

**NOTIFICATION UNDER SECTION 48(1) OF THE COMMUNICATIONS ACT
2003**

**Notification setting general conditions under section 45 of the
Communications Act 2003**

WHEREAS

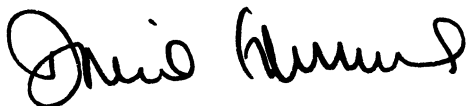
- (A) The Director General of Telecommunications (“the Director”) issued a notification in anticipation of the entry into force of section 48(2) of the Communications Act 2003 (“the Act”) setting out his proposals for the setting of general conditions (as defined in section 45(3) of the Act) on 19 March 2003 (“the First Notification”);
 - (B) A copy of the First Notification was sent to the Secretary of State in accordance with section 50(1)(a) of the Act;
 - (C) By virtue of the Communications Act 2003 (Commencement Order No. 1) Order 2003 made under sections 411 and 408 of the Act:
 - (i) certain provisions of the Act are commenced on 25 July 2003 for the purpose only of enabling the networks and services functions under those provisions to be carried out by the Director;
 - (ii) those provisions of the Act are to have effect as if references to OFCOM were references to the Director; and
 - (iii) Schedule 18, paragraph 2 of the Act is commenced and the Director’s First Notification in anticipation of section 48(2) of the Act coming into force is to have effect as if section 48(2) had come into force before those steps were taken;
 - (D) In the First Notification and the accompanying consultation document, the Director invited representations about any of the proposals set out therein by 16 May 2003;
 - (E) By virtue of section 48(5) of the Act, the Director may give effect to any proposals set out in the First Notification, with or without modification, where:
 - (i) he has considered every representation about the proposals made to him within the period specified in the First Notification; and
 - (ii) he has had regard to every international obligation of the United Kingdom (if any) which has been notified to him for this purpose by the Secretary of State;
 - (F) The Director received responses to the First Notification and has considered every such representation made to him in respect of the proposals set out in the First Notification and the accompanying consultation document; and the Secretary of State has not notified the
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Director of any international obligation of the United Kingdom for this purpose;

(G) In considering whether to set the Conditions set out in this Notification, the Director has complied with all relevant requirements set out in sections 45 to 50 of the Act;

THEREFORE

1. The Director General of Telecommunications ('the Director') in accordance with section 48(1) of the Communications Act 2003 ('the Act') hereby sets pursuant to section 45 the general conditions as set out in the Schedule to this Notification, to take effect from 25 July 2003.
2. The Director is proposing to set the general conditions referred to in paragraph 1 above on all communications providers of a particular description as specified in each of the general conditions referred to in paragraph 1 above.
3. The effect of, and the Director's reasons for setting, the general conditions referred to in paragraph 1 above are contained in the document "The General Conditions of Entitlement – Final Statement" published by the Director on 9 July 2003.
4. The Director has sent a copy of this Notification to the Secretary of State in accordance with section 50(1)(a) of the Act.
5. Except as otherwise defined in this Notification, words or expressions used shall have the same meaning as in the Act.



DAVID ALBERT EDMONDS
DIRECTOR GENERAL FOR TELECOMMUNICATIONS

22 JULY 2003

SCHEDULE TO THE NOTIFICATION UNDER SECTION 48(1) OF THE
COMMUNICATIONS ACT 2003

PART 1:

DEFINITIONS AND INTERPRETATION
RELATING TO THE CONDITIONS IN THIS SCHEDULE

Definitions

1. In this Schedule, except in so far as the context otherwise requires—

“Act” means the Communications Act 2003;

“Adoption” means doing any of the following by a Communications Provider in relation to an Allocated Telephone Number (whether or not such Allocation is to that Communications Provider)-

- (a) assigning or transferring that number to a particular Customer or piece of Apparatus;
- (b) using that Telephone Number for identifying a service or route used by that Communications Provider or by any of his Customers;
- (c) using that Telephone Number for identifying a communication as one to be transmitted by that Communications Provider;
- (d) designating that Telephone Number for use in selecting a service or the required elements or characteristics of a service; or
- (e) authorising the use of that Telephone Number by others for any of the following purposes:
 - (i) identifying the destination for, or recipient of, an Electronic Communication;
 - (ii) identifying the origin, or sender, of an Electronic Communication;
 - (iii) identifying the route for an Electronic Communication;
 - (iv) identifying the source from which an Electronic Communication or Electronic Communications Service may be obtained or accessed;
 - (v) selecting the service that is to be obtained or accessed, or required elements or characteristics of that service; or
 - (vi) identifying the Communications Provider by means of whose network or service an Electronic Communication is to be transmitted, or treated as transmitted;

“Allocation”, in relation to a Telephone Number, means allocation by the Director;

“Apparatus” includes any equipment, machinery or device and any wire or cable and the casing or coating for any wire or cable;

“Approved Apparatus” means, in relation to any network, Apparatus which meets the appropriate essential requirements of regulation 4 of the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000¹;

“Associated Facility” means any facility which—

- (a) is available for use in association with the use of an Electronic Communications Network or Electronic Communications Service (whether or not one provided by the person making the facility available); and
- (b) is so available for the purpose of—
 - (i) making the provision of that network or service possible;
 - (ii) making possible the provision of other services provided by means of that network or service; or
 - (iii) supporting the provision of such other services;

“Communications Provider” means, unless the contrary intention appears, a person who provides an Electronic Communications Network or provides an Electronic Communications Service;

“Condition” means a condition in this Schedule;

“Consumer Panel” means the body of persons established pursuant to section 16 of the Act;

“Content Service” means so much of any service as consists in one or both of the following-

- (a) the provision of material with a view to its being comprised in Signals conveyed by means of an Electronic Communications Network;
- (b) the exercise of editorial control over the contents of Signals conveyed by means of a such a network;

“Customers”, in relation to a Communications Provider, means the following (including any of them whose use or potential use of the network or service is for the purposes of, or in connection with, a business):

¹ S.I. 2000/730.

- (a) the persons to whom the network or service is provided in the course of any business carried on as such by the Communications Provider;
- (b) the persons to whom the Communications Provider is seeking to secure that the network or service is so provided;
- (c) the persons who wish to be so provided with the network or service, or who are likely to seek to become persons to whom the network or service is so provided;

“Director” means the Director General of Telecommunications appointed under section 1 of the Telecommunications Act 1984²;

“Directory” means a printed document containing Directory Information on Subscribers of Publicly Available Telephone Services in the United Kingdom which is made available to members of the public;

“Directory Information” means, in the case of a Directory, the name and address of the Subscriber and the Telephone Number assigned to the Subscriber for their use of Publicly Available Telephone Services and, in the case of a Directory Enquiry Facility, shall be either such a Telephone Number of the Subscriber or information that such a Telephone Number of the Subscriber may not be supplied;

“Directory Enquiry Facility” means Directory Information provided by means of a Public Telephone Network;

“Electronic Communication” means a communication for transmission by means of an Electronic Communications Network;

“Electronic Communications Network” means-

- (a) a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of Signals of any description; and
- (b) such of the following as are used, by the person providing the system and in association with it, for the conveyance of the Signals—
 - (i) apparatus comprised in the system;
 - (ii) apparatus used for the switching or routing of the Signals; and
 - (iii) software and stored data;

“Electronic Communications Service” means any service consisting in, or having as its principal feature, the conveyance by means of an

² 1984 c. 12.

Electronic Communications Network of Signals, except in so far as it is a Content Service;

“Emergency Organisation” means in respect of any locality:

- (a) the relevant public police, fire, ambulance and coastguard services for that locality; and
- (b) any other organisation, as directed from time to time by the Director as providing a vital service relating to the safety of life in emergencies;

“End-User”, in relation to a Public Electronic Communications Service, means:

- (a) a person who, otherwise than as a Communications Provider is a Customer of the provider of that service;
- (b) a person who makes use of the service otherwise than as a Communications Provider; or
- (a) a person who may be authorised, by a person falling within paragraph (a), so to make use of the service;

“Geographic Number” means a Telephone Number from a range of numbers in the National Telephone Numbering Plan where part of its digit structure contains geographic significance used for routing calls to the physical location of the Network Termination Point of the Subscriber to whom the Telephone Number has been assigned;

“the Framework Directive” means Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services;

“Interconnection” means the linking (whether directly or indirectly by physical or logical means, or by a combination of physical and logical means) of one Public Electronic Communications Network to another for the purpose of enabling the persons using one of them to be able:

- (a) to communicate with users of the other one; or
- (b) to make use of services provided by means of the other one (whether by the provider of that network or by another person);

“National Telephone Numbering Plan” means a document published by the Director from time to time pursuant to section 56 of the Act;

“Network Termination Point” means the physical point at which a Subscriber is provided with access to a Public Electronic

Communications Network and, where it concerns Electronic Communications Networks involving switching or routing, that physical point is identified by means of a specific network address, which may be linked to the Telephone Number or name of a Subscriber. A Network Termination Point provided at a fixed position on Served Premises shall be within an item of Network Termination and Testing Apparatus;

“Network Termination and Testing Apparatus” means an item of Apparatus comprised in an Electronic Communications Network installed in a fixed position on Served Premises which enables:

- (a) Approved Apparatus to be readily connected to, and disconnected from, the network;
- (b) the conveyance of Signals between such Approved Apparatus and the network; and
- (c) the due functioning of the network to be tested,

but the only other functions of which, if any, are:

- (i) to supply energy between such Approved Apparatus and the network;
- (ii) to protect the safety or security of the operation of the network; or
- (iii) to enable other operations exclusively related to the running of the network to be performed or the due functioning of any system to which the network is or is to be connected to be tested (separately or together with the network);

“Non-geographic Number” means a Telephone Number from a range of numbers in the National Telephone Numbering Plan designated for assignment to End-Users, the digit structure of which contains no geographic significance for routing calls;

“Public Electronic Communications Network” means an Electronic Communications Network provided wholly or mainly for the purpose of making Electronic Communications Services available to members of the public;

“Public Electronic Communications Service” means any Electronic Communications Service that is provided so as to be available for use by members of the public;

“Publicly Available Telephone Service” means a service available to the public for originating and receiving national and international calls and

access to Emergency Organisations through a number or numbers in a national or international telephone numbering plan, and in addition may, where relevant, include one or more of the following services: the provision of operator assistance services, Directory Enquiry Facilities, Directories, provision of Public Pay Telephones, provision of service under special terms, provision of specific facilities for End-Users with disabilities or with special social needs and/or the provision of non-geographic services;

“Public Pay Telephone” means a telephone available to the general public, for the use of which the means of payment may include coins and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes;

“Public Telephone Network” means an Electronic Communications Network which is used to provide Publicly Available Telephone Services; it supports the transfer between Network Termination Points of speech communications, and also other forms of communication, such as facsimile and data;

“Relevant Data Protection Legislation” means the Data Protection Act 1998³ and the Telecommunications (Data Protection and Privacy) Regulations 1999⁴;

“Served Premises” means a single set of premises in single occupation where Apparatus has been installed for the purpose of the provision of Electronic Communications Services by means of an Electronic Communications Network at those premises;

“Signal” includes-

- (a) anything comprising speech, music, sounds, visual images or communications or data of any description; and
- (b) signals serving for the impartation of anything between persons, between a person and a thing or between things, or for the actuation or control of any apparatus;

“Subscriber” means any person who is party to a contract with a provider of Public Electronic Communications Services for the supply of such services;

“Telephone Number” means, subject to any order of the Secretary of State pursuant to section 56(7) of the Act, any number, including data of any description, that is used (whether or not in connection with telephony) for any one or more of the following purposes:

³ 1998 c. 29.

⁴ S.I. 1999/2093.

- (a) identifying the destination for, or recipient of, an Electronic Communication;
- (b) identifying the origin, or sender, of an Electronic Communication;
- (c) identifying the route for an Electronic Communication;
- (d) identifying the source from which an Electronic Communication or Electronic Communications Service may be obtained or accessed;
- (e) selecting the service that is to be obtained or accessed, or required elements or characteristics of that service; or
- (f) identifying the Communications Provider by means of whose network or service an Electronic Communication is to be transmitted, or treated as transmitted;

“Wireless Telegraphy” has the same meaning as in section 54 of the Wireless Telegraphy Act 1949.

Interpretation

2. For the purpose of interpreting the Conditions in this Schedule:
- (a) except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them in the Schedule and otherwise any word or expression shall have the same meaning as it has in the Act;
 - (b) headings and titles shall be disregarded;
 - (c) expressions cognate with those referred to in this Schedule shall be construed accordingly; and
 - (d) the Interpretation Act 1978 shall apply as if each of the Conditions in this Schedule were an Act of Parliament.
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PART 2:

GENERAL CONDITIONS

1. GENERAL ACCESS AND INTERCONNECTION OBLIGATIONS

Obligation to Negotiate Interconnection

- 1.1 The Communications Provider shall, to the extent requested by another Communications Provider in any part of the European Community, negotiate with that Communications Provider with a view to concluding an agreement (or an amendment to an existing agreement) for Interconnection within a reasonable period.

Information Obtained During Negotiations for Network Access

- 1.2 Where the Communications Provider acquires information from another Communications Provider before, during or after the process of negotiating Network Access and where such information is acquired in confidence, in connection with and solely for the purpose of such negotiations or arrangements, the Communications Provider shall use that information solely for the purpose for which it was supplied and respect at all times the confidentiality of information transmitted or stored. Such information shall not be passed on to any other party (in particular other departments, subsidiaries or partners) for whom such information could provide a competitive advantage.
- 1.3 Paragraph 1.2 above does not apply to the passing of information to the Director, where the Director requires that information in order to carry out his functions.
- 1.4 For the purposes of this Condition,
- (a) "Communications Provider" means
 - (i) in paragraph 1.1, a person who provides a Public Electronic Communications Network,
 - (ii) otherwise, a person who provides an Electronic Communications Network or provides an Electronic Communications Service;
 - (b) "Network Access" means
 - (i) Interconnection of Public Electronic Communications Networks; or
 - (ii) any services, facilities or arrangements which-
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- (A) are not comprised in Interconnection; but
- (B) are services, facilities or arrangements by means of which a Communications Provider or person making available Associated Facilities is able, for the purposes of the provision of Electronic Communications Services (whether by him or another), to make use of anything mentioned in sub-paragraph (c);

and references to providing Network Access include references to providing any such services, making available any such facilities or entering into any such arrangements;

- (c) the things referred to in (b)(ii)(B) above are-
 - (i) any Electronic Communications Network or Electronic Communications Service provided by another Communications Provider;
 - (ii) any apparatus comprised in such a network or used for the purposes of such a network or service;
 - (iii) any facilities made available by another that are Associated Facilities by reference to any network or service (whether one provided by that provider or another);
 - (iv) any other services or facilities which are provided or made available by another person and are capable of being used for the provision of an Electronic Communications Service.
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2. STANDARDISATION AND SPECIFIED INTERFACES

- 2.1 The Communications Provider shall comply with any relevant compulsory standards and/or specifications as are listed in the Official Journal of the European Communities for the provision of services, technical interfaces and/or network functions pursuant to Article 17 of the Framework Directive. Where no compulsory standards or specifications have been so published, the Communications Provider shall take full account of any relevant voluntary standards and/or specifications so published, and any relevant standards and/or specifications adopted by the European Standards Organisations.
- 2.2 In the absence of such standards and/or specifications referred to in paragraph 2.1 above, the Communications Provider shall take full account of international standards or recommendations adopted by the International Telecommunication Union (ITU), the International Organisation for Standardisation (ISO) or the International Electrotechnical Committee (IEC).
- 2.3 In the absence of such standards and/or specifications referred to in paragraphs 2.1 and 2.2 above, the Communications Provider shall take full account of any other standard specified by the Director in a direction under this Condition for the purposes of service interoperability and Interconnection, provided that the Director shall not make such a direction if an appropriate European or other international standard is expected to be promulgated within a reasonable time.
- 2.4 The Director may from time to time issue a direction under this Condition requiring a specified Network Interconnection Interface to be compliant with a specified standard. Any such direction shall be to ensure End to End Connectivity and interoperability, and shall only require compliance with a relevant standard in existence as referred to in paragraphs 2.1 to 2.3 above.
- 2.5 Subject to paragraph 2.6 below, the Communications Provider shall ensure that:
- (a) any Network Interconnection Interface provided by it which is specified in any direction under paragraph 2.4 above is compliant with the specified standard in that direction, and
 - (b) the relevant Network Interconnection Interface is available, upon reasonable request, to other providers of Public Electronic Communications Networks.
- 2.6 The Communications Provider shall not be required to comply with paragraph 2.5 above where:
- (a) any other provider of a Public Electronic Communications Network seeking Interconnection with the Communication
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Provider's Network at the relevant Network Interconnection Point does not require it to do so; or

- (b) to do so would require the Communications Provider to incur any cost, or resolve any technical difficulty, disproportionate to the benefits to be gained from implementing the specified standard, provided that the Communications Provider takes reasonable steps to incorporate the specified standard in its plans for network development.

2.7 For the purposes of this Condition,

- (a) "Communications Provider" means a person who provides an Electronic Communications Network or provides an Electronic Communications Service;
 - (b) "End to End Connectivity" means the facility –
 - (i) for different End-Users of the same Electronic Communications Network or Electronic Communications Service to be able to communicate with each other; and
 - (ii) for the End-Users of different such networks or services to be able, each using the network or service of which he is the End User, to communicate with each other;
 - (c) "European Standards Organisations" means the European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC), and the European Telecommunications Standards Institute (ETSI);
 - (d) "Network Interconnection Interface" means the Technical Characteristics of each interface at any Network Interconnection Point;
 - (e) "Network Interconnection Point" means the physical location at which Interconnection between different Public Electronic Communications Networks takes place;
 - (f) "Technical Characteristics" means the physical, electrical and other relevant characteristics and the network interworking and service management protocols.
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3. PROPER AND EFFECTIVE FUNCTIONING OF THE NETWORK

- 3.1 The Communications Provider shall take all reasonably practicable steps to maintain, to the greatest extent possible:
- (a) the proper and effective functioning of the Public Telephone Network provided by it at fixed locations at all times, and
 - (b) in the event of catastrophic network breakdown or in cases of *force majeure* the availability of the Public Telephone Network and Publicly Available Telephone Services provided by it at fixed locations, and
 - (c) uninterrupted access to Emergency Organisations as part of any Publicly Available Telephone Services offered at fixed locations.
- 3.2 The Communications Provider shall ensure that any restrictions imposed by it on access to and use of a Public Telephone Network provided by it at a fixed location on the grounds of ensuring compliance with paragraph 3.1 above are proportionate, non-discriminatory and based on objective criteria identified in advance.
- 3.3 For the purposes of this Condition, “Communications Provider” means a person who provides a Public Telephone Network at a fixed location and/or provides Publicly Available Telephone Services at a fixed location.
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4. EMERGENCY CALL NUMBERS

- 4.1 The Communications Provider shall ensure that any End-User can access Emergency Organisations by using the emergency call numbers “112” and “999” at no charge and, in the case of a Pay Telephone, without having to use coins or cards.
- 4.2 The Communications Provider shall, to the extent technically feasible, make Caller Location Information for all calls to the emergency call numbers “112” and “999” available to the Emergency Organisations handling those calls.
- 4.3 For the purposes of this Condition,
- (a) “Caller Location Information” means any data or information processed in an Electronic Communications Network indicating the geographic position of the terminal equipment of a person initiating a call;
 - (b) “Communications Provider” means:
 - (i) in paragraph 4.1, a person who provides Publicly Available Telephone Services, or provides access to such Publicly Available Telephone Services by means of a Pay Telephone;
 - (ii) in paragraph 4.2, a person who provides a Public Telephone Network;
 - (c) “Pay Telephone” means a telephone for the use of which the means of payment may include coins and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes. For the avoidance of any doubt, references to a Pay Telephone include references to a Public Pay Telephone.
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5. EMERGENCY PLANNING

5.1 Subject to paragraph 5.3, the Communications Provider shall, on the request of and in consultation with:

- (a) the authorities responsible for Emergency Organisations; and
- (b) such departments of central and local government as the Director may from time to time direct for the purposes of this Condition,

make arrangements for the provision or rapid restoration of such communications services as are practicable and may reasonably be required in Disasters.

5.2 Subject to paragraph 5.3, the Communications Provider shall, on request by any person as is designated for the purpose in any such arrangements, implement those arrangements in so far as is reasonable and practicable to do so.

5.3 Nothing in this Condition precludes the Communications Provider from:

- (a) recovering the costs incurred in making or implementing any such arrangements; or
- (b) making the implementation of any such arrangements conditional upon being indemnified by the person for whom the arrangements are to be implemented for all costs incurred as a consequence of the implementation.

5.4 For the purposes of this Condition:

- (a) "Communications Provider" means a person who provides a Public Telephone Network and/or provides Publicly Available Telephone Services; and
 - (b) "Disaster" includes any major incident having a significant effect on the general public; and for this purpose a major incident includes any incident of contamination involving radioactive substances or other toxic materials.
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6. PUBLIC PAY TELEPHONES

6.1 The Communications Provider shall ensure that any End-User can access:

- (a) operator assistance services; and
- (b) a Directory Enquiry Facility;

from the Public Pay Telephone, except where:

- (i) the Public Pay Telephone in question is not a Public Call Box; and
- (ii) such services or facilities have been rendered inaccessible by the Communications Provider for the purposes of debt management.

6.2 The Communications Provider shall display and take all reasonable steps to keep displayed prominently on or around the Public Pay Telephone a notice specifying:

- (a) the minimum charge payable for connection of a call;
- (b) the means by which the charge may be paid;
- (c) the location of the Public Pay Telephone sufficient to enable it to be located as swiftly as possible by the Emergency Organisations;
- (d) that calls to Emergency Organisations using the numbers “112” and “999” may be made from the Public Pay Telephone free of charge and without having to use coins or cards; and
- (e) whether or not the Public Pay Telephone is available to receive a call, and if so, the Telephone Number of the Public Pay Telephone.

6.3 Where the Communications Provider provides Public Call Boxes, the Communications Provider shall also:

- (a) ensure that:
 - (i) where it provides Public Call Boxes anywhere in the United Kingdom except the Hull Area, at least 75% of those Public Call Boxes are accessible by reasonable means to End-Users in wheelchairs;
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- (ii) where it provides Public Call Boxes in the Hull Area, at least 50% of those Public Call Boxes are accessible by reasonable means to End-Users in wheelchairs; and
 - (iii) at least 70% of its Public Call Boxes incorporate additional receiving amplification;
- (b) consult the Director from time to time on all future material changes to the design of its Public Call Boxes where the interests of disabled persons are likely to be affected to ensure that the needs and interests of disabled persons are fully taken into account in the development and provision of such telephones;
- (c) consult the Director from time to time and in any event as the Director may request to ensure adequate provision, in terms of numbers and locations, of its Public Call Boxes incorporating textphone facilities. Where the Director is satisfied, following due investigation and discussions with the Communications Provider, that such provision is inadequate, he may direct a Communications Provider to provide Public Call Box textphone facilities as he deems appropriate in terms of numbers and location; and
- (d) only be entitled to cease to provide or to cease to secure the provision of Publicly Available Telephone Services to and from a Public Call Box if it has installed prominently on or around that Public Call Box (and has taken all reasonable steps to keep so displayed for the period mentioned below) a notice specifying:
 - (i) that the Communications Provider is proposing that such services shall cease to be provided at such Public Call Box on the expiration of the period set out in the notice (being not being less than 42 days, commencing with the day on which the notice is first displayed), and
 - (ii) the name and address of the Communications Provider,and such period has expired.

6.4 For the purposes of this Condition,

- (a) "Communications Provider" means a person who provides a Public Pay Telephone;
 - (b) "Hull Area" means the area defined as the 'Licensed Area' in the licence granted on 30 November 1987 by the Secretary of State under section 7 of the Telecommunications Act 1984 to Kingston upon Hull City Council and Kingston Communications (Hull) plc;
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- (c) “Public Call Box” means a Public Pay Telephone which is permanently installed on public land and to which the public has access at all times.

7. MUST-CARRY OBLIGATIONS

- 7.1 The Communications Provider shall, on a direction of the Director made from time to time for the purposes of this Condition, broadcast or otherwise transmit any service specified in that direction which is also set out in section 64(3) of the Act as modified from time to time by the Secretary of State pursuant to section 64 of the Act.
- 7.2 The Communications Provider shall comply with any order made by the Secretary of State from time to time under section 64(11) of the Act with respect to the terms on which such services must be broadcast or otherwise transmitted.
- 7.3 In this Condition,
- (a) “Appropriate Network” shall have the meaning ascribed to it by section 272(7) of the Act; and
 - (b) “Communications Provider” means a person who provides an Appropriate Network.
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8. OPERATOR ASSISTANCE, DIRECTORIES AND DIRECTORY ENQUIRY FACILITIES

- 8.1 The Communications Provider shall ensure that any End-User can access:
- (a) operator assistance services; and
 - (b) a Directory Enquiry Facility containing Directory Information on all Subscribers in the United Kingdom who have been assigned Telephone Numbers by any Communications Provider, except those Subscribers who have exercised their right to have their Directory Information removed,
- except where such services or facilities have been rendered inaccessible to a particular End-User by the Communications Provider at the End-User's request or for the purposes of debt management.
- 8.2 Where the Communications Provider assigns Telephone Numbers to Subscribers, it shall ensure that each of those Subscribers is, on request, supplied with a Directory containing Directory Information on all Subscribers who have been assigned Telephone Numbers in the Subscriber's local area. Directories containing Directory Information for all other Subscribers outside the local area who have been assigned Telephone Numbers by any Communications Provider must be supplied to the Subscriber on request. Any Directories supplied shall not contain Directory Information for those Subscribers who have exercised their right to have their Directory Information removed.
- 8.3 A Directory may be produced by the Communications Provider, or by another person. Where a Directory is produced by the Communications Provider, the Communications Provider shall ensure that it is updated on a regular basis (at least once a year). The Director may from time to time direct that a Directory is available in a particular form.
- 8.4 The Communications Provider may charge End-Users a reasonable fee for making available a Directory Enquiry Facility, local Directory and any additional Directories, and may charge its Subscribers a reasonable fee for inclusion of Directory Information in a Directory or as part of a Directory Enquiry Facility.
- 8.5 This Condition applies subject to the requirements of Relevant Data Protection Legislation.
- 8.6 For the purposes of this Condition, "Communications Provider" means a person who provides Publicly Available Telephone Services (except Public Pay Telephones).
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9. REQUIREMENT TO OFFER CONTRACTS WITH MINIMUM TERMS

- 9.1 The Communications Provider shall, in offering to provide, or providing, Public Electronic Communications Services to a Consumer, and on the request of that Consumer, offer to enter into a contract or vary an existing contract with that Consumer which complies with paragraph 9.2.
- 9.2 Any contract between the Communications Provider and a Consumer shall specify the following minimum requirements:
- (a) the identity and address of the Communications Provider;
 - (b) the services provided, details of the service quality levels offered and the time for initial connection;
 - (c) details of maintenance services offered;
 - (d) particulars of prices and tariffs, and the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;
 - (e) the duration of the contract, the conditions for renewal and termination of services and of the contract;
 - (f) any applicable compensation and/or refund arrangements which will apply if contracted quality service levels are not met; and
 - (g) the method of initiating procedures for settlement of disputes in respect of the contract.
- 9.3 Where the Communications Provider intends to modify a condition in a contract with a Consumer which is likely to be of material detriment to the Consumer, the Communications Provider shall:
- (a) provide the Consumer with at least one month's notice of its intention detailing the proposed modification; and
 - (b) inform the Consumer of the ability to terminate the contract without penalty if the proposed modification is not acceptable to the Consumer.
- 9.4 For the purposes of this Condition,
- (a) "Communications Provider" means a person who provides Public Electronic Communications Services, excluding any service which is a broadcast of television programmes for general reception in, or in any area in, the United Kingdom, where every member of the intended audience of such a service
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is able to receive that service in an intelligible form and free of charge;

- (b) “Consumer” means any natural person who uses or requests a Public Electronic Communications Service for purposes which are outside his or her trade, business or profession.
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10. TRANSPARENCY AND PUBLICATION OF INFORMATION

10.1 The Communications Provider shall ensure that clear and up to date information on its applicable prices and tariffs (which for the avoidance of doubt shall not include bespoke or individual prices and tariffs), and on its standard terms and conditions, in respect of access to and use of Publicly Available Telephone Services by End-Users is published, in accordance with paragraphs 10.2 and 10.3.

10.2 The information published shall include at least the following:

- (a) the Communications Provider's name and Major Office address;
- (b) a description of the Publicly Available Telephone Services offered;
- (c) where the Communications Provider renders any subscription charge or periodic rental charge, details of which Publicly Available Telephone Services are included within such charge;
- (d) the Communications Provider's standard tariffs, including details of standard discounts and special and targeted tariff schemes, with regard to:
 - (i) access;
 - (ii) all types of usage charges; and
 - (iii) any maintenance services;
- (e) any compensation and/or refund policy, including specific details of any compensation and/or refund schemes offered;
- (f) any types of maintenance service offered;
- (g) the standard contract conditions offered, including any relevant minimum contractual period; and
- (h) any available dispute resolution mechanisms, including those developed by the Communications Provider.

10.3 Publication of the information shall be effected by:

- (a) sending a copy of such information or any appropriate parts of it to any End-User who may reasonably request such a copy; and
 - (b) placing a copy of such information on any relevant website operated or controlled by the Communications Provider, or, where no such website exists, placing a copy of such information in every Major Office of the Communications
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Provider such that it is readily available for inspection free of charge by members of the general public during normal office hours.

10.4 For the purposes of this Condition:

- (a) "Communications Provider" means a person who provides End-Users with access to and use of Publicly Available Telephone Services, except Public Pay Telephones;
 - (b) "Major Office" means a Communications Provider's registered office and such other of its offices as the Director may from time to time direct.
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11. METERING AND BILLING

- 11.1 The Communications Provider shall not render any bill to an End-User in respect of the provision of any Public Electronic Communications Services unless every amount stated in that bill represents and does not exceed the true extent of any such service actually provided to the End-User in question.
- 11.2 The Communications Provider shall retain such Records as may be necessary, or as the Director may from time to time direct are necessary, for the purpose of establishing its compliance with paragraph 11.1 above. Subject to the following, the Director may from time to time direct the minimum period for retention of necessary Records by the Communications Provider. This paragraph (and any direction of the Director made under it) applies subject to the requirements of Relevant Data Protection Legislation, and shall not require the Communications Provider to retain any Records for the purposes of this Condition for more than 15 months from the date on which they were created.
- 11.3 Paragraphs 11.4 to 11.8 shall only apply to a Communications Provider where:
- (a) it is a provider of Publicly Available Telephone Services; and
 - (b) it has a Relevant Turnover in its most recent complete financial year exceeding £40 million.
- 11.4 Subject to paragraph 11.3, the Communications Provider shall apply to an Approval Body for Approval of its Total Metering and Billing System, and shall obtain such Approval, as soon as is practicable. The Communications Provider shall comply with any directions made by the Approval Body in respect of such Approval. For the avoidance of doubt, this obligation applies in respect of any Total Metering and Billing System, whether already in use or newly installed.
- 11.5 Subject to paragraph 11.3, the Communications Provider shall not keep in use after 31 December 2003 any part of its Total Metering and Billing System for which an application for Approval has not been made or Approval has not been granted.
- 11.6 Where an Approval Body does not grant or withdraws Approval from all or part of a Communications Provider's Total Metering and Billing System, that Communications Provider shall, as soon as is reasonably practicable either:
- (a) inform the Director of the action to be taken by the Communications Provider to remedy the absence of Approval and the anticipated date of such Approval; or
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- (b) inform the Director that the Communications Provider intends to cease use of that Total Metering and Billing System (or that part of it) in accordance with a timetable for its withdrawal which the Communications Provider shall provide to the Director on request.
 - 11.7 Where, immediately prior to this Condition coming into force, the Communications Provider held approval for any meter used by it in providing Publicly Available Telephone Services as conforming to OTR003:1993 ('1993 prior approval'), such 1993 prior approval (including any conditions made pursuant to section 24(4) of the Telecommunications Act 1984 and attached thereto) shall continue to have effect until such time as the Communications Provider's Total Metering and Billing System is granted Approval.
 - 11.8 Where, immediately prior to this Condition coming into force, the Communications Provider had either applied for or obtained approval of its Total Metering and Billing System as conforming to OTR003:2001 ('2001 prior approval'), such application or 2001 prior approval shall be deemed to be (as the case may be) an application for Approval, or Approval, of the Communications Provider's Total Metering and Billing System.
 - 11.9 In this Condition,
 - (a) "Approval" means an approval granted by an Approval Body where a Communications Provider's Total Metering and Billing System is compliant with the Oftel Metering and Billing Direction;
 - (b) "Approval Body" means the British Approval Board for Telecommunications (BABT), the British Standards Institution (BSI), or National Quality Assurance Ltd (NQA);
 - (c) "Communications Provider" means a person who provides Public Electronic Communications Services;
 - (d) "Oftel Metering and Billing Direction" means a direction made by the Director from time to time under this Condition setting out various requirements relating to metering and billing accuracy;
 - (e) "OTR003:1993" means the Office of Telecommunications Standard for Telecommunications Metering Systems issued on 10 December 1993 in Designation No. Oftel/92/1 under section 24(6) of the Telecommunications Act 1984;
 - (f) "OTR003:2001" means the Office of Telecommunications Standard for Metering Systems and Billing Systems issued on 21 December 2001 and redesignated without amendment on 26 June 2002 in Designation No. Oftel/2001/1 under section 24(6) of the Telecommunications Act 1984;
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- (g) “Records” means data or information showing the extent of any network or service actually provided to an End-User and any data or information used in the creation of a bill for an End-User;
 - (h) “Relevant Turnover” means annual turnover attributable to the provision of Publicly Available Telephone Services after the deduction of sales rebates, value added tax and other taxes directly related to turnover;
 - (i) “Total Metering and Billing System” means the totality of all equipment, data, procedures and activities used to determine the charges to be sought for provision and usage of Electronic Communications Services, and/or to present these charges on End-User’s bills. For purposes of clarity, a Total Metering and Billing System incorporates all processing steps from the original recording of a chargeable event to its readiness for presentation on a bill to the End-User whether performed by one or more Communications Providers.
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12. ITEMISED BILLS

- 12.1 The Communications Provider shall provide to each of its Subscribers, on request, and either at no extra charge or for a reasonable fee, a basic level of itemised billing. The Communications Provider shall ensure that each itemised bill shows a sufficient level of detail to allow the Subscriber to:
- (a) verify and control the charges incurred by the Subscriber in using a Public Telephone Network and/or related Publicly Available Telephone Services; and
 - (b) adequately monitor the Subscriber's usage and expenditure and thereby exercise a reasonable degree of control over their bills.
- 12.2 The Director may from time to time direct the minimum level of itemisation to be provided by the Communications Provider under paragraph 12.1.
- 12.3 The Communications Provider shall ensure that calls which are made from a Subscriber's telephone which are free of charge to that Subscriber, including calls to helplines, shall not be identified in the Subscriber's itemised bill.
- 12.4 The Communications Provider shall not be subject to this Condition in respect of any Subscriber where:
- (a) it provides Publicly Available Telephone Services to the Subscriber on a pre-paid basis; and
 - (b) the Subscriber has an alternative means, free of charge, of adequately monitoring the Subscriber's usage and expenditure.
- 12.5 For the purposes of this Condition:
- (a) "Communications Provider" means a person who provides Publicly Available Telephone Services;
 - (b) "Subscriber" means an End-User who is party to a contract with the Communications Provider for the provision of Publicly Available Telephone Services.
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13. NON-PAYMENT OF BILLS

- 13.1 Where the Communications Provider's Subscriber has not paid the Communications Provider all or part of a bill for Publicly Available Telephone Services provided by the Communications Provider, any measures taken by the Communications Provider to effect payment or disconnection shall:
- (a) be proportionate and not unduly discriminatory;
 - (b) give due warning to the Subscriber beforehand of any consequent service interruption or disconnection; and
 - (c) except in cases of fraud, persistent late payment or non-payment, confine any service interruption to the service concerned, as far as technically feasible.
- 13.2 The Communications Provider shall publish details of measures it may take to effect payment or disconnection in accordance with paragraph 13.1 above by:
- (a) sending a copy of such information or any appropriate parts of it to any Subscriber who may request such a copy; and
 - (b) placing a copy of such information on any relevant website operated or controlled by the Communications Provider.
- 13.3 For the purposes of this Condition:
- (a) "Communications Provider" means a person who provides Publicly Available Telephone Services at a fixed location;
 - (b) "Subscriber" means an End-User who is party to a contract with the Communications Provider for the provision of Publicly Available Telephone Services.
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14. CODES OF PRACTICE AND DISPUTE RESOLUTION

Basic Code of Practice regarding provision of Public Electronic Communications Services

14.1 The Communications Provider shall produce a basic code of practice for its Domestic and Small Business Customers which sets out at least where such customers may avail themselves of the information required to be published under Condition 10.2 as relevant to the provision of Public Electronic Communications Services. The code of practice shall be drafted in plain English which is easy to understand, and copies of the code of practice shall be provided on request and free of charge to any Domestic and Small Business Customer.

Codes of Practice for Complaints

14.2 Within one month of this Condition entering into force, the Communications Provider shall establish and thereafter maintain procedures that conform with any applicable Code of Practice for Complaints for the handling of complaints made by its Domestic and Small Business Customers in relation to the provision of Public Electronic Communications Services.

Dispute Resolution

14.3 The Communications Provider shall implement and comply with a Dispute Resolution Scheme, including any final decision of the Dispute Resolution Body made in accordance with that Scheme, for the resolution of disputes between the Communications Provider and its Domestic and Small Business Customers in relation to the provision of Public Electronic Communications Services.

14.4 In this Condition:

- (a) “Communications Provider” means a person who provides Public Electronic Communication Services to Domestic and Small Business Customers;
 - (b) “Code of Practice for Complaints” means a code of practice approved from time to time by the Director for the purpose of this Condition in accordance with sections 52 and 53 of the Act;
 - (c) “Dispute Resolution Body” means the body of persons responsible for administering a relevant Dispute Resolution Scheme;
 - (d) “Dispute Resolution Scheme” means procedures approved or established from time to time by the Director for the purpose of this Condition in accordance with sections 52, 54 or 55 of the Act;
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- (e) “Domestic and Small Business Customer” means, in relation to a Communications Provider, a Customer of that Provider who is neither-
 - (i) himself a Communications Provider; nor
 - (ii) a person who is such a Customer in respect of an undertaking carried on by him for which more than ten individuals work (whether as employees or volunteers or otherwise).
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15. SPECIAL MEASURES FOR END-USERS WITH DISABILITIES

- 15.1 The Communications Provider shall from time to time consult the Consumer Panel to ensure that the requirements and interests of disabled End-Users are fully taken into account in the development and provision of its services.
- 15.2 Subject to paragraph 15.9, the Communications Provider shall ensure that any End-User of its services who is so visually impaired or otherwise disabled as to be unable to use a printed Directory, can access, free of charge, Directory Information and Directory Enquiry Facilities in a form which is appropriate to meet their needs. The Communications Provider shall ensure that such a Directory Enquiry Facility is capable of connecting such an End-User to a requested Telephone Number at the request of that End-User.
- 15.3 Subject to paragraph 15.9, the Communications Provider shall ensure that such of its Subscribers who, because of their disabilities, need to make calls in which some or all of the call is made or received in text format, are able to access a Relay Service. Such Subscribers shall be charged for the conveyance of messages to which a Relay Service applies at no more than the equivalent price as if that conveyance had been made directly between the caller and the called person without use of a Relay Service:
- (a) except that the calling person may be charged standard local prices for the call made to a Relay Service provider in order to make a call irrespective of whether the call is successful; and
 - (b) applying a special tariff scheme designed to compensate Subscribers who need to make calls to which a Relay Service applies for the additional time to make telephone calls using a Relay Service.
- 15.4 Subject to paragraph 15.9, the Communications Provider shall ensure that any End-Users of its services who need to make calls to which a Relay Service applies:
- (a) have access to Emergency Organisations, operator assistance services and a Directory Enquiry Facility using short code numbers; and
 - (b) are able to receive call progress voice announcements in a suitable form.
- 15.5 Subject to paragraph 15.9, the Communications Provider shall provide a priority Fault Repair Service as swiftly as practicable to any Subscriber with disabilities who has a genuine need for an urgent repair. Charges for a priority Fault Repair Service shall not exceed the Communications Provider's standard charge for a Fault Repair Service.
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- 15.6 Subject to paragraph 15.9, the Communications Provider shall ensure that such of its Subscribers who are so disabled such that they are dependent on the telephone are able to participate in a scheme to safeguard telephone services to such Subscribers. The scheme shall:
- (a) enable such Subscribers to give prior notification to the Communications Provider of a nominee to whom-
 - (i) that Subscriber's telephone bill shall initially be sent; or
 - (ii) any enquiry to establish why a telephone bill has not been paid shall be made;
 - (b) permit the nominee to pay that Subscriber's bill on their behalf;
 - (c) require the nominee to give prior consent to the Communications Provider to act in such capacity;
 - (d) not require the nominee to accept liability to pay the telephone bills of that Subscriber; and
 - (e) be provided at no cost to such a Subscriber.
- 15.7 Subject to paragraph 15.9, the Communications Provider shall make available, free of charge, and in a format reasonably acceptable to any Subscriber who is blind or whose vision is impaired, upon their request:
- (a) any contract (or any subsequent variation) with that Subscriber for the provision of Publicly Available Telephone Services, including any publicly available terms or conditions referred to in that contract or variation;
 - (b) any bill rendered in respect of those services.

An acceptable format would, for these purposes, consist of print large enough for such Subscriber to read, Braille or electronic format appropriate to the reasonable needs of the Subscriber.

- 15.8 Subject to paragraph 15.9, the Communications Provider shall take all reasonable steps to ensure that the services which it provides in order to comply with the obligations contained in paragraphs 15.1 to 15.7 above are widely publicised, taking into consideration the need to disseminate information in appropriate formats through appropriate channels for disabled End-Users.
- 15.9 Where, prior to the entry into force of this Condition, the Communications Provider was not required, by virtue of any condition to a licence granted under section 7 of the Telecommunications Act 1984, to provide equivalent services and facilities to those required by
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paragraphs 15.2 to 15.8 above, that Communications Provider shall comply with those paragraphs no later than 31 December 2003.

15.10 For the purposes of this Condition:

- (a) "Communications Provider" means a person who provides Publicly Available Telephone Services;
 - (b) "Fault Repair Service" means a service consisting of such repair, maintenance, adjustment or replacement of any part of the Communications Provider's Electronic Communications Network, or such repair or adjustment of any connected or connectable network, or such repair or replacement for any Apparatus for which the Communication Provider has undertaken the responsibility for repair and maintenance, as is necessary to restore and maintain a sufficient service;
 - (c) "Relay Service" means any service which:
 - (i) provides facilities for the receipt and translation of voice messages into text and the conveyance of that text to the terminal of customers of any provider of Publicly Available Telephone Services and vice versa, and
 - (ii) has been approved by the Director to be a text relay service for the purposes of this Condition;
 - (d) "Subscriber" means an End-User who is party to a contract with the Communications Provider for the provision of Publicly Available Telephone Services.
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16. PROVISION OF ADDITIONAL FACILITIES

16.1 The Communications Provider shall, subject to technical feasibility and economic viability, provide:

- (a) tone dialling or dual-tone multi frequency operation, such that the network supports the use of DTMF Tones for end-to-end signalling throughout the network; and
- (b) Calling Line Identification Facilities, in accordance with the requirements of Relevant Data Protection Legislation.

16.2 This Condition shall not apply to the extent that the Director directs that it shall not apply to Communications Providers in all or part of the United Kingdom on the basis that there is already sufficient access to these facilities in the relevant areas.

16.3 In this Condition,

- (a) "Calling Line Identification Facilities" means facilities by which the Telephone Number of a calling party is presented to the called party prior to the call being established;
 - (b) "Communications Provider" means a person who provides a Public Telephone Network;
 - (c) "DTMF Tones" means DTMF tones as defined in European Technical Standards Institute (ETSI) European Technical Report 207 (published September 1995).
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17. ALLOCATION, ADOPTION AND USE OF TELEPHONE NUMBERS

General Prohibitions on Adoption and Use

- 17.1 A Communications Provider shall not Adopt Telephone Numbers from the National Telephone Numbering Plan unless:
- (a) the Telephone Numbers have been Allocated to the Communications Provider; or
 - (b) the Communications Provider has been authorised (either directly or indirectly) to Adopt those Telephone Numbers by the person Allocated those Telephone Numbers.
- 17.2 The Communications Provider may only use a Telephone Number from the National Telephone Numbering Plan where that Telephone Number has been Allocated to a person, unless the use in question is for the purposes of indicating that the Telephone Number has not been Allocated.
- 17.3 The Communications Provider may only use (or, where specified, Adopt) a Telephone Number listed in the Annex to this Condition where such use or Adoption is in accordance with the designation attributed to that Telephone Number in the Annex.

Requirements in Connection with the Adoption of Telephone Numbers

- 17.4 The Communications Provider shall have a Numbering Plan for such Telephone Numbers as the Director may Allocate to it from time to time. Except where the Director otherwise consents in writing, such Numbering Plan shall be consistent with the National Telephone Numbering Plan. When applying for Telephone Numbers, the Communications Provider shall provide such details of its Numbering Plan to the Director as are relevant to the application.
- 17.5 The Communications Provider shall install, maintain and adjust its Public Electronic Communications Network so that it routes Signals and otherwise operates in accordance with the National Telephone Numbering Plan and any Allocation of Telephone Numbers made by the Director from time to time.
- 17.6 Where Telephone Numbers have been Allocated to the Communications Provider, that provider shall secure that such Telephone Numbers are Adopted or otherwise used effectively and efficiently.
- 17.7 The Communications Provider shall not unduly discriminate against another Communications Provider in relation to its Adoption or use of Telephone Numbers for purposes connected with the use by that other
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Communications Provider, or its Customers, of any Electronic Communications Network or Electronic Communications Service.

- 17.8 The Communications Provider shall take all reasonably practicable steps to secure that its Customers, in using Telephone Numbers, comply with the provisions of this Condition, where applicable, and the provisions of the National Telephone Numbering Plan.

Application for Allocation or Reservation of Telephone Numbers

- 17.9 When applying for an Allocation or reservation of Telephone Numbers, the Communications Provider shall:

- (a) use an appropriate application form as directed by the Director from time to time as he thinks fit;
- (b) provide such information as is required by such application form; and
- (c) provide to the Director, on request, any other information considered by the Director to be relevant to the application, and the supply of which does not place an undue burden on the Communications Provider.

- 17.10 The Director will determine, taking into account the provisions of the National Telephone Numbering Plan, any application for Telephone Numbers by the end of the period of three weeks after the date of the receipt by him of the completed application form. Where the Director has required any additional information under paragraph 17.9(c) in relation to any application, the Director will determine the application by the end of the period of three weeks after the date of the receipt by him of that additional information.

Withdrawal of a Number Allocation

- 17.11 It is hereby declared that the Director may withdraw an Allocation of Telephone Numbers from a Communications Provider where:

- (a) the Communications Provider has not Adopted those Telephone Numbers within six months, or such other period as the Director may from time to time direct, from the date on which the Telephone Numbers were Allocated, or
 - (b) in relation to an Allocation of a series of Telephone Numbers, the Communications Provider has not Adopted those Telephone Numbers to any significant extent within six months, or such other period as the Director may from time to time direct, from the date on which the series of Telephone Numbers was Allocated.
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17.12 For the purposes of this Condition,

- (a) “Communications Provider” means a person who provides an Electronic Communications Network or an Electronic Communications Service;
 - (b) “Numbering Plan” means a plan describing the method used or to be used for the Adoption of a Telephone Number by the Communications Provider.
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Annex to Condition 17

List of Telephone Numbers available for use, or, where specified, Adoption, only in accordance with designation, under paragraph 17.3 of Condition 17: Allocation, Adoption and Use of Telephone Numbers

1: Public Telephone Network Numbers	
Numbers beginning or in entirety where marked *	Designation
0 (unless specified elsewhere in this Annex OR in Part A of the National Telephone Numbering Plan)	Access to a number unobtainable tone or equivalent message
1 (unless specified elsewhere in this Annex OR in Part A of the National Telephone Numbering Plan)	Access to a number unobtainable tone or equivalent message
00	Access to International Telephone Numbers
100*	Access to Operator Assistance (Type A Access Code)
112*	Access to Emergency Services (Type A Access Code)
123*	Access to Speaking Clock (Type A Access Code)
141*	Access to Withhold Calling Line Identification ('CLI') (Type A Access Code)
1470*	Access to Per Call Release of CLI (Type A Access Code)
1471*	Access to Call Return (Type A Access Code)
1472* to 1474*, 1476*, 1478*, and 1479*	Access to CLI Services (Type A Access Code)
1475*	Access to 1471 Erasure (Type A Access Code)
1477*	Access to Automatic Call Trace (Type A Access Code)
153*	Access to International Directory Enquiry Facilities until 12.01am 24 August 2003 (Type A Access Code). From 24 August 2003 until 12.01am 20 June 2004, access to a network message only, advising that Directory Enquiry Facility numbers have changed to 6-digit numbers starting with 118 and advising where the caller may obtain information about the new 118 International Directory Enquiry Facility numbers. This advice must be a freephone number open to all 118 service providers where the caller is given at least one appropriate 118 number on a fair and impartial basis. A specific 118 number may not be provided. The network message must be free-to-caller. (Type A Access Code). Deleted after 12.01am 20 June 2004.
155*	Access to International Assistance Operator (Type A Access Code)
18000* to 18009*	Access to Voice Text Services for the Deaf (Type A Access Codes)
192*	Access to National Directory Enquiry Facilities until 12.01am 24 August 2003 (Type A Access Code). From 24 August 2003 until 12.01am 20 June 2004, access to a network message only, advising that Directory Enquiry Facility numbers have changed to 6-digit numbers starting with 118 and advising where the caller may obtain information about the new 118 National Directory Enquiry Facility numbers. This advice must be a freephone number open to all 118 service providers where the caller is given at least one appropriate 118 number on a fair and impartial basis. A specific 118 number may not be provided. The network message must be free-to-caller.

	(Type A Access Code). Deleted after 12.01am 20 June 2004.
195*	Access to Blind & Disabled Directory Enquiry Facilities (Type A Access Code)
999*	Access to Emergency Services
120 to 122, 142, 150 to 152, 154, 156 to 159, 170 to 179, 190, 191, 193, 194, and 196 to 198	Access to Network Services (Type C Access Codes)

2: X25 Data Network Numbers	
Number(s)	Designation
Any ten (10) digit number	X25 Data Network Numbering

3: Network Codes	
Numbers beginning or in entirety where marked *	Designation
08990 to 08992	Internal Routing Codes
1024* to 12287* inclusive	National Signalling Point Codes for routing within networks
504900* to 504999* and 505900* to 505999*	Internal Network Portability Codes
8890* to 8899* inclusive	Carrier Pre-Selection codes for routing within networks

4: Administrative Codes	
Number(s)	Designation
AAA	Default Reseller Identification Code

5: Public Telephone Network Numbers not available for Allocation but which can be Adopted where already Allocated	
Numbers beginning	Designation
0500	No charge to Caller
07624	Radiopaging and Mobile Services (Isle of Man Communications Commission)
0800 (plus 6-digits)	Special Services - No charge to caller (except where charges shall be notified to callers at the start of the call)

In this Annex, any word or expression shall have the same meaning as it has in the National Telephone Numbering Plan. Additionally,

- (a) **'1471 Erasure'** means a facility that enables the record of the last call received (where accessible through dialling 1471) to be removed so as to no longer be available on dialling 1471;
- (b) **'Automatic Call Trace'** means a facility that can, where practicable, trace the origin of an incoming call;
- (c) **'Call Return'** means a facility, based on the accessibility of Calling Line Identification, which enables identification of the number from which a call is being made or to which a return call could be made;
- (d) **'Calling Line Identification'** ('CLI') means a facility that enables identification of the number from which a call is being made or to which a return call could be made;
- (e) **'Default Reseller Identification Codes'** means the Reseller Identification Code ('RID') 'AAA' which can be used on any network where no individual RID is selected;

- (f) **'Internal Network Portability Code'** means a Telephone Number which is used to ensure that Number Portability is effective within a Network;
 - (g) **'Internal Routing Code'** means a Telephone Number which is used for routing purposes within a Communications Provider's Network;
 - (h) **'Per Call Release of CLI'** means the ability to release the identity of the Caller in accordance with normal Calling Line Identification;
 - (i) **'Withhold CLI'** means an ability to not supply the identity of the Caller in accordance with normal Calling Line Identification.
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18. NUMBER PORTABILITY

- 18.1 The Communications Provider shall provide Number Portability as soon as it is reasonably practicable on reasonable terms, including charges, to any of its Subscribers who so requests.
- 18.2 The Communications Provider shall, pursuant to a request from another Communications Provider, provide Portability (other than Paging Portability) as soon as is reasonably practicable in relation to that request on reasonable terms and in accordance with the Functional Specification. Any charges for the provision of such Portability shall be made in accordance with the following principles:
- (a) subject always to the requirement of reasonableness, charges shall be cost oriented and based on the incremental costs of providing Portability unless:
 - (i) the Donor Provider and the Recipient Provider have agreed another basis for the charges, or
 - (ii) the Director has directed that another basis for charges should be used;
 - (b) the Donor Provider shall make no charge in relation to System Set-Up Costs or Additional Conveyance Costs;
 - (c) in respect of Mobile Portability, the Donor Provider shall make no charge or annual fee for ongoing costs relating to registration of a ported Telephone Number or a Subscriber;
 - (d) charges levied by the Donor Provider shall be based on the reasonable costs incurred by it in providing Portability with respect to each Telephone Number.
- 18.3 Where the Communications Provider provides Portability in accordance with paragraph 18.2:
- (a) the Recipient Provider; and
 - (b) the Transit Provider,
- shall, as appropriate, provide Portability (other than Paging Portability) on reasonable terms and in accordance with the Functional Specification.
- 18.4 The Communications Provider shall, on the written request of the Director, provide the Director with a record of each Telephone Number in relation to which it is providing Portability, specifying the relevant Recipient Provider in each case.
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18.5 For the purposes of this Condition:

- (a) "Additional Conveyance Costs" mean any costs incurred by the Donor Provider associated with resources used in:
 - (i) effecting the switch-processing required to set up each ported call; and
 - (ii) providing the switch and transmission capacity for any part of the duration of each ported call,

additional to the costs of conveyance of non-ported calls from the Donor Provider's network to the Recipient Provider's network;

- (b) "Communications Provider" means a person who provides an Electronic Communications Network or an Electronic Communications Service;
 - (c) "Donor Provider" means a Communications Provider whose Subscriber Numbers are in the process of being, or have been passed or ported to a Recipient Provider;
 - (d) "Functional Specification" means a document, which specifies technical and other principles which are intended to enable the efficient implementation and utilisation of Portability, published by the Director from time to time in accordance with section 60 of the Act;
 - (e) "Mobile Communications Service" means any Publicly Available Telephone Service consisting in the conveyance of Signals by means of a Public Telephone Network where every Signal that has been conveyed thereby has been, or is to be, conveyed through the agency of Wireless Telegraphy to or from a Public Telephone Network which is designed or adapted to be capable of being used in motion;
 - (f) "Mobile Portability" means Portability relating to Telephone Numbers Allocated for use with Mobile Communications Services;
 - (g) "Non-geographic Number" means a Non-geographic Number but does not include a Telephone Number from the National Telephone Numbering Plan Allocated for Radiopaging Services;
 - (h) "Number Portability" means a facility whereby Subscribers who so request can retain their Telephone Number on a Public Telephone Network, independently of the person providing the service at the Network Termination Point of a Subscriber-
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- (i) in the case of Geographic Numbers, at a specific location; or
- (ii) in the case of Non-geographic Numbers, at any location,

provided that such retention of a Telephone Number is in accordance with the National Telephone Numbering Plan;

- (i) “Paging Portability” means Portability relating to Telephone Numbers Allocated for use with Radiopaging Services;
 - (j) “Point of Connection” means a point at which one Public Telephone Network is connected to another;
 - (k) “Portability” means any facility which may be provided by a Communications Provider to another enabling any Subscriber who requests Number Portability to continue to be provided with any Publicly Available Telephone Service by reference to the same Telephone Number irrespective of the identity of the person providing such a service;
 - (l) “Publicly Available Telephone Service” means a service made available to the public for originating and receiving, or only receiving, national and international telephone calls through a number or numbers in a national or international telephone numbering plan;
 - (m) “Radiopaging Service” means Electronic Communications Services consisting in the conveyance of Signals by means of Wireless Telegraphy where every Signal, apart from simple acknowledgement, is ultimately transmitted from a station for Wireless Telegraphy comprised in the Communications Provider’s Electronic Communications Network to a station for Wireless Telegraphy or Wireless Telegraphy Apparatus that is not comprised in that network;
 - (n) “Recipient Provider” means a Communications Provider to whom Subscriber Number(s) are in the process of being, or have been passed or ported from a Donor Provider;
 - (o) “Subscriber” means any person who is party to a contract with the provider of Publicly Available Telephone Services for the supply of such services in the United Kingdom;
 - (p) “Subscriber Number” means the Telephone Number (or Telephone Numbers) which any Communications Provider’s Public Telephone Network recognises as relating to a particular Subscriber of that Communications Provider;
 - (q) “System Set-Up Costs” mean costs of the Donor Provider incurred—
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- (i) in the course of making network and system modifications, configuration and reconfiguration, including adapting or replacing software;
 - (ii) in the course of testing functionality within that provider's network and in conjunction with any Recipient Provider's network,
 - (iii) thereby establishing the technical and administrative capability to provide Portability;
- (r) "Transit Provider" means a Communications Provider providing, by agreement, Interconnection between a Donor Provider and Recipient Provider via Points of Connection with both Communications Providers.
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19. PROVISION OF DIRECTORY INFORMATION

19.1 Where the Communications Provider has been Allocated Telephone Numbers in accordance with Condition 17, it shall meet all reasonable requests from any person to make available the Directory Information of:

- (a) its Subscribers who have been assigned those Telephone Numbers; and
- (b) any other End-User assigned a Telephone Number originally Allocated to the Communications Provider,

for the purposes of the provision of Directories and Directory Enquiry Facilities.

19.2 Where the Communications Provider has been authorised (either directly or indirectly) to use Telephone Numbers Allocated to another person, it shall on request supply to:

- (a) the person who was originally Allocated such Telephone Numbers; or
- (b) if different from the above, the person who authorised the use of such Telephone Numbers by it,

the Directory Information of the Communications Provider's Subscribers and of any other End-User assigned a Telephone Number from such Telephone Numbers.

19.3 Where the Communications Provider is requested to supply Directory Information in accordance with paragraphs 19.1 or 19.2, it shall do so on terms which are fair, cost-oriented and non-discriminatory, and in a format which is agreed between the Communications Provider and the person requesting the information. The Communications Provider shall comply with any direction made by the Director from time to time with respect to the format to be applied to the information.

19.4 This Condition applies subject to the requirements of Relevant Data Protection Legislation.

19.5 For the purposes of this Condition, "Communications Provider" means a person who provides an Electronic Communications Network or an Electronic Communications Service.

20. NON-GEOGRAPHIC NUMBERS

- 20.1 Where the Communications Provider Adopts Non-geographic Numbers, it shall ensure, where technically and economically feasible, that End-Users in any part of the European Community outside of the United Kingdom are able to access those Non-geographic Numbers.
 - 20.2 The Communications Provider shall limit access by calling End-Users located in specific geographical areas to Non-geographic Numbers assigned to a Subscriber where that Subscriber has chosen for commercial reasons to limit such access.
 - 20.3 For the purposes of this Condition, "Communications Provider" means a person who provides an Electronic Communications Network or an Electronic Communications Service.
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21. QUALITY OF SERVICE

- 21.1 The Communications Provider shall, on the direction of the Director, publish comparable, adequate and up to date information for End-Users on the quality of its services.
- 21.2 Subject to paragraph 21.3, where the Director makes a direction under paragraph 21.1 he may amongst other things direct:
- (a) the quality of service parameters to be measured;
 - (b) the content and form of the information to be published, and how the comparability of the information is to be validated. For the purposes of validation, the Director may require independent audit of the specified information;
 - (c) the manner of publication of the information;
 - (d) the timing of publication of the information; and/or
 - (e) that the Communications Provider shall provide the Director with a copy of the information to be published well in advance of the publication as agreed by the Director.
- 21.3 The Director shall only make such a direction where the Communications Provider has been providing the Public Electronic Communication Services in question for at least 18 months prior to the direction being made.
- 21.4 For the purposes of this Condition, "Communications Provider" means a person who provides Public Electronic Communications Services.
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