



STATUTORY INSTRUMENTS.

**S.I. No. 111 of 2012**

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COMMUNICATIONS REGULATION (LICENSING OF PREMIUM  
RATE SERVICES) REGULATIONS 2012

**(Prn. A12/0576)**

## COMMUNICATIONS REGULATION (LICENSING OF PREMIUM RATE SERVICES) REGULATIONS 2012

The Commission for Communications Regulation, in exercise of the powers conferred on it by section 7 of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 (No. 2 of 2010) and having consulted with the Broadcasting Authority of Ireland as required by section 7(4) of the said Act and having notified these Regulations in draft to the European Commission pursuant to the provisions of Article 8 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998<sup>1</sup> laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998<sup>2</sup>, hereby makes the following regulations:

## 1. Citation and Commencement

(1) These Regulations may be cited as the Communications Regulation (Licensing of Premium Rate Services) Regulations 2012.

(2) These Regulations shall come into operation on 5 June 2012

## 2. Interpretation

(1) In these Regulations except where the context otherwise requires:

“Act of 2010” means Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 (No. 2 of 2010);

“call” means any communication (whether voice, data, text or otherwise) which passes through an electronic communications network, whether initiated by an end user or initiated by or facilitated by a premium rate service provider, and a “caller” shall be construed accordingly;

“charity service” means a premium rate service advertised and operated for the benefit of a charitable or not for profit body or organisation;

“chatline service” means a premium rate service which consists of or includes the enabling of more than two persons to simultaneously conduct a telephone conversation with one another without either:

(a) each of them having agreed with the other to do so; or

<sup>1</sup>OJ L 204, 21.7.1998 p.37

<sup>2</sup>OJ L 217, 5.8.1998 p.18

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 6th April, 2012.*

- (b) each of them having agreed in advance the respective identities of the other intended participants or the telephone numbers on which they may be called;

“children’s service” means a premium rate service which either wholly or in part is aimed at or would reasonably be expected to be attractive to persons under 18 years of age;

“Class A Service” means a premium rate service which is not a Class B Service and which is:

- (a) accessed by a premium rate number and where the price payable by the end user for each call exceeds 25 cent (inclusive of value added tax) other than a premium rate service which is accessed only via an international call; or
- (b) accessed other than by means of a premium rate number and the price payable by the end user for each call exceeds 25 cent (inclusive of value added tax) other than a premium rate service which is accessed only via an international call.

For the purpose of sub-paragraph (a) above, the price payable by an end user shall be taken to be the price which the undertaking designated from time to time pursuant to Regulation 7 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (S.I. No. 337 of 2011) would charge for an equivalent call;

“Class B Service” means any of the following:

- (a) a chatline service;
- (b) a sexual entertainment service;
- (c) a children’s service;
- (d) a subscription service;
- (e) an internet dialler service;
- (f) a charity service or quiz television service, which is:
- (i) accessed by a premium rate number and where the price payable by the end user for each call exceeds 25 cent (inclusive of value added tax) other than a premium rate service which is accessed only via an international call; or
- (ii) accessed other than by means of a premium rate number and the price payable by the end user for each call exceeds 25 cent (inclusive of value added tax) other than a premium rate service which is accessed only via an international call.

For the purpose of sub-paragraph (f)(i) above, the price payable by an end user shall be taken to be the price which the undertaking designated from time to time pursuant to Regulation 7 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011 (S.I. No. 337 of 2011) would charge for an equivalent call;

“Class A Licence” means a Licence identified as a Class A Licence in such form as may be designated by the Commission from time to time for the purpose of Regulation 4(2) of these Regulations;

“Class B Licence” means a Licence identified as a Class B Licence in such form as may be designated by the Commission from time to time for the purpose of Regulation 4(3) of these Regulations;

“Class C Licence” means a licence identified as a Class C Licence in such form as may be designated by the Commission from time to time for the purpose of Regulation 4(4) of these Regulations;

“Class D Licence” means a Licence identified as a Class D Licence in such form as may be designated by the Commission from time to time for the purpose of Regulation 4(5) of these Regulations;

“Code” means, subject to section 15(7) of the Act of 2010, the Code of Practice for Premium Rate Service Providers as published by the Commission from time to time pursuant to section 15 of the Act of 2010;

“Commencement Date” means the date on which these Regulations come into effect as set out in Regulation 1(2) of these Regulations;

“Commission” means the Commission for Communications Regulation;

“E-Commerce Directive” means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000<sup>3</sup> on certain legal aspects of information society services, in particular electronic commerce, in the internal market;

“EEA member state” means European Economic Area member state;

“electronic communications network” has the meaning assigned to it by section 2 of the Principal Act;

“electronic communications service” has the meaning assigned to it by section 2 of the Principal Act;

“end user” has the meaning assigned to it by section 13(5) of the Act of 2010;

“Information Society Service” has the meaning assigned to it by Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998<sup>4</sup> laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 98/48/EC of the

<sup>3</sup>OJ L 178, 17.07.2000 p.1

<sup>4</sup>OJ L 204, 21.7.1998 p.37

European Parliament and of the Council of 20 July 1998<sup>5</sup> (and subject to the exceptions set out in the said Directive 98/34/EC as amended by the said Directive 98/48/EC);

“international call” means a call that terminates on an electronic communications network outside Ireland;

“internet dialler service” means any premium rate service operated by internet dialler software;

“internet dialler software” means software that is activated by the end user and which is configured to replace the dial up number used by the end user’s computer to connect it to the internet with a different dial-up telephone number;

“keyword” means a word used to identify a particular premium rate service where a number of different premium rate services are provided over the same shortcode and where the use of the word by end-users facilitates the routing of a text or multimedia message to a particular premium rate service which is operated over the relevant shortcode;

“Licence” means a premium rate service licence issued in accordance with these Regulations and “Licensed” shall be construed accordingly;

“network operator” means a person who provides, for gain, the electronic communications network over which a premium rate service is transmitted;

“on-demand audiovisual media service” has the meaning assigned to it by Regulation 2 of the European Communities (Audiovisual Media Services) Regulations, 2010 (No. 258 of 2010);

“premium rate number” means a number that is identified by the distinctive 15XX access code as provided for in the National Numbering Conventions issued by the Commission from time to time pursuant to its statutory function under Section 10(1)(b) of the Principal Act;

“premium rate service” has the meaning assigned to it by section 3 of the Act of 2010;

“premium rate service licence” has the meaning assigned to it by section 3 of the Act of 2010;

“premium rate service provider” has the meaning assigned to it by section 3 of the Act of 2010;

“Principal Act” means the Communications Regulation Act, 2002 (No. 20 of 2002);

“programme” has the meaning assigned to it by Regulation 2 of the European Communities (Audiovisual Media Services) Regulations, 2010 (No. 258 of 2010);

<sup>5</sup>OJ L 217, 5.8.1998 p.18

“promotion” means any act or activity the intent or effect of which is, either directly or indirectly, to advertise or draw attention to a premium rate service, in order to encourage its use and the term ‘promotional material’ shall be construed accordingly.

“quiz television service” means a premium rate service offered during a television programme where the primary purpose of the programme is to encourage viewers to participate in a quiz, draw or competition and where entries or applications are submitted by means of a call;

“sexual entertainment service” means a premium rate service:

- (a) of a clearly sexual nature;
- (b) for which the associated promotional material is clearly of a sexual nature or indicates, or implies, that the premium rate service is clearly of a sexual nature; or
- (c) where the product provided through the premium rate service is clearly of a sexual nature;

“shortcode” for the purposes of premium rate services means a five-digit number in the range 50xxx to 59xxx as provided for in the National Numbering Conventions issued by the Commission from time to time pursuant to its statutory function under Section 10(1)(b) of the Principal Act;

“specified premium rate service” means a premium rate service which is required to be licensed under these Regulations pursuant to sections 6 and 7 of the Act of 2010; and

“subscription service” means a premium rate service for which a recurring charge is imposed on an end user who has subscribed, and thereby agreed to receive and pay for, such a premium rate service.

(2) A word or expression that is used in these Regulations and that is also used in the Act of 2010 has, except where the context otherwise requires, the same meaning in these Regulations as it has in that Act.

(3) In these Regulations, a reference to an enactment shall be construed as a reference to the enactment as amended by any subsequent enactment, including these Regulations.

(4) In these Regulations, any phrase introduced by the term “include”, “including”, “in particular” or any similar expression shall not be construed as an exhaustive list and shall not limit the meaning of the words preceding that term.

(5) Nothing in these Regulations shall absolve a premium rate service provider from any requirement in law to obtain any approvals, consents, licences, permissions or authorisations that may be necessary in relation to the provision of any premium rate service the subject of a Licence issued under these Regulations.

### 3. Specified Premium Rate Services

(1) Subject to paragraph (2), the following premium rate services are specified premium rate services that are required to be Licensed pursuant to the Act of 2010 and in accordance with these Regulations:

(a) Class A Services; and

(b) Class B Services.

(2) The following premium rate services shall not be considered to be specified premium rate services that require to be Licensed pursuant to the Act of 2010 and in accordance with these Regulations:

(a) a premium rate service which comprises directory enquiry services and relevant value added services that are provided using the number range 118XX; and

(b) on-demand audiovisual media services.

### 4. Licensing of Specified Premium Rate Services

(1) A premium rate service provider involved in the provision of any specified premium rate service must obtain a Licence or Licences of the relevant class or classes in accordance with the provisions of this Regulation.

(2) Subject to paragraphs (4) and (5), a premium rate service provider who:

(a) is established in the State and intends to provide any Class A Service; or

(b) intends to provide any Class A Service which is accessible by end-users in the State,

must, before providing such Class A Service, submit an application to the Commission for, and have been issued, a Class A Licence.

(3) Subject to paragraphs (4) and (5), a premium rate service provider who:

(a) is established in the State and intends to provide any Class B Service; or

(b) intends to provide any Class B Service which is accessible by end-users in the State,

must, before providing such Class B Service, submit an application to the Commission for, and have been issued, a Class B Licence.

(4) A premium rate service provider who is established in another EEA member state who intends to provide any specified premium rate service which

is accessible by end users in the State, must before doing so, submit an application to the Commission for, and have been issued, a Class C Licence and shall not be under any obligation to apply for a Class A or a Class B Licence.

(5) In cases where the role of the premium rate service provider in providing any specified premium rate service is limited solely to that of a network operator, such premium rate service provider must, before providing such specified premium rate service, submit an application to the Commission for, and have been issued, a Class D Licence.

#### 5. Applications for Licences

(1) Applications for Licences shall be made to the Commission in the form designated by the Commission for each class of Licence from time to time.

(2) An application for a Class A Licence shall include the following information:

- (a) the information set out at section 6(2)(a) to (f) of the Act of 2010; and
- (b) such other relevant information as the Commission considers appropriate and as may be identified by the Commission in the application form for a Class A Licence from time to time.

(3) An application for a Class B Licence shall include the following information:

- (a) the information set out at section 6(2)(a) to (f) of the Act of 2010;
- (b) copies of all promotional material intended to be used in connection with each of the premium rate services the subject of the application and a full description of how, and the terms on which, each such premium rate service will operate; and
- (c) such other relevant information as the Commission considers appropriate and as may be identified by the Commission in the application form for a Class B Licence from time to time.

(4) An application for a Class C Licence shall include the following information:

- (a) where the applicant is required to obtain any form of authorisation or approval to operate as a premium rate service provider from any regulatory or supervisory authority in the EEA member state in which it is established, a copy of such authorisation or approval and particulars of the relevant regulatory or supervisory authority; or
- (b) where the applicant is not required to obtain any form of authorisation or approval to operate as a premium rate service provider from any regulatory or supervisory authority in the EEA member state in which it is established, and to the extent that the applicant provides



premium rate services in the EEA member state in which it is established, evidence of the applicant's good standing as a premium rate service provider in the EEA member state in which it is established.

(5) An applicant for a Class C Licence should provide, at the time it makes an application in writing to the Commission for a Class C Licence, the following information:

- (a) the information set out at section 6(2)(a) to (f) of the Act of 2010; and
- (b) where any Class B Service is to be provided by the applicant for the Class C Licence and where there is no premium rate service provider established in the State who:
  - (i) is involved in the provision of that Class B Service; and
  - (ii) has applied for or been issued a Class B Licence in accordance with these Regulations,

copies of all promotional material intended to be used in connection with the relevant premium rate service and a full description of how, and the terms on which, the relevant premium rate service will operate.

(6) The provisions of paragraphs (4) and (5) for applicants for Class C Licences are subject to the requirements of EU law and in particular Article 56 of the Treaty on the Functioning of the European Union, where applicable.

(7) An application for a Class D Licence shall include the following information:

- (a) the information set out at section 6(2)(a), 6(2)(b) and 6(2)(c) of the Act of 2010; and
- (b) such other relevant information as the Commission considers appropriate and as may be identified by the Commission in the application form for a Class D Licence from time to time.

## 6. Licences Issued by the Commission and Amendments to Licences

(1) Upon receipt of an application for a Licence, the Commission shall subject to the provisions of Sections 6(3), 6(4) and 6(5) of the Act of 2010, issue a Licence and, where a Licence is issued by the Commission, the Commission may identify and list, in a schedule or schedules thereto, the individual premium rate services that the holder of the Licence can provide pursuant to the Licence and, in accordance with section 7(1)(a) of the Act of 2010, such premium rate services may be categorised by class or type.

(2) Licences issued by the Commission pursuant to section 6(3) of the Act of 2010 may state that the holder of the Licence can provide:

- (a) the individual premium rate services listed in the Licence or in any schedule thereto; and
  - (b) other specified premium rate services of the same class or type as those premium rate services listed in the Licence or in any schedule thereto subject to the notification requirements of section 6(9) of the Act of 2010.
- (3) If issued, and unless otherwise revoked or suspended in accordance with the Act of 2010, a Class A, Class B or Class C Licence shall be valid for a period of two years, and a Class D Licence shall be valid for a period of five years, from the date of issue of the respective Licence.
- (4) The holder of a Licence can commence the provision of new specified premium rate services of the same class or type as those premium rate services listed in its Licence (or in any schedule thereto) on the condition that each such new specified premium rate service is notified to the Commission in accordance with Section 6(9)(b) of the Act of 2010 at least 14 days before the commencement of the provision of such new specified premium rate service.
- (5) The holder of a Licence is required by section 6(9)(a) of the Act of 2010 to notify the Commission of any change to the information (as described in section 6(2) of the Act of 2010) it has provided to the Commission in its application for such Licence pursuant to Regulation 5 at least 14 days before the change takes effect.
- (6) Notifications pursuant to section 6(9) of the Act of 2010 shall be made in writing to the Commission in the form designated by the Commission from time to time and:
- (a) where the notification is being made by a holder of a Class B Licence pursuant to section 6(9)(b) of the Act of 2010 in relation to a new Class B Service it wishes to provide, shall include the same information in relation to the new Class B Service as is required in an application for a Class B Licence made under Regulation 5(3)(b);
  - (b) where the notification is being made by a holder of a Class C Licence pursuant to section 6(9)(b) of the Act of 2010 in respect of a new Class B Service it wishes to provide and the conditions set out at Regulation 5(5)(b) apply, should include the same information in relation to the new Class B Service as is specified in that Regulation 5(5)(b).
- (7) The Commission may amend a Licence pursuant to section 6(8) of the Act of 2010 following a notification pursuant to section 6(9) of the Act of 2010.
- (8) The amendment of a Licence pursuant to section 6(8) of the Act of 2010 does not operate to extend the term of that Licence beyond the term provided for in Regulation 6(3).

## 7. Licence conditions

- (1) It shall be a condition of any Class A, Class B and Class D Licence, issued to a premium rate service provider, that the holder of the Licence shall:
- (a) comply with the Act of 2010, these Regulations (including without limitation the provisions of Regulation 8 in relation to refunds) and the Code;
  - (b) comply with any decisions, notifications or findings made by the Commission from time to time pursuant to the Act of 2010, the Principal Act, these Regulations, the Code or any other statutory powers or functions of the Commission which are applicable to premium rate services;
  - (c) comply with any requests made by the Commission for the provision of information pursuant to the Act of 2010, the Principal Act, these Regulations, the Code or any other statutory powers or functions of the Commission which are applicable to premium rate services and shall ensure that all information provided to the Commission is complete, true and accurate and is not misleading (whether by inclusion or omission or otherwise);
  - (d) establish and operate an accessible complaints process to enable end users to have any complaint dealt with easily and quickly and ensure that such process is transparent and adequately publicised to end users;
  - (e) pay any applicable levy imposed by the Commission under any order made pursuant to section 30(2A) of the Principal Act (as inserted by section 16 of the Act of 2010) or as otherwise provided for from time to time;
  - (f) only enter into contractual arrangements for the provision of specified premium rate services with other premium rate service providers where such other premium rate service providers hold all necessary Licences as required by these Regulations;
  - (g) not, save with the written prior consent of the Commission, assign the Licence or any of the rights conferred by it or lease or let the Licence or otherwise transfer to another person any benefit of the Licence;
  - (h) upon becoming aware of the occurrence of any insolvency related event or, of any other event likely to materially affect its ability to comply with these Regulations or any conditions set out or referred to in the Licence, notify the Commission of that fact and;
  - (i) comply with all applicable laws of the State in relation to the operation and promotion of the premium rate services the subject of the Licence, including without limitation, the Data Protection Acts 1988 and 2003 and the European Communities (Electronic Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (S.I. No. 336 of 2011).

(2) It shall be a condition of any Class C Licence, issued to a premium rate service provider, that the relevant Licence holder shall:

- (a) notify the Commission in the event that, and each time that, it moves its place of establishment;
- (b) comply with any laws of the EEA member state in which it is established which are applicable to the operation and promotion of the premium rate services the subject of the Licence;
- (c) be lawfully established and, to the extent that it is providing premium rate services in the EEA member state in which it is established, be lawfully providing such premium rate services in that EEA member state;
- (d) where it is required to obtain any form of authorisation or approval to operate as a premium rate service provider from any regulatory or supervisory authority in the EEA member state in which it is established, have a valid authorisation or approval to do so and to immediately inform the Commission if such authorisation or approval is amended, revoked, suspended and/or expires; and
- (e) comply with the Code, save where any premium rate service the subject of the Class C Licence comprises an Information Society Service in which case compliance with the Code in respect of that premium rate service shall only be required if the conditions set out in Article 3(4) (read, as appropriate, in accordance with Article 3(5)) of the E-Commerce Directive are satisfied.

(3) The application of the Licence conditions set out in paragraphs (2)(b), (c) (d) and (e) to holders of Class C Licences are subject to the requirements of EU law and in particular Article 56 of the Treaty on the Functioning of the European Union, where applicable.

## 8. Refunds Policy

(1) Pursuant to a finding and notification under Section 9(1) of the Act of 2010, the Commission may, at its absolute discretion in accordance with its powers under the Act of 2010, require the premium rate service provider against whom the finding has been made (“the non-compliant premium rate provider”):

- (a) to pay refunds within a specified time period to all end users who claim a refund, for the full amount spent by them for the premium rate service that is connected with the non-compliance or breach or for a specified lesser amount, save where there is good cause to believe that such claims are not valid; or
- (b) to pay refunds for the full amount spent or a specified lesser amount within a specified time period to all end users who have used the premium rate service that is connected with the non-compliance or breach, regardless of whether they have claimed a refund.

(2) In the case of refunds to be paid pursuant to paragraph (1)(b), such refunds may be required to be credited directly to the end user's account with his or her network operator. Where there is no such network operator account, end users must be notified of their right to a refund and be given an easy method of obtaining the refund. Where it is not technically or legally possible to notify end users of their right to a refund, the Commission may direct the non-compliant premium rate service provider to donate an amount of money equivalent to the refund to an appropriate registered charity selected by the Commission.

(3) In the case of any refunds or donations to charity which the Commission directs to be paid pursuant to this Regulation, evidence must be provided to the Commission by the non-compliant premium rate service provider that refunds or donations have been made within the time period specified by the Commission.

## 9. Information Gathering

(1) Premium rate service providers who have been issued a Class A, Class B, or Class D Licence by the Commission shall, upon request by the Commission, provide to the Commission any or all of the following information in a legible format, in respect of each specified premium rate service provided by it:

- (a) a full and detailed description of the premium rate service and the terms on which it is offered and provided;
- (b) any and all promotional materials (including without limitation the content of promotional text messages, internet advertising and any relevant website content) used in connection with the premium rate service and details of the dates on which and, where applicable, the times at which, such promotional materials were published and/or issued;
- (c) substantiating evidence for any and all claims made in any promotion in connection with the premium rate service;
- (d) any and all premium rate numbers, shortcodes and keywords used in connection with the provision of the premium rate service;
- (e) full details of the billing methods used in connection with the premium rate service;
- (f) full details of the charge for the premium rate service;
- (g) full details of the charge incurred by any particular end user in respect of that end user's use of the premium rate service;
- (h) the number of calls made in connection with the premium rate service and the date, time, delivery status, nature and content of each call made in connection with the premium rate service and, where calls are charged by reference to their duration, the duration of each such call;

- (i) the number of calls made by and/or to any particular end user in connection with the premium rate service and the date, time, delivery status, nature and content of each such call and where such calls were charged by reference to their duration, the duration of each such call;
- (j) except in the case of live calls required to be recorded under the Code, a record of the content of each call made in connection with the premium rate service, including the content of any information linked to, or incorporated by reference to, such content;
- (k) where live calls are required to be recorded under the Code, the audio content of each live call made in connection with the premium rate service;
- (l) the revenues derived from the premium rate service;
- (m) a breakdown of the revenue distribution for the premium rate service including details of any revenue share arrangements between the Licence holder and any other premium rate service provider involved in the premium rate service;
- (n) if the premium rate service involves prizes, a full list of the names, addresses and contact details of all prize-winners;
- (o) if the premium rate service involves the provision of medical, financial, legal or other similar information or professional advice, the identity, status and relevant qualifications and experience of the person and/or organisation supplying the relevant information or advice;
- (p) if the premium rate service involves the provision of any information or advice given by a person with no qualifications, details of the source of the information and/or advice and how same has been compiled;
- (q) details of any and all complaints received from end users in respect of the premium rate service, details of the steps taken by or on behalf of the Licence holder in connection with the handling and resolution of each such complaint together with any documentary evidence of each such step, and any and all written communications, and details of the content of any and all oral communications, between the end user and the Licence holder (and/or any of its servants or agents) in connection with each such complaint;
- (r) if the premium rate service is a subscription service, details of the date, time and method (including the content of any relevant call) by which each end user subscribed to the service and any particular promotion to which the end user was responding when it so subscribed, and the date, time and method (including the content of any relevant call) by which the subscription was confirmed by or on behalf of the Licence holder; and

- (s) details of any and all requests from end users to unsubscribe to any subscription premium rate service, details of the steps taken by or on behalf of the Licence holder in connection with each such request, and any and all written communications, and details of the content of any and all oral communications, between the end user and the Licence holder (and/or any of its servants or agents) in connection with each such request to unsubscribe.

(2) Premium rate service providers who have been issued a Class A, Class B, or Class D Licence shall:

- (a) save in the case of any records containing any of the information identified in sub-paragraph (1)(r), maintain each record containing any of the information identified in paragraph(1), for whichever is the longer of the following:
  - (i) a period of at least six months from the date the record was created; or
  - (ii) in the case of any record containing any information connected to the provision of any premium rate service to a particular end user, a period of at least six months from the date that particular end user last received or (as appropriate) unsubscribed from that premium rate service,

provided that nothing in this subparagraph (a) shall operate so as to impose any obligation on any Licence holder to maintain any record falling within this subparagraph for any longer than twelve months from the date the relevant record was created; and

- (b) maintain each record containing any of the information identified in subparagraph (1)(r) relating to a particular end user, for a period of at least six months from the date that particular end user unsubscribed from the relevant subscription service.

(3) The Commission may, from time to time, request Class C Licence holders to provide any of the information outlined in paragraph (1).

#### 10. Address for Notices

(1) Where a Licence is issued to a premium rate service provider who is established in an EEA member state, that premium rate service provider shall, on the issue of the Licence, furnish in writing to the Commission the geographic address and e-mail address within that EEA member state to which notices and other documents under these Regulations may be delivered to him or her or sent by, or on behalf of, the Commission by post or by any electronic communications service and shall, as occasion requires, so furnish any change in such address or e-mail address.

(2) Where a Licence is issued to a premium rate service provider who is established in either the State or outside of the EEA, that premium rate service

provider shall, on the issue of the Licence, furnish in writing to the Commission an address within the State to which notices and other documents under these Regulations may be delivered to him or her or sent by, or on behalf of, the Commission by post or by any electronic communications service and shall, as occasion requires, so furnish any change in such address.

(3) A notice or document delivered, or sent by post or any such electronic communications service to any address or e-mail address furnished in accordance with paragraph (1) or (2) shall be deemed for the purposes of these Regulations to have been duly served by the Commission.

#### 11. Revocations and Transitional Provisions

(1) Subject to paragraphs (2), (3), (4) and (5), the Communications Regulation (Licensing of Premium Rate Services) Regulations 2010 (the “2010 Regulations”) are hereby revoked.

(2) The provisions of the revoked 2010 Regulations shall, subject to paragraphs (3) and (4) and notwithstanding paragraph (1), continue to apply and have effect in relation to any application for a premium rate service licence that was made under the 2010 Regulations before the Commencement Date. Any premium rate service provider who has submitted such an application pursuant to the 2010 Regulations may notify the Commission that it no longer wishes to pursue that application and may submit, in lieu of such application, an application for a Licence of the appropriate class (or, where appropriate a number of applications for Licences of different classes) under these Regulations and in accordance with the requirements of these Regulations.

(3) Any premium rate service licence issued under the 2010 Regulations that is still valid and in force on the Commencement Date shall, as and from the Commencement Date (or, in the case of any premium rate licence which was issued after the Commencement Date pursuant to any application made under the 2010 Regulations before the Commencement Date, as and from the date of the issue of that premium rate service licence) and for the duration of the term for which that premium rate service licence was originally issued, be deemed to be a Licence of the appropriate class (or, where appropriate, a number of Licences of different classes) issued under these Regulations and the provisions of these Regulations (including without limitation the provisions of Regulation 7) shall apply to such Licences (and to the holder of such Licence) as and from the date these Regulations come into operation.

(4) The Commission may request from the holder of any Licence deemed to have been issued under these Regulations pursuant to paragraph (3), any information it deems appropriate pursuant to Regulation 9(1) or Regulation 9(3) (including in particular the information identified in sub-paragraph (a) of Regulation 9(1)) in order to enable the Commission to:

- (a) ascertain the appropriate class or classes of Licences deemed to have been issued; and/or



(b) ascertain the class and type of premium rate services deemed to be Licensed under the relevant Licence and, if the Commission deems it appropriate, to identify same in a schedule or schedules to the relevant Licence in accordance with Regulation 6(1).

(5) Where immediately before the Commencement Date, any legal proceedings or investigation pursuant to the 2010 Act is pending in respect of any premium rate service licence issued under the 2010 Regulations, such proceedings and/or investigation shall not abate by reason of the revocation of the 2010 Regulations.



GIVEN under the Official Seal of the Commission for Communications Regulation,  
4 April 2012.

ALEX CHISHOLM,  
Chairperson.

On behalf of the Commission of Communications Regulation

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations provide for the licensing of premium rate service providers by the Commission for Communications Regulation in exercise of the powers conferred upon it by sections 6 and 7 of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 (No. 2 of 2010). The Regulations set out which premium rate services require licences and the conditions which attach to such licences.

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