

**CONTINUATION NOTICE TO THE OPERATORS LISTED IN SCHEDULE 2 UNDER PARAGRAPH 9 OF SCHEDULE 18 TO THE COMMUNICATIONS ACT 2003**

**Notice that the conditions set out in Schedule 1 to this notice will have effect from 25<sup>th</sup> July 2003 for the operators listed in Schedule 2**

1. The Director General of Telecommunications ('the Director'), in accordance with Paragraph 9 of Schedule 18 to the Communications Act 2003 ('the Act') hereby gives notice to the operators listed in Schedule 2 ('the Licensee') that the conditions set out in the licence granted by the Secretary of State for Trade and Industry on the dates set out in Schedule 2 ('the Original Licence') and set out in Schedule 1 to this notice, will continue to have effect from 25<sup>th</sup> July 2003 as modified and to the extent set out in Schedule 1 ('the Continued Provisions').

2. The Director considers, for the reasons set out in the statement which the Director will publish, that each of the Continued Provisions set out in Schedule 1 to this notice, regulates the provision of premium rate services.

3. The modifications set out in the Continued Provisions are made:

- a) to secure that the Continued Provisions continue to have effect whilst this notice is in force; and, as appropriate,
- b) to ensure that a requirement of the Original Licence must continue to be met for so long as this notice remains in force.

4. Any directions, determinations, consents and other provisions made by or under the Licence which have been given or made for the purposes of the conditions which are the subject of the Continued Provisions and, in accordance with Paragraphs 9(8) (b) and (c) of Schedule 18 to the Act are to remain in force for so long as this notice is in force.

5. This notice shall continue to have effect until the Director has given a further notice to the Licensee in accordance with Paragraph 9 of Schedule 18 to the Act that this notice shall cease to have effect.

6. In this notice, except as otherwise provided or unless the context otherwise requires, words or expressions shall have the meaning assigned to them and

otherwise any word or expression shall have the same meaning as it has in the Act. For the purposes of interpreting this notice, headings and titles shall be disregarded.

**NEIL BUCKLEY**  
POLICY PROJECT DIRECTOR

A person duly authorised by the Director General of Telecommunications pursuant to paragraph 8 of Schedule 1 to the Telecommunications Act 1984

23 July 2003

## Schedule 1

In accordance with the continuation notice, the conditions of the Licence set out in this Schedule will continue to have effect as modified and to the extent set out below (“the Continued Provisions”).

### Interpretation

1. In this Schedule, except as otherwise provided or unless the context otherwise requires, words or expressions shall have the meaning assigned to them. Expressions cognate with those referred to in this Schedule shall also be construed accordingly. For the purposes of interpreting this Schedule, headings and titles shall be disregarded.

2. The Interpretation Act 1978 shall apply for the purposes of interpreting this Schedule as if it were an Act of Parliament.

3. For the purpose of interpreting the Continued Provisions in this Schedule the following definitions shall apply:

“Applicable Systems” means Telecommunications Systems of every description within the United Kingdom provided that a system (“the System”) is an Applicable System only to the extent it satisfies each of the following conditions:

- (a) the System is one by means of which Messages are conveyed or are to be conveyed:
  - (i) from one Network Termination Point to another such Point;
  - (ii) from a Network Termination Point to another place which is neither a Network Termination Point nor a Call Office or from such a place to such a Point;
  - (iii) between a place which is neither a Network Termination Point nor a Call Office and another such place where their conveyance is not by way of provision of a service to another person; or
  - (iv) between a Call Office and any other place,but in any case not beyond a Network Termination Point;
- (b) none of the apparatus comprised in the System is Relevant Terminal Apparatus installed on premises occupied by a person to whom there are provided Telecommunications Services by means of the System;

“Approved Apparatus” means in relation to any system apparatus approved under section 22 of the Telecommunications Act 1984 or which meets the appropriate essential requirements of regulation 4 of the RTTE Regulations;

“Call Office” means telecommunication apparatus not supplied by the Licensee to any particular person but made available for use by the public or a class of the public;

“Director” means the Director General of Telecommunications or Ofcom as appropriate;

“Exchange Line” means telecommunication apparatus (within the meaning of Schedule 2 to the Telecommunications Act 1984) comprised in the Applicable Systems and installed for the purpose of connecting a telephone exchange run by the Licensee to a Network Termination Point comprised in Network Termination and Testing Apparatus installed by the Licensee for the purpose of providing voice telephony services at the premises at which the Network Termination and Testing Apparatus is located;

“Interested Parties” means those persons (if any), other than the Licensee, with whom, in any particular case, the Director is required or considers it appropriate to consult;

“Licence” means the Continued Provisions in this Schedule;

“Licensee” means each person listed in Schedule 2;

“Message” means anything falling within the following:

- (a) speech, music and other sounds;
- (b) visual images;
- (c) signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images; or
- (d) signals serving for the actuation or control of machinery or apparatus;

“Mobile Radio Telecommunication Service” means any telecommunication service consisting in the conveyance of Messages by means of a telecommunication system where every Messages that is conveyed thereby has been, or is to be, conveyed through the agency of Wireless Telegraphy to or from a telecommunication system which is designed or adapted to be capable of being used while in motion;

“National Telephone Numbering Plan” means the document published by the Director from time to time pursuant to section 56 of the Communications Act 2003;

“Network Connecting Apparatus” means telecommunication apparatus comprised in the Applicable Systems which is not Network Termination and Testing Apparatus and is connected to another telecommunication system;

“Network Termination and Testing Apparatus” means an item of telecommunication apparatus comprised in the Applicable Systems installed in a fixed position on Served Premises which enables:

- (i) Approved Apparatus to be readily connected to, and disconnected from, the Applicable Systems;
- (ii) the conveyance of Messages between such Apparatus and the Applicable Systems; and
- (iii) the due functioning of the Applicable Systems to be tested,

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

- (A) to supply energy between such Apparatus and the Applicable Systems;
- (B) to protect the safety or security of the operation of the Applicable Systems; or
- (C) to enable other operations exclusively related to the running of the Applicable Systems to be performed or the due functioning of any system to which the Applicable Systems are or are to be connected to be tested (separately or together with the Applicable Systems);

“Network Termination Point” means any point:

- (i) within an item of Network Connecting Apparatus at which electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy is conveyed directly to or from apparatus comprised in a telecommunication system other than one in which that Network Connecting Apparatus is comprised; or
- (ii) within an item of Network Termination and Testing Apparatus at which such energy is conveyed directly to any Relevant Terminal Apparatus;
- (iii) which in the case of a radio based telecommunication system is the last point at which Messages are transmitted or the first point at which Messages are received in the form of electromagnetic signals, by apparatus run by a person other than the Licensee and lawfully connected to that system;

“Number” means

- (i) any identifier which would need to be used in conjunction with any public switched telecommunication service for the purposes of establishing a connection with any Network Termination Point, user, telecommunication apparatus connected to any Public Switched Network or service element, but not including any identifier which is not accessible to the generality of users of a public switched service;

(ii) [...]

"Radiopaging Service" means telecommunication services consisting in the conveyance of Messages by means of Wireless Telegraphy where every Message, apart from simple acknowledgement, is ultimately transmitted from a Station for Wireless Telegraphy comprised in the Applicable Systems run by the Licensee to a Station for Wireless Telegraphy or Wireless Telegraphy Apparatus that is not comprised in those Applicable Systems;

"Relevant Terminal Apparatus" means:

- (i) "Terminal Apparatus", that is to say any telecommunication apparatus installed on Served Premises except a Call Office; and
- (ii) any other telecommunication apparatus connected to the apparatus referred to in sub-paragraph (i) above constituting a system run by the person using that Terminal Apparatus;

"RTTE Regulations" means the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 as amended by the Radio Equipment and Telecommunications Terminal Equipment (Amendment) Regulations 2003;

"Served Premises" means a single set of premises in single occupation where apparatus has been installed for the purpose of the provision of telecommunication services by means of the Applicable Systems at those premises;

"Service Provider" means:

- (i) [...];
- (ii) any person who is in the business of providing Mobile Radio Telecommunications Services to another by means of a telecommunication system lawfully connected to the Applicable Systems or who is in the business of securing the provision of such services by such means;
- (iii) [...]

"Telecommunication Apparatus" means apparatus construed or adapted for use –

(a) in transmitting or receiving:

- (i) speech, music and other sounds;
- (ii) visual images;
- (iii) signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images; or

- (iv) signals serving for the actuation or control of machinery or apparatus

which is to be or has been conveyed by means of a telecommunications system; or

- (b) in conveying for the purposes of such a system, anything falling within paragraphs (i) to (iv) above.

and for the purposes of this definition:

(1) apparatus is connected to a telecommunication system if it is being used, or is installed or connected for use –

- (a) in transmitting or receiving anything falling within paragraphs (i) to (iv) above which is to be or has been conveyed by means of that system; or
- (b) in conveying, for the purposes of that system, anything falling within those paragraphs;

and reference in this sub-section (1) to anything, falling within paragraphs (i) to (iv) shall include references to electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy;

(2) the connection to a telecommunication system of any other telecommunication system or any apparatus shall not be regarded as a connection if that other telecommunication system or that apparatus would not be so connected but for its connection to another telecommunication system;

(3) “convey” includes transmit, switch and receive and cognate expressions shall be construed accordingly; and

(4) References to the supply of telecommunication apparatus do not include the making available of apparatus comprised or to be comprised in any of the Applicable Systems.

“Telecommunication Service” means any of the following, that is to say –

- (a) a service consisting in the conveyance by means of a telecommunication system of;
  - (i) speech, music and other sounds;
  - (ii) visual images
  - (iii) signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images; or

- (iv) signals serving for the actuation or control of machinery or apparatus;
- (b) a directory information service, that is to say, a service consisting in the provision by means of a telecommunication service of directory information for the purpose of facilitating the use of a service falling within paragraph (a) above and provided by means of that system; and
- (c) a service consisting in the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement of apparatus which is or is to be connected to a telecommunication service.

and for the purposes of this definition “convey” includes transmit, switch and receive and cognate expressions shall be construed accordingly.

“Telecommunication System” means a system for the conveyance, through the agency of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy, of-

- (a) speech, music and other sounds;
- (b) visual images;
- (c) signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images; or
- (d) signals serving for the actuation or control of machinery or apparatus.

and for the purposes of this definition:

(1) telecommunication apparatus which is situated in the United Kingdom and

- (a) is connected to but not comprised in a telecommunication system; or
- (b) is connected to and comprised in a telecommunication system which extends beyond the United Kingdom.

shall be regarded as a telecommunication system and any person who controls the apparatus shall be regarded as running the system.

(2) a telecommunication system is connected to another telecommunication system if it is being used, or is installed or connected for use, in conveying anything falling within paragraphs (a) to (d) above which is to be or has been conveyed by means of that other system; and

(3) the connection to a telecommunication system of any other telecommunication system or any apparatus shall not be regarded as a connection if that other telecommunication system or that apparatus would not be so connected but for its connection to another telecommunication system; and

“Wireless Telegraphy” and “Wireless Telegraphy Apparatus” have the same meanings as in the Wireless Telegraphy Act 1949.

4. Any reference in any Condition in this Schedule, however expressed, to the Director notifying the Licensee about any matter, affording the Licensee an opportunity to make representations, taking representations made by the Licensee into account or explaining, or giving reasons for any matter to the Licensee, shall be without prejudice to any obligation of due process or similar obligation which the Director is or may be under by virtue of any rule or principle of law or otherwise.
5. Subject to paragraph 6 below, if the Director is considering whether a determination, direction or consent under any Condition in this Licence is appropriate, he shall notify the Licensee and any Interested Parties of his proposed decision or the options which he is considering, and his reasons, and give them a reasonable opportunity to make representations. On making or refusing a determination or direction or giving or refusing consent, he shall notify the Licensee and Interested Parties of the determination, direction or consent or refusal, as the case may be, and his reasons.
6. Paragraph 5 does not apply in relation to any determination, direction or consent the procedure for which is otherwise set out in this Licence or any other enactment.

#### Exceptions and Limitations on Obligations in the Continued Provisions

7. Unless the context otherwise requires the Licensee's obligations have effect subject to the following exceptions and limitations.
8. The Licensee is not obliged to do anything which is not practicable.
9. The Licensee shall not be held to have failed to comply with an obligation imposed upon it by or under this Licence if and to the extent that the Licensee is prevented from complying with that obligation by any physical, topographical or other natural obstacle, by the malfunction or failure of any apparatus or equipment owing to circumstances beyond the control of the Licensee, by the act of any national authority, local authority or international organisation or as the result of fire, flood, explosion, accident, emergency, riot or war.
10. The obligation to provide any telecommunication service under this Licence shall not apply:
  - (a) where there is no reasonable demand for it;

- (b) where the provision of the service requested would expose any person engaged in its provision to undue risk to health or safety;
- (c) where the Licensee is unable to obtain (either because it has not been developed or for some other reason beyond the Licensee's control) anything necessary to provide a service of the quality or standard required by the person who requests the provision of the service and, in the event of dispute, the Director's decision as to whether anything is necessary shall be final;
- (d) where the person to whom the Licensee would otherwise be under an obligation to provide any service requests a service at a place in which the apparatus necessary to provide that service in that area has not been installed (or in which the installation of such apparatus has not been completed) or as the case may be such apparatus has not been adapted or modified to make it capable of providing the service of the kind requested or the trained manpower necessary to provide the service is not available in that area, provided that in every case where the Licensee declines to provide a service to which this sub-paragraph relates it shall have published, or furnished to the Director, or within 28 days (or such longer period as the Director considers reasonable) following receipt by it of the request that service be provided shall have furnished to the Director, proposals for:
  - (i) progressively installing or completing the installation or the adaptation or the modification of such apparatus; or
  - (ii) the allocation of the trained manpower,

necessary for the provision of that service in that area and the Director has not determined that those proposals are unreasonable or are not being effectively carried out; or
- (e) where the Licensee notifies the Director that it is not reasonably practicable in all the circumstances for the Licensee to provide the service requested at the time or place demanded and the Director agrees.
- (f) where the person to whom the Licensee would otherwise be under an obligation to provide any service requests a service at a place in an area in which the demand or the prospective demand for the service is not sufficient, having regard to the revenue likely to be earned from the provision of the service in that area, to meet all the costs reasonably to be incurred by the Licensee in providing the service, including:
  - (i) the cost of apparatus necessary for the provision of the service there;
  - (ii) the cost of installing, maintaining and operating such apparatus for the purpose of providing the service there; and

(iii) the cost of the trained manpower necessary to provide the service there; or

(g) where the Licensee notifies the Director that it is not reasonably practicable in all the circumstances for the Licensee to provide the service requested at the time or place demanded and the Director agrees.

11. The Licensee shall not be obliged to connect, or to keep connected to the Applicable Systems, or to permit to be so connected or kept connected any telecommunication system or telecommunication apparatus or to provide any telecommunication services or to permit the provision of any service if the person to or for whom that is done or is to be done:

(a) has not entered or will not enter into a contract for the purpose with the Licensee for reasons other than the unreasonable refusal of the Licensee to agree terms for the purpose but this paragraph does not apply in a case where the Director is satisfied that:

(i) the Licensee has not published standard terms and conditions which it proposes to apply for the purpose in question, or the transaction is not fit to be governed by such terms and conditions; and

(ii) the Licensee has unreasonably refused to agree terms and conditions for this purpose;

(b) is, or in the Director's opinion has given reasonable cause to believe that he may become:

(i) in breach of a contract with the Licensee for the provision of telecommunication services by the Licensee; or

(ii) in default in regard to any debt or liability owed to the Licensee in respect of any such contract;

(c) is using, or permitting the use of, apparatus so connected for any illegal purpose or has done so in the past and is likely to do so again; or

(d) has obtained, or attempted to obtain any telecommunication service from the Licensee by corrupt, dishonest or illegal means at any time.

12. Nothing in this Licence shall prevent the Licensee from withdrawing from, or declining to provide to, any person any telecommunication service which the Licensee has notified the Director that it is providing in a limited area, or to a limited class of customers, for the purpose of evaluating the technical feasibility of, or the commercial prospects for, that service.

13. Nothing in this Licence shall require the Licensee to provide any telecommunication service, or to provide any telecommunication service of any

particular class or description, if it provides instead a service, or a service of a class or description, which satisfies the purposes of that requirement at least to the same extent.

14. Nothing in this Licence shall oblige the Licensee to:

- a) provide a service of any description; or
- b) supply apparatus of any description,

to any person if it otherwise provides or offers to provide that service or supplies or offers to supply such apparatus solely to Service Providers or persons who are in the business of providing any telecommunication service which is not a Mobile Radio Telecommunication Service to another by means of a telecommunication system lawfully connected to the Applicable Systems or persons who are in the business of securing the provision of such service by such means.

15. Paragraphs 7 to 14 shall apply without prejudice to any limitation or qualification of the requirements imposed by or under any Condition.

*CONTROLLED PREMIUM RATE SERVICES*

22.1 The Licensee may only provide a Controlled Premium Rate Service in whole or part by means of the Applicable Systems (whether or not Messages comprised in, or resulting from the provision of, such Services, have previously been, or are subsequently conveyed by, any other public telecommunication system) where the Relevant Condition is satisfied.

22.2 The Licensee may only provide a telecommunication service to another person by means of the Applicable Systems by means of which that person, to the knowledge of the Licensee, provides a Controlled Premium Rate Service (whether or not Messages comprised in, or resulting from the provision of, such Services have previously been, or are subsequently conveyed by, any other public telecommunication system) where the Relevant Condition is satisfied.

22.3 The Relevant Condition is that there is in effect at the time the Controlled Premium Rate Service concerned is provided, a code of practice governing the provision of such a Service, which has been recognised by the Director for the purposes of this Condition after consultation with the Licensee and with any body which he considers to be representative of those wishing to provide such Services.

22.4 A code of practice shall only be recognised for the purposes of paragraph 22.3 if the Director is satisfied that:

- (a) its provisions are capable of properly regulating the provision of the Controlled Premium Rate Services to which it relates and, without prejudice to the generality of the foregoing, which provisions may include making adequate provision for compensating those who suffer as a result of the provision of such Services or any description of such Services; and
- (b) adequate arrangements have been made for the constitution (including the arrangements for the funding) of a body of persons to apply and administer the Code (referred to in this Condition as “the Body applying and administering the Code”).

22.5 A code of practice is recognised for the purposes of this Condition where it is specified as such in a determination made by the Director, and the Director may, at any time after such a code is recognised and after giving not less than one month’s notice in writing of his intention to the Body applying and administering the Code, determine that its recognition be revoked if he is satisfied that its provisions are not capable of properly regulating the provision of the Controlled Premium Rate Services to which it relates, or that it is not being properly applied and administered (whether, without prejudice to the generality of the foregoing, due to lack of funding or otherwise).

22.6 For the purposes of this Condition, the Director may recognise a code of practice in relation to any description of Controlled Premium Rate Service or to all Controlled Premium Rate Services, and the provisions of this Condition shall apply accordingly.

22.7 If:

- (a) a recommendation is made to the Director by the Body applying and administering the Code that any person (including the Licensee) should no longer be permitted or should not be permitted to provide a particular Controlled Premium Rate Service or any Controlled Premium Rate Services (whether or not he is providing it or them when the recommendation is made);
- (b) the Licensee has failed to comply with a recommendation made by the Body applying and administering the Code in accordance with any of the procedures set out in that Code that the Licensee cease to provide, or, as the case may be, shall not provide the relevant Service or Services either itself or to any other person; and
- (c) the Director considers it appropriate,

the Director may direct the Licensee to cease to provide, or, as the case may be, not to provide that person or any other person with any service facilitating or enabling the provision of the relevant Controlled Premium Rate Service or Services or, as the case may be, itself cease to provide, or, as the case may be, not to provide the relevant Controlled Premium Rate Service or Services.

22.8 The Director may determine, subject to such conditions as he thinks fit, that:

- (a) any Controlled Premium Rate Service of any description, or any individually specified such Service provided by a person named in the determination, is not to be treated as a Controlled Premium Rate Service for the purposes of this Condition; and
- (b) any individually specified Controlled Premium Rate Service in respect of which a determination under sub-paragraph (a) above has been made or which is within a description of Controlled Premium Rate Services in respect of which such a determination has been made, is to be treated as a Controlled Premium Rate Service for those purposes notwithstanding such determination,

and where a determination of the kind specified in sub-paragraph (b) above is made the provisions of this Condition shall apply to such a Service from the date specified in the determination.

22.9 For the purposes of ascertaining whether a service is a Controlled Premium Rate Service, the Director shall determine, from time to time, in accordance with the procedure set out in paragraph 22.10 below, an amount for the charge of the Call by means of which the service is obtained or the rate according to which such Call is charged or both which, when exceeded, means that sub-paragraph 22.11(a)(iii)(A) of the definition of Controlled Premium Rate Services is satisfied. In making such a determination, the Director shall have regard to the prevailing standard rates for premium rate calls of the Licensee and other licensed operators providing Controlled Premium Rate Services from time to time.

22.10 Where a determination is made pursuant to paragraph 22.9, the procedure shall be as follows:

- (a) before making the determination, the Director shall serve upon the Licensee a notice informing the Licensee of any amount he proposes to specify in the determination;
- (b) the notice in sub-paragraph (a) above shall be copied to the Body applying and administering the Code and to Interested Parties at the same time as being served upon the Licensee;
- (c) the Licensee, the Body applying and administering the Code and Interested Parties shall be given a period of not less than 28 days in which to make representations;
- (d) the representations made by the Licensee or the Body applying and administering the Code or Interested Parties or any of them, shall be published in such manner as the Director considers appropriate to bring such representations to the attention of the Licensee, the Body applying and administering the Code and Interested Parties (having regard to the wish of the Licensee or such body to keep matters contained in any representation confidential);
- (e) the Licensee, the Body applying and administering the Code and Interested Parties shall be given a further period of not less than 14 days in which to make any observations on the representations which have been published;
- (f) when the Director has considered the representations and any observations made, he shall prepare a draft determination and statement of reasons for that determination and send it to the Licensee, the Body applying and administering the Code and any Interested Party who has submitted representations or observations, or both, giving those persons a period of not less than 14 days within which to comment;
- (g) after considering any comments received, the Director shall make the determination and publish such determination in the same manner he published the representations referred to in sub-paragraph (d) above; and
- (h) the provisions of this Condition shall apply from the date specified in the determination.

22.11 In this Condition:

- (a) subject to paragraph 22.12 below and to any determination made by the Director pursuant to paragraph 22.8 above, a Controlled Premium Rate Service is one (other than a Find-me-anywhere Service) in respect of which:
  - (i) the person responsible for paying the charges for the Call by means of which the Service is obtained is billed by means of his telephone bill for any amount in respect of the provision of the Service;

(ii) part of the overall charge paid by that person to the Licensee for the Service, being payment for the content of the Call or other product or service delivered in the course of, or as a direct consequence of, the Call, is passed on by the Licensee, directly or indirectly, to the person providing the Service (or, where that person is the Licensee himself, to that part of the Licensee's business which provides the Service and is credited with revenue from that part of its business which conveys the Messages comprised in, or resulting from the provision of, the Service); and

(iii) either

(A) the charge for the Call by means of which the Service is obtained or the rate according to which such Call is charged is a charge or rate which exceeds any amount determined by the Director in a determination made pursuant to paragraph 22.9 of this Condition; or

(B) the Service is a Chatline Service.

(b) "Chatline Service" means a service which consists of or includes the enabling of more than two persons (the participants) simultaneously to conduct a telephone conversation with one another without either:

(i) each of them having agreed with each other; or

(ii) one or more of them having agreed with the person enabling such a telephone conversation to be conducted,

in advance of making the Call enabling them to engage in the conversation, the respective identities of the other intended participants or the telephone numbers on which they can be called. For the avoidance of any doubt, a service by which one or more additional persons who are known (by name or telephone number) to one or more of the parties conducting an established telephone conversation can be added to that conversation by means of being called by one or more of such parties is not on that account a Chatline Service, if it would not otherwise be regarded as such a service;

(c) "Find-me-anywhere Service" means a service that enables a person to be contacted, whatever the location of that person, where the call charge is not distance dependant, and for which purpose a particular numbering range has been designated for such Find-me-anywhere Services under the National Telephone Numbering Plan, such as Mobile Radio Telecommunication Services, and Radiopaging Services;

(d) "Message Service" means a service which consists of or includes, the sending of speech, music or other sounds or signals to any person or terminal apparatus who or which obtains access to that service by means of the Public Switched Telephone Network;

- (e) "Public Switched Telephone Network" means any public telecommunication system which is used to provide switched voice telephony services to the general public;
- (f) A "Call" includes a call made by a computer or made automatically by any other terminal apparatus.

22.12 An International Call which terminates on a telecommunication system outside the United Kingdom is not a Controlled Premium Rate Service. For the purposes of this Condition, an "International Call" means the conveyance of any Message by means of the Applicable Systems which has been, or is to be conveyed, by means of any telecommunication system outside the United Kingdom but, for the avoidance of any doubt, an International Call does not include any call terminated on a telecommunication system within the United Kingdom.

22.13 The Licensee shall allocate Numbers to Controlled Premium Rate Services which it provides in accordance with this Condition in accordance with the National Telephone Numbering Plan.

*PROVISION OF SPECIAL FACILITIES RELATING TO CHATLINE AND MESSAGE SERVICES*

23.1 The Licensee shall comply with any direction made under this paragraph which requires the Licensee to make available such of the facilities listed in paragraph 23.2 as are specified in the direction. A direction under this paragraph shall be made by the Director after consultation with the Licensee, and shall specify only facilities which the Director considers it will be technically and economically practicable for the Licensee to provide. The direction shall specify the date by which each facility is to be provided and the class or description of customer (whether described by reference to area or otherwise) to whom it is to be provided and shall be subject to such conditions as the Director thinks fit.

23.2 The facilities referred to in paragraph 23.1 are:

- (a) the provision to any customer of the Licensee for voice telephony services who requests it of a bill or invoice showing, by reference to the number used to access the service, and the date and time on which access was obtained, the amount of any charge imposed by the Licensee for a telephone call to any service to which this Condition applies;
- (b) the notification to such a customer who requests it, as soon as reasonably practicable, of:
  - (i) the date on which the total charges accrued within the standard billing period of the Licensee for voice telephony services and any other service to be included in the bill or invoice for such services exceed an amount specified by that customer being an amount, or one of a number of amounts, from time to time specified by the Licensee as being suitable for the purpose; or
  - (ii) the date on which the aggregate charges accrued in any such period in respect of Chatline Services and Message Services to which this Condition applies exceed an amount determined from time to time by the Director; and
- (c) the barring, by means of apparatus forming part of the Applicable Systems, on request by any such customer, of access from any Exchange Line specified by that customer and in respect of which that customer is the customer of the Licensee, to all Chatline Services and Message Services to which this Condition applies.

23.3 The services to which this Condition applies are those Chatline Services and Message Services in respect of which:

- (a) the person providing the service obtains the whole or any part of his revenue from the Licensee (or, where that person is the Licensee, that part of the Licensee's business which provides the Service is credited with revenue from that part of its business which conveys the Messages comprised in, or resulting from the provision of, the Service); and
- (b) the person responsible for paying the charges for the telephone calls by means of which the Service is obtained is billed by means of his telephone bill for any amount in respect of the provision of the Service.

23.4 In this Condition, a "Chatline Service" and a "Message Service" have the respective meanings given to those terms in Condition 22.

## Schedule 2

The operators to whom this notice shall apply are:

<u>Operator</u>	<u>Date licence granted</u>
Orange Personal Communications Services	27 July 1995
T-Mobile (UK) Ltd (Mercury Personal Communications Ltd)	9 May 1995
O2 (UK) Ltd (Telecom Securicor Cellular Radio Ltd)	22 March 1994
Vodafone Limited	9 December 1993
Hutchison 3G UK Ltd	21 December 2000
Inquam Telecom (Holdings) Limited	28 January 2002
O2 Third Generation Ltd ((BT3G) Ltd)	21 March 2001