

To:

Atif Moghal
Interim Finance Director
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All **liable network operators** (as defined in article 14(7) of the PRS Order, see below) required to pay administrative charges to Ofcom under article 14(1) of the PRS Order

3 February 2025

BY PUBLICATION ON OFCOM'S WEBSITE

General demand on a recurring annual basis for financial information required to be provided to Ofcom by article 55(1) of the PRS Order

This notice contains a demand for information required to be provided to Ofcom on a recurring annual basis under article 55 of the Regulation of Premium Rate Services Order 2024, S.I. 2024/1046 (the "**PRS Order**").¹

This demand takes the form of a general demand and, as such, is addressed to all persons who are described below as '**liable network operators**' from whom the information is required. Since it is unclear to Ofcom which persons satisfy the meaning of a 'liable network operator' from time to time, this general demand is published on Ofcom's website for the purpose of bringing it to the attention of such persons, in accordance with article 55(7) of the PRS Order.

This general demand applies on a recurring basis with start of the '**charging year**'² beginning with 1st April 2025 and ending with 31st March 2026, with the specified information required under this general demand to be provided for the '**relevant calendar year**'³ in respect of that charging year (that is to say, the specified information for that charging year relates to the period beginning with 1st January 2023 and ending with 31st December 2023), and this general demand shall continue to apply to subsequent charging years until further notice by Ofcom.

Persons from whom the information is required—liable network operators

As explained above, this general demand is addressed to each and every person who satisfies the meaning of a '**liable network operator**' under article 14(7) of the PRS Order, namely:

"liable network operator" means a network operator whose total amount of outpayments in a relevant calendar year is equal to or more than £10,000 exclusive of VAT;

¹ <https://www.legislation.gov.uk/ukxi/2024/1046/contents/made>. Further background to Ofcom's administrative charges under the PRS Order is set out in Section 12 of Ofcom's statement entitled '*The future regulation of phone-paid services*', as published by Ofcom on 25 October 2024: <https://www.ofcom.org.uk/phones-and-broadband/bills-and-charges/the-future-regulation-of-phone-paid-services/>.

² Article 14(7) of the PRS Order defines '**charging year**' as "... (a) the period beginning with 1st February 2025 and ending with 31st March 2025, or (b) any subsequent period of 12 months beginning with 1st April".

³ Article 14(7) of the PRS Order defines '**relevant calendar year**' as "the period of 12 months beginning with the first day of January in the year two years before the calendar year in which the charging year in question begins".

(1) Are you a ‘network operator’?

In considering whether you are required to respond to this general demand, you should first determine whether you satisfy the definition of a ‘network operator’. Article 9(7) of the PRS Order provides that a ‘**network operator**’ means a person falling within its article 9(8) or (9), namely:

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

(a) is the provider of an electronic communications service used for the provision of a controlled PRS, and

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

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

(a) is the provider of an electronic communications network used for the provision of a controlled PRS, and

(b) is party to an agreement with an intermediary or a merchant for the use of the network in the provision of the controlled PRS.

In doing so, you will note that other expressions used for the purposes of that ‘network operator’ definition are defined either in the PRS Order itself (such as the meaning of ‘controlled PRS’) or in the Communications Act 2003 (such as the meanings of ‘electronic communications network’ and ‘electronic communications service’⁴). You should therefore review all such definitions carefully as applicable in your circumstances.

(2) Did you have ‘outpayments’ in a ‘relevant calendar year’ of at least £10,000?

To be a ‘liable network operator’, you next need to determine whether you had outpayments in a relevant calendar year equalling to or more than £10,000 exclusive of VAT. Article 14(7) of the PRS Order provides that ‘**outpayments**’ mean:

“...the total sum of the amounts payable by a liable network operator to intermediaries and merchants in respect of PRS revenue;”

In that regard, the expression ‘**PRS revenue**’ is defined separately in article 14(7) as meaning:

“...the total net amount passed onto a liable network operator by an originating communications provider [⁵] in respect of charges imposed by the provider on users of its electronic communications services for the provision of controlled PRS, together with any facilities made available to them, except for any charges imposed for the purpose of those users donating to a charity;”

Your duty to respond to this general demand

If you satisfy the above-mentioned definition of a ‘liable network operator’, you are liable to pay administrative charges to Ofcom under article 14 of the PRS Order. If so, you are also required to provide the information requested (see below) under this general demand.

⁴ See, in particular, <https://www.legislation.gov.uk/ukpga/2003/21/section/32>.

⁵ Article 14(7) of the PRS Order defines ‘**originating communications provider**’ as a person providing electronic communications services to consumers.

Purpose for which the information required is to be used by Ofcom

We are requesting the information in the manner and form specified below for the purpose of ascertaining or verifying the administrative charges payable by a liable network operator under article 14 of the PRS Order. We specifically have the power to demand this information under article 55(2)(b) of the PRS Order.

In that regard, it should be noted that article 14(1) of the PRS Order imposes an obligation on a liable network operator to pay to Ofcom its share of our administrative charges for our relevant expenditure in connection with the regulation imposed by the PRS Order for each charging year. The formula for calculating our administrative charges is set out in article 14(2). It provides:

$$AC^6 = [(DAE^7 + O^8) \div TOP^9] \times NOS^{10}$$

Provision of specified information

You are required to provide Ofcom with the information specified in **Annex 1** to this general demand in the manner and form specified in that Annex. The requested information must reach Ofcom **by no later than the deadlines specified in Part D of Annex 1**. Any queries regarding this general demand should be directed to our Information Registry by emailing them at information.registry@ofcom.org.uk.

Confidentiality

In your response to this general demand, please set out clearly in a separate annex marked 'confidential information' any document or information which you consider to be confidential. Please include a written explanation as to why it should be treated as such. Ofcom will take into consideration any representations you make when determining which documents and/or information it considers to be confidential. Blanket claims of confidentiality are normally unhelpful. However, we appreciate that the information requested in this general demand is of a financial nature and, as such, we expect that you will request that your entire response should be treated confidentially.

Personal data

Ofcom will process any personal data provided in response to this general demand in accordance with Ofcom's General Privacy Statement.¹¹ We consider that any personal data you process in responding to this general demand will be processed by you on your own account, as a data controller, rather than as a processor of that data for Ofcom. You will be responsible for complying with your own obligations under relevant data protection legislation. You may also wish to inform any employees whose personal data you will be providing in response to this general demand that their personal data is being provided to Ofcom and provide a link to Ofcom's General Privacy Statement.

⁶ "AC" means the amount of the administrative charge payable by the liable network operator in question.

⁷ "DAE" means the total sum of the relevant expenditure estimated by Ofcom to be incurred in the charging year in question, together with any adjustments to deal with a deficit or surplus mentioned in article 14(6).

⁸ "O" means a reasonable apportionment of Ofcom's estimated overhead costs attributable to such expenditure for the charging year in question.

⁹ "TOP" means the total amount of outpayments of all liable network operators in the relevant calendar year.

¹⁰ "NOS" means the total amount of outpayments of the liable network operator in question in the relevant calendar year.

¹¹ <https://www.ofcom.org.uk/about-ofcom/corporate-policies/general-privacy-statement>

Possible enforcement action and sanctions

Article 55(4) of the PRS Order imposes on a liable network operator a requirement to comply with this general demand, namely:

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

We therefore draw your attention to the provisions in Part 10 of the PRS Order, which sets out the enforcement powers we have in connection with any failure to comply with a requirement under Parts 2 to 9 of the PRS Order, including any failure to properly respond to this general demand.

You are therefore required to ensure that your response is **on time, complete and accurate**. Given the seriousness of the potential consequences, you may want to seek your own independent legal advice about the contents of this general demand.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A. Moghal', with a long vertical line extending downwards from the end of the signature.

Atif Moghal

A person duly authorised in accordance with paragraph 18 of the Schedule to the Office of Communications Act 2002.

Enc:

Annex 1: The information required to be provided under this general demand (specified Information)

Annex 2: Managed File Transfer information sheet

Annex 1: The information required to be provided under this general demand (specified Information)

Part A: Purpose of this Annex 1

This **Annex 1** accompanies, and forms part of, Ofcom’s general demand under article 55 of the PRS Order¹² requesting the information in the manner and form specified below for the purpose of ascertaining or verifying the charges payable by a liable network operator under article 14 of the PRS Order.

Part B: Definitions

In this **Annex 1**, except insofar as the context otherwise requires, words or expressions shall have the meaning assigned to them for the purposes of the PRS Order. Key definitions relevant to **Part C of this Annex 1** below are copied out for ease of reference in the table below.

Word or expression	Meaning
“charging year”	See article 14(7) of the PRS Order: (a) the period beginning with 1st February 2025 and ending with 31st March 2025, or (b) any subsequent period of 12 months beginning with 1st April.
“charity”	See article 2 of the PRS Order: https://www.legislation.gov.uk/uksi/2024/1046/article/2/made
“consumers”	See section 405(5) of the Communications Act 2003: https://www.legislation.gov.uk/ukpga/2003/21/section/405
“controlled PRS”	See article 3 of the PRS Order: https://www.legislation.gov.uk/uksi/2024/1046/article/3/made
“electronic communications services”	See section 32(2) of the Communications Act 2003: https://www.legislation.gov.uk/ukpga/2003/21/section/32
“intermediaries”	See article 9(2) to (4) of the PRS Order: https://www.legislation.gov.uk/uksi/2024/1046/article/9/made
“liable network operator”	a network operator whose total amount of outpayments in a relevant calendar year is equal to or more than £10,000 exclusive of VAT.
“merchants”	See article 9(5) and (6) of the PRS Order: https://www.legislation.gov.uk/uksi/2024/1046/article/9/made
“network operator”	See article 9(7) to (9) of the PRS Order: https://www.legislation.gov.uk/uksi/2024/1046/article/9/made
“originating communications provider”	See article 14(7) of the PRS Order: a person providing electronic communications services to consumers .
“outpayments”	See article 14(7) of the PRS Order:

¹² <https://www.legislation.gov.uk/uksi/2024/1046/contents/made>

	the total sum of the amounts payable by a liable network operator to intermediaries and merchants in respect of PRS revenue .
“person”	includes a body of persons corporate or unincorporate—see Schedule 1 to the Interpretation Act 1978: https://www.legislation.gov.uk/ukpga/1978/30/schedule/1
“premium rate services” (“PRS”)	See section 120(7) of the Communications Act 2003: https://www.legislation.gov.uk/ukpga/2003/21/section/120
“PRS revenue”	See article 14(7) of the PRS Order: the total net amount passed onto a liable network operator by an originating communications provider in respect of charges imposed by the provider on users of its electronic communications services for the provision of controlled PRS , together with any facilities made available to them, except for any charges imposed for the purpose of those users donating to a charity .
“relevant calendar year”	See article 14(7) of the PRS Order: the period of 12 months beginning with the first day of January in the year two years before the calendar year in which the charging year in question begins.

Part C: The specified information

To calculate the amount of the administrative charge payable by you as a liable network operator using the formula set out in article 14(2) of the PRS Order, for the charging year beginning with 1st April 2025 and ending with 31st March 2026, you must submit an Annual Certificate (in the form specified by **Part E of this Annex 1** below) of **your total amount of outpayments in the relevant calendar year** beginning with **1st January 2023 and ending with 31st December 2023**, together with certain general details. We explain below the general details to be given on that Annual Certificate.

For subsequent charging years until further notice by Ofcom, you must submit using our Online Services Portal (see **Part D** below) your total amount of outpayments in the relevant calendar year (GBP) in question, together with some associated information in the manner that will be specified by Ofcom in that Portal.

Explanations about ‘general details’ for the Annual Certificate in Part E of this Annex 1

“Registered name”	<ul style="list-style-type: none"> • This refers to your full name (as a liable network operator) including any trading name. • We expect that this name will correspond to your name as already registered with Ofcom for purposes of article 10 of the PRS Order, except where article 13 of the PRS Order (registration for transitional cases) applies. • In many cases, we expect that this name will be a company name registered with Companies House in the UK.
“Registered number”	<ul style="list-style-type: none"> • Again, we expect that this number will correspond to your registered number as already registered with Ofcom for purposes of article 10 of the PRS Order, except where article 13 of the PRS Order (registration for transitional cases) applies. • This refers to your unique number (as a liable network operator) registered with Companies House in the UK or, if

	you are registered overseas, your unique number registered in the overseas register. In the latter case, please also state the name of the overseas register in brackets after the unique number. In all other cases, please state “n/a” if no such number is available.
“Charging year”	<ul style="list-style-type: none"> The Annual Certificate in Part E below has already pre-populated the charging year for which your administrative charge is due to be calculated, which is the charging year beginning with 1st April 2025 and ending with 31st March 2026 (i.e. 2025/26). As noted above, for subsequent charging years, this Annual Certificate should not be returned but the necessary outpayments information should be provided online.
“Relevant calendar year”	<ul style="list-style-type: none"> Your outpayments to be certified in the Annual Certificate are those for the year beginning with 1st January 2023 and ending with 31st December 2023.

In the section entitled ‘**Total amount of outpayments in the relevant calendar year (GBP)**’ on the Annual Certificate in **Part E of this Annex 1** below, you must include the total amount of outpayments payable (rounded to nearest pound) in the full 12-month period comprising the relevant calendar year, so that it represents twelve months of data.

In the section entitled ‘**Outpayment calculation explanation**’ on the Annual Certificate in **Part E of this Annex 1** below, you **may** provide details on how the total outpayments figure provided has been calculated.

Part D: Manner to provide the specified information

The information specified in **Part C of this Annex 1** above must be provided in the manner specified in this **Part D** below.

Charging year 2025/2026 for outpayments in calendar year 2023

For the charging year beginning with 1st April 2025 and ending with 31st March 2026, the **outpayments** in the relevant calendar year beginning with **1st January 2023 and ending with 31st December 2023** must be submitted to Ofcom:

1. using the Annual Certificate in **Part E of this Annex 1** below in spreadsheet form using Microsoft Excel (in .xlsx format);
2. by emailing that Annual Certificate in that format to information.registry@ofcom.org.uk, copying in MID@ofcom.org.uk or via our secure Managed File Transfer (MFT) system¹³; and
3. by **no later than** the deadline of **5pm on 17 March 2025**.

¹³ If you do not have an MFT account, or if your account has been suspended, and you wish to use the MFT system, please email information.registry@ofcom.org.uk, at least three working days before the deadline, providing the name and email address of your nominated contact who will upload the data, so that we can set up an account. An information sheet about the MFT service is attached as **Annex 2** to this general demand.

Charging year 2026/2027 for outpayments in calendar year 2024

For the charging year beginning with 1st April 2026 and ending with 31st March 2027, the **outpayments** in the relevant calendar year beginning with **1st January 2024 and ending with 31st December 2024** must be submitted to Ofcom:

1. using Ofcom Online Services Portal,¹⁴ which can be accessed at <https://ofcom.force.com/licensingcomlogin>; and
2. by **no later than** the deadline of **5pm on 28 November 2025**.

Subsequent charging years for outpayments in subsequent calendar years

For subsequent charging years until further notice by Ofcom, the outpayments in the relevant calendar year in question must be submitted to Ofcom:

1. using Ofcom Online Services Portal,¹⁵ which can be accessed at <https://ofcom.force.com/licensingcomlogin>; and
2. by **no later than** the deadline of **5pm on the last working day¹⁶ of July of the year that follows the relevant calendar year in question**. For example, for the charging year beginning with 1st April 2027 and ending with 31st March 2028, the **outpayments** in the relevant calendar year beginning with **1st January 2025 and ending with 31st December 2025** must be submitted to Ofcom by no later than **5pm on 31 July 2026**.

¹⁴ If you do not have the username and password required to access the Ofcom Online Services portal, please email the Ofcom Market Intelligence team (MID@ofcom.org.uk) at least two working days before the deadline.

¹⁵ If you do not have the username and password required to access the Ofcom Online Services portal, please email the Ofcom Market Intelligence team (MID@ofcom.org.uk) at least two working days before the deadline.

¹⁶ For this purpose, “working day” means any day other than (a) Saturday or Sunday, or (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Part E: Form to provide the specified information in respect of the charging year 2025/2026 for outpayments in calendar year 2023 (Annual Certificate)

The information specified in **Part C of this Annex 1** in respect of the charging year 2025/2026 for outpayments in calendar year 2023 must be provided to Ofcom in the form of an Annual Certificate as specified below.

Annual Certificate by a Liable Network Operator to Ofcom for the purpose ascertaining or verifying administrative charges payable under article 14 of the PRS Order	
Registered name:	
Registered number:	
Charging year:	1 April 2025 to 31 March 2026 (2025/26)
Relevant calendar year:	2023
Total amount of outpayments in the relevant calendar year (GBP):	
Outpayment calculation explanation:	
Certification	
I certify, on behalf of the company named on this Annual Certificate, that the information given in this Annual Certificate is true, accurate and complete. I also confirm in that capacity that the Financial Reporting Standards and Generally Accepted Accounting Practice in the UK have been followed in the preparation of this Annual Certificate.	
Signed: (State name in capitals))	
Name:	
Job title:	
Date:	
Certifier contact details:	
E-mail address:	
Postal address:	
Phone:	
Person submitting this Annual Certificate (if different to the signatory above certifying this Annual Certificate):	
Name:	
Job title:	
E-mail address:	
Postal address:	
Phone:	

Annex 2: Managed File Transfer information sheet



Managed File Transfer

Managed File Transfer (MFT) allows Ofcom to share files with external organisations securely. It provides a full audit trail of activity. There are two methods for sending and receiving files – shared folders and Packages. Your Ofcom contact will arrange the most appropriate one for your purposes.

Packages

For one-off file transfers or occasional use, MFT provides a secure Package facility that works in a similar way to email messaging.

You do not need an account on MFT to access a Package. When someone from Ofcom sends you a package you will receive an email notification from MFT with a link to the Package.

Your Ofcom contact will provide you with a password to access the package. You can then download any attached files.

To send data using this method, someone at Ofcom must first send you a package. You can then reply - attaching any files you want to share with your Ofcom contact.

Shared Folders

For users who need to transfer files to or from Ofcom regularly, MFT provides a secure transit folder facility. Your Ofcom contact will request an MFT account for you. They will be asked to provide your name, email address and company name.

A unique username will be created for you.

Once your account has been created, your Ofcom contact will notify you of your temporary password separately. You will be required to change this when you first log on to MFT.

After logging on you will be able to navigate to the shared folder to upload or download files as agreed with your Ofcom contact.

Security Fact Sheet

- During transport MFT uses TLS to encrypt communications. The minimum strength of the encryption used during web transport is 128-bit and the system is regularly penetration tested.
- MFT stores all files on disk using FIPS 140-2 validated 256-bit AES. Each file has a unique encryption key, which is also encrypted.
- MFT logs all sign-on and sign-off events, permission changes, new user additions and other actions which directly affect the security of the system. All log entries are cryptographically chained together in a way that makes any tampering of audit logs evident.
- MFT uses cryptographic methods to verify files have not been tampered with.
- Please note that MFT is a tool for transferring files only. To prevent data falling fallow, files are automatically deleted after a set period.
- Only encrypted Zip file format (.7z or .zip) files should be uploaded into MFT.