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# Premium Rate Services Condition

Unofficial Consolidated Version

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## About this document

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On 23 December 2003, the Director General of Telecommunications set the Premium Rate Services Condition (the “**PRS Condition**”). There have been a number of modifications to the PRS Condition since it was first set, which Ofcom has made by way of notification under section 120A of the Communications Act 2003.

This is an unofficial consolidated version of the PRS Condition which incorporates, for ease of reference, all the modifications made to the PRS Condition since December 2003 in a single document.

While every reasonable effort is made to ensure that the information provided in this document is accurate, no guarantees of the accuracy of information are made, and this document has no legal effect. Therefore, in relation to each specific amendment, you are advised to consult the relevant notifications, as these contain an explanation of the reasons for the decision to amend and the specific modifications that have been made.

For the avoidance of doubt, in the case of any difference between texts, the text set out in the notification of 23 December 2003 and any subsequent notification published on Ofcom’s website shall take precedence over this unofficial version of the PRS Condition.

## Premium Rate Services Condition

1. The Communications Provider and Controlled Premium Rate Service Provider shall comply with:
  - (a) directions given in accordance with an Approved Code by the Enforcement Authority and for the purposes of enforcing the provisions of the Approved Code; and
  - (b) if there is no Approved Code, the provisions of the order for the time being in force under section 122 of the Act.
2. In this Condition,
  - (a) **“Act”** means the Communications Act 2003;
  - (b) **“Approved Code”** means a code approved for the time being under section 121 of the Act;
  - (c) **“Communications Provider”** means either:
    - (i) a person who:
      - (A) is the provider of an Electronic Communications Service or an Electronic Communications Network used for the provision of a Controlled Premium Rate Service; and
      - (B) is a Controlled Premium Rate Service Provider in respect of that Controlled Premium Rate Service;
    - (ii) a person who:
      - (A) is the provider of an Electronic Communications Service used for the provision of a Controlled Premium Rate Service; and
      - (B) under arrangements made with a Controlled Premium Rate Service Provider, is entitled to retain some or all of the charges received by him in respect of the provision of the Controlled Premium Rate Service or of the use of his Electronic Communications Service for the purposes of the Controlled Premium Rate Service; or
    - (iii) a person who:
      - (A) is the provider of an Electronic Communications Network used for the provision of a Controlled Premium Rate Service; and
      - (B) has concluded an agreement relating to the use of the Electronic Communications Network for the provision of that Controlled Premium Rate Service with a Controlled Premium Rate Service Provider;

- (d) **“Chatline Service”** means a service which consists of or includes the enabling of more than two persons (the participants) to simultaneously 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;
- (e) **“Controlled Premium Rate Service”** means a Premium Rate Service (other than a service which is only accessed via an International Call or a service which is delivered by means of an Electronic Communications Service and is provided by the person who is also the provider of the Electronic Communications Service) which falls within one or more of the following categories:
- (i) the service is obtained through a PRS Number and the Service Charge for the call by means of which the service is obtained is a rate which exceeds 5.833 pence per minute or 5.833 pence per call, exclusive of value added tax;
  - (ii) the service is obtained other than through a PRS Number, and 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 10 pence per minute inclusive of value added tax (and which also includes, for the avoidance of any doubt, a service delivered by means of an Electronic Communications Service which is charged by means of a Payment Mechanism and for which the charge exceeds 10 pence inclusive of value added tax);
  - (iii) the service is a Chatline Service;
  - (iv) the service is Internet Dialler Software operated; or
  - (v) the service is a Sexual Entertainment Service;
- (f) **“BT”** means British Telecommunications plc, whose registered company number is 1800000, and any of its subsidiaries or holding companies, or any subsidiary of such holding companies, all as defined by section 736 of the Companies Act 1985, as amended by the Companies Act 1989 and the Companies Act 2006;
- (g) **“Controlled Premium Rate Service Provider”** means a person who:

- (i) provides the contents of a Controlled Premium Rate Service;
- (ii) exercises editorial control over the contents of a Controlled Premium Rate Service;
- (iii) packages together the contents of a Controlled Premium Rate Service for the purpose of facilitating its provision; or
- (iv) makes available a facility comprised in a Controlled Premium Rate Service;
- (h) **“Dial-up Telephone Number”** means the telephone number used by an end user's computer that connects it to the Internet;
- (i) **“Enforcement Authority”** means, in relation to an Approved Code, the person who under the code has the function of enforcing it;
- (j) **“Facility”** includes reference to those things set out in section 120(14) of the Act;
- (k) **“International Call”** means a call which terminates on an Electronic Communications Network outside the United Kingdom;
- (l) **“Internet Dialler Software”** is software that replaces a Dial-up Telephone Number with a different Dial-up Telephone Number; other than where it is used so that:
  - (i) an end-user's existing Internet Service Provider replaces the Dial-up Telephone Number; or
  - (ii) an end-user moves from his existing Internet Service Provider to another Internet Service Provider or is so moved with his consent;
- (m) **“Internet Service Provider”** means a person who provides end-users, by means of a Dial-up Telephone Number, with connection to the Internet in the ordinary course of its business;
- (n) **“National Telephone Numbering Plan”** means a document published by Ofcom from time to time pursuant to sections 56 and 60 of the Act;
- (o) **“Non-Geographic Number”** shall have the meaning ascribed to it in the National Telephone Numbering Plan;
- (p) **“Premium Rate Service”** shall have the meaning ascribed to it by section 120(7) of the Act;
- (q) **“Payment Mechanism”** is a mechanism whereby the charge for a service delivered by means of an Electronic Communications Service is paid to the Communications Provider providing the Electronic Communications Service;
- (r) **“PRS Number”** means a Non-Geographic Number starting 087, 090, 091 or 118;
- (s) **“Service Charge”** shall have the meaning ascribed to that term in the Definitions set out in the Schedule to the Notification issue by Ofcom on 19 September 2018 setting general conditions under sections 45 and 48(1) of the Act (as that Schedule may be modified from time to time); and

Premium Rate Services Condition

- (t) **“Sexual Entertainment Service”** means an entertainment service of a clearly sexual nature, or any service for which the associated promotional material is of a clearly sexual nature, or indicates directly, or implies, that the service is of a sexual nature.

For the purposes of interpreting this Condition, except in so far as the context otherwise requires, words or expressions shall have the same meaning as ascribed to them in paragraph 2 above and otherwise any word or expression shall have the same meaning as it has been ascribed in the Act.