

Notice to industry - Registration of services with the PSA

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This Notice is issued to all providers involved, or intending to be involved, in the provision of premium rate services (PRS) who do not have the benefit of an exemption from registration granted or made by PSA under paragraphs 3.4.3 of the 14th edition of the PSA Code of Practice.

Further to our Statement on Registration with PSA published on 11 September 2018 this Notice sets out, among other things, the information that must be provided by all such providers and takes effect from 1 September 2019. The registration information required in this Notice must be provided online, using PSA's registration forms.

For those organisations and services registered as at 31 August 2019, PSA will allow until 30 November 2019 for existing registration details to be updated in line with the requirements set out below. From 1 December 2019 the PSA will consider enforcement action where services have not been updated as required.

All providers should note that failure to provide the information specified in this Notice will amount to a breach of the Code in relation to paragraphs 3.4.1 and 3.4.6.

Requirement to register

Paragraph 3.4.1 of the Code provides:

3.4.1 Before providing any premium rate service all Network operators, Level 1 and Level 2 providers must register with the PSA subject only to paragraph 3.4.3 below.

Paragraph 3.4.3 provides:

3.4.3 The PSA may identify particular categories of premium rate service providers and the circumstances in which the duty to register will not apply to them ("the exemption").

Paragraph 3.4.4 provides:

3.4.4 - Premium rate service providers who fall within the exemption by virtue of paragraph 3.4.4, are not, in relation to any PRS to which the exemption applies, required to register with the PSA.

For the avoidance of doubt where there is a corporate group structure, any and all companies within the group which are themselves Network operators, Level 1 providers or Level 2

providers, as defined by the Code, will be required to register.

Definitions

The definitions of Network operator, Level 1 provider and Level 2 provider are at paragraphs 5.3.4, 5.3.8(a) and 5.3.8(b) of the 14th Code respectively. The PSA has also published a [General Guidance Note on the “Definitions of those involved in providing PRS”](#).

Exemptions from the requirement to register

All Network operators, Level 1 and Level 2 providers must register with the PSA, except:

Level 2 provider organisations solely providing services on 0870/1/2/3 numbers, and where those services do not fall within the Special conditions of the Code.

Special conditions are applied to certain types of service where the PSA is satisfied after public consultation that there is an increased potential for consumer risk, harm or offence. Each Special condition regime is unique to the risks presented by the service types and is set out in Notices. These services currently are:

- Broadcast PRS
- Call TV Quiz services
- Credit Broking Services
- Information, Connection and Signposting Services
- Live Entertainment and Chat Services
- Online Adult services
- Online Competition services
- Pay Per View Services
- Professional services
- Recurring Donations
- Remote Gambling
- Subscription services

(b) Level 2 organisations solely providing services through an app store and where the app store provider has successfully applied to the PSA for such an exemption.

(c) Level 2 organisations solely providing services through a single Level 1 organisation and where that Level 1 organisation has successfully applied to the PSA for such an exemption.

(d) Level 2 organisations solely providing voice short code services costing less than 20p per minute.

Exemptions from the registration fee

All registered organisations must pay the registration fee, which is currently £155 + VAT per year, except:

- (a) organisations in their first year of activity in the phone-paid services market and with gross outpayment receipts from phone-paid services activity of £10,000 or less in this first year of activity;
- (b) charities registered with the UK Charity Commission, the Scottish Charity Regulator or the Charity Commission for Northern Ireland

Where organisations are exempt from Registration or payment of the Registration fee they are still required to comply with the Code.

Registration information required by the PSA

Paragraph 3.4.6 of the 14th Code provides:

3.4.6 - Registration will require the provision of such information as the PSA may from time to time require for the purpose of efficient and effective regulation of PRS

Paragraph 3.4.12 of the 14th Code provides:

3.4.14 Numbers

(a) Level 2 providers must, within two working days of the service becoming accessible to consumers, provide to the PSA relevant details (including any relevant access or other codes) to identify services to consumers and must provide the identity of any Level 1 providers concerned with the provision of the service.

(b) The PSA will include all such details on the PSA register and those details will be available to be checked directly by consumers.

(c) Whenever the information provided under sub-paragraph 3.4.14(a) above changes, the updated information must be provided to the PSA within two working days of the change.

The following details must be provided (where relevant):

Organisation details:

Organisation name

- Company registration number
- Registered Charity number
- Trading names, if different from Organisation name
- Organisation address
- Primary contact details
- Regulatory contact details
- Responsible Person details
- Registration fee classification (to determine possible exemption from paying the annual Registration fee)
- Organisation primary identification in the value chain (Network and/or L1 and/or L2).

Individual service details¹:

- Core service information
- Service name
- Service start and end dates
- Customer service contact details (telephone, website, email)
- Service delivery method
- Service description
- Other service terms and conditions
- Service delivery domain
- Country of service provision
- Customer service information (service provider can input text to enable specific messaging)

Branding

- Brand name(s) the service is known by
- Brand images (if relevant)

Service type and payment

- Service category and sub-type
- Special conditions declaration
- Payment frequency
- Charge
- Price description

Consumer bill details

- All bill identifiers
- All bill identifier types

Service promotion

- Service promotion description
- Promotion start and end dates
- Methods used to promote a service (from a defined list)

Service value chain

- Name(s) of other providers in the value chain
- Other providers service roles

¹ Providers should note that when registering through the PSA registration system not all of the service information listed may be required. The level of information required will depend on the type of service(s) being registered.

Due diligence and risk assessment checks using the Registration Scheme

Paragraphs 3.3.2 and 3.4.10 of the 14th Code provide that:

3.3.2 In connection with the provisions of premium rate services which are not exempt services (see paragraph 3.4.2 below), Network operators, Level 1 and Level 2 providers must only contract with other Network operators, Level 1 or Level 2 providers which are registered with the PSA

3.4.10 All breaches of this edition and any previous editions of the Code by a Premium rate service provider and any sanctions imposed under them will be linked to that provider's registered details together with any relevant information arising from adjudications concerning associated individuals or any other relevant information which is publicly held, for such time as the PSA shall determine.

Registered providers are able to search the information provided by other registered providers on the database. It is the obligation of the organisation using the database to undertake sufficient checks to be satisfied that the information on which they are relying is complete and accurate.

Should there be an investigation into a breach of paragraph 3.1.3 of the 14th Code in relation to a failure to assess and control the risk which a client had presented, a record of any check performed, or otherwise, may be used as evidence for the purposes of the investigation and any subsequent adjudication by a PSA Tribunal.

What a due diligence or risk assessment check will display

In addition to information about a registered party and its responsible person(s), the database will also make available to anyone who performs a check any breaches that an organisation has had on record over the previous three years (for breaches regarded as up to "serious" by a PSA Tribunal) or five years (for breaches regarded as "very serious").

As organisations register with the PSA, any relevant breaches will be matched against their record on the database. Organisations that have not registered, but which have breaches against them in the relevant period, will show up on the database where a due diligence check is performed.

Registration on behalf of others

Any party associated with the delivery of a service can register that service and can assign themselves data ownership – i.e. the ability to amend or supply additional data. In effect, this allows Level 1 providers to register services on behalf of their Level 2 clients. For the avoidance of doubt, the Level 2 provider retains primary responsibility for ensuring services registered by another party comply with Part Two of the 14th Code.

Monitoring and enforcement

In carrying out its enforcement activities the PSA performs such checks as are necessary to ensure that the 14th Code is being complied with. This includes monitoring of the Registration Scheme to ensure that it is being used in compliance with the Code.