
STATUTORY INSTRUMENTS

1998 No. 1580

TELECOMMUNICATIONS

The Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998

<i>Made</i>	- - - -	<i>28th June 1998</i>
<i>Laid before Parliament</i>		<i>30th June 1998</i>
<i>Coming into force</i>	- -	<i>21st July 1998</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in respect of measures relating to telecommunications, in exercise of the powers conferred on her by that section and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998 and shall come into force on 21st July 1998.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Telecommunications Act 1984⁽³⁾;

“the Commission” means the Commission of the European Communities;

“consumer” means any natural person who uses a publicly available telecommunications service for purposes which are outside his trade, business or profession;

“Data Protection Registrar” means the holder of the office originally established by section 3(1) (a) of the Data Protection Act 1984⁽⁴⁾ as the office of Data Protection Registrar;

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

(1) S.I. 1996/266.

(2) 1972 c. 68.

(3) 1984 c. 12 as amended by the Telecommunications (Licensing) Regulations 1997 (S.I. 1997/2930). There are other amendments to 1984 c. 12 which are not relevant to these Regulations.

(4) 1984 c. 35.

“directory information” means, in the case of directories, the name, address and telephone number of the subscriber and, in the case of a directory information service, may include the telephone number only of the subscriber or information that the telephone number of the subscriber may not be supplied;

“directory information service” means directory information provided over a telephone system;

“the EEA” means the European Economic Area;

“the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2 May 1992 as adjusted by the Protocol signed at Brussels on 17 March 1993;

“fixed publicly available telephone service” means the provision to end-users at fixed locations of a service for the originating and receiving of national and international calls, including voice telephony services and may include, in addition, access to emergency “112” services, the provision of operator assistance, directory services, provision of public pay-telephones, provision of service under special terms or provision of special facilities for customers with disabilities or with special social needs but does not include value added services provided over the public telephone system;

“fixed public telephone network” means the public switched telecommunications network which supports the transfer between network termination points at fixed locations of speech and 3.1 kHz bandwidth audio information, to support inter alia:

- (a) voice telephony,
- (b) facsimile Group III communications, in accordance with ITU-T Recommendations in the “T-series”,
- (c) voice band data transmission via modems at a rate of at least 2,400 bit/s, in accordance with ITU-T Recommendations in the “V-series”; and

where access to the end-user’s network termination point is via a number or numbers in the national numbering plan;

“fixed public telephone system” means the telecommunication systems run by a person under a licence which has been granted under section 7 of the Act whether to a particular person, persons of a class or persons generally, and which form part of the fixed public telephone network and by means of which fixed publicly available telephone services are provided;

“the Interconnection Regulations” means the Telecommunications (Interconnection) Regulations 1997(5);

“licence” means a licence granted under section 7 of the Act;

“major office” means for the purpose of regulation 18(1)(b), the systemless service provider’s registered office and such other offices as the Director, having consulted the systemless service provider, may direct;

“mobile public telephone network” means the telecommunication systems run under licences whether granted under section 7 of the Act to a particular person or persons of a class by means of which publicly available mobile telephone services are provided at network termination points which are not at fixed locations;

“number portability” means a facility whereby subscribers who so request can retain their number on the fixed public telephone network at a specific location independent of the organisation providing service;

“the ONP Framework Directive” means Council Directive [90/387/EEC](#) on the establishment of the internal market for telecommunications services through the implementation of open

network provision(6) as amended by European Parliament and Council Directive 97/51/EC(7) for the purpose of adaptation to a competitive environment in telecommunications;

“ONP Committee” means the Committee created by Article 9(1) of the ONP Framework Directive;

“operator having significant market power” means (i) a public operator which the Director has determined to be an operator having significant market power in accordance with regulation 6(1) below; or (ii) a systemless service provider which the Director has determined to be an operator having significant market power in accordance with regulation 6(2) below;

“process” means to obtain, record or hold data or information or to carry out any operation or set of operations on the data or information, including;

- (a) organisation, storage, adaptation or alteration of the data or information;
- (b) retrieval, consultation or use of the data or information;
- (c) disclosure of the data or information by transmission, dissemination or otherwise making available; or
- (d) alignment, combination, blocking, erasing or destruction of the data or information;

and “processing” shall be interpreted accordingly;

“publicly available telephone services” means either fixed publicly available telephone services or publicly available mobile telephone services or both;

“publicly available mobile telephone services” means a telephony service whose provision consists, wholly or partly, in the establishment of radiocommunications to one mobile user, and makes use wholly or partly of a mobile public telephone network;

“public operator” means a person to whom a licence has been granted under section 7 of the Act authorising the running of a public telephone system and the provision of publicly available telephone services;

“public pay-telephone” means a telephone available to the general public for the use of which the means of payment are one or more of the following:—

- (a) coins;
- (b) credit cards;
- (c) debit cards; and
- (d) pre-payment cards;

“public telephone system” means telecommunication systems forming part of the fixed public telephone network or a mobile public telephone network;

“the 1997 Regulations” means the Telecommunications (Voice Telephony) Regulations 1997(8);

“relevant data protection legislation” means the Data Protection Act 1984 and from 24 October 1998 Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data(9) and Directive 97/66/EC of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the telecommunications sector(10);

(6) OJNo. L199, 26.7.97, p.32.

(7) OJ No. L295, 29.10.97, p.23.

(8) S.I. 1997/1886.

(9) OJ No. L281, 23.11.95, p.31.

(10) OJ No. L24, 30.1.98, p.1.

“the Revised Voice Telephony Directive” means Directive 98/10/EC of the European Parliament and of the Council on the application of open network provision to voice telephony and on universal service for telecommunications in a competitive environment⁽¹¹⁾;

“systemless service provider” means a person who provides publicly available telephone services but who does not run a telecommunication system within the meaning of section 4 of the Act by means of which such services are provided;

“subscriber” means a person who is party to a contract with the provider of publicly available telecommunications services for the supply of such services;

“the Terminal Equipment Regulations” means the Telecommunications Terminal Equipment Regulations 1992⁽¹²⁾;

“universal service” means a defined minimum set of services of specified quality which is available to all users independent of their geographical location and, in the light of specific national conditions, at an affordable price;

“user” means a person using or requesting publicly available telecommunications services;

“the Voice Telephony Directive” means Directive 95/62/EC of the European Parliament and of the Council on the application of open network provision (ONP) to voice telephony⁽¹³⁾;

“voice telephony licence” means a licence granted under section 7 of the Act to a particular person or to persons of a class or to persons generally and which authorises the running of a public telephone system and the provision of publicly available telephone services; and

“voice telephony service” means a service available to the public for the commercial provision of direct transport of real-time speech via the public switched network or networks such that any user can use equipment connected to a network termination point at a fixed location to communicate with another user of equipment connected to another termination point.

(2) Any expression used in these Regulations which is also used in the Revised Voice Telephony Directive has the same meaning in these Regulations as it has in that Directive.

(3) Except where the context otherwise requires and subject to paragraphs (1) and (2), any expression used in these Regulations which is also used in the Act has the same meaning in these Regulations as it has in the Act.

EEA Agreement

3. Consequent upon the extension of the Voice Telephony Directive to the EEA by decision No 25/98 of the EEA Joint Committee which came into force on 1 April 1998, Regulations 1 to 3 and 9 of the 1997 Regulations and Voice Telephony Conditions VTD1, VTD8, VTD9 and VTD10 in Schedule 1 to those Regulations are hereby extended to have effect in respect of Contracting Parties to the EEA Agreement⁽¹⁴⁾ and in Regulation 9 and the Voice Telephony Conditions the words “member State” shall be interpreted as meaning a Contracting Party to that Agreement.

Revocations

4.—(1) Regulations 4 to 8 and Schedules 2 to 4 of the 1997 Regulations are hereby revoked.

(2) In Schedule 1 to the 1997 Regulations and in the relevant Licences within the meaning of the 1997 Regulations, Conditions VTD2 to VTD7 and VTD11 to VTD16 in Schedule 1 to the Voice Telephony Conditions are hereby revoked and Conditions VTD1, VTD8, VTD9 and VTD10 are revoked insofar as they regulate actions of a relevant Licensee in respect of any person who is

(11) OJ No. L101, 26.2.98, p.24.

(12) S.I. 1992/2423.

(13) OJ No. L321, 30.12.95, p.6.

(14) The Contracting Parties to the EEA Agreement are, in addition, to the European Community and the individual EC Member States, Iceland, Liechtenstein and Norway.

resident in a member State of the European Community as regards telecommunications services provided by or to such a person.

Scope

5.—(1) Regulations 9, 10, 13(b), 14, 15, 16, 17(1) and 18 apply to the running of mobile public telephone networks or to the provision of publicly available mobile telephone services or both.

(2) Save as provided in paragraph (1) above these Regulations do not apply to the running of mobile public telephone networks or to the provision of publicly available mobile telephone services or both.

Significant Market Power

6.—(1) For the purposes of the Revised Voice Telephony Directive and of these Regulations, the Director shall determine, in accordance with paragraph (3) below on the coming into force of these Regulations and from time to time, whether a public operator is an operator having significant market power which provides:

- (a) a fixed public telephone system; or
- (b) voice telephony services; or
- (c) both such a system and such services.

(2) For the purposes of the Revised Voice Telephony Directive and of these Regulations, the Director shall determine in accordance with paragraph (3) below, on the coming into force of these Regulations and from time to time, whether a systemless service provider providing voice telephony services is an operator having significant market power.

(3) In making such a determination under paragraphs (1) or (2) above it shall be presumed that:

- (a) a public operator which has 25% or more of the relevant market in the geographical area within which it is licensed to operate has significant market power;
- (b) a systemless service provider which has 25% or more of the relevant market in the United Kingdom has significant market power; and
- (c) a public operator which has less than 25% of the relevant market in the geographical area within which it is licensed to operate does not have significant market power;
- (d) a systemless service provider which has less than 25% of the relevant market in the United Kingdom does not have significant market power;

unless having regard to the public operator's or systemless service provider's, as the case may be, ability to influence market conditions, turnover relative to the size of the market, control of the means of access to end-users, access to financial resources and experience in providing products and services in the market, the Director determines the contrary.

(4) The Director shall notify the Secretary of State of the determinations which he has made under paragraphs (1) and (2) above and the Secretary of State shall notify determinations under paragraphs (1) and (2) to the Commission.

Availability of services

7.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act and under these Regulations, the Secretary of State and the Director shall:

- (a) ensure that fixed publicly available telephone services, including directory services and the provision of public pay-telephones, are available to all users at an affordable price; and

- (b) ensure that any scheme designed to ensure affordability follows the principles of transparency and non-discrimination and takes into account the views of interested parties in accordance with regulation 36 below.
- (2) The Director shall publish:
 - (a) rules and criteria for ensuring affordability; and
 - (b) regular reports on tariffs.

Provision of network connections and access to telephone services

8.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that throughout the United Kingdom all reasonable requests for connection to a fixed public telephone system at a fixed location and access to fixed publicly available telephone services are met by at least one public operator and may, if necessary, designate one or more public operators to meet such requests.

(2) The connection provided shall be capable of allowing users to make and receive national and international calls, supporting speech, and facsimile or data communications or both.

Directory services—public operators

9.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that subscribers provided with publicly available telephone services have the right to an entry in both publicly available telephone directories and directory information services and to verify, correct or request removal of that entry.

(2) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that public telecommunications operators running a public telephone system make available to end-users receiving publicly available telephone services by means of that operator's system, on request:

- (a) publicly available telephone directories which satisfy the requirements in paragraph (3) below; and
 - (b) subject to regulation 13(b)(i), a directory information service which satisfies the requirements in paragraph (4) below.
- (3) The publicly available telephone directories referred to in paragraphs (1) and (2)(a) above shall:
- (a) cover all subscribers, including subscribers provided with publicly available telephone services by any other person, save those who have expressed opposition to being listed; and
 - (b) whether printed or electronic, or both, be in a form approved by the Director, and be updated on a regular basis.

(4) The directory information service referred to in paragraphs 1 and (2)(b) above shall cover all subscribers, including subscribers provided with publicly available telephone services by any other person, save those who have expressed opposition to having their numbers included.

(5) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that public telecommunications operators in providing publicly available telephone directories and a directory information service:

- (a) follow the principle of non-discrimination in their treatment and presentation of the information provided to them; and
- (b) comply with relevant data protection legislation when processing any data or information pursuant to this regulation.

(6) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that persons running a telecommunication system and to whom telephone numbers have been allocated:

- (a) meet reasonable requests to make available the relevant details of their subscribers and of any other end-user to whom a telephone number allocated to that person has been allotted, for the purpose of enabling public telecommunications operators to comply with the obligations in paragraph (2) above;
- (b) provide the information on terms which are fair, cost-oriented and non-discriminatory, and in a format which is agreed between the provider and recipient of the information, or where no agreement is reached, in a format which is approved by the Director; and
- (c) comply with relevant data protection legislation when processing any data or information pursuant to these Regulations.

Directory services—systemless service providers

10.—(1) Where a systemless service provider has a contract with a subscriber for the provision of publicly available telephone services in respect of which a telephone number has been allocated to that subscriber (whether or not by the systemless service provider) the systemless service provider shall ensure that:

- (a) directory information concerning that subscriber, in relation to services provided by the systemless service provider to that subscriber, is included in a publicly available telephone directory, and as part of a directory information service provided to end-users;
 - (b) the subscriber has the right to verify, correct or request removal of such directory information relating to that subscriber; and
 - (c) it complies with relevant data protection legislation when processing any data or information pursuant to this regulation.
- (a) (2) (a) The publicly available telephone directories referred to in paragraph (1)(a) above shall comply with the requirements set out in regulation (9)(3) above; and
- (b) The directory information service referred to in paragraph (1)(a) above shall comply with the requirement set out in regulation 9(4) above.

(3) The obligation in paragraph (1) above applies whether or not such directory or directory information service is provided to that subscriber by the systemless service provider, or by another person.

(4) The obligation in paragraph (1) above does not apply to the extent that a subscriber has expressed opposition to inclusion of directory information about him in a publicly available telephone directory or as part of a directory information service provided to end-users.

(5) The systemless service provider may charge its subscribers a reasonable fee for inclusion of directory information in a publicly available telephone directory or as part of the directory information service referred to in paragraph (1) above.

(6) Where the systemless service provider has been allocated telephone numbers by a person other than the Director, the systemless service provider shall on request in accordance with subparagraph (8) below, supply to:

- (a) the person who allocated such telephone numbers to the systemless service provider; or
- (b) if different from the person referred to in paragraph (a) above, the licensee who was allocated such telephone numbers by the Director;

the name, address and telephone number of the systemless service provider's subscribers and of other end-users allotted telephone numbers from the telephone numbers allocated to the systemless service provider.

(7) The systemless service provider shall supply the information specified in paragraph (6) above for the purpose of enabling the person requesting the information to:

- (a) comply with its obligations under regulation 9;
- (b) meet any request made to that person in accordance with regulation 9 or paragraph (6) above.

(8) The systemless service provider shall supply information in accordance with paragraph (6) above:

- (a) at the reasonable request of the person requesting the information unless the person requesting the information does not undertake to process such data or information in accordance with any code of practice issued or approved by the Data Protection Registrar, or the systemless service provider has reasonable grounds to believe that the person requesting the information will not comply with relevant data protection legislation;
- (b) after taking account of opposition expressed by any subscriber to inclusion of directory information about that subscriber in a publicly available telephone directory or as part of a directory information service; and
- (c) on terms which are fair, cost-oriented and non-discriminatory, and in a format which is agreed between the systemless service provider and the person requesting the information, or where no agreement is reached, in a format which is approved by the Director.

(9) Where the systemless service provider supplies, to any person, pursuant to this regulation, data or information subject to any code of practice issued or approved by the Data Protection Registrar, the systemless service provider shall secure that such person undertakes to process such data or information in accordance with such code.

Public pay-telephones

11.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act, and with respect to sub-paragraph (a) except in relation to any specific geographical area where the condition set out in paragraph (2) is satisfied, the Secretary of State and the Director shall ensure that:

- (a) public pay-telephones are provided to meet the reasonable needs of users in terms of both numbers and geographical coverage;
- (b) emergency calls may be made from public pay-telephones using the single European emergency call number “112” and the national emergency call number “999” free of charge and without having to use coins or cards.

(2) The obligation in paragraph (1)(a) above does not apply in respect of any specific geographical area in relation to which the Director has published a decision that he is satisfied that public pay-telephones are widely available.

Specific measures for disabled users

12. In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall, where appropriate, take specific measures to ensure equal access to and affordability of fixed publicly available telephone services for disabled users and users with special social needs.

Connection of terminal equipment and use of the networks—public operators

13. In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that:

- (a) all users provided with a connection to a fixed public telephone system may connect and use terminal equipment suitable for the connection provided; and

- (b) all users provided with a connection to a fixed public telephone system or to a mobile public telephone network or both, have access to:
 - (i) operator assistance services and a directory information service which complies with regulation 9(4) above unless:
 - (aa) the subscriber decides otherwise; or
 - (bb) in the case of services which incur a charge to the subscriber, due warning of disconnection has been given to the subscriber in accordance with a direction made by the Director under regulation 34 below; and
 - (ii) emergency services, free of charge, using the single European emergency call number “112” and the national emergency call number “999”.

Connection of terminal equipment and use of the networks—systemless service providers

14. Systemless service providers shall be under a duty to ensure that users provided by them with a connection to a fixed public telephone system or to a mobile public telephone network or both have access to:

- (a) operator assistance services and a directory information service which complies with regulation 9(4) above unless:
 - (i) the subscriber decides otherwise; or
 - (ii) in the case of services which incur a charge to the subscriber, due warning of disconnection has been given to the subscriber in accordance with a direction made by the Director under regulation 35 below; and
- (b) emergency services, free of charge, using the single European emergency call number “112” and the national emergency call number “999”.

Contracts—public operators

15.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that public operators providing access to a fixed public telephone system or a mobile public telephone network or both shall, except where an existing contract complies with the requirements set out in paragraphs (2) and (3) below, offer to enter into, with each of its subscribers, either:

- (a) a new written contract; or
- (b) a written variation of an existing contract,

which new contract or contract as varied complies with the requirements set out in paragraphs (2) and (3) below.

(2) The contract referred to in paragraph (1) above shall specify the service to be provided or shall make reference to publicly available terms and conditions.

- (3) The contract or publicly available terms and conditions shall specify at least:
 - (a) the supply time for initial connection;
 - (b) the maintenance service offered;
 - (c) the compensation or refund arrangements for subscribers if the contracted service is not provided or both;
 - (d) a summary of the dispute resolution procedures in accordance with regulation 37 below; and
 - (e) information on service quality levels offered.

(4) The Director may direct, on his own initiative or following a request by an organisation representing user or consumer interests, that the conditions of contracts and of compensation or refund schemes or both which have been provided by public operators providing access to a fixed public telephone system or a mobile public telephone network or both, insofar as they concern matters subject to the provisions of these Regulations, shall be altered in order to protect the rights of users or subscribers or both. Any person who is a party to such contract shall be under a duty to comply with any such direction.

Contracts—systemless service providers

16.—(1) A systemless service provider providing access to a fixed public telephone system or a mobile public telephone network or both shall be under a duty, except where an existing contract complies with the requirements set out in paragraphs 15(2) and (3) above, to offer to enter into, with each of its subscribers, either:

- (a) a new written contract; or
- (b) a written variation of an existing contract;

which new contract or contract as varied complies with the requirements set out in paragraphs 15(2) and (3) above.

(2) The Director may determine, on his own initiative or following a request by an organisation representing user or consumer interests, that the conditions of contracts and of compensation or refund schemes or both provided by systemless service providers providing access to a fixed public telephone system or a mobile public telephone network or both, insofar as they concern matters subject to the provisions of these Regulations, shall be altered in order to protect the rights of users or subscribers or both. Systemless service providers and any other party to a contract shall be under a duty to comply with any determination made by the Director.

Publication of and access to information—public operators

17.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act, and these Regulations, the Secretary of State and the Director shall ensure that public operators publish adequate and up-to-date information for consumers on their standard terms and conditions with regard to access to and use of a public telephone system or the provision of publicly available telephone services or both, and tariffs for end-users, any minimum contractual period, if relevant, and conditions of renewal of the contracts are presented clearly and accurately.

(2) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that public operators authorised to run a fixed public telephone system provide to the Director:

- (a) details of technical interface specifications as identified in Schedule II;
- (b) details of changes in existing network interface specifications, including information on new network interface specifications in advance of implementation; and
- (c) details of any particular network characteristics which are found to affect the correct operation of terminal equipment.

(3) The Director may lay down a suitable period of notice before the changes referred to in paragraph (2)(b) above may be implemented.

(4) The Director shall:

- (a) ensure that the information to which reference is made in paragraph (2)(a) and (b) above and in regulations 19(4), 21(5), 26(5) and 34(2) is made available in an appropriate manner in order to provide easy access to that information for interested parties;

- (b) publish, or ensure that there is published, a notice in the London, Edinburgh and Belfast Gazettes specifying the manner in which the information referred to in paragraph (a) above is made available; and
- (c) make the information referred to in paragraph (2)(c) above available on request to terminal equipment suppliers.

Publication of and access to information—systemless service providers

- (a) **18.** (1) (a) Systemless service providers shall be under a duty to publish adequate and up-to-date information for consumers on their standard terms and conditions with regard to access to a public telephone system or the provision of publicly available telephone services or both, and tariffs for end-users, any minimum contractual period, if relevant, and conditions of renewal of the contracts shall be presented clearly and accurately.
 - (b) Publication of the information specified in paragraph (a) above shall be effected by placing a copy of such information in a publicly accessible part of every major office of the systemless service provider in such manner and in such place that it is readily available for inspection free of charge by members of the general public during such hours as:
 - (i) the Director may by notice prescribe; or
 - (ii) in the absence of such notice having been given, during normal office hours;and by sending a copy of such information or such part or parts thereof as are appropriate to any consumer who may request such a copy.
- (2) The Director shall ensure that the information to which reference is made in regulations 20(5), 21(5) and 35(2) is made available in an appropriate manner in order to provide easy access to that information for interested parties. The Director shall publish or ensure that there is published a notice in the London, Edinburgh and Belfast Gazettes specifying the manner in which information is made available.

Quality of service—public operators

- 19.**—(1) The Director may, by direction:
- (a) set quality standards for publicly available telephone services with which any public operator or category of public operator shall comply in accordance with the provisions set out in this regulation; and
 - (b) set performance targets in particular for public operators which are operators having significant market power, or which have been designated in accordance with regulation 8 above in order to meet the quality standards referred to in paragraph (a) above.
- (2) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that public operators which are operators having significant market power or which have been designated in accordance with regulation 8 above keep and provide to the Director on request up-to-date information concerning their performance based on the parameters, definitions and measurement methods laid down in Schedule III.
- (3) The Director may:
- (a) direct that public operators which have been running a fixed public telephone system for more than 18 months keep and provide to him on request the information referred to in paragraph (2) above;
 - (b) by direction set performance targets for public operators having significant market power or which have been designated in accordance with regulation 8 above where such targets do not exist already; and

- (c) by making a direction call for independent audits of the performance data in order to ensure the accuracy and comparability of the data made available in accordance with paragraphs (2) and (3)(a) above.

(4) In exercising his functions under Part II and sections 47 to 49 of the Act, the Director shall ensure publication, in accordance with regulation 17 above of the quality standards and performance targets referred to in paragraph (1) above where appropriate and, taking into account the views of interested parties in accordance with the provisions of regulation 36.

Quality of service—systemless service providers

20.—(1) The Director may:

- (a) set quality standards with which any systemless service provider or category of systemless service provider shall comply; and
- (b) set performance targets in particular for systemless service providers which are operators having significant market power in the provision of voice telephony services.

(2) Systemless service providers shall be under a duty to comply with:

- (a) any standards set by the Director in accordance with paragraph (1)(a) above; and
- (b) any performance targets set by the Director in accordance with paragraph (1)(b) above.

(3) Systemless service providers which are operators having significant market power shall be under a duty to keep and provide to the Director on request up-to-date information concerning their performance based on the parameters, definitions and measurement methods laid down in Schedule III.

(4) The Director may determine that systemless service providers providing fixed publicly available telephone services for more than 18 months keep and provide to him on request the information referred to in paragraph (3) above.

(5) The Director shall publish, or ensure that there are published in accordance with regulation 18 above the quality standards and performance targets referred to in paragraph (1) above where appropriate and taking into account the views of interested parties in accordance with the provisions of regulation 36.

(6) The Director may require independent audits of the performance data in order to ensure the accuracy and comparability of the data made available in accordance with paragraphs (3) and (4) above.

(7) Systemless service providers shall be under a duty to comply with:

- (a) any determination made by the Director in accordance with paragraph (4) above; and
- (b) any requirement for independent audits in accordance with paragraph (6) above.

Conditions of access and use and essential requirements

21.—(1) The Director shall ensure that procedures are in place to address situations where:

- (a) public operators or systemless service providers; or
- (b) at least public operators or systemless service providers providing voice telephony services and which are operators having significant market power;

take measures such as the interruption, termination, significant variation or reduction in the availability of services provided at least to organisations running telecommunication systems or providing telecommunications services or both.

(2) The parties shall abide by a decision, taken in accordance with such procedures, without prejudice to their right to apply to a court, save insofar as the parties concerned have entered into an agreement which provides otherwise for the resolution of disputes between them.

(3) The procedures referred to in paragraph (1) above shall:

- (a) be transparent, and shall give both parties to a dispute an opportunity to state their case;
- (b) provide for a reasoned decision to be notified to the parties by the Director within one week of its adoption.

(4) The Director may make a direction appointing a third party to assist in the resolution of, or to resolve, the dispute, and such a direction shall include provisions as to the payment of such a person's reasonable costs and expenses and the procedures to be adopted by that person.

(5) A summary of the procedures referred to in paragraph (1) above shall be published in accordance with regulations 17 and 18 above.

(a) (6) (a) The Secretary of State may by notice served on public operators or systemless service providers impose restrictions on the access to or the use of fixed public telephone systems or fixed publicly available telephone services or both on the basis of the essential requirements set out in paragraphs (i) to (v) below. The notice shall be published and shall identify which of the essential requirements set out in paragraphs (i) to (v) below is the basis of the restrictions:

- (i) security of network operations;
- (ii) maintenance of network integrity;
- (iii) interoperability of services;
- (iv) protection of data; or
- (v) effective use of the frequency spectrum;

(b) In imposing any such restriction the Secretary of State shall ensure that:

- (i) any restriction is based on objective criteria identified in advance;
- (ii) any restriction within paragraph (a)(ii) above is kept to the minimum necessary to provide for normal operation of the network; and
- (iii) any restriction within paragraph (a)(iv) above is imposed only in accordance with relevant data protection legislation.

(c) The Secretary of State shall publish a notice in the London, Edinburgh and Belfast Gazettes referring to the manner in which the notice referred to in paragraph (a) above is published.

(7) The Secretary of State may take any measures which are necessary in order to ensure that:

- (a) the availability of fixed public telephone systems or fixed publicly available telephone services or both is maintained in the event of catastrophic network breakdown or in cases of force majeure, such as extreme weather, earthquake, flood, lightning or fire; and
- (b) the integrity of the fixed public telephone network is maintained.

(8) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall, without prejudice to any notice issued by the Secretary of State in accordance with paragraph (6)(a) above, ensure that:

- (a) in the event of the circumstances referred to in paragraph (7)(a) above public telecommunications operators take all the necessary steps:
 - (i) to ensure that insofar as is practicable in all the circumstances the availability of fixed public telephone systems is maintained; and
 - (ii) to maintain insofar as is practicable the highest level of services to meet any priorities specified by the Secretary of State and the Director;

- (b) restrictions by public operators on access to and use of fixed public telephone systems on the grounds of security of networks are proportionate, non-discriminatory and are based on objective criteria identified in advance;
- (c) restrictions by public operators on access to and use of fixed public telephone systems on the grounds of maintenance of network integrity, in order to protect, inter alia, network equipment, software or stored data, are non-discriminatory, kept to the minimum necessary to provide for the normal operation of the network and based on objective criteria identified in advance;
- (d) conditions on access to and use of fixed public telephone systems or fixed publicly available telephone services or both based on the grounds of protection of data may be imposed by public operators only in accordance with relevant data protection legislation;
- (e) public telecommunications operators take all necessary steps insofar as is practicable in all the circumstances to ensure that the integrity of the fixed public telephone network is maintained; and
- (f) public operators do not impose further restrictions on the grounds of interoperability of services on terminal equipment operating in accordance with the Terminal Equipment Regulations.

(9) In exercising her powers under the Wireless Telegraphy Acts 1949⁽¹⁵⁾ and 1998⁽¹⁶⁾, the Secretary of State shall ensure that public operators which use the frequency spectrum do so effectively and avoid harmful interference between radio-based systems which could restrict or limit access to or use of fixed public telephone systems and fixed publicly available telephone services.

(10) Systemless service providers may impose conditions on access to and use of fixed public telephone systems or fixed publicly available telephone services or both based on the grounds of protection of data only in accordance with relevant data protection legislation.

(11) Systemless service providers shall not impose any restrictions on the use of terminal equipment operating in accordance with the Terminal Equipment Regulations on the grounds of interoperability of services.

Itemised billing, tone dialling and selective call barring—public operators

22.—(1) In order to ensure that users have access over fixed public telephone systems as early as possible to the facilities of:

- (a) tone dialling; and
- (b) itemised billing and selective call barring;

as facilities available on request, the Director may, where in his opinion it is necessary to ensure that these facilities are widely available, designate one or more public operators to provide these facilities to most telephone users before 31 December 1998 and to ensure that they are generally available by 31 December 2001.

(2) The facilities of tone dialling and selective call barring are specified in Part 1 of Schedule I.

(3) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that where itemised bills are provided by public operators to their subscribers:

- (a) the itemised bill shall, subject to relevant data protection legislation, at no extra charge to the subscriber, contain at least such details as will allow the subscriber to verify and control charges incurred in using the system or service or both; but

(15) 1949 c. 54.

(16) 1998 c. 6.

- (b) the itemised bill shall not identify calls in respect of which no charges are made to the calling subscriber; and
 - (c) where appropriate, additional levels of detail in the itemised bill may be offered to subscribers at reasonable tariffs or at no charge.
- (4) The Director may by direction set down the details which shall be contained in an itemised bill in order to satisfy the requirements of paragraph (3)(a) above.

Itemised billing, tone dialling and selective call barring—systemless service providers

23.—(1) Systemless service providers providing access to a fixed public telephone system or providing fixed publicly available telephone services or both shall be under a duty to provide an itemised bill which complies with the requirements of regulation 22(3)(a) and (b) above.

(2) The Director may by direction set down the details which shall be contained in an itemised bill provided by systemless service providers in order to satisfy the requirements of regulation 22(3)(a) above.

(3) Where appropriate, additional levels of detail in an itemised bill may be offered to subscribers by systemless service providers at reasonable tariffs or at no charge.

Provision of additional facilities—public operators

24. In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that:

- (a) public operators providing voice telephony services being operators having significant market power provide, subject to technical feasibility and economic viability, the facilities listed in Part 2 of Schedule I;
- (b) where public operators provide the facilities described in paragraphs (a) and (c) of Part 2 of Schedule I and paragraphs (d) and (f) of Part 3 of Schedule I, they do so in accordance with relevant data protection legislation;
- (c) public operators providing voice telephony services which do not yet offer the facility of number portability on request to a subscriber, shall provide to that subscriber a facility on request for a reasonable period after that subscriber has changed to a different supplier either:
 - (i) to re-route telephone calls to his new number for a reasonable fee; or
 - (ii) to advise callers of the new number without charging the called party for this service.

Provision of additional facilities—systemless service providers

25.—(1) Systemless service providers providing voice telephony services and which have been designated by the Secretary of State as operators having significant market power shall be under a duty to comply with the requirement set out in regulation 24(a) above as if they were public operators.

(2) Where systemless service providers provide the facilities described in paragraphs (a) and (c) of Part 2 of Schedule I and paragraphs (d) and (f) of Part 3 of Schedule I they shall be under a duty to do so in accordance with relevant data protection legislation.

(3) Systemless service providers providing voice telephony services and which do not yet offer the facility of number portability on request to a subscriber shall be under a duty to comply with the requirements set out in regulation 24(c) above as if they were public operators.

Special network access

26.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that operators having significant market power in the provision of fixed public telephone systems:

- (a) deal with reasonable requests from organisations providing telecommunications services, including systemless service providers, for access to a fixed public telephone system at network termination points other than the commonly provided network termination points referred to in Part 1 of Schedule II;
- (b) do not take a final decision to restrict or deny access in response to a request made under paragraph (a) above until the organisation making such a request has had an opportunity to put its case to the Director;
- (c) where a request for access under paragraph (a) is refused, provide to the organisation making the request a prompt and fully reasoned explanation for the refusal;
- (d) impose only charges for the special network access provided which follow the principles of cost orientation set out in Schedule IV;
- (e) adhere to the principle of non-discrimination when they make use of a fixed public telephone system and, in particular, use any form of special network access, for providing publicly available telecommunications services, and apply similar conditions in similar circumstances to organisations providing similar services and shall provide special network access facilities and information to others under the same conditions and of the same quality as they provide for their own services or those of their subsidiaries or partners; and
- (f) make available to the Director on request details of agreements of special network access.

(2) The Director may by determination, agree to limit the obligation in paragraph (1)(a) above in a particular case where, in his opinion:

- (a) there are technically and commercially viable alternatives to the special network access requested; and
- (b) the requested access is inappropriate in relation to the resources available to meet the request.

(3) The Director may on his own initiative at any time, where justified, and shall do so on the request of either party, make a direction specifying conditions to be included in an agreement for the provision of special network access in order to ensure effective competition or interoperability or both. Any conditions so specified shall be non-discriminatory, fair and reasonable for both parties and offer the greatest benefit to all users.

(4) The Director may, in the interest of all users, make a direction specifying:

- (a) conditions to be included in agreements which
 - (i) are non-discriminatory, fair and reasonable; and
 - (ii) conform with relevant standards, compliance with essential requirements or the maintenance of end-to-end quality or both; and
- (b) that any agreements be entered into and fulfilled in an efficient and timely manner.

(5) The Director shall publish or shall ensure the publication in accordance with regulation 17(4) above of any conditions which he has specified in accordance with paragraph (4) above.

(6) Subject to his rights and obligations under section 101 of the Act, the Director shall keep confidential those parts of agreements made available to him in accordance with paragraph (1)(f) above which deal with the commercial strategy of the parties.

Tariff principles—public operators

27.—(1) Subject to regulation 7(1)(a) above, and except in relation to any specific geographical area where the condition set out in paragraph (2) below is satisfied, the Secretary of State and the Director, in exercising their functions under Part II and sections 47 to 49 of the Act, shall ensure that a public operator providing voice telephony services which is an operator having significant market power complies with the following:

- (a) tariffs for use of its fixed public telephone system and fixed publicly available telephone services follow the basic principles of cost orientation set out in Schedule IV;
- (b) subject to paragraph 2 of Part II of Schedule 3 to the Interconnection Regulations, tariffs for access to and use of its fixed public telephone system are independent of the type of application which the subscribers implement, except to the extent that they require different services or facilities;
- (c) tariffs for facilities additional to the provision of connection to its fixed public telephone system and fixed public telephone services are sufficiently unbundled, so that the subscriber is not required to pay for facilities which are not necessary for the service requested; and
- (d) tariff changes are implemented only after an appropriate public notice period determined by the Director.

(2) Subject to regulation 7(1)(a) above, paragraphs (1)(a) to (d) shall not apply in a specific geographical area in respect of which the Director has made a direction that he is satisfied that there is effective competition in the fixed publicly available telephone services market.

Tariff principles—systemless service providers

28.—(1) Systemless service providers providing voice telephony services which are operators having significant market power shall be under a duty to comply with regulation 27(1)(a) to (d) above as if they were public operators.

(2) The Director may determine that paragraph (1) above shall not apply in a specific geographical area in respect of which he is satisfied that there is effective competition in the fixed publicly available telephone services market.

Cost accounting principles—public operators

29.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that where a public operator is under a duty for its tariffs to follow the principle of cost orientation in accordance with regulation 27(1):

- (a) the cost accounting systems operated by the public operator are suitable for the implementation of regulation 27 above and that compliance with such systems is verified by a competent body which is independent of that public operator; and
- (b) a statement concerning compliance is published annually; and
- (c) a description of the cost accounting systems referred to in paragraph (a) above, showing the main categories under which costs are compiled and the rules used for the allocation of costs to voice telephony services, is made available to the Director on request.

(2) Upon receipt by the Secretary of State of a request by the Commission for the information referred to in paragraph (1)(c) above, she shall notify the Director who shall submit information on the cost accounting systems applied by public operators to whom paragraph (1) applies to the Secretary of State, who shall thereupon submit the information requested to the Commission.

(3) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that public operators make available to the Director on request

detailed accounting information in order to ensure compliance with these Regulations, in confidence and subject to the rights and obligations of the Director under section 101 of the Act.

Cost accounting principles—systemless service providers

30.—(1) Where a systemless service provider is under a duty for its tariffs to follow the principle of cost orientation in accordance with regulation 28(1) above it shall be under a duty to comply with the provisions of regulation 29(1)(a) to (c) above as if it were a public operator.

(2) Upon receipt by the Secretary of State of a request by the Commission for the information referred to in paragraph (1) above, she shall notify the Director who shall submit information on the cost accounting systems applied by systemless service providers, to whom paragraph (1) above applies, to the Secretary of State who shall thereupon submit the information requested to the Commission.

(3) Systemless service providers providing voice telephony services shall be under a duty to make available in confidence to the Director on request detailed accounting information in order to ensure compliance with these Regulations.

Discounts and other special tariff provisions—public operators

31.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that, where a public operator is under a duty for its tariffs to follow the principles of cost orientation in accordance with regulation 27(1), discount schemes for its subscribers are fully transparent and are published and applied in accordance with the principle of non-discrimination.

(2) The Director may by direction require that the discount schemes referred to in paragraph (1) above be modified or withdrawn.

Discounts and other special tariff provisions—systemless service providers

32.—(1) Where a systemless service provider is under a duty for its tariffs to follow the principles of cost orientation in accordance with regulation 28(1), it shall be under a duty to make discount schemes for its subscribers fully transparent and to publish and apply them in a non-discriminatory manner.

(2) The Director may require that the discount schemes referred to in paragraph (1) above be modified or withdrawn and systemless service providers shall be under a duty to comply with any requirement imposed by the Director.

Standards for ISDN network termination points

33. In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall ensure that where fixed publicly available telephone services are supplied to subscribers over the ISDN network at the S/T reference point⁽¹⁷⁾, the ISDN network termination points comply with the relevant physical interface specifications, in particular, those for the socket, referenced in the ONP List of Standards referred to in Article 5 of the ONP Framework Directive.

Non-payment of bills—public operators

34.—(1) In exercising their functions under Part II and sections 47 to 49 of the Act, the Secretary of State and the Director shall authorise measures to ensure that in cases of non-payment of telephone

⁽¹⁷⁾ The S/T reference point refers to the point with the S/T reference in ETSI standards, the reference numbers of which are published from time to time in the list of standards in the Official Journal of the European Communities.

bills for use of fixed public telephone systems due warning of any consequent service interruption or disconnection is given in advance to the subscriber.

(2) The measures authorised in accordance with paragraph (1) above shall:

(a) be proportionate, non-discriminatory and published in the manner laid down in regulation 17; and

(b) ensure, except in cases of fraud, persistent late payment or non-payment, as far as is technically feasible, that any service interruption is confined to the service concerned.

(3) The Director may direct that, where appropriate, complete disconnection takes place only after a stated period. In such cases, calls which do not incur a charge to that subscriber shall be permitted.

Non-payment of bills—systemless service providers

35.—(1) The Director shall specify measures to ensure that in cases of non-payment of telephone bills for use of fixed public telephone systems due warning of any consequent service interruption or disconnection is given by systemless service providers providing access to that system. The systemless service providers shall be under a duty to comply with any measures specified by the Director in accordance with this regulation.

(2) The measures referred to in paragraph (1) above shall fulfil the requirements set out in regulation 34 paragraph (2)(a) and (b).

(3) The Director may decide that, where appropriate, complete disconnection takes place only after a stated period. In such cases calls which do not incur a charge to that subscriber shall be permitted.

Consultation

36. The Secretary of State and the Director shall take into account the views of the representatives of organisations running telecommunication systems, of users, consumers, manufacturers and service providers on issues related to the scope, affordability and quality of publicly available telephone services.

Conciliation and resolution of disputes

37.—(1) The Director shall ensure that procedures are in place to address disputes between any party, including users, service providers, consumers or organisations providing telecommunication systems or services, and a public operator or systemless service provider concerning an alleged infringement of any right or obligation created by or under these Regulations. These procedures shall, in particular, apply in cases where users are in dispute with a public operator or systemless service provider over their telephone bills or over the terms and conditions under which telephone services are provided.

(2) The procedures referred to in paragraph (1) shall be fair, transparent, easily accessible and inexpensive and shall not involve unnecessary delay. If the Director makes a direction appointing a third party to assist in the resolution of, or to resolve, the dispute, the direction shall include provisions as to the payment of such a person's reasonable costs and expenses and the procedures to be adopted by that person.

(3) Where a dispute is brought before the Director concerning an alleged infringement of the rights or obligations created by or under these Regulations involving organisations in more than one Member State, and a user or organisation by means of a written notification to the Director and the Commission invokes a conciliation procedure, the Director may, where he finds that there is a case for further examination, refer the matter to the Chairman of the ONP Committee.

(4) The Director may refer an alleged infringement of this Directive involving both organisations in more than one Member State to the Chairman of the ONP Committee on his own initiative, following written notification to the Commission.

(5) The party invoking the procedure in paragraph (3) above shall bear its own costs of participating in that procedure. That procedure shall be without prejudice to the rights of any person to apply to a court, save insofar as the parties concerned have entered into an agreement which provides otherwise for the resolution of disputes between them.

(6) The provisions of this regulation shall be without prejudice to the power of the Director to direct that the conditions of contract or of compensation of refund schemes or both shall be altered in accordance with regulation 15(4) or 16(2).

Enforcement of regulations 10, 14, 16, 18, 20, 21, 23, 25, 28, 30, 32 and 35

38. Without prejudice to any right which any person may have by virtue of any provision in these Regulations or otherwise to bring civil proceedings in respect of any contravention or apprehended contravention of any duty referred to in such provision, or to have any dispute concerning that duty resolved pursuant to regulation 37, compliance shall be enforceable by the Director by civil proceedings for an injunction or interdict or for any other appropriate relief.

Modification of licences to include the Revised Voice Telephony conditions

39.—(1) Voice telephony licences are hereby modified upon the coming into force of these Regulations by the insertion of the standard conditions set out in Schedule V as Part X to Schedule 1 to those licences, and the conditions inserted into each of the relevant licences pursuant to this regulation are, in relation to that licence, referred to for the purposes of these Regulations as “the Revised Voice Telephony Conditions.”

(2) The licence granted to British Telecommunications dated 22 June 1984 is hereby modified by the insertion of the standard conditions set out in Schedule VI Part 1 into Part X of Schedule 1 to that licence, and shall form part of “the Revised Voice Telephony Conditions”.

(3) The licences granted to Kingston upon Hull City Council and Kingston Communications (Hull) PLC dated 30 November 1987 are hereby modified by the insertion of the standard conditions set out in Schedule VI Part 2 into Part X of Schedule 1 to the licence, and shall form part of “the Revised Voice Telephony Conditions”.

Incidental and consequential amendments

40.—(1) At the end of section 1(6) of the Act (payment out of money provided by Parliament) there shall be added the words “or in consequence of the provisions of the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998.”

(2) In section 53 of the Act (power to require information etc), at the end of paragraph (b) of the definition of “relevant purpose” in subsection (6) there shall be added the words “or under the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998.”

28th June 1998

Barbara Roche,
Parliamentary Under-Secretary of State for
Small Firms, Trade and Industry,
Department of Trade and Industry

SCHEDULE I

DESCRIPTION OF FACILITIES REFERRED TO IN REGULATIONS 22 AND 24

PART 1

Facilities referred to in regulation 22:

- (a) Tone dialling or DTMF (dual-tone multifrequency operation)
i.e. the fixed public telephone system supports the use of DTMF telephones for signalling to the exchange, using tones as defined in ETSI ETR 207, and supports the same tones for end-to-end signalling throughout the system both within a Member State and between Member States.
- (b) Selective call barring for outgoing calls
i.e. the facility whereby the subscriber can, on request to the telephone service provider, bar outgoing calls of defined types or to defined types of numbers.

PART 2

List of facilities referred to in regulation 24(a) and (b):

- (a) Calling-line identification
i.e. the calling party's number is presented to the called party prior to the call's being established.
- (b) Direct dialling-in (or facilities offering equivalent functionality)
i.e. users on a private branch exchange (PBX) or similar private system can be called directly from the fixed public telephone system, without the intervention of the PBX attendant.
- (c) Call forwarding
i.e. incoming calls sent to another destination in the same or another Member State (for example, on no reply, on busy, or unconditionally).

PART 3

List of services and facilities referred to in regulation 24(b):

- (a) Community-wide access to green or freephone services
These services, variously known as green numbers, freephone services, cover dial-up services where the caller pays nothing for the call to the number dialled.
- (b) Shared cost services
These services cover dial-up services where the caller pays only part of the cost of the call to the number dialled.
- (c) Community-wide premium rate services or shared revenue services
Premium rate service is a facility whereby charges for the use of a service accessed through a telecommunication system are combined with the system call charges.
- (d) Community-wide calling-line identification

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- i.e. the calling party's number is presented to the called party prior to the call's being established.
- (e) Access to operator services in other Member States
i.e. users in one Member State can call the operator or assistance service in another Member State.
 - (f) Access to directory information services in other Member States
i.e. users in one Member State can call the directory information service in another Member State.

SCHEDULE II

INFORMATION TO BE SUPPLIED TO THE DIRECTOR IN ACCORDANCE WITH REGULATION 17 AND 18

Technical characteristics of network interfaces

Technical characteristics of interfaces at commonly provided network termination points, including where applicable reference to relevant national or international standards or recommendations or both, of:

- (a) for analogue or digitally presented networks or both:
 - (i) single line interface;
 - (ii) multiline interface;
 - (iii) direct dialling-in (DDI) interface;
 - (iv) other interfaces commonly provided;
 - (b) for ISDN (where provided)
 - (i) specification of basic and primary rate interfaces at the S/T reference points, including the signalling protocol;
 - (ii) details of bearer services able to carry voice telephony services;
 - (iii) other interfaces commonly provided;
- and
- (c) any other interfaces commonly provided.

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SCHEDULE III

SUPPLY-TIME AND QUALITY-OF-SERVICE INDICATORS, DEFINITIONS AND MEASUREMENT METHODS IN ACCORDANCE WITH THE REQUIREMENTS OF REGULATIONS 19 AND 20

INDICATOR (NOTE 1)	DEFINITION	MEASUREMENT METHOD
supply time for initial connection	ETSI ETR 138	ETSI ETR 138
fault rate per access line	ETSI ETR 138	ETSI ETR 138
fault repair time	ETSI ETR 138	ETSI ETR 138
unsuccessful call ratio	ETSI ETR 138	ETSI ETR 138
call set up time	ETSI ETR 138	ETSI ETR 138
response times for operator services	ETSI ETR 138	ETSI ETR 138
response times for directory enquiry services	as for operator services	as for operator services
proportion of coin and card operated public pay—telephones in working order	ETSI ETR 138	ETSI ETR 138
billing accuracy	see note 2	see note 2

Note 1

Indicators should allow for performance to be analysed at a regional level (i.e. no less than level 2 in the Nomenclature of Territorial Units for Statistics (NUTS) established by Eurostat.)

Note 2

Billing accuracy. National definitions and measurement methods should be used until such time as a common definition and measurement method are agreed at the European level.

SCHEDULE IV

REFERENCE FRAMEWORK FOR THE APPLICATION OF ONP CONDITIONS WITH RESPECT TO HARMONISED TARIFF PRINCIPLES

The application of open network provision conditions as defined in Article 2(8) of the ONP Framework Directive should be in accordance with the following reference framework, taking into account the relevant rules of the EC Treaty:

Harmonised tariff principles

Tariff principles must be consistent with the principles stated in Article 3(1) of the ONP Framework Directive. Those principles imply, in particular, that:

- (i) tariffs must be based on objective criteria and, until such time as competition becomes effective in keeping down prices for users, must in principle be cost oriented, on the understanding that the fixing of the actual tariff level will continue to be governed by national law and is not the subject of open network provision conditions. Where an organisation no longer has Significant Market Power in the relevant market, the requirement for cost orientation may be set aside by

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the Director. One of the aims should be the definition of efficient tariff principles throughout the Community while ensuring a general service for all;

- (ii) tariffs must be transparent and must be properly published;
- (iii) in order to leave users a choice between the individual service elements and where technology so permits, tariffs must be sufficiently unbundled in accordance with the competition rules of the Treaty. In particular, additional features introduced to provide certain specific extra services must, as a general rule, be charged independently of the inclusive features and transportation as such;
- (iv) tariffs must be non-discriminatory and guarantee equality of treatment, except for restrictions which are compatible with Community law.

Any charge for access to network resources or services must comply with the principles set out above and with the competition rules of the Treaty and must also take into account the principle of fair sharing in the global cost of the resources used, the need for a reasonable level of return on investment and, where appropriate, the financing of universal service in accordance with the Interconnection Regulations.

There may be different tariffs, in particular to take account of excess traffic during peak periods and lack of traffic during off-peak periods, provided that the tariff differentials are commercially justifiable and do not conflict with the above principles.

SCHEDULE V

CONDITIONS INSERTED IN SCHEDULE 1 TO THE VOICE TELEPHONY LICENCE

“Schedule 1

Part X: THE REVISED VOICE TELEPHONY CONDITIONS

Condition RVTD1—Interpretation

RVTD1 In this Part:

- (a) **Annex II, part 1 of the Revised Voice Telephony Directive** shall have the meaning set out in that Directive, the relevant parts of which for the purpose of Condition RVTD7 as follows:

“Technical characteristics of interfaces at commonly provided network termination points are required, including where applicable reference to relevant national and/or international standards or recommendations:

- for analogue and/or digitally presented networks:
 - (a) single line interface;
 - (b) multiline interface;
 - (c) direct dialling-in (DDI) interface;
 - (d) other interfaces commonly provided;
- for ISDN: (where provided)
 - (a) specification of basic and primary rate interfaces at the S/T reference points, including the signalling protocol;
 - (b) details of bearer services able to carry voice telephony services;

- (c) other interfaces commonly provided;
- and any other interfaces commonly provided.”

“**Approved Apparatus**” means, for the purpose of Condition RVT7, in relation to any system, apparatus approved under section 22 of the Act for connection to that system or which is Compliant Terminal Equipment;

“**Call Office**” means, for the purpose of Condition RVT7, 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;

“**Code of Practice**” means, for the purpose of Conditions RVT2 and RVT10, a code of practice prepared and disseminated by the Data Protection Registrar or by a trade association where, in the case of the latter, the Data Protection Registrar has notified the trade association that in his opinion the code promotes the following of good practice;

“**Customer Interface**” means, for the purpose of Condition RVT7, the Technical Characteristics of each Interface at any Network Termination Point within an item of Network Termination and Testing Apparatus relating to Fixed Publicly Available Telephone Services provided by means of the Fixed Public Telephone System;

“**Customer Interface Specification**” means, for the purpose of Condition RVT7, a description of a Customer Interface;

“**Directory Information**” means, in the case of directories, the name, address and telephone number of the subscriber and, in the case of a Directory Information Service, may include the telephone number only of the subscriber or information that the telephone number of the subscriber may not be supplied;

“**Directory Information Service**” for the purpose of Conditions RVT2 and RVT4, means directory information provided over a telephone system;

“**Fixed Publicly Available Telephone Service**” means the provision to end-users at fixed locations of a service for the originating and receiving of national and international calls, including voice telephony services and may include, in addition, access to emergency “112” services, the provision of operator assistance, directory services, provision of public-pay telephones, provision of service under special terms or provision of special facilities for customers with disabilities or with special social needs but does not include value added services provided over the Public Telephone System;

“**Fixed Public Telephone System**” means the telecommunication systems run by a person under a licence which has been granted under section 7 of the Act whether to a particular person, persons of a class or persons generally, and which form part of the fixed public telephone network by means of which Fixed Publicly Available Telephone Services are provided;

“**Interested Parties**” means, for the purpose of Condition RVT7, those persons, other than the Licensee, with whom the Director considers it appropriate to consult;

“**Interface**” means, for the purpose of Condition RVT7, a Customer Interface or a Network Interconnection Interface, as appropriate, and “Interface Specification” shall be construed accordingly;

“**Interface Control**” means, for the purpose of Condition RVT7, that the Director has determined that the Licensee has sufficient influence to affect competition adversely in the manufacture of telecommunication apparatus by its ability to influence the costs and timescales which would be incurred by another telecommunication operator, or supplier of telecommunication apparatus, including

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a manufacturer, in adopting the Licensee’s intended Interface Specification, or a comparable Specification provided by another party;

“**Major Office**” means the Licensee’s registered office and such other offices as the Director, having consulted the Licensee, may direct;

“**Message**” means anything falling within paragraphs (a) and (d) of section 4(1) of the Act;

“**Mobile Public Telephone System**” means any telecommunication system run under a licence whether granted to a particular person, persons of a class or persons generally, by means of which Publicly Available Mobile Telephone Services are provided at Network Termination Points which are not at fixed locations;

“**Network Connecting Apparatus**” means, for the purpose of Condition RVT7, telecommunication apparatus comprised in the Applicable Systems which is not Network Termination and Testing Apparatus and is connected to another system;

“**Network Interconnection Interface**” means, for the purpose of Condition RVT7, the Technical Characteristics of each interface at any Network Termination Point within an item of Network Connecting Apparatus relating to Fixed Publicly Available Telephone Services provided by means of the Fixed Public Telephone System;

“**Network Interconnection Interface Specification**” means, for the purpose of Condition RVT7, a description of a Network Interconnection Interface;

“**Network Termination Point**” means, for the purpose of Condition RVT7, any point:

- (i) within an item of Network Connecting Apparatus at which energy in any of the forms specified in section 4(1) of the Act is conveyed directly to or from apparatus comprised in a telecommunication system other than the 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;

“**Network Termination and Testing Apparatus**” means, for the purpose of Condition RVT7, 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; and
- (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:

- (aa) to supply energy between such Apparatus and the Applicable Systems;
- (bb) to protect the safety or security of operation of the Applicable Systems; or
- (cc) 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);

“**Notifying Licensee’s Interface Specification**” means, for the purpose of Condition RVT7, any Interface Specification which has been notified by any telecommunications operator, other than the Licensee, pursuant to a condition in that operator’s Licence which is similar to Condition RVT7;

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“Number Portability” means a facility whereby subscribers who so request can retain their number on a Fixed Public Telephone System at a specific location independent of the organisation providing the service;

“Process” means to obtain, record or hold data or information or to carry out any operation or set of operations on the data or information, including;

- (i) organisation, storage, adaption, or alteration of the data or information;
- (ii) retrieval, consultation or use of the data or information;
- (iii) disclosure of the data or information by transmission, dissemination, or otherwise making available, or
- (iv) alignment, combination, blocking, erasing or destruction of the data or information;

and “processing” shall be interpreted accordingly;

“Public Operator” means a person to whom a licence has been granted under section 7 of the Act authorising the running of Public Telephone Systems and the provision of Publicly Available Telephone Services;

“Publicly Available Mobile Telephone Services” means a telephony service whose provision consists, wholly or partly, in the establishment of radiocommunications to one mobile user, and makes use wholly or partly of a Mobile Public Telephone System.

“Publicly Available Telephone Services” means either Fixed Publicly Available Telephone Services or Publicly Available Mobile Telephone Services or both;

“Public Telephone System” means a Fixed Public Telephone System or a Mobile Public Telephone System, or both;

“Relevant Consulting Period” means, for the purpose of Condition RVT7:

- (i) in the case of any Network Interconnection Interface Specification, six months from the date of notification to the Director,
- (ii) in the case of any Customer Interface Specification, 60 days from the date of such notification to the Director, or
- (iii) in the case of either Interface Specification, such other period as the Director agrees; during this period the Director may consult with Interested Parties;

“Relevant Data Protection Legislation” means the Data Protection Act 1984 and from 24 October 1998 Directive 95/46EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and of the free movement of such data and Directive 97/66/EC of the European Parliament and Council concerning the processing of personal data and the protection of privacy in the telecommunications sector;

“Relevant Party” means, for the purpose of Condition RVT7, any person whom the Licensee might reasonably anticipate from the facts known to it would or might be required to modify, replace or cease to produce or supply any item of telecommunication apparatus connected or to be connected to any of the Applicable Systems as a result of any new or modified Interface Specification;

“Relevant Terminal Apparatus” means, for the purpose of Condition RVT7:

- (i) “Terminal Apparatus” that is to say any telecommunication apparatus installed on Served Premises by means of which Messages are initially transmitted or ultimately received except a Call Office; and

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- (ii) any other telecommunication apparatus directly connected to Terminal Apparatus (including apparatus which is Terminal Apparatus by virtue of this paragraph) which would, if it were run with such Terminal Apparatus and any other apparatus by means of which it is so connected, constitute a system authorised to be run by the person running that Terminal Apparatus under a Licence;

“the Revised Voice Telephony Regulations” means the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998 and any reference to a Regulation in these Conditions refers to those Regulations;

“Served Premises” means, for the purpose of Condition RVT7, 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; and

“Technical Characteristics” means, for the purpose of Condition RVT7, the physical, electrical and other relevant characteristics and the network interworking and service management protocols; and

- (b) words and expressions used shall, unless specified otherwise, have the same meaning as in the Revised Voice Telephony Regulations;
- (c) the Revised Voice Telephony Conditions are inserted for the purposes of application of the Revised Voice Telephony Directive and shall, accordingly, be construed in accordance with that Directive and with the ONP Framework Directive;
- (d) in the event of any conflict between any provision of the Revised Voice Telephony Conditions and any provision of any other Condition of this Licence, the latter provision shall, to the extent of such conflict, be taken to be disapplied; and
- (e) subject to paragraph (d) above, the Licensee is not required to give effect to any obligation in any Revised Voice Telephony Condition in so far as the Licensee is required to give effect to such obligation under any other condition of the Licence.

Condition RVT2—Directory services

RVT2.1 Where the Licensee Processes any data or information pursuant to this Condition, the Licensee shall comply with Relevant Data Protection Legislation, including any relevant Code of Practice.

RVT2.2 Where the Licensee, pursuant to this Condition, supplies to any person, data or information subject to any Code of Practice, the Licensee shall secure that such person undertakes to Process such data or information in accordance with such code.

Right to entry in publicly available directories/Directory Information Service

RVT2.3 Where the Licensee has a contract with a subscriber for the provision of publicly available telephone services in respect of which a telephone number has been allocated to that subscriber (whether or not by the Licensee):

- (a) the Licensee shall ensure that Directory Information concerning that subscriber, in relation to services provided by the Licensee to the subscriber, is included in a publicly available telephone directory, and as part of a Directory Information Service provided to end-users, and
- (b) the Licensee shall ensure that such subscriber has the right to verify, correct or request removal of such Directory Information relating to that subscriber.

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RVTD2.4 The Directory Information Service and directories shall contain Directory Information on all subscribers who have been allocated telephone numbers, including subscribers provided with Publicly Available Telephone Services by any other person, except to the extent that such subscribers have expressed opposition to inclusion of any Directory Information about them.

RVTD2.5 The obligation in paragraph RVTD2.3 above applies whether or not such directory or Directory Information Service is provided to that subscriber by the Licensee, or by another person.

RVTD2.6 The Licensee may charge its subscribers a reasonable fee for inclusion of Directory Information in a directory or as part of the Directory Information Service referred to in paragraph RVTD2.3 above.

Ensuring that directories are available to users

RVTD2.7 Where the Licensee is a public telecommunications operator running a Public Telephone System, the Licensee shall make available to any end-user using telecommunication apparatus which is lawfully connected to the Applicable Systems, on request by such person, directories which comply with RVTD2.4 above.

RVTD2.8 The directories referred to in this Condition may be produced by the Licensee or by another person, and shall be in a form approved by the Director whether printed or electronic or both, and shall be updated on a regular basis.

RVTD2.9 The Licensee may make the directories referred to in paragraph RVTD2.7 above available in consideration for a reasonable fee paid to the Licensee by the person who has requested the directory.

Ensuring that at least one Directory Information Service is available to all users

RVTD2.10 Where the Licensee is a public telecommunications operator running a Public Telephone System, the Licensee shall, subject to paragraph RVTD4.2(a) and paragraph RVTD 4.4 below, provide to any end-user using telecommunication apparatus which is lawfully connected to the Applicable Systems, a Directory Information Service which complies with RVTD2.4 above.

RVTD2.11 The Licensee may make the Directory Information Service referred to in paragraph RVTD2.10 above available in consideration for a reasonable fee paid to the Licensee by the subscriber of the Licensee.

Obligation to supply numbering information on request

RVTD2.12 Where the Licensee (whether or not a public telecommunications operator) has been allocated telephone numbers by the Director, the Licensee shall, on request in accordance with paragraph RVTD2.15 below, supply to any public telecommunications operator subject to the obligations in paragraphs RVTD2.7 and RVTD2.10 above, the name, address and telephone number of the Licensee's subscribers and of any other end-user sub-allocated a telephone number from those telephone numbers, for the purpose of enabling such operator to comply with its obligations under paragraph RVTD2.7 or RVTD2.10 or both above.

RVTD2.13 Where the Licensee (whether or not a public telecommunications operator) has been sub-allocated telephone numbers whether by a licensee or another person, the Licensee shall on request in accordance with paragraph RVTD2.15 below, supply to:

- (a) the person who sub-allocated such telephone numbers to the Licensee, or
- (b) (if different from (a) above), the licensee who was allocated such telephone numbers by the Director,

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the name, address and telephone number of the Licensee's subscribers and of any other end-user allotted a telephone number from the telephone numbers sub-allocated to the Licensee.

RVTD2.14 The Licensee shall supply any information under paragraph RVTD2.13 above for the purpose of enabling the person requesting the information to:

- (a) comply with its obligations under paragraph RVTD2.7 or paragraph RVTD2.10 above or both, or
- (b) meet any request made to that person in accordance with paragraphs RVTD2.12 or RVTD2.13 above, or Regulation 10(5).

RVTD2.15 The Licensee shall supply any information under paragraphs RVTD2.12 and RVTD2.13 at the reasonable request of the person requesting the information. Without prejudice to the generality of the foregoing, the Licensee may refuse to supply such information if the person requesting the information does not undertake to Process such data or information in accordance with any relevant Code of Practice, or the Licensee has reasonable grounds to believe that the person requesting the information will not comply with Relevant Data Protection Legislation.

RVTD2.16 The Licensee shall supply any information under paragraph RVTD2.12 or paragraph RVTD2.13 above, having due regard, in such manner as is appropriate, to any subscriber who has expressed opposition to inclusion of Directory Information about that subscriber in a directory or as part of Directory Information Service provided to end-users.

RVTD2.17 Where the Licensee is requested to supply any information in accordance with paragraph RVTD2.12 or RVTD2.13 above, the Licensee shall do so on terms which are fair, cost oriented and non-discriminatory, and in a format which is agreed between the Licensee and the person requesting the information, or approved by the Director, where no such agreement is reached.

Obligation to follow the principle of non-discrimination

RVTD2.18 Where the Licensee is subject to the obligations under paragraph RVTD2.7 and paragraph RVTD2.10 above, it shall ensure that it follows the principle of non-discrimination in its treatment and presentation of information provided to it.

Condition RVTD3—Public pay-telephones

RVTD3.1 Where the Licensee runs a Fixed Public Telephone System which includes public pay-telephones, the Licensee shall ensure that it is possible to make from all such public pay-telephones emergency calls using the single European emergency call number "112" and the national emergency call number "999", free of charge and without having to use coins or cards.

Condition RVTD4—Connection of terminal equipment and use of network

RVTD4.1 Where the Licensee runs a Fixed Public Telephone System, the Licensee shall ensure that each user can connect and use terminal equipment suitable for the connection provided by the Licensee to that user, in accordance with national and European Community law.

RVTD4.2 Where the Licensee runs a Fixed Public Telephone System, the Licensee shall ensure that each user of telecommunication apparatus which is lawfully connected to the Applicable Systems can:

- (a) access operator assistance services and a Directory Information Service in accordance with paragraph RVTD2.10; and
- (b) access emergency services at no charge, using the emergency call number codes "112" and "999".

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RVTD4.3 Where the Licensee runs a Mobile Public Telephone System, the Licensee shall ensure that each user provided with a connection to that system can access the services specified in paragraphs RVTD4.2(a) and RVTD4.2(b).

RVTD4.4 The obligation in paragraph RVTD4.2(a) does not apply to the Licensee

- (a) to the extent that a subscriber of the Licensee has decided not to receive such services; or
- (b) in the case of services which incur a charge to the subscriber, due warning of disconnection has been given to the subscriber in accordance with a direction made under regulation 34(3).

Condition RVTD5—Contracts

RVTD5.1 Where the Licensee runs a Public Telephone System, it shall offer either to enter into a contract with each of its subscribers which complies with paragraph RVTD5.2 or to vary an existing contract to comply with paragraph RVTD5.2, except to the extent that the Licensee has already entered into a contract which complies with these requirements.

RVTD5.2 The contract referred to in this Condition shall either specify the service to be provided or shall make reference to publicly available terms and conditions. The contract or publicly available terms and conditions shall at least specify, if relevant:

- (a) the supply time for initial connection;
- (b) the types of maintenance service offered;
- (c) the compensation or refund arrangements or both for subscribers which apply if the contracted service is not met and if none are applicable, a statement to that effect;
- (d) a summary of the method of initiating procedures for the settlement of disputes; and
- (e) information on service quality levels offered.

RVTD5.3 The Licensee shall secure such alteration to the conditions of contracts, and the conditions of any compensation or refund arrangements or both used by the Licensee as the Director may direct pursuant to Regulation 15(4).

Condition RVTD6—Publication of and access to information

RVTD6.1 Where the Licensee runs a Public Telephone System, the Licensee shall from time to time publish adequate and up-to-date information for consumers on its standard terms and conditions with regard to access to the Public Telephone System or provision of Publicly Available Telephone Services or both. In particular, the Licensee shall ensure that tariffs for end-users, any minimum contractual period, if relevant, and conditions for renewal of the contracts are presented clearly and accurately.

RVTD6.2 Publication of the information specified in this Condition and in Conditions RVTD8.3, RVTD13.5, RVTD13.8 and RVTD16.1(a)(ii) shall be effected by:

- (a) placing a copy of such information in a publicly accessible part of every Major Office of the Licensee in such manner and in such place that it is readily available for inspection free of charge by members of the general public during such hours as the Secretary of State may by order prescribe under section 19(4) of the Act or in the absence of any such order having been made by the Secretary of State, during normal office hours; and
- (b) sending a copy of such information or such part or parts thereof as are appropriate to any consumer who may request such a copy.

RVTD6.3 Where the Licensee runs a Fixed Public Telephone System, the Licensee shall inform the Director in writing, without undue delay, of any particular network characteristics which are

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found to affect the correct operation of terminal equipment. Such information shall be made available by the Director to terminal equipment suppliers at their request pursuant to Regulation 17(4)(c).

Condition RVT7—Publication of commonly provided interfaces

Publication of Commonly Provided Interfaces within 90 days

RVT7.1 Where the Licensee runs a Fixed Public Telephone System, the Licensee shall, in relation to all Customer Interfaces and Network Interconnection Interfaces described in Annex II, part 1 of the Directive, in use by the Licensee at the time this Condition comes into force, notify such Interfaces to the Director and publish Interface Specifications relating to such Interfaces within 90 days of this Condition coming into force, in accordance with paragraph RVT7.6 below.

Publication of new Commonly Provided Interfaces

RVT7.2 Where the Licensee runs a Fixed Public Telephone System and has Interface Control in relation to any new Interface Specification described in Annex II, part 1 of the Directive, which the Licensee intends to use and which is not published under paragraph RVT7.1:

- (a) the Licensee shall notify such Interface Specification to the Director at the commencement of the Relevant Consulting Period;
- (b) the Licensee shall, if so directed by the Director, consult with Interested Parties during the Relevant Consulting Period;
- (c) the Licensee may, during and after the Relevant Consulting Period, modify any such Interface Specification in line with representations made and any advice offered by the Director to the Licensee relating to such representations;
- (d) the Licensee shall, after the end of the Relevant Consulting Period, publish the Interface in accordance with paragraph RVT7.6 below;
- (e) the Licensee shall not make any modifications to the Applicable Systems conforming to the new Interface Specification until a sufficient period has elapsed after publication of the Interface Specification to enable any Relevant Party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems. Such period shall be not less than 15 months, except where the Director has consented to a shorter period following the written application of the Licensee.

RVT7.3 Where the Licensee running a Fixed Public Telephone System does not have Interface Control in relation to any new Interface Specification described in Annex II, part 1 of the Directive, which the Licensee intends to use, and which is not published under paragraph RVT7.1 above:

- (a) the Licensee shall notify such Interface Specification to the Director;
- (b) the Licensee shall publish the Interface Specification in accordance with paragraph RVT7.6 below;
- (c) the Licensee shall not make any modifications to the Applicable Systems conforming to the new Interface Specification until a sufficient period has elapsed after publication of the Interface Specification to enable any Relevant Party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems. Such period shall be not less than 15 months, except where the Director has consented to a shorter period following the written application of the Licensee.

Modifications of Commonly Provided Interface Specifications

RVT7.4 Where any Interface Specification to which paragraphs RVT7.1, RVT7.2 and RVT7.3 above apply is modified by the Licensee:

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- (a) the Licensee shall notify such modification to the Director and publish such modification in accordance with paragraph RVT7.6 below;
- (b) the Licensee shall not make any modifications to the Applicable Systems conforming to the new Interface Specification until a sufficient period has elapsed after publication of the Interface Specification to enable any Relevant Party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems. Such period shall be not less than 3 months, except where the Director has consented to a shorter period following the written application of the Licensee; and
- (c) the modification shall include any change in the description of any Interface which may affect the maintenance of effective interoperability of services by means of the Interface described in the relevant Interface Specification.

Withdrawals of Commonly Provided Interfaces

RVT7.5 Where any interface described in any Interface Specification to which paragraphs RVT7.1, RVT7.2, RVT7.3 and RVT7.4 above apply is withdrawn by the Licensee:

- (a) the Licensee shall notify such withdrawal to the Director and publish such withdrawal in accordance with paragraph RVT7.6 (b) below; and
- (b) the Licensee shall not make any modifications to the Applicable Systems conforming to the new Interface Specification until a sufficient period has elapsed after publication of the Interface Specification to enable any Relevant party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems. Such period shall be not less than 15 months, except where the Director has consented to a shorter period following the written application of the Licensee.

Publication of Commonly Provided Interfaces

RVT7.6 The requirements as to publication are that:

- (a) the description of the Technical Characteristics must be such as to assist in securing the effective interoperability of telecommunication systems and apparatus, and to secure, in particular, (although without prejudice to the generality of the foregoing) the correct operation of terminal equipment;
- (b) the Licensee shall ensure that each Interface Specification is published in a manner appropriate for bringing the matters to which the Interface Specification relates to the attention of:
 - (i) the persons mentioned in paragraph RVT7.6(c) below;
 - (ii) any person whom the Director considers likely to be affected by or to have an interest in such matters and whom the Director has determined for the purpose of this sub-paragraph; and
 - (iii) any other person likely to be affected by or to have an interest in such matters;
- (c) the Secretary of State, the British Standards Institution, all persons to whom functions have been delegated pursuant to section 25 of the Act, all telecommunication operators with whom the Licensee is obliged to offer interconnection on request, appropriate representatives of suppliers and manufacturers of telecommunication apparatus and systems, and appropriate representatives of users or consumer interests; and
- (d) where the Director considers it necessary to enable Interested Parties to obtain easy access to the information contained in Interface Specifications, he may direct the Licensee to send copies of any Interface Specification, or any class of Interface Specification, to any person specified by him for the purposes of this sub-paragraph.

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Amendments of Interface Specifications directed by the Director

RVTD7.7 If, following any representation made to him, the Director concludes that any Interface Specification contains insufficient information for its purpose he may direct the Licensee to:

- (a) amend the Interface Specification in order to remedy the defect, and
- (b) publish the amended Interface Specification in accordance with the provisions of paragraph RVTD7.6 and in relation to any period specified by the Director which takes into account the need to ensure a sufficient period has elapsed after publication of the amended Interface Specification to enable any Relevant Party to have a reasonable period in which to make any appropriate modifications to apparatus connected to the Applicable Systems.

Condition RVTD8—Performance targets and quality of service:

RVTD8.1 This Condition applies:

- (a) where the Licensee is an Operator having Significant Market Power; or
- (b) where the Licensee has been running a Fixed Public Telephone System for more than eighteen months and the Director has made a direction pursuant to Regulation 19(3), paragraphs RVTD8.2 and RVTD8.4 shall apply.

RVTD8.2 The Licensee shall keep up-to-date information concerning its performance based on the parameters, definitions and measurement methods laid down in Schedule III to the Regulations. The Licensee shall provide this information to the Director on request.

RVTD8.3 Where the Director has set quality-of-service standards or performance targets or both pursuant to Regulations 19(1), 19(3)(b) in respect of the Licensee, the Licensee shall meet such standards or targets or both, and shall, if requested by the Director, publish data on its performance in the manner laid down in Condition RVTD6.2.

RVTD8.4 Where, pursuant to Regulation 19(3)(c), the Director makes a direction calling for an independent audit of the performance data kept by the Licensee pursuant to paragraph RVTD8.2, the Licensee shall furnish to the Director, in such manner and at such times as the Director may reasonably request, such information in the form of documents, accounts, estimates, returns, and without prejudice to the generality of the foregoing, such other information as he may reasonably require for the purpose of ensuring the accuracy and comparability of the data made available by licensees to whom this Condition applies.

Condition RVTD9—Condition of access and use and essential requirements

RVTD9.1 The Licensee shall comply with any decision taken in accordance with the procedures referred to in Regulation 21(1) which relates to proceedings to which the Licensee is a party.

RVTD9.2 Where the Licensee runs a Fixed Public Telephone System, it shall comply with any notice served on it pursuant to Regulation 21(6)(a).

RVTD9.3 Where the Licensee is a public telecommunications operator, the Licensee shall take all reasonably practicable steps to maintain, to the greatest extent possible, the availability of Fixed Public Telephone Systems run by the Licensee and Fixed Publicly Available Telephone Services provided by it, having particular regard to the needs of Emergency Organisations, in the event of catastrophic network failure, or in cases of force majeure, such as extreme weather, earthquake, flood, lightning or fire.

RVTD9.4 Where the Licensee is a public telecommunications operator, the Licensee shall take all reasonably practicable steps to maintain, to the greatest extent possible, the integrity of Fixed Public Telephone Systems run by the Licensee and Fixed Publicly Available Telephone Services provided by it, having particular regard to the needs of Emergency Organisations; that is to say,

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protection of the physical and functional operation of such systems and services against malfunctions or failures caused by electrical conditions, signalling protocols or traffic loads conveyed from telecommunication systems connected to the Applicable Systems.

RVTD9.5 Where the Licensee runs a Fixed Public Telephone System, the Licensee shall ensure that any restrictions imposed by it on access to and use of its Fixed Public Telephone System on grounds of maintenance of network integrity, in order to protect, inter alia, network equipment, software or stored data are kept to the minimum necessary to provide for normal operation of the System.

RVTD9.6 Where the Licensee runs a Fixed Public Telephone System, the Licensee shall ensure that any restrictions imposed by it on access to and use of its Fixed Public Telephone System on the grounds of network security or network integrity are proportionate, non-discriminatory, and based on objective criteria identified in advance.

RVTD9.7 Where the Licensee is a public telecommunications operator, the Licensee shall take all necessary steps in order to maintain so far as practicable the highest level of services to meet any priorities specified by the Director.

RVTD9.8 Where the Licensee runs a Fixed Public Telephone System, it shall not impose any restrictions on the use of any terminal equipment which complies with the Terminal Equipment Regulations on the grounds of interoperability of services.

RVTD9.9 Where the Licensee runs a Fixed Public Telephone System, it may impose conditions on access to and use of its Fixed Public Telephone System, on the ground of protection of data only in accordance with Relevant Data Protection Legislation.

Condition RVTD10—Itemised billing, tone dialling & selective call barring

RVTD10.1 Where the Licensee Processes any data or information pursuant to this Condition, the Licensee shall comply with Relevant Data Protection Legislation, including any relevant Code of Practice.

RVTD10.2 Where the Licensee runs a Fixed Public Telephone System, the Licensee shall provide to each of its subscribers a basic level of itemised billing at no extra charge to the subscriber. Where the Director has directed what constitutes a basic level of itemised billing pursuant to Regulation 22(4), the Licensee shall make that level of itemised billing available to its subscribers. Where appropriate, the Licensee may offer additional levels of detail to subscribers at reasonable tariffs or at no charge.

RVTD10.3 The Licensee shall ensure that each itemised bill shows a sufficient level of detail to allow verification and control of the charges incurred in using its Fixed Public Telephone System.

RVTD10.4 The Licensee shall ensure that calls which are free of charge to its subscribers, including calls to helplines, shall not be identified in its subscribers' itemised bills.

Condition RVTD11—Provision of additional facilities

RVTD11.1 This Condition applies as follows:

- (a) paragraphs RVTD11.3 and RVTD11.4 apply to any Public Operator running a Fixed Public Telephone System;
- (b) paragraph RVTD11.2 applies only where the Licensee is an Operator having Significant Market Power which provides voice telephony services.

RVTD11.2 The Licensee shall, subject to technical feasibility and economic viability, make available to users the facilities listed in Part 2 of Schedule I to the Regulations.

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RVTD11.3 Where the Licensee provides any of the facilities described in paragraphs (a) and (c) of Part 2 of Schedule I and in paragraphs (d) and (f) of Part 3 of Schedule I, it shall do so in accordance with Relevant Data Protection Legislation.

RVTD11.4 Where the Licensee does not yet offer the facility of number portability on request to any of its subscribers, the Licensee shall ensure that, with regard to any such subscriber, for a reasonable period after that subscriber has changed to a different supplier of telephone services either a telephone call to his old number can be re-routed to his new number for a reasonable fee or callers are given an indication of the new number, without charging the called party for this service.

Condition RVTD12—Special network access

RVTD12.1 This Condition applies where:

- (a) the Licensee is an Operator having Significant Market Power in the running of Fixed Public Telephone Systems, and
- (b) the Licensee receives a request from an organisation providing telecommunications services for access to its Fixed Public Telephone System at network termination points other than the commonly provided network termination points referred to in Part 1 of Schedule II to the Regulations (and for the purpose of this Condition the foregoing shall mean “special network access”).

RVTD12.2 The Licensee shall deal with reasonable requests for special network access except where the Director has determined pursuant to Regulation 26(2) that this obligation does not apply on a case by case basis and on the grounds that there are technically and commercially viable alternatives to the special access requested and that the requested access is inappropriate in relation to the resources available to meet the request.

RVTD12.3 The Licensee shall grant the organisation making the request an opportunity to put its case to the Director before a final decision is taken to restrict or deny access in response to a particular request.

RVTD12.4 Where the Licensee denies a request for special network access, the Licensee shall give the organisation making the request a prompt and fully reasoned explanation of why the request has been refused.

RVTD12.5 Subject to intervention by the Director pursuant to Regulations 26(3) and 26(4), technical and commercial arrangements for special network access shall be a matter for agreement between the parties involved. Where the agreement provides for reimbursement to the Licensee of the costs incurred among other things in providing the network access requested, those charges shall fully respect the principles of cost orientation set out in Schedule IV to the Regulations.

RVTD12.6 Where the Director makes a direction pursuant to Regulation 26(3) or Regulation 26(4) or both, the Licensee shall comply with the provisions of any such direction including securing incorporation of any conditions specified by the Director in any agreement entered into by the Licensee to which such direction applies.

RVTD12.7 The Licensee shall make available to the Director, at his request, details of the agreements on special network access to which it is a party.

RVTD12.8 The Licensee shall adhere to the principle of non-discrimination when it makes use of Fixed Public Telephone System and, in particular, uses any form of special network access, for providing publicly available telecommunications services, and shall apply similar conditions in similar circumstances to organisations providing similar services and shall provide special network access facilities and information to others under the same conditions and of the same quality as it provides for its own service or those of its subsidiaries or partners.

Condition RVTD13—Tariff and cost accounting principles

RVTD13.1 This Condition applies where the Licensee provides voice telephony services and is an Operator having Significant Market Power.

RVTD13.2 The Licensee's tariffs for use of its fixed public telephone services shall follow the basic principles of cost orientation set out in Schedule IV to the Regulations.

RVTD13.3 Subject to paragraph 2 of Part II of Schedule 3 to the Interconnection Regulations, the Licensee shall ensure that tariffs for the use of its Fixed Public Telephone Service shall be independent of the type of application which its subscribers use, except to the extent that such subscribers require different services or facilities.

RVTD13.4 The Licensee shall ensure that tariffs for facilities additional to the provision of connection to the Licensee's Fixed Public Telephone System and provision of Fixed Publicly Available Telephone Services by it shall be sufficiently unbundled so that each of the Licensee's subscribers is not required to pay for facilities which are not necessary for the services requested from the Licensee.

RVTD13.5 The Licensee shall only implement changes to its tariffs 28 days after publication of such changes in accordance with paragraph RVTD6.2, except where the Director has consented in writing to a shorter notice period.

RVTD13.6 The Licensee shall operate a cost accounting system suitable for the implementation of this Condition and shall ensure that compliance with such a system is verified by a competent body which is independent of the Licensee. The Licensee shall publish annually a statement concerning compliance.

RVTD13.7 The Licensee shall make available to the Director at his request a description of the cost accounting system referred to in paragraph RVTD13.6 showing the main categories under which costs are compiled and the rules used for the allocation of costs to voice telephony services.

RVTD13.8 The Licensee shall ensure that discount schemes offered by the Licensee to its subscribers, including consumers, are fully transparent and shall be published in accordance with RVTD6.2 and applied in accordance with the principle of non-discrimination. The Licensee shall modify or withdraw such scheme as the Director may direct in accordance with Regulation 31(2).

Condition RVTD14—Provision of Accounting Information

RVTD14.1 Where the Licensee runs a Fixed Public Telephone System it shall make available to the Director at his request, in confidence, detailed accounting information in order to ensure compliance with the provisions of the Revised Voice Telephony Directive.

Condition RVTD15—Standards for ISDN network termination points

RVTD15.1 Where fixed publicly available voice telephony services are supplied by the Licensee to its subscribers over the ISDN networks at the S/T reference point, the Licensee shall:

- (a) only introduce new ISDN network termination points which comply with the relevant physical interface specifications, in particular those for the socket, referenced in the ONP List of Standards referred to in Article 5 of the ONP Framework Directive; and
- (b) at the request of a subscriber which has an ISDN network termination point which does not comply with the relevant physical interface specifications referred to in paragraph RVTD15.1(a), replace that subscriber's ISDN network termination point with a new one which does comply with such specifications.

RVTD15.2 The Licensee may make the replacement termination point referred to in paragraph RVTD15.1(b) available for a reasonable fee.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Condition RVTD16—Non-payment of bills

RVTD16.1 Where a Licensee’s subscriber has not paid the Licensee all or part of a bill for use of the Fixed Public Telephone System provided by the Licensee, any measures taken by the Licensee shall:

- (a) be proportionate and non-discriminatory;
- (b) be published by the Licensee in accordance with Condition RVTD6.2;
- (c) give due warning in advance of any consequent service interruption or disconnection to the subscriber; and
- (d) except in cases of fraud, persistent late payment or non-payment, ensure, as far as is technically possible, that any service interruption is confined to the service concerned.

Condition RVTD17—Conciliation and resolution of national disputes

RVTD17.1 Where the Licensee runs a Fixed Public Telephone System and is involved in an unresolved dispute with any party, including, for example, users, service providers, consumers or other organisations, the Licensee shall follow the procedures set up by the Director pursuant to Regulation 37 in order to resolve such dispute in a fair, transparent and timely manner and shall take such steps as are required by the Director or other independent body or both to do so.”

SCHEDULE VI

PART 1

CONDITIONS INSERTED INTO PART X “REVISED VOICE TELEPHONY CONDITIONS” AFTER PARAGRAPH RVTD2.18 IN SCHEDULE 1 TO THE LICENCE GRANTED TO BRITISH TELECOMMUNICATIONS DATED 22nd JUNE 1984

RVTD2.19 The Licensee shall in accordance with paragraphs RVTD2.22, 2.23 and 2.24 below, on request by any public telecommunications operator subject to the obligations in paragraphs RVTD2.7 and RVTD2.10 above, make available to that operator for the purpose of enabling such operator to comply with its obligations:

- (a) such directories, as the Licensee compiles, in a form approved by the Director, which comply with the requirements of paragraph RVTD2.4 above;
- (b) the contents of the database, in machine readable form, which the Licensee uses to compile directories for the purpose of complying with its obligation under paragraph RVTD2.7, and
- (c) on-line access (including a search facility) to the database which the Licensee uses to provide a Directory Information Service for the purpose of complying with its obligation under paragraph RVTD2.10 above.

RVTD2.20 If, following a written representation by the Licensee that the market for provision of any of the items in sub-paragraphs (a) to (c) above is competitive, the Director determines that such market is competitive in any specified area of the United Kingdom, the obligation upon the Licensee in paragraph RVTD2.19 above will cease to apply with respect to the provision of such item in respect of that specified area.

RVTD2.21 The Licensee shall supply the items in paragraphs (a) to (c) of paragraph RVTD 2.19 above at the reasonable request of the person requesting such items. Without prejudice to the

generality of the foregoing, the Licensee may refuse to supply such items if the person requesting such items does not undertake to Process the data or information contained in them in accordance with any relevant Code of Practice, or the Licensee has reasonable grounds to believe that the person requesting such items will not comply with Relevant Data Protection Legislation.

RVTD2.22 The Licensee shall supply the items in paragraphs (b) and (c) in paragraph RVTD2.19 having due regard, in such manner as is appropriate, to any subscriber who has expressed opposition to inclusion of Directory Information about that subscriber in a directory or as part of Directory Information Service provided to end-users.

RVTD2.23 Where the Licensee is requested to supply the items in paragraphs (a) to (c) of paragraph RVTD2.19 above, the Licensee shall do so on terms which are fair, cost oriented and non-discriminatory, and in a format which is agreed between the Licensee and the person requesting the information, or approved by the Director, where no such agreement is reached.

PART 2

CONDITIONS INSERTED INTO PART X “REVISED VOICE TELEPHONY CONDITIONS” AFTER PARAGRAPH RVTD2.18 IN SCHEDULE 1 TO THE LICENCES GRANTED TO KINGSTON UPON HULL CITY COUNCIL AND KINGSTON COMMUNICATIONS (HULL) PLC DATED 30 NOVEMBER 1987

RVTD2.19 The Licensee shall, on request by any public telecommunications operator subject to the obligations in paragraph RVTD2.7 above, make available, to such operator, for the purpose of enabling such operator to comply with such obligations, such directories which the Licensee compiles, in a form approved by the Director.

RVTD2.20 If, following a written representation by the Licensee that the market for provision of such directories described in paragraph RVTD2.19 is competitive, the Director determines that such market is competitive in any specified area of the United Kingdom, the obligation upon the Licensee in paragraph RVTD2.19 above will cease to apply with respect to the provision of directories in respect of that specified area.

RVTD2.21 The Licensee shall supply any directories under paragraph RVTD2.19 above at the reasonable request of the person requesting such directories. Without prejudice to the generality of the foregoing, the Licensee may refuse to supply such directories if the person requesting them does not undertake to Process the data or information contained in them in accordance with any relevant Code of Practice, or the Licensee has reasonable grounds to believe that the person requesting the directories will not comply with Relevant Data Protection Legislation.

RVTD2.22 Where the Licensee is requested to supply any directories in accordance with paragraph RVTD2.19 above, the Licensee shall do so on terms which are fair, cost oriented and non-discriminatory, and in a format which is agreed between the Licensee and the person requesting the information, or approved by the Director, where no such agreement is reached.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [98/10/EC](#) of the European Parliament and of the Council on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment (“the Revised Voice Telephony Directive”).

Regulations 7 to 12 implement Articles 3 to 8 of the Revised Voice Telephony Directive by giving duties to the Secretary of State and the Director General of Telecommunications (“the Director”) in relation to the provision of fixed publicly available telephone services to all users at an affordable price.

Regulations 13 to 35 implement Articles 9 to 21 of the Revised Voice Telephony Directive which provide that users with access to fixed public telephone systems shall be offered certain services and that certain quality standards shall be maintained. Certain specified services must also be provided to users of public mobile telephone systems. These Regulations confer powers and impose duties on the Secretary of State and the Director to ensure compliance with these provisions in exercising their functions under the Telecommunications Act 1984. They also impose direct duties on Systemless Service Providers to comply with the relevant obligations imposed in these Articles.

Regulation 36 implements Article 24 by imposing on the Secretary of State and the Director a duty to consult interested parties on issues relating to the scope, affordability and quality of publicly available telephone services. Regulation 37 implements Article 26 by imposing on the Director a duty to establish procedures to address complaints concerning matters within the scope of the Revised Voice Telephony Directive.

Regulation 39 modifies licences granted under section 7 of the Telecommunications Act 1984 to insert appropriate new conditions implementing the Revised Voice Telephony Directive. These Conditions are referred to as “the Revised Voice Telephony Conditions” and are set out in Schedules V and VI to the Regulations.

The Telecommunications (Voice Telephony) Regulations 1997 (S.I.1997/1886) are revoked (save insofar as they confer rights and obligations on organisations authorised to provide telecommunications networks or services in members of the European Free Trade Association).

The licences modified by regulation 39 may be inspected at, and copies of the modifications to the licence granted to British Telecommunications plc (“BT”) and of the other licences obtained from, the Library of the Office of Telecommunications (OFTEL), 50 Ludgate Hill, London EC4M 7JJ. The BT licence (fourth edition November 1995) is published by HMSO price £19.95.

A compliance cost assessment is available and can be obtained from Communications and Information Industries Directorate, Department of Trade and Industry, 151 Buckingham Palace Road, London SW1W 9SS. Copies have been placed in the libraries of both Houses of Parliament.