

SCHEDULE 1

Regulation 3

CONDITIONS INSERTED IN SCHEDULE 1 TO THE RELEVANT LICENCE

“SCHEDULE 1

PART 4: THE VOICE TELEPHONY CONDITIONS

Interpretation

VTD1.1 In this Part

- (a) “fixed public telephone network” means the public switched telecommunications network which is used, among other things, for the provision of voice telephony service between network termination points at fixed locations;
- “list of headings” has the meaning given by Condition VTD2.1 of these Conditions;
- “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;
- “the Regulations” means the Telecommunications (Voice Telephony) Regulations 1997;
- “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;
- “voice telephony service” means the commercial provision for the public of direct transport of real-time speech via the public switched telephone network or networks such that any user can use equipment connected to a network termination point to communicate with another user of equipment connected to another network termination point;
- “target indicators” has the meaning given by Condition VTD3.1;
- “users” means end-users, including consumers (for example, residential end-users), and service providers (including both relevant Licensees within the meaning of the Regulations and telecommunications organisations in other member States) which provide services which are or may be provided also by others; and
- “the VTD technical standards” has the meaning given by regulation 8 of the Regulations; and
- (b) words and expressions used shall unless the context otherwise requires have the same meaning as in the Regulations;
- (c) the Voice Telephony Conditions being Conditions which are inserted for the purposes of the application of the Voice Telephony Directive to the Licensee shall accordingly be construed in accordance with that Directive and with the ONP Framework Directive; and
- (d) in the event of any conflict between any provision of the 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.

Publication of and access to information

VTD2.1 The Licensee shall from time to time publish adequate and up-to-date information on access to and use of its fixed public telephone network and voice telephony service in accordance

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with the relevant paragraphs of the list of headings in Schedule 2 to the Regulations (in these Voice Telephony Conditions referred to as “the list of headings”).

VTD2.2 For the purposes of this condition, the relevant paragraphs of the list of headings are paragraphs 2, 5, 6, 7 (in respect of targets for the introduction of the services and facilities referred to in paragraph 2 of Schedule 4 to the Regulations), 8, 9, 11, 12 and 13.

VTD2.3 Changes in existing service offerings and information on new offerings shall be published by the Licensee as soon as possible.

VTD2.4 The manner of publication laid down for the purposes of this Condition and Conditions VTD3, VTD7, VTD8 and VTD10 is that information shall be published in such a way as to provide easy access for users to that information.

Targets for supply time and quality-of-service

VTD3.1 The Licensee shall from time to time set targets for the supply-time and quality-of-service indicators listed in Schedule 3 to the Regulations (“the target indicators”).

VTD3.2. The Licensee shall—

- (a) publish targets for the target indicators; and
- (b) publish annually definitions, measurement methods and the Licensee’s performance in relation to the targets;

in the manner laid down in Condition VTD2.4.

Conditions for the termination of offerings

VTD4.1 The Licensee shall not terminate a service offering for access to and use of its fixed public telephone networks and public telephony services until such offering has continued for a reasonable period of time.

VTD4.2 The Licensee may—

- (a) terminate a service offering; or
- (b) make a change to such offering that materially alters the use that can be made of it,

only after consultation with users affected and upon what is, in the opinion of the Director, an appropriate public notice period.

VTD4.3 Without prejudice to any other right of appeal provided for by law, users may bring before the Director cases where the users affected do not agree with the termination date envisaged by the Licensee.

User contracts

VTD5.1 The Licensee’s contracts with users to access for and use of its fixed public telephone networks and public telephony services shall specify the service to be provided by the Licensee.

VTD5.2 Subject to paragraph VTD5.6, the Licensee shall, as a general rule, if the contracted service quality levels are not met, provide compensation and/or refund arrangements. Any exceptions to this rule must be justified by the Licensee and made clear in the users’ contracts.

VTD5.3 The Licensee shall respond to a request for connection to its fixed public telephone network without delay and shall give the user an estimated date for provision of service.

VTD5.4 The Licensee shall make such alteration to the conditions of user contracts and the conditions of any compensation/refund schemes used by the Licensee as the Director may direct.

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VTD5.5 The Licensee's contracts with users shall contain a summary of the method of initiating procedures for the settlement of disputes.

VTD5.6 The making of compensation or of a refund pursuant to the arrangements referred to in paragraph VTD5.2 in respect of any failure to meet contracted service quality levels shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.

Variation of published conditions

VT6.1 Where in response to a particular request the Licensee considers it unreasonable to provide a connection to its fixed public telephone network under its published tariffs and supply conditions, the Licensee may vary either or both those tariffs and conditions in that case with the agreement of the Director.

Provision of advanced facilities

VTD7.1 The Licensee shall, subject to technical feasibility and economic viability, provide the facilities listed in paragraph 1 of Schedule 4 to the Regulations, in accordance with the VTD technical standards.

Special network access

VTD8.1 Where the Licensee receives a request from users other than—

- (a) operators of public mobile telephony services; or
- (b) another organisation which is a relevant Licensee within the meaning of the Regulations, or an organisation to which another member State has applied the Voice Telephony Directive in accordance with Article 26(2), in either case when such organisation is providing a voice telephony service,

for access to its fixed public telephone network at network termination points other than those referred to in Schedule 2 to the Regulations, the following provisions of this Condition shall apply.

VTD8.2 The Licensee shall respond to reasonable requests. Where in response to a particular request the Licensee considers it unreasonable to provide the special network access requested, it may with the consent of the Director restrict or deny that access. The Director shall consult users affected before taking a decision upon a request for such consent.

VTD8.3 Where the Licensee denies a request for special network access, the Licensee shall give the user making the request a prompt and reasoned explanation as to why the request has been refused; however this provision shall not apply to any action taken for the enforcement of Conditions included in any Licence granted under section 7 of the Act (including this Licence) in conformity with European Community law or to proceedings before a court in the United Kingdom.

VTD8.4 Subject to intervention by the Director in accordance with or to enforce the provisions of this Condition, technical and commercial arrangements for special network access shall be a matter for agreement between the parties involved. The agreement may include 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 Annex II to the ONP Framework Directive.

VTD8.5 The Licensee shall offer conditions of special network access which meet the requirements that they are non-discriminatory, are fair and reasonable for both parties and offer the greatest benefit to all users affected.

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VTD8.6 The Licensee shall enter into and implement agreements in an efficient and timely manner and shall ensure that such agreements include reasonable conditions on conformity with relevant standards, compliance with essential requirements and/or the maintenance of end-to-end quality.

VTD8.7 The Licensee shall make available to the Director on request details of agreements for special network access.

Interconnection

VTD9.1 This Condition shall have effect in relation to requests for interconnection with the Licensee's fixed public telephone network from—

- (a) organisations providing fixed public telephone networks in other member States being organisations to whom the Voice Telephony Directive applies; and
- (b) any person to whom the Secretary of State has granted a Licence under section 7 of the Act to run telecommunication systems by means of which the Licensee may provide public mobile telephony services; and
- (c) operators of public mobile telephony services in other member States whose names have been notified in accordance with Article 26.3 of the Voice Telephony Directive,

only where the Licensee is not required to effect such interconnection under any other Condition of the Licence.

VTD9.2 No reasonable request for interconnection in the case of organisations and persons specified in VTD9.1(a) and (b) shall be refused by the Licensee without the prior consent of the Director.

VTD9.3 No request for interconnection from operators specified in VTD9.1(c) may be refused without the consent of the Director.

VTD9.4 Technical and commercial arrangements for interconnection pursuant to this Condition shall be a matter for agreement between the parties involved, subject to meeting the requirements set out in Conditions VTD8.5 and VTD8.6.

VTD9.5 The Licensee shall make available to the Director, upon request, details of interconnection agreements entered into pursuant to this Condition.

Tariff principles and transparency

VTD10.1 The Licensee's tariffs for use of its fixed public telephone network and voice telephony service shall follow the basic principles of transparency and cost orientation set out in Annex II to the ONP Framework Directive.

VTD10.2 Tariffs for access to and use of the Licensee's fixed public telephone network shall be independent of the type of application which the users implement, except to the extent that they require different services or facilities.

VTD10.3 Tariffs for facilities additional to the provision of connection to the Licensee's fixed public telephone network and provision of voice telephony service shall, in accordance with European Community law, be sufficiently unbundled, so that the user is not required to pay for facilities which are not necessary for the service requested.

VTD10.4 Tariffs shall normally contain the following elements, each of which should be itemised separately for the user—

- an initial charge for connection to the Licensee's fixed public telephone network and subscription to the voice telephony service,

- a periodic rental charge based on the type of service and facilities selected by the user,
- usage charges which may, among other things, take account of peak and off-peak periods.

When other tariff elements are applied, they must be transparent and based on objective criteria.

VTD10.5 Without prejudice to the requirements of any other Condition in this Licence regarding publication, tariffs shall be published by the Licensee in the manner laid down in Condition VTD2.4.

Cost accounting principles

VTD11.1 The Licensee shall operate a cost accounting system suitable for the implementation of Condition VTD10 and ensure that compliance with such a system is verified by a competent body which is independent of the Licensee. A statement concerning compliance shall be published by the Licensee periodically.

VTD11.2 The Licensee shall make available on request a description of the cost accounting system showing the main categories under which costs are gathered and the rules used for the allocation of costs to the voice telephony service.

VTD11.3 Without prejudice to paragraph VTD11.4, the system referred to in paragraph VTD11.1 shall include the following elements—

- (a) the costs of the voice telephony service shall in particular include the direct costs incurred by the Licensee in setting up, operating and maintaining the voice telephony service and in marketing and billing the service;
- (b) common costs, that is to say costs which can be directly assigned to neither the voice telephony service nor other activities, shall be allocated as follows—
 - (i) whenever possible, common cost categories shall be allocated on the basis of direct analysis of the origin of the costs themselves;
 - (ii) when direct analysis is not possible, common cost categories shall be allocated on the basis of an indirect linkage to another cost category or group of cost categories for which a direct assignment or allocation is possible; the indirect linkage shall be based on comparable cost structures;
 - (iii) when neither direct nor indirect measures of cost allocation can be found, the cost category shall be allocated on the basis of a general allocator, computed by using the ratio of all expenses directly or indirectly assigned or allocated, on the one hand, to the voice telephony service and, on the other hand, to other services.

VTD11.4 Other cost accounting systems may be applied if—

- (a) they are suitable for the implementation of Condition VTD10;
- (b) they comply with any other relevant Conditions of this Licence and any decisions taken by the Director under such other Conditions; and
- (c) the Director has consented to them, subject to the Commission of the European Communities being informed prior to their application.

VTD11.5 Detailed accounting information shall be made available to the Director on request and in confidence.

Technical standards

VTD12.1 The Licensee shall inform users on request of standards or specifications, including any European and/or international standards, in accordance with which the services and facilities to which the Voice Telephony Directive applies are provided.

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Itemised billing

VTD13.1 The Licensee shall provide itemised billing as a facility available to users on request.

VTD13.2 Subject to paragraph VTD13.3 and the level of detail permitted in accordance with the law relating to the protection of personal data and privacy, itemised bills shall show the composition of the charges incurred.

VTD13.3 Calls which are free of charge to the caller, including calls to helplines, shall not be identified in the itemised bill.

VTD13.4 Within this framework, different levels of detail may be offered at reasonable tariffs.

Standards for ISDN network termination points

VTD14.1 Where voice telephony service is supplied to users over the ISDN network at the S/T reference point⁽¹⁾, the Licensee shall, pursuant to Article 20(1) of the Voice Telephony Directive, only introduce a new network termination point which complies with the relevant physical interface specifications, in particular those for the socket, referenced in the list of standards published in the Official Journal of the European Communities for the time being in force.

Conditions of access and use

VTD15.1 Any obligation under this Licence to provide to users access to and use of the fixed public telephone network or to provide a voice telephony service shall be subject to the limitations set out in Condition VTD15.2 where:

- (a) a user's terminal equipment
 - (i) no longer complies with its approval conditions; or
 - (ii) malfunctions in a way which adversely affects the integrity of the network; or
- (b) there is a danger of physical injury to persons.

VTD15.2 Where the conditions in VTD15.1 are fulfilled the Licensee

- (a) may interrupt provision of telecommunication services until the terminal is disconnected;
- (b) shall immediately inform the user about the interruption giving reasons for it; and
- (c) shall restore the provision of telecommunication services as soon as the user has ensured that the terminal equipment is disconnected from the Network Termination Point.

Security of network operations

VTD16.1 The Licensee shall not be held to have failed to comply with the Voice Telephony Conditions if the Licensee takes the following measures in order to safeguard the security of network operation during the period when an emergency situation prevails:

- (a) the interruption of the service;
- (b) the limitation of service features; or
- (c) the denial of access to the service;

provided that the following conditions are satisfied:

- (i) the Licensee makes every reasonable endeavour to ensure that service is maintained to all users;

(1) 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.

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- (ii) the Licensee takes as soon as reasonably possible all reasonable steps to notify the users and Director of the beginning and the end of the emergency as well as the nature and extent of temporary service restrictions;

and in this Condition, an emergency situation means catastrophic network breakdown or an exceptional case of force majeure, which, without prejudice to the generality thereof, includes extreme weather, flood, lightning or fire, industrial action or lockouts, military operations, or civil disorder.”

SCHEDULE 2

Regulation 4

HEADINGS FOR INFORMATION TO BE PUBLISHED IN ACCORDANCE WITH ARTICLE 4 OF THE VOICE TELEPHONY DIRECTIVE

1 Name(s) and address(es) of relevant Licensee

1. that is to say, name(s) and head office address(es) of the relevant Licensee(s).

2 Telecommunications services offered

2

Types of connection to the relevant Licensee's public fixed telephone network

2.1 Technical characteristics of interfaces at commonly provided network termination points are required, including where applicable reference to the VTD standards:

- for analogue and/or digitally presented networks:
 - (a) single line interface;
 - (b) multi-line interface;
 - (c) direct dialling-in (DDI) interface;
 - (d) other interfaces commonly provided,
- for ISDN:
 - (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.
- In addition to the above information to be published on a regular basis in the manner laid down in Condition VTD2.4, the relevant Licensee must inform terminal equipment suppliers, without undue delay, of any particular network characteristics which affect the correct operation of approved terminal equipment.

Telephone services offered

2.2 Description of the basic voice telephony service offered, indicating what is included in the subscription charge and the periodic rental charge (for example, operator services, directories, maintenance).

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Description of optional facilities and features of the voice telephony service which are tariffed separately from the basic offering, including where applicable reference to the relevant technical standards or specifications to which they conform, in accordance with regulation 8 of these Regulations.

Tariffs

2.3 covering access, usage, maintenance, and including details of any discount schemes.

Compensation/refund policy

2.4 including specific details of any compensation/refund schemes offered.

Types of maintenance service offered

2.5

Ordering procedure

2.6 including designated contact points within the relevant Licensee's organisation.

Standard contract conditions

2.7 including any minimum contractual period.

3 Licensing requirements

3. This shall include a clear description of all licensing conditions which have an impact on users, including service providers, containing at least:

- information on the nature of the licensing conditions, in particular whether registration and/or authorisation is required on an individual basis, or whether the licence is of a general nature which does not require individual registration and/or authorisation,
- the duration of any relevant licences or authorisations,
- a list referring to all documents containing relevant licensing conditions.

4 Conditions for attachment of terminal equipment

4. This shall include a complete overview of requirements for terminal equipment as regulated by and under the Act and regulations made under section 2(2) of the European Communities Act 1972, in line with the provisions of Directive [91/263/EEC\(2\)](#), including, where appropriate, conditions concerning customer premises wiring and location of the network termination point.

5 Restrictions on access and use

5. This shall include any restrictions on access and use imposed in accordance with the requirements of Article 22 of the Voice Telephony Directive.

6 Performance and quality-of-service indicators

6. Definitions, measurement methods, targets and achieved performance figures, in accordance with the requirements of Condition VTD3.

(2) OJNo. L128, 23.5.91, p.1. This Directive was implemented by the Telecommunications Terminal Equipment Regulations 1991 (S.I.1991/2423) as amended by S.I. 1994/3129 and S.I. 1995/144.

7 Targets for the introduction of new services, features, facilities and tariffs

7. Where the relevant service feature, facility or tariff has not yet been introduced, targets shall be published in accordance with the requirements of Articles 9 and 15 of the Voice Telephony Directive.

8 Conditions for special network access

8. This shall include conditions for special network access set by the Director in enforcing Condition VTD8.5.

9 Availability of the description of the cost accounting system

9. The address from which the description of the cost accounting system may be requested in accordance with the requirements of Condition VTD11.

10 Main elements of the national numbering plan

10. In accordance with the requirements of Article 21 of the Voice Telephony Directive.

11 Terms for the use of directory information

11. In accordance with Article 16(c) of the Voice Telephony Directive.

12 Conciliation and dispute resolution procedure

12. This shall include guidelines for users on the appeal mechanisms available for conciliation and resolving disputes with the relevant Licensee, according to the procedures described in Article 27 of the Voice Telephony Directive. This shall also include a summary of the procedures for resolving disputes referred to in Article 22(2) of the Voice Telephony Directive.

13 Procedure in the event of non-payment of bills

13. In accordance with the requirements of Article 23 of the Voice Telephony Directive.

SCHEDULE 3

Regulation 5

SUPPLY TIME AND QUALITY OF SERVICE INDICATORS IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 5 OF THE VOICE TELEPHONY DIRECTIVE

The following list specifies areas where quality-of-service indicators are required for relevant Licensees:

- supply time for initial network connection,
- fault rate per connection,
- fault repair time,
- call failure rates,
- dial tone delay,
- call set up delay,
- transmission quality statistics,
- response times for operator services,

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- the proportion of coin and card-operated public pay-telephones run by the Licensee (whether under the relevant Licence or under any other Licence granted under section 7 of the Act) which are in working order,
- billing accuracy.

SCHEDULE 4

Regulation 6

PROVISION OF ADVANCED FACILITIES IN ACCORDANCE WITH ARTICLE 9 OF THE VOICE TELEPHONY DIRECTIVE

1 List of facilities referred to in regulation 6(1) and VTD Condition VTD7.1:

DTMF (dual-tone multifrequency operation)

- (a) that is to say the fixed public telephone network supports the use of DTMF telephones for signalling to the exchange, using tones as defined in ITU-T Recommendation Q.23(3) and supports the same tones for end-to-end signalling through the network, both within the United Kingdom and between the United Kingdom and other member States.

Direct dialling-in (or facilities offering equivalent functionality)

- (b) that is to say users on a private branch exchange (PBX) or similar private system can be called directly from the fixed public telephone network without intervention by the PBX attendant.

Call forwarding

- (c) that is to say incoming calls sent to another destination in the United Kingdom or another member State (for example on no reply, on busy, or unconditionally).

This facility should be provided in accordance with the relevant legislation for the time being in force on data protection and privacy.

Calling-line identification

- (d) that is to say the calling party's number is presented to the called party prior to the call being established.

This facility should be provided in accordance with the relevant legislation for the time being in force on data protection and privacy.

2 List of services and facilities referred to in regulation 6(2):

Community-wide access to green/freephone services

- (a) Such services, variously known as green numbers, freephone services, 0800 numbers etc. include dial-up services where the caller pays either nothing for the call or only part of the total cost of the call.

Community-wide kiosk billing

(3) Copies of the Recommendation may be obtained from ITU Sales Service, ITU, Place des Nations, CH1211 Geneva 20, Switzerland, telephone number 00 41 22 739 5204, FAX 0041 22730 5194.

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- (b) Kiosk billing means a facility whereby charges for the use of a service accessed through a relevant Licensee's network are combined with the network call charges ("premium rate service").

Community-wide call transfer

- (c) that is to say transfer of an established call to a third party in the United Kingdom or another member State.

Community-wide automatic reverse charging service facility for calls which are terminated and originated within the Community

- (d) that is to say prior to the call being connected, the called party, at the caller's request, agrees to accept the cost of the call.

Community-wide calling-line identification

- (e) that is to say the calling party's number is presented to the called party prior to the call being established.

This facility should be provided in accordance with the relevant legislation for the time being in force on data protection and privacy.

Access to operator services in other member States

- (f) that is to say users of a relevant Licensee's fixed public telephone network can call the operator/assistance service in another member State.

Access to directory enquiry services in other member States

- (g) that is to say users of a relevant Licensee's fixed public telephone network can call the directory enquiry service in another member State.