



RAISING THE MAXIMUM PENALTY FOR  
MISUSING PREMIUM RATE SERVICES,  
AND DISCLOSURE OF INFORMATION

*A consultation document*

29 JUNE 2005



The DTI drives our ambition of 'prosperity for all' by working to create the best environment for business success in the UK.

We help people and companies become more productive by promoting enterprise, innovation and creativity.

We champion UK business at home and abroad. We invest heavily in world-class science and technology. We protect the rights of working people and consumers. And we stand up for fair and open markets in the UK, Europe and the world.

**CONSULTATION BY THE DEPARTMENT OF TRADE AND INDUSTRY  
ON A DRAFT ORDER RAISING THE MAXIMUM PENALTY FOR THOSE  
THAT MISUSE PREMIUM RATE SERVICES, AND ON DISCLOSURE OF  
INFORMATION**

**Explanation of the wider context for the consultation and what it seeks to achieve**

The current framework for regulating Premium Rate Services (PRS) was set up with the entry into force of the Communications Act 2003 (the Act). One of its provisions stipulates a maximum fine of £100,000 for breaches of the Code enforced by the Independent Committee for the Supervision of Standards of Telephone Information Services (the ICSTIS Code). Throughout 2004 large numbers of cases of consumer harm were recorded from services based on PRS diallers and Short Messaging Service (SMS) text messages. In the summer DTI asked the Office of Communications (Ofcom) to conduct a review into the regulation of PRS. This consultation concerns a small part of the implementation of the recommendations in the ensuing Ofcom Report. Recommendation 6 advocated increasing the maximum fine for breaches of the ICSTIS Code. This consultation seeks views on our proposal to raise the maximum fine to £250,000.

Other recommendations in the Ofcom report encouraged better information sharing between Communications Providers (CPs), ICSTIS and OFCOM. Better information about CPs will help ICSTIS in its enforcement role, since CPs hold the numbers which are then suballocated to Service Providers (SPs). Currently it is possible for a CP to object to its information being passed from Ofcom to ICSTIS, but Section 393 of the Act specifies persons to whom Ofcom is obliged to provide information whether third parties object or not.

This consultation therefore also invites views on our proposal to add ICSTIS to the list of those specified as persons to whom Ofcom can disclose information about third parties without their consent.

<b>Issued</b>	<b>29 June 2005</b>
<b>Respond by</b>	<b>end of 20 September 2005</b>
<b>Enquiries to</b>	<b>Stephen Booth, Email: <a href="mailto:stephen.booth@dti.gsi.gov.uk">stephen.booth@dti.gsi.gov.uk</a>  Tel: 020 7215 1747 Bay 207 Red, 151 Buckingham Palace Road, London SW1W 9SS.</b>

## Executive Summary

In August 2004 the Government asked the Office of Communications (“Ofcom”) to carry out a review of PRS regulation to ensure that the right level of protection was in place to protect consumers. This followed increased consumer concerns about cases involving calls to PRS numbers, particularly those related to Internet diallers. Ofcom produced its report in December 2004 with recommendations designed to improve the effectiveness of the PRS regulatory regime. One of these recommendations was for the DTI to consider raising the maximum penalty that can be imposed on those that breach the ICSTIS Code of Practice regulating the provision of PRS (“the Code”), which Ofcom have approved under section 121 of the Act. We are now consulting on proposals to make the attached order under the Act which would raise this maximum penalty from £100,000 to £250,000.

This recommendation was one of a package designed to tighten up the regulatory processes for dealing with breaches of the Code. The other recommendations are outside the scope of this consultation, but will in general tighten up ICSTIS’ regulation of PRS, especially since payments to service providers will be made after 30 days instead of the much quicker weekly payments which have helped fraudulent SPs to quick and easy profits in recent years.

We are also taking this opportunity to consult on making provision by order under section 393 of the Act to better facilitate the sharing of information between Ofcom and ICSTIS. ICSTIS needs information about which numbers are used by PRS SPs if it is to enforce the Code quickly and effectively. Ofcom has been unable to pass ICSTIS information about the numbers they allocate to CPs and which are subsequently sub-allocated to SPs because ICSTIS is not currently on the list of bodies Ofcom is permitted to pass such information to without the permission of the holder of the number. Thus we plan to add ICSTIS to this list and to permit restricted information to be disclosed to them for the purpose of enabling them to administer and enforce the Code by means of the attached order.

## **Timing**

Subject to this consultation we hope to make the order to raise the maximum penalty and permit the disclosure of information in the late autumn. A Government response to this consultation will be published within 3 months of its close. Of the other Ofcom recommendations, the introduction of payments to SPs after 30 days and no earlier has been consulted on by ICSTIS and subject to further consultation by Ofcom is due to be implemented shortly. The other recommendations are to be consulted on by ICSTIS and are likely to be implemented early in 2006.

## **Consultation Details**

Comments are invited on the attached draft order, on any of the issues raised in this consultation, and on any other issues about nuisance calls (such as silent calls), to be submitted by [12 weeks from consultation start = end of Tuesday 20 September] to Stephen Booth:

Email: [stephen.booth@dti.gsi.gov.uk](mailto:stephen.booth@dti.gsi.gov.uk)

We prefer to receive responses emailed as a Microsoft Word attachment.

Address for postal responses:

Stephen Booth  
Communications and Content Industries  
Business Relations 2  
Department of Trade and Industry  
207 Red  
151 Buckingham Palace Road  
London SW1W 9SS.

When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

A list of those organisations and individuals consulted is in Annex C. We would welcome suggestions of others who may wish to be involved in this consultation process.

## **Additional copies**

You may make copies of this document without seeking permission. An electronic version can be found at [www.dti.gov.uk/consultations/](http://www.dti.gov.uk/consultations/)

### **Confidentiality & Data Protection**

Your response may be made public by the DTI. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been requested.

Access to information held by or on behalf of DTI is governed by the Freedom of Information Act 2000. Any requests for information received by DTI in relation to this Consultation will be administered accordingly.

We will handle any personal data you provide appropriately in accordance with the Data Protection Act 1998.

Respondents who wish to keep some or all of their response confidential are requested to place any confidential material into a clearly marked annex.

### **Code of Practice on Consultation**

A copy of the Code of Practice on Consultation is in Annex D.

If you have comments or complaints about the way this consultation has been conducted, these should be sent to:

Nick van Benschoten, Consultation Co-ordinator  
Department of Trade and Industry  
Better Regulation Team  
1 Victoria Street  
London SW1H 0ET  
E-mail: Nick.vanbenschoten@dti.gsi.gov.uk  
Tel: 020 7215 6206  
Fax: 020 7215 8303

### **List of Questions**

1. Do you agree that the maximum limit for breaching the ICSTIS Code should be raised from £100,000 to £250,000?

2. Do you consider that a new maximum fine of £250,000 will be sufficient deterrent in the light of the levels of profit made by rogue PRS providers in recent months?

3. Do you agree that ICSTIS should be added to the list of relevant persons to whom Ofcom can disclose information for the purpose of enabling them to administer and enforce the Code?

## **Background**

### **Maximum Penalty**

Section 123(2) of the Act stipulates a set amount of £100,000 for the maximum penalty that can be considered for breaches of the Code. Section 123(4) of the Act contains an order-making power, which would enable DTI to increase the current maximum if appropriate. It is worded to substitute a different maximum penalty amount to the current one specified.

Prior to the passing of the Act there was no upper limit on the fines ICSTIS could impose on SPs who had breached the Code. However, the maximum fine that had been imposed before the Communications Bill commenced its passage through Parliament in the 2002/3 session was £100,000. This level of fine was first imposed in 1998 against a company running a direct mail competition service which had widespread marketing and where everyone “won” a prize which never in fact materialised. When the Communications Bill was passed, a maximum level of penalty was specified based on the experience of ICSTIS at that point. However, in the course of 2004 it became apparent that certain Internet dialler services were causing far more widespread consumer harm than any PRS to date. The widespread ownership of mobile phones combined with the spread of SMS text promotions purporting that consumers had “won prizes” necessitating a call to a PRS number was also causing greater consumer harm through deception. ICSTIS’ resources were very stretched in 2004 and it became apparent that PRS regulation needed to be reviewed. DTI asked Ofcom to undertake a review of PRS in the summer of 2004. Recommendation 6 in the Ofcom report, published on 9 December 2004, proposed that DTI should consider increasing the level of maximum potential fine. This document seeks views on DTI’s proposals to increase the maximum to £250,000. A draft order is attached at Annex A.

### **Increased consumer vulnerability through the spread of technology**

Recent years have seen a large rise in the home ownership of PCs with fixed line Internet access, and the use of mobile phones. According to Ofcom’s Communications Market Report - January 2005 Quarterly Update:

- ❑ There were in January just under 16 million Internet connections in the UK with 57% of households having Internet access via a PC
  
- ❑ In September 2004 there were 58.4 million active mobile phone customers and this was before the Christmas 2004 buying period.

This means that there are now over 70 million electronic devices in the UK that could be targeted by those intent on preying on consumers.

Millions of mobile phone users can now be sent, at low cost, text messages telling them that they have won a prize and in order to claim it they merely need to dial an 090 number. This is a comparatively recent phenomenon arising from the mass market adoption of these technologies. It is only in the past 18 months that rogue PRS providers have made significantly increased use of bulk delivery to consumers using the Internet and mobile SMS.

## **The Need For More Effective Information Disclosure**

Recommendation 1 of Ofcom's report proposed that Originating and Terminating Communications Providers ("OCPs" and "TCPs") should share information more effectively, and Recommendation 15 proposed an MoU to clarify the roles of ICSTIS and Ofcom in PRS regulation. These recommendations are being implemented. However, we believe it would be helpful to ICSTIS in enforcing the Code if another change to the Act is made to facilitate effective information sharing between those involved in regulating PRS providers. Section 393 of the Act imposes restrictions on the disclosure of information with respect to a business obtained in exercise of powers conferred by the Act. Such information can only be disclosed by Ofcom with the consent of the business, or where disclosure is for a purpose specified in section 393(2), which permits disclosure in particular for the purpose of facilitating the carrying out by Ofcom of any of its functions (section 393(2)(a)) or for the purpose of facilitating the carrying out by any relevant person of any relevant function (section 393(2)(b)).

At present, ICSTIS is not specified as a relevant person for these purposes. As a result, Ofcom cannot at present pass information falling within section 393 to ICSTIS for the purpose of facilitating the performance by ICSTIS of their functions without a business's consent. ICSTIS needs this numbering information in order to adequately track which operator is in control of which number and therefore to be able to effectively enforce its Code. The experience of ICSTIS shows that a small minority of applicants for numbers will not give their consent and this makes it slower and more difficult for ICSTIS to track down the network operators behind numbers which are misused. This is key if ICSTIS is to be able to give effect to the proposal made by Ofcom that the Code should be amended to enable them to identify and instruct those network operators to withhold funds from SPs for 30 days. This will mean that ICSTIS will have more time to stop the originating operator and the consumer being exploited by such SPs. Section 393(3)(i) of the Act includes an order-making power permitting the Secretary of State to specify additional persons as relevant persons for the purposes of section 393. Section 393(4) enables the specification of additional functions for which restricted information can be disclosed. We therefore propose to make an order specifying any person who administers and enforces a code approved by Ofcom as a relevant person for the purposes of section 393(3) and specifying the function of administering and enforcing a code as a relevant function. The draft order at Annex A covers this proposal as well as the proposed increase in the maximum fine.

## **Policy Proposals and Argument – Raising the Maximum Penalty**

In 2004 dial-up Internet consumers across the country found they had been charged sums amounting to hundreds of pounds in some cases after being connected to premium rate websites by rogue diallers. Tens of thousands of people were affected, and ICSTIS received 80,000 complaints. In view of the consumer harm caused by the rogue diallers in particular, we believe that to raise the maximum amount of the penalty to £250,000 would be proportionate. The amount also needs to be high enough to provide a better deterrent against those that may be tempted to misuse the PRS charging mechanism. The maximum penalty is applied per service about which complaints are received. The Committee takes account of the seriousness of the breach or breaches of the Code committed when determining the level of fine to be applied to the service provider.

The level of maximum fine should be viewed in the context of the other Ofcom recommendations to be implemented, for example the 30 days rule. This will keep money in the system for longer, thereby discouraging service providers from receiving payment and then disappearing from the scene.

## **The Profits And Revenues Rogue PRS Providers Can Make**

In assessing how much to raise the level of penalty by, the level of profits made by rogue providers needs to be assessed. But it is not only a question of quantity, it is also a question of the extent to which consumers are harmed.

As mentioned above, a company was fined £100,000 by ICSTIS in 1998 for misleading consumers into believing they had won a prize. This and similar adjudications over the years had constituted a de facto fines ceiling which ICSTIS felt was proportionate up to 2003.

What is notable from the adjudication relating to the 1998 case is that it was estimated that £80,000 was made from callers using PRS who in actual fact had not “won” a prize. In fact the £100,000 fine has been used since 1998 by ICSTIS on 5 occasions (4 in 2004). However, recent increases in profits made have caused ICSTIS, Ofcom and DTI to consider raising the maximum penalty.

The recent Ofcom report on PRS argues that the fine should be at least comparable with the profits made from PRS. The report cites three companies as having made profits over £250,000 in the past year. ICSTIS’ evidence suggests that vast profits are regularly made by SPs relying on only a tiny percentage of recipients responding to a text or call inviting them to contact a PRS number (ICSTIS is of the view that 1% call return is quite normal for such a venture). This would make a maximum fine of £250,000 seem proportionate to this level of profits.

So, if a SP sends a text message to only half the UK active handsets at 3p each on a bulk delivery arrangement<sup>1</sup> from overseas and just 1% of the recipients dial the “service” promoted on an 090 number at £1.50 per minute, and stay online for 5 minutes to see what “prize” they have “won” and may claim, then the revenues will be as follows:

Cost of text messages outbound to 29,000,000 mobile @ 3p each £870,000

Revenue from 1% of 29M recipients dial 090 at £1.50 for 5 minutes  
£2,175,000

Net profit  
£1,305,000

Other examples provided by ICSTIS also illustrate the enormous revenues that are to be made from fraudulent PRS:

### **Example 1**

This SP ran a dialler in 2004 that was non-compliant with the Code. There were nearly 900 complaints from the public about this service. ICSTIS was advised by the network that the revenues generated on PRS were £3,619,376. The company was fined £100,000.

### **Example 2**

A company provided a dialler service which was found to be non-compliant with the Code. £3,779,942.80 of revenue was found to have been generated of which just under £3,000,000 was in one month (June 2004) alone.

These examples are quite typical of cases ICSTIS sees and these examples both relate to modes of promotion to consumers which are widescale utilising the Internet or other means (such as automated calling equipment) to contact thousands, if not millions, of consumers very quickly. The other related factor seen from these examples is that revenues are amassed quickly in days and weeks, not months.

**Should the level of maximum penalty be set higher or lower than £250,000?**

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<sup>1</sup> The bulk cost can vary and in some cases through conventional roaming agreements may actually be free, albeit UK mobile operators impose a charge on overseas roaming partners once an imbalance of SMS messaging is identified. 3p is typical of a charge level that can be imposed per SMS message sent.

We have compared the fines levied by ICSTIS and the proposed new maximum £250,000 penalty with fines imposed by regulators in other sectors of the economy. The level of profits from companies breaching the provisions of the Competition Act enforced by OFT are much higher than PRS providers can make, sometimes running into millions of pounds. Fines levied by OFT have therefore also run into the millions on more than one occasion. Ofgem has also levied fines up to £2million on companies that breach its sectoral provisions.

The Department has compared the proposed maximum level of £250,000 for PRS fines with these fines, and considers it to be an amount proportionate to the consumer harm recently experienced by SPs' Code breaches. The Department also takes the view that, with the implementation of the other recommendations of the Ofcom report, especially that which relates to the speed at which monies can be paid to SPs, the ability to generate the sorts of revenues at speed provided in the examples above will be much reduced.

### **Policy Proposals and Argument – Disclosure of Information**

Both Ofcom and ICSTIS have asked DTI to make the additional change to the Act to enable Ofcom to disclose information to ICSTIS on which CP has applied for which number. We have concluded that an order under section 393(3) and (4) is necessary and that it will help ICSTIS more easily to identify which CP has control of which PRS number. This should help ICSTIS speed up its whole regulatory process for identifying and policing TCPs linked to miscreant SPs, the aim of which is in line with recommendations 1-4 in the Ofcom report, which aim to improve information sharing and gathering.

Ofcom allocates PRS numbers in blocks of 10,000. Between July 2003 and April 2005 Ofcom allocated PRS (090/ 091 prefix) numbers to 59 new entrant CPs. During this period 2,489 PRS number blocks were allocated (ie, potentially 24.89m telephone numbers) - of which 1,258 went to these new entrants. Ofcom posts the name of the recipient of each number block on its website but does not provide the contact details ICSTIS needs to chase up rogue SPs. Each CP could be using those numbers to sub-allocate to SPs potentially in breach of the Code. When ICSTIS comes to investigate those services, some of which are scams, its starting point for tracing contact details for the SP is to contact the CP and direct that they provide such information. If, however, ICSTIS does not know who the CP is then ICSTIS' investigation is stalled while ICSTIS tries to trace the CP. Days, if not weeks, may be lost, and resources wasted. Meanwhile consumer detriment continues as ICSTIS' investigation is hampered by Ofcom not being empowered to supply the CP's details.

Therefore the DTI proposes to amend the Act to enable Ofcom to supply ICSTIS with relevant contact information about CPs when PRS numbers are allocated.

### **What Happens Next**

The Government is proposing to increase the maximum penalty from £100,000 to £250,000. The Government is also proposing to include ICSTIS among the relevant persons to whom Ofcom can disclose information under section 393. This will require statutory provision specifying them and the functions for which restricted information can be disclosed to them by Ofcom.

The other recommendations in the Ofcom Report fall outside the scope of this consultation and relate to the Code. They will be implemented by a change to the Code. ICSTIS is to begin consultation shortly on a revised Code, and we expect these changes to be put in place in the late Autumn.

A draft order is attached at Annex A and comments are invited on it. Following consideration of all those comments received the order will need to be laid in draft before Parliament and approved by a resolution of each House before it can be made.

### **Regulatory Impact Assessment (RIA)**

The Ofcom review included extensive analysis of the effect on business and the regulator of all the recommendations put forward. The key considerations relating to the limited proposals in this consultation are included in the summary regulatory impact assessment at Annex B to signpost the relevant analysis.

Initial assessment has shown that this proposal will have negligible impact on businesses, charities or the voluntary sector. The only people who would possibly be affected would be a small minority of the industry who breach the Code. Moreover, this change does not alter the rules governing the industry, but rather the penalty for breaking them. SPs operating in accordance with the Code will be completely unaffected save that increasing the maximum amount of the penalty will increase the element of ICSTIS' funding which comes from rogue SPs and thus should decrease the cost of regulation to those in compliance. This does not affect the administrative burden on ICSTIS as enforcer of the Code, since there is no change to the rules or how they are to be enforced. The change in relation to disclosure of information facilitates sharing of information between regulators for the purposes of administering and enforcing the Code and so will not impact directly on business either.

**Annex A**

*Draft Order laid before Parliament under sections 123(5) and 393(11) of the Communications Act 2003, for approval by resolution of each House of Parliament.*

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STATUTORY INSTRUMENTS

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**2005 No.**

**ELECTRONIC COMMUNICATIONS**

The Communications Act 2003 (Maximum Penalty for Enforcement of Section 120 Conditions and Restrictions on Disclosure of Information (Specification)) Order  
2005

*Made - - - -*

*2005*

*Coming into force - 2005*

Whereas the Secretary of State laid a draft of this Order before Parliament on ....2005;

And whereas the said draft as so laid has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 123(4), 393(3)(i) and 393(4)(c) of the Communications Act 2003<sup>(2)</sup>, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Communications Act 2003 (Maximum Penalty for Enforcement of Section 120 Conditions and Restrictions on Disclosure of Information (Specification)) Order 2005 and shall come into force on ....2005.

(2) In this Order “the Act” means the Communications Act 2003.

**Amendment of maximum penalty**

2. In section 123(2) of the Act for “£100,000” there is substituted “£250,000”.

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<sup>(2)</sup> 2003 c. 21.

### **Specification as a relevant person**

3. Any person who has the function of administering and enforcing a code approved by OFCOM under section 121 of the Act is specified for the purposes of section 393(3) of the Act.

### **Specification as a relevant function**

4. The function of administering and enforcing a code approved by OFCOM under section 121 of the Act is specified for the purposes of section 393(4) of the Act.

[ 2005 ] [Name]  
Minister of State for Industry and the Regions  
Department of Trade and Industry

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes various provision connected with the regulation of the provision of premium rate services pursuant to the Communications Act 2003 (“the Act”).

Article 2 of this Order amends section 123(2) of the Act so as to raise the maximum penalty that OFCOM can impose under section 96 of the Act (as applied by section 123 of the Act) from £100,000 to £250,000.

Articles 3 and 4 extend the circumstances in which information which is subject to restrictions on its disclosure imposed by section 393(1) of the Act can be disclosed pursuant to section 393(2)(b) of the Act. Section 393(2)(b) provides that such restrictions do not apply to any disclosure of information which is made for the purpose of facilitating the carrying out by any relevant person of any relevant function. Article 3 specifies any person who has the function of administering and enforcing a code approved by OFCOM under section 121 of the Act (which regulates the provision and contents of premium rate services) as a relevant person for the purposes of section 393. Article 4 specifies that function as a relevant function for the purposes of section 393.

A regulatory impact assessment has not been prepared for this instrument, as it has no impact on the cost of business.

## Annex B: Regulatory Impact Assessment – Key Ofcom Analysis

### 1. Title of proposal

*CONSULTATION BY THE DEPARTMENT OF TRADE AND INDUSTRY  
ON A DRAFT ORDER RAISING THE MAXIMUM PENALTY FOR THOSE  
THAT MISUSE PREMIUM RATE SERVICES (PRS), AND ON  
DISCLOSURE OF INFORMATION*

### 2. Purpose and intended effect

- Objective - Deterrent to PRS providers intending to act fraudulently
- Background – One of 18 recommendations in Ofcom's Report into Premium Rate Services consulted on widely with the industry in Autumn 2004 and published in December. Please see the Ofcom Report at:  
[www.ofcom.org.uk/telecoms/ioi/nwbnd/prsindex/ntsprsditi/prs\\_review.pdf](http://www.ofcom.org.uk/telecoms/ioi/nwbnd/prsindex/ntsprsditi/prs_review.pdf)
- Rationale for government intervention – Consumer Protection

### 3. Consultation

- Within Government – agreed at official level and endorsed by DTI Minister on 9 December 2004.
- Public consultation – Extensive public consultation by Ofcom throughout Autumn 2004. We plan to consult for 12 weeks during the summer of 2005.

### 4. Options – Maximum Fine:

See page 38 of Ofcom report in link above.

1. *Keep level of fine at £100,000 – ie do nothing*
2. *Raise maximum fine to £250,000*
3. *Raise maximum fine to a figure other than £250,000*

### Options – Information Disclosure

1. *Keep information disclosure provision in Communications Act unchanged – ie do nothing*

2. *Add ICSTIS to the list of those bodies to which Ofcom can disclose information without the consent of the company concerned.*

5. **Costs and benefits**

- **Sectors and groups affected** – PRS industry
- **Benefits** – Consumers suffer less detriment. Hard to quantify because because only one of 18 recommendations. Overall Ofcom, DTI and ICSTIS believe implementation of the recommendations would save consumers at least £5 million per year.
- **Costs** – None to either compliant business or to ICSTIS as the enforcement authority

6. **Small Firms Impact Test** – Ofcom’s Review included consultation with small businesses and relevant trade associations. We have discussed our proposal with interested parties and have identified no impact on compliant SMEs.

7. **Competition assessment** – The competition filter has been applied and there will be no adverse impact on competition

8. **Enforcement, sanctions and monitoring**

ICSTIS decides when and where to fine Service Providers for breaches of its Code of Practice.

ICSTIS reviews breaches on a case-by-case basis, based on level of consumer detriment and the seriousness of the breach. All adjudications are published on the website and initial decisions can be appealed.

## **Annex C: List of Organisations and Individuals Consulted**

George Kidd, ICSTIS

Paul Whiteing, ICSTIS

Gavin Daykin, Ofcom

Sarah-Jane Amey, NTL

Matthew Copeland, Telewest

Theresa Brown, BT.

Ian El-Mokadem, Centrica

Huw Saunders, Kingston Communications

Domhnall Dodds, UKTA

Alan Stone, Your Communicaitons

Cathy Gerosa, Premium Rate Association

Anders Holst, Telecom1

Tony Couch, NOC

Bryan Petch, Flextech

Neil Penny, NYT Group

Toby Padgeham, NOC

Allan Williams, Consumers Association (Which)

Richard Sills, Otelo

Gregory Hunt, CISAS

Hamish Mcleod, Mobile Broadband Group

Colin Cowan, City of London Police

Stephen Meale, Bristol Trading Standards

Jonathan Martin, Bristol Trading Standards

Mike Haley, OFT

Wendy Martin, LACORS

Margaret Humphreys, LACORS

Mr J Raith, TUFF (Telecoms Users' Fraud Forum)

Ms Georgia Klein, National Consumer Council

Christopher Hoble, DTI

Simon White, DCMS

Mike Haley, OFT

## **Annex D**

### **The Consultation Code of Practice Criteria**

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The complete code is available on the Cabinet Office's web site, address <http://www.cabinetoffice.gov.uk/regulation/consultation/index.asp>

**URN No:** 05/1296