant approved code provide for a relevant enforcement authority to appoint a legally qualified person (“former sole adjudicator”) or a panel of persons (“former panel”), those provisions are to have effect as if they authorised or required OFCOM to appoint—

- (a) where they refer to a former sole adjudicator, a person with not less than 10 years of experience practising as a lawyer, and
- (b) where they refer to a former panel, a panel of three members meeting the requirements in sub-paragraph (4),

and, accordingly, references in a relevant approved code to a former sole adjudicator or a former panel are to be read, as regards all times on and after 1st February 2025, as references to either a person referred to in paragraph (a) or a panel referred to in paragraph (b), as applicable.

(3) A person (“new sole adjudicator”) or a panel (“new panel”) so appointed by OFCOM may be appointed on an ad hoc basis and is authorised or required to do anything that the former sole adjudicator or the former panel, as applicable, was authorised or required to do for the purposes of or in connection with the carrying out of the functions under the provisions of the relevant approved code.

(4) A panel of three members meets the requirements of this sub-paragraph where the panel is established such that—

- (a) it has a chair with not less than 15 years of experience practising as a lawyer to preside over it,
- (b) if the members of the panel are unable to agree, they are to take any decision by majority vote,
- (c) if the chair is unable to continue after the commencement of any hearing, the chair may appoint either of the remaining two members to chair the panel, and in that case the panel is to consist of the remaining two members for the rest of the proceedings,
- (d) if the remaining member appointed under paragraph (c) is not a lawyer, another person must be appointed with not less than 15 years of experience practising as a lawyer to attend the proceedings and advise the remaining members on any questions of law arising,
- (e) if a member of the panel (other than its chair) is unable to continue after the commencement of any hearing, the panel is to consist of the remaining two members for the rest of the proceedings, and
- (f) where in accordance with either paragraph (c) or (e) the panel consists of two members, a decision of the panel must be unanimous.

(5) In this paragraph, “lawyer” means a person practising as an advocate, barrister or solicitor in any part of the United Kingdom.

Discontinuance of proceedings commenced under a relevant approved code

4.—(1) This paragraph applies where—

- (a) a former sole adjudicator or a former panel was appointed by a relevant enforcement authority for the purposes of or in connection with the carrying out of a function of the relevant enforcement authority under the provisions of a relevant approved code, but
- (b) the function (“undischarged function”) had not been carried out immediately before 1st February 2025.

(2) Where this paragraph applies—

- (a) OFCOM are not liable for anything done or omitted in the performance or purported performance of the undischarged function, unless the act or omission is shown to have been in bad faith,
- (b) OFCOM may appoint a new sole adjudicator or a new panel, as applicable, for the purposes of or in connection with the carrying out afresh of the undischarged function under the provisions of the relevant approved code, and
- (c) where, for the purpose or in connection with the carrying out of the undischarged function, a person made representations (whether orally or in writing) to the former sole adjudicator or the former panel, the person who made representations must be offered an opportunity to make representations before the new sole adjudicator or the new panel, as applicable.

(3) Where a new sole adjudicator or a new panel so carries out afresh the undischarged function, the powers of OFCOM under paragraphs 2 and 3 include in particular—

- (a) where the function concerns an application for a review of a direction given by a relevant enforcement authority, the power to agree to or refuse the application to carry out a review in accordance with the provisions of the relevant approved code,
 - (b) where the function concerns an application for a review of a direction given by a relevant enforcement authority and the chair of a former panel (or, as the case may be, a former sole adjudicator) under the relevant approved code has already agreed to the application to carry out a review, the power to confirm, vary or rescind that direction in accordance with the provisions of the relevant approved code, and
 - (c) where the function concerns a case in which a relevant enforcement authority has not given a direction in accordance with such a code and for the purpose of enforcing its provisions, the power to give directions in accordance with the provisions of the relevant approved code.
- (4) In this paragraph—
- “former panel” has the meaning given in paragraph 3(2);
 - “former sole adjudicator” has the meaning given in paragraph 3(2);
 - “new panel” has the meaning given in paragraph 3(3);
 - “new sole adjudicator” has the meaning given in paragraph 3(3).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order introduces new provisions imposing requirements with respect to the provision and contents of certain premium rate services (so-called controlled PRS) within the meaning given by section 120(7) of the Communications Act 2003 (c. 21), and the facilities made available in the provision of such services. This Order also makes new provisions imposing requirements with respect to the arrangements made by providers of such premium rate services for the promotion and marketing of those services, and for the enforcement of requirements imposed under the Order.

Part 1 contains definitions that are used throughout the Order, including key concepts such as “controlled PRS” (article 3), “PRS provider” and “regulated activity” (article 9).

Part 2 sets out requirements to give OFCOM information described in Schedule 1 in the manner specified by them on their website at www.ofcom.org.uk. Part 2 also requires the appointment of one or more persons in senior management for purposes such as having the authority to act on behalf of a PRS provider relating to requirements imposed under the Order (so-called generally authorised person). Some PRS providers (merchants) are exempted from those requirements under article 11. Article 13 and Schedule 2 contain transitional provisions for PRS providers who were previously registered with the Phone-paid Services Authority (“PSA”). OFCOM are also required to establish and maintain a register (article 12).

Part 3 sets out a requirement for certain PRS providers to pay OFCOM’s administrative charges to recover their expenditure in connection with establishing and maintaining procedures, and other arrangements for the purposes of the requirements of the Order.

Part 4 contains provisions about applying due diligence measures to ensure that arrangements are not entered into with unregistered PRS providers or persons on whom directions, decisions or sanctions have been imposed (articles 15 and 16). Article 17 also requires PRS providers to carry out certain risk assessments. PRS providers are also required to suspend their arrangements with others under some circumstances (articles 18 and 19).

Part 5 contains requirements on some PRS providers (intermediaries) to carry out security testing in respect of their payment platforms for relevant operator billing. It also requires network operators to take some actions in some cases.

Part 6 contains various requirements relating to consumer protection. Chapter 1 prohibits misleading information. Chapter 2 deals with matters relating to the promotion and marketing of

controlled PRS. Chapter 3 makes provision in respect pre-contractual information, including requirements to obtain express consent from consumers for certain controlled PRS. Chapter 4 sets out various requirements in respect of the provision of controlled PRS. Chapter 5 sets out requirements to protect vulnerable consumers (article 39) and to prohibit harmful material (article 40). Chapter 6 sets out requirements in relation to competition or voting services. Chapter 7 sets out other requirements (such as pricing restrictions) in respect of some other types of controlled PRS.

Part 7 contains additional requirements on network operators to retain payments for controlled PRS for a minimum period before they make them to another PRS provider and to keep certain records in respect of premium rate numbers.

Part 8 sets out requirements for PRS providers to provide information to OFCOM for the purpose of carrying out their functions under or by virtue of this Order.

Part 9 contains a general record-keeping requirement.

Part 10 contains provisions about enforcement, including a requirement to preserve evidence for investigation purposes (article 58), enforcement notices and civil penalties (articles 59 to 61), imposition of interim measures in specified cases (articles 62 and 63) and the giving of directions for serious contraventions (article 64). Article 66 and Schedule 4 contain transitional arrangements for the purposes of a relevant approved code.

Copies of PSA's code of practice entitled 'Code of Practice 2021 (Fifteenth Edition) – Code for Premium rate services' are available online at www.psauthority.org.uk. Hard copies of that Code and relevant approved codes can be obtained free of charge by writing to the Networks and Communications Group, Office of Communications, Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum is published alongside this instrument online at www.legislation.gov.uk. Hard copies can be obtained free of charge by writing to OFCOM at the address above.

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